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VOLUME TWO

ALLIANCE - BRIGANDAGE

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ARMED FORCES, CONTROL OF	*Leland H. Jenks*
ARMED MERCHANTMEN	*Charles Cheney Hyde*
ARMED NEUTRALITY	*William Seal Carpenter*
ARMISTICE	*Quincy Wright*
ARMOUR FAMILY	*Helen R. Wright*
ARMS AND MUNITIONS TRAFFIC	*S. de Madariaga*
ARMS, RIGHT TO BEAR	*Zechariah Chafee, Jr.*
ARMSTRONG, SAMUEL CHAPMAN	*Benjamin Brawley*
ARMY	*Elbridge Colby*
ARND, KARL	*Louise Sommer*
ARNDT, ERNST MORITZ	*Carl Brinkmann*
ARNOLD OF BRESCIA	*Ernest Barker*
ARNOLD, MATTHEW	*Robert Morss Lovett*
ARNOLD, THOMAS	*Frank H. Doughty*
ARNOLD, WILHELM	*Carl Brinkmann*
ARREST	*Francis B. Sayre*
ARRIQUIBAR, NICOLÁS DE	*Germán Bernácer*
ARSENYEV, KONSTANTIN KONSTANTINOVICH	*Paul Miliukov*
ART:	
Introduction	*Irwin Edman*
Primitive	*A. L. Kroeber*
Far Eastern: India	*Elizabeth Todd*
China	*Kiang Kang-Hu*
Japan	*Leo Katz*
Near Eastern	*Seward Hume Rathbun*
Classical	*Seward Hume Rathbun*
Mediaeval	*Helen Gardner*
Renaissance	*Rachel Annand Taylor*
Modern	*Edwin Avery Park*
ART COLLECTING	*Thomas Craven*
ARTEL	*P. A. Sorokin*
ARTHUR, PETER M.	*Jacob Perlman*
ARTICLES OF CONFEDERATION	*Max Farrand*
ARTIFICERS, STATUTES OF	*See* Laborers, Statutes of
ARTIGAS, JOSÉ GERVASIO	*William Spence Robertson*
ARTS AND CRAFTS MOVEMENT	*See* Industrial Arts

ARWIDSSON, ADOLF IVAR	*John H. Wuorinen*
ARYANS	*Frank H. Hankins*
ARZRUNI, GREGOR	*V. Totomianz*
ASCETICISM	*Charles A. Bennett*
ASCHAM, ROGER	*Paul Klapper*
ASCHEHOUG, TORKEL HALVORSEN	*Harald Westergaard*
ASHBURTON, ALEXANDER BARING	*James P. Baxter, 3rd*
ASHLEY COOPER, ANTHONY	*See* SHAFTESBURY, THIRD EARL OF
ASHLEY, WILLIAM JAMES	*Abbott Payson Usher*
ASIENTO	*Georges Scelle*
ASOKA	*Charles S. Lobingier*
ASQUITH, HERBERT HENRY	*Francis W. Hirst*
ASSASSINATION	*Max Lerner*
ASSEMBLIES, LEGISLATIVE	*See* LEGISLATIVE ASSEMBLIES
ASSEMBLY, RIGHT OF	*Zechariah Chafee, Jr.*
ASSESSMENT OF TAXES	*Harley L. Lutz*
ASSESSMENTS, SPECIAL	*See* SPECIAL ASSESSMENTS
ASSIGNATS	*G. Salvemini*
ASSIMILATION, SOCIAL	*Robert E. Park*
ASSIZES	*Albert B. White*
ASSOCIATION	*Morris Ginsberg*
ASSOCIATION, RIGHT OF	*See* FREEDOM OF ASSOCIATION
ASSOCIATIONISM	*See* PSYCHOLOGY; FOURIER AND FOURIERISM
ASSOCIATIONS FOR THE ADVANCEMENT OF SCIENCE	*See* LEARNED SOCIETIES
ASTOR, JOHN JACOB	*Paul Webbink*
ASTROLOGY	*Charles Singer*
ASYLUM	*Harold S. Quigley*
ATAVISM	*Frank H. Hankins*
ATELIERS NATIONAUX	*William Orton*
ATHEISM—HISTORY AND DOCTRINE	*Morris R. Cohen*
MODERN ATHEISM	*Oscar Jászi*
ATHLETICS	*A. W. Marsh*
ATKINSON, EDWARD	*Davis R. Dewey*
ATKINSON, HARRY ALBERT	*James Hight*
ATKINSON, WILLIAM	*W. H. Dawson*
ATKINSON, WILMER	*Malcolm M. Willey*
ATKYNS, ROBERT	*Roland G. Usher*
ATROCITIES	*H. N. Brailsford*
ATTAINDER	*C. H. McIlwain*
ATTITUDES, SOCIAL	*L. L. Bernard*
ATTWOOD, THOMAS	*W. H. Dawson*
ATWATER, WILBUR OLIN	*Howard Lawton Knight*
AUBAINE, RIGHT OF	*Ed. Esmonin*
AUBURN SYSTEM	*See* PRISON DISCIPLINE
AUCLERT, HUBERTINE	*Suzanne Grinberg*
AUCOC, JEAN LÉON	*Frederick F. Blachly*
AUCTIONS	*Paul T. Cherington*
AUDIENCIA	*Clarence H. Haring*
AUDITING	*R. H. Montgomery*
AUER, IGNAZ	*Eduard Bernstein*
AUGUSTINE	*Edgar Salin*
AUGUSTINIS, MATTEO DE	*Augusto Graziani*
AUGUSTUS	*Donald McFayden*

AULARD, FRANÇOIS VICTOR ALPHONSE	*Crane Brinton*
AURELIUS ANTONINUS, MARCUS	*George H. Sabine*
AUSPITZ, RUDOLF	*Joseph A. Schumpeter*
AUSTIN, JOHN	*Morris R. Cohen*
AUSTRALIAN BALLOT	*See* BALLOT
AUTHORITY	*Roberto Michels*
AUTOCRACY	*Ellen Deborah Ellis*
AUTOMOBILE ACCIDENTS	*See* MOTOR VEHICLE ACCIDENTS
AUTOMOBILE INDUSTRY:	
THE UNITED STATES: Manufacture and Sale	*Lawrence H. Seltzer*
Labor Conditions	*Robert W. Dunn*
EUROPEAN COUNTRIES	*Lawrence H. Seltzer*
SOCIAL INCIDENCE OF THE AUTOMOBILE	*Lawrence H. Seltzer*
AUTOMOBILE INSURANCE	*William O. Douglas*
AUTONOMY	*Max Hildebert Boehm*
AVERAGE	*Robert E. Chaddock*
AVERROES	*Richard McKeon*
AVES, ERNEST	*J. J. Mallon*
AVIATION:	
HISTORICAL DEVELOPMENT	*C. H. Biddlecombe*
INTERNATIONAL ASPECTS	*Edward P. Warner*
COMMERCIAL AVIATION	*Stuart Daggett*
AVIATION INDUSTRY	*Myron W. Watkins*
AVIATION LAW	*Charles G. Fenwick*
AVOIDANCE	*Robert H. Lowie*
AXELROD, PAVEL BORISSOVICH	*Max Eastman*
AYALA, BALTASAR	*Fernando de los Ríos*
AYCOCK, CHARLES BRANTLEY	*Edgar W. Knight*
AZCÁRATE, GUMERSINDO DE	*Fernando de los Ríos*
AZEGLIO, MASSIMO D'	*Pietro Silva*
AZO	*F. de Zulueta*
AZUNI, DOMENICO ALBERTO	*S. Maccoby*

BAADER, FRANZ XAVER VON	*Gottfried Salomon*
BAAL SHEM TOB, ISRAEL	*See* CHASSIDISM
BABBAGE, CHARLES	*W. H. Dawson*
BABELON, ERNEST	*Arthur Robert Burns*
BABEUF, FRANÇOIS NOEL	*See* BABOUVISM
BABOUVISM	*Paul Louis*
BABY FARMING	*See* CHILD, NEGLECTED
BACALAN, ANDRÉ TIMOTHÉE ISAAC DE	*Roger Picard*
BACH, ALEXANDER	*Oscar Jászi*
BACHEM, JOSEF and JULIUS	*Hans Traub*
BACHILLER Y MORALES, ANTONIO	*Jorge Roa*
BACHOFEN, JOHANN JAKOB	*Heinrich Cunow*
BACK-TO-THE-LAND MOVEMENTS	*Carle C. Zimmerman*
BACKWARD COUNTRIES	*Melvin M. Knight*
BACON, FRANCIS	*Roland G. Usher*
BACON, ROGER	*Lynn Thorndike*
BAER, ABRAHAM ADOLF	*Thorsten Sellin*
BAER, GEORGE FREDERICK	*Paul Webbink*
BAGEHOT, WALTER	*Max Lerner*
BAGLEY, SARAH	*Norman J. Ware*
BÄHR, OTTO	*Johannes Mattern*

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AUGUSTUS	*Donald McFayden*

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AZO	*F. de Zulueta*
AZUNI, DOMENICO ALBERTO	*S. Maccoby*

BAADER, FRANZ XAVER VON	*Gottfried Salomon*
BAAL SHEM TOB, ISRAEL	*See* CHASSIDISM
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BABELON, ERNEST	*Arthur Robert Burns*
BABEUF, FRANÇOIS NOEL	*See* BABOUVISM
BABOUVISM	*Paul Louis*
BABY FARMING	*See* CHILD, NEGLECTED
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BACHEM, JOSEF and JULIUS	*Hans Traub*
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BACHOFEN, JOHANN JAKOB	*Heinrich Cunow*
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BAER, GEORGE FREDERICK	*Paul Webbink*
BAGEHOT, WALTER	*Max Lerner*
BAGLEY, SARAH	*Norman J. Ware*
BÄHR, OTTO	*Johannes Mattern*

BAIL	*Raymond Moley*
BAILEY, SAMUEL	*Henry Higgs*
BAILMENT	*Maurice Finkelstein*
BAILY, FRANCIS	*Edwin W. Kopf*
BAIN, ALEXANDER	*Howard C. Warren*
BAINES, EDWARD	*Michael E. Sadler*
BAINES, JERVOISE ATHELSTANE	*G. Findlay Shirras*
BAIRD, HENRY CAREY	*A. D. H. Kaplan*
BAKER, GEORGE	*Arthur Newsholme*
BAKER, HARVEY HUMPHREY	*Miriam Van Waters*
BAKEWELL, ROBERT	*Ernle*
BAKING INDUSTRY	*See* FOOD INDUSTRIES
BAKUNIN, MICHAEL	*Max Nettlau*
BALAKSHIN, ALEXANDER NIKOLAYEVICH	*V. Totomianz*
BALANCE OF POWER	*Sidney B. Fay*
BALANCE OF TRADE	*Jacob Viner*
BALBI, ADRIANO	*Carlo Errera*
BALBO, CESARE	*G. Solari*
BALDUINUS	*See* BAUDOUIN, FRANÇOIS
BALDUS, PETER	*S. Maccoby*
BALDWIN, ROBERT	*W. P. M. Kennedy*
BALFOUR, ARTHUR JAMES	*Walter Phelps Hall*
BALFOUR DECLARATION	*See* ZIONISM
BALKAN PROBLEM	*See* NEAR EASTERN PROBLEM
BALLANCE, JOHN	*Herbert Heaton*
BALLANCHE, PIERRE SIMON	*René Hubert*
BALLIN, ALBERT	*Eva Flügge*
BALLOT	*Harold F. Gosnell*
BALMACEDA, JOSÉ	*Isaac Joslin Cox*
BALMES, JAIME LUCIANO	*Angel del Río*
BAMBERGER, LUDWIG	*Theodor Heuss*
BANCROFT, GEORGE	*David S. Muzzey*
BANCROFT, HUBERT HOWE	*Bernhard J. Stern*
BANCROFT, RICHARD	*Roland G. Usher*
BANDELIER, ADOLPH FRANCIS ALPHONSE	*T. T. Waterman*
BANDINI, SALLUSTIO ANTONIO	*Luigi Einaudi*
BANFIELD, THOMAS C	*Henry Higgs*
BANISHMENT	*See* EXILE
BANK DEPOSITS	*Robert G. Rodkey*
BANK DEPOSITS, GUARANTY OF	*T. Bruce Robb*
BANK RESERVES	*Waldo F. Mitchell*
BANKING, COMMERCIAL:	
THEORY	*O. M. W. Sprague*
HISTORY TO THE CLOSE OF THE EIGHTEENTH CENTURY	*Julius Landmann*
MODERN BANKING: United Kingdom	*R. G. Hawtrey*
Continental Europe	*Adolf Weber*
United States	*O. M. W. Sprague*
Canada	*Benjamin Haggott Beckhart*
BANKNOTES	*O. M. W. Sprague*
BANKRUPTCY	*William O. Douglas*
BANKS, WILDCAT	*Davis R. Dewey*
BAPTISM	*See* BIRTH CUSTOMS
BAR	*See* LEGAL PROFESSION
BAR, KARL LUDWIG VON	*Joseph H. Beale*
BARBERET, JEAN-JOSEPH	*Et. Martin St.-Léon*

BARBON, NICHOLAS	*R. D. Richards*
BARBOSA, RUY	*N. Andrew N. Cleven*
BARCLAY, WILLIAM	*C. H. Driver*
BARDI	*Henri Hauser*
BARÈRE DE VIEUZAC, BERTRAND	*Leo Gershoy*
BARGAINING POWER	*John R. Commons*
BARNARD, HENRY	*Will S. Monroe*
BARNARDO, THOMAS	*Ethel Taylor*
BARNAVE, ANTOINE PIERRE JOSEPH MARIE	*Georges Bourgin*
BARNETT, SAMUEL AUGUSTUS	*J. H. Muirhead*
BARNEVELD, JOHN OF	*See* OLDENBARNEVELDT, JOHAN VAN
BARONDESS, JOSEPH	*David Shub*
BARONE, ENRICO	*G. H. Bousquet*
BARONIUS, CESAR	*Georges Goyau*
BARRÈS, MAURICE	*René Gillouin*
BARRIOS, JUSTO RUFINO	*William Spence Robertson*
BARRON, CLARENCE WALKER	*H. Parker Willis*
BARROS, JOÃO DE	*L. L. Bernard*
BARROT, CAMILLE HYACINTHE ODILON	*Georges Weill*
BARROWS, SAMUEL JUNE	*Frank J. Bruno*
BARTER	*N. S. B. Gras*
BARTH, PAUL	*Carl Brinkmann*
BARTH, THEODOR	*Theodor Heuss*
BARTOLISTS	*See* COMMENTATORS
BARTOLUS OF SASSOFERRATO	*Ephraim Emerton*
BARTON, CLARA	*Edith Abbott*
BARTON, JOHN	*W. H. Dawson*
BASEDOW, JOHANN BERNHARD	*Helmut Wiese*
BASING POINT PRICES	*G. A. Stephens*
BASNAGE, JACQUES CHRÉTIEN	*Cecil Roth*
BASSERMANN, ERNST	*Ludwig Bergsträsser*
BASSETT, JOHN SPENCER	*William MacDonald*
BASTIAN, ADOLF	*Alexander Goldenweiser*
BASTIAT, FRÉDÉRIC	*Paul T. Homan*
BATEMAN, ALFRED EDMUND	*H. Llewellyn Smith*
BATESON, MARY	*Austin L. Poole*
BATESON, WILLIAM	*Frank H. Hankins*
BATIFFOL, PIERRE	*Pierre de Labriolle*
BATLLE Y ORDÓÑEZ, JOSÉ	*Paul Vanorden Shaw*
BAUDEAU, NICOLAS	*G. Weulersse*
BAUDOUIN, FRANÇOIS	*Max Radin*
BAUDRILLART, HENRI JOSEPH LÉON	*Ed. Esmonin*
BAUER, BRUNO	*Sidney Hook*
BAUER, GEORG	*See* AGRICOLA
BAUMES LAW	*See* RECIDIVISM
BAUMSTARK, EDUARD	*Kurt Zielenziger*
BAUR, FERDINAND CHRISTIAN	*Karl Völker*
BAX, ERNEST BELFORT	*Maurice B. Reckitt*
BAXTER, RICHARD	*Caroline Francis Richardson*
BAXTER, ROBERT DUDLEY	*W. H. Dawson*
BAYLE, PIERRE	*René Hubert*
BAZARD, SAINT-AMAND	*Georges Bourgin*
BEACONSFIELD, EARL OF	*F. J. C. Hearnshaw*
BEAUFORT, LOUIS DE	*W. A. Oldfather*
BEAUJON, ANTON	*P. Lieftinck*

BEAUMANOIR, PHILIPPE DE REMI	*Ed. Meynial*
BEAUMARCHAIS, PIERRE AUGUSTIN CARON DE	*André Lichtenberger*
BEBEL, AUGUST	*Heinrich Cunow*
BECCARIA, CESARE BONESANA	*Harry E. Barnes*
BECHER, JOHANN JOACHIM	*Louise Sommer*
BECHTEREW, WLADIMIR	*See* BEKHTEREV, VLADIMIR
BECK, ADAM	*Duncan McArthur*
BECKET, THOMAS	*W. H. Hutton*
BEDDOE, JOHN	*A. C. Haddon*
BEDE	*See* TAXATION
BEDE	*Austin L. Poole*
BEECHER, HENRY WARD	*Max Lerner*
BEER, GEORGE LOUIS	*Charles M. Andrews*
BEGGING	*John L. Gillin*
BEHAVIOR CLINICS	*See* MENTAL HYGIENE
BEHAVIORISM	*Horace M. Kallen*
BEKHTEREV, VLADIMIR	*J. R. Kantor*
BEKKER, ERNEST IMMANUEL	*William Seagle*
BELIAYEV, IVAN DMITRIEVICH	*Boris Evreinov*
BELIEF	*Morris R. Cohen*
BELINSKY, VISSARION GRIGORYEVICH	*Avrahm Yarmolinsky*
BELL, ANDREW	*Max Levin*
BELLAMY, EDWARD	*J. O. Hertzler*
BELLARMINE, ROBERT FRANCIS ROMULUS	*Robert H. Murray*
BELLERS, JOHN	*Philip S. Belasco*
BELLET, DANIEL	*Roger Picard*
BELLIGERENCY	*Edwin D. Dickinson*
BELLO, ANDRÉS	*L. L. Bernard*
BELOCH, KARL JULIUS	*William Scott Ferguson*
BELOW, GEORG ANTON HUGO VON	*Carl Brinkmann*
BELUZE, JEAN PIERRE	*Georges Weill*
BENBOW, WILLIAM	*C. M. Lloyd*
BENDIXEN, FRIEDRICH	*Erwin von Beckerath*
BENEDICT	*M. L. W. Laistner*
BENEDIKT, MORITZ	*Thorsten Sellin*
BENEFICE	*See* CHURCH; FEUDALISM
BENEFIT OF CLERGY	*Leonard Manyon*
BENEFIT SOCIETIES	*See* MUTUAL AID SOCIETIES; FRIENDLY SOCIETIES
BENEFITS, TRADE UNION	*Harry M. Cassidy*
BENEKE, FRIEDRICH EDUARD	*Helmut Wiese*
BENEVOLENCES	*See* FORCED LOANS; TAXATION
BENEVOLENT ORDERS	*See* CHARITY; RELIGIOUS ORDERS
BENJAMIN, JUDAH PHILIP	*Arthur C. Cole*
BENNETT, JAMES GORDON	*Silas Bent*
BENNIGSEN, RUDOLF VON	*Hermann Oncken*
BENOISTON DE CHATEAUNEUF, LOUIS FRANÇOIS	*Louis Vigouroux*
BENTHAM, JEREMY	*Graham Wallas*
BENTINCK, LORD	*Arthur Percival Newton*
BENTON, THOMAS HART	*Frederic L. Paxson*
BEÖTHY DE BESSENYO, LEO	*Alexander L. Krisztics*
BERCH, ANDERS	*Eli F. Heckscher*
BÉRENGER, ALPHONSE MARIE MARCELLIN THOMAS	*William Oualid*

BERGBOHM, KARL MAGNUS	*Elemér Balogh*
BERGER, VICTOR LOUIS	*J. B. S. Hardman*
BERGH, HENRY	*William J. Shultz*
BERING SEA CONTROVERSY	*See* FISHERIES
BERKELEY, GEORGE	*George Boas*
BERLIN-BAGDAD RAILROAD	*See* TRANSPORTATION; WORLD WAR
BERLIN, CONGRESS OF	*See* NEAR EASTERN PROBLEM
BERLINER, ABRAHAM	*Salo Baron*
BERNARD OF CLAIRVAUX	*W. A. Pantin*
BERNER, ALBERT FRIEDRICH	*Elemér Balogh*
BERNHARDI, THEODOR VON	*Karl Diehl*
BERNOULLI	*Maurice Halbwachs*
BERNSTEIN, ARON	*Kurt Zielenziger*
BERNSTORFF, ANDREAS PETER	*W. F. Reddaway*
BERNSTORFF, JOHAN HARTVIG ERNST	*W. F. Reddaway*
BERT, PAUL	*Stephen H. Roberts*
BERTILLON, ALPHONSE	*Thorsten Sellin*
BERTILLON, JACQUES	*Joseph J. Spengler*
BERTILLON SYSTEM	*See* CRIME; IDENTIFICATION
BERTIN, LOUIS FRANÇOIS	*André Morize*
BESELER, KARL GEORG CHRISTOPH	*Rudolf Hübner*
BESOLD, CHRISTOPH	*Kurt Zielenziger*
BESTUZHEV-RIUMIN, KONSTANTIN NIKOLAYEVICH	*V. Miakotin*
BETHMANN HOLLWEG, THEOBALD VON	*M. H. Cochran*
BÉTHUNE, MAXIMILIEN DE	*See* SULLY, DUC DE
BETSKY, IVAN IVANOVICH	*A. A. Kiesewetter*
BETTERMENT TAXES	*See* SPECIAL ASSESSMENTS
BETTING TAX	*See* GAMBLING
BEUST, FRIEDRICH FERDINAND VON	*Eduard von Wertheimer*
BEVERAGE INDUSTRY	*See* LIQUOR INDUSTRIES; FOOD INDUSTRIES
BEVERIDGE, ALBERT J.	*Claude G. Bowers*
BEYER, GEORG	*Hans Fehr*
BEZOLD, FRIEDRICH VON	*Fedor Schneider*
BIANCHINI, LUDOVICO	*Augusto Graziani*
BIBLE	*See* SACRED BOOKS
BICAMERAL SYSTEM	*W. J. Shepard*
BIDDLE, NICHOLAS	*Paul Webbink*
BIEDERMANN, FRIEDRICH KARL	*Kuno Francke*
BIEL, GABRIEL	*John A. Ryan*
BIERLING, ERNST RUDOLPH	*Elemér Balogh*
BIGGS, HERMANN MICHAEL	*C.-E. A. Winslow*
BILIŃSKI, LEON	*Franz Meisel*
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BILLS OF LADING	*See* NEGOTIABLE INSTRUMENTS
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BLACKMAIL	*See* EXTORTION
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BLACKWELL, LUCY STONE	*See* STONE, LUCY
BLAINE, JAMES GILLESPIE	*L. B. Shippee*
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BLANQUI, LOUIS AUGUSTE	*Lewis L. Lorwin*
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BLIND	*Harry Best*
BLIOKH, IVAN STANISLAVOVICH	*See* BLOCH, JEAN DE
BLISS, WILLIAM DWIGHT PORTER	*Rudolph M. Binder*
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BLOCH, JEAN DE	*Merle E. Curti*
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BLOCKADE	*Maurice Parmelee*
BLOK, PETRUS JOHANNES	*Albert Hyma*
BLOOD ACCUSATION	*Herbert Solow*
BLOOD VENGEANCE FEUD	*R. Thurnwald*
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BOARDING OUT	*See* PLACING OUT
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BOGDANOV, A.	*J. F. Hecker*
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BONDED WAREHOUSES	*See* WAREHOUSING
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BONIFACIO DE ANDRADA E SILVA, JOSÉ	*Paul Vanorden Shaw*
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BOSCO, DON GIOVANNI	*René Hubert*
BOSS, POLITICAL	*See* MACHINE, POLITICAL
BOSSUET, JACQUES BENIGNE	*René Hubert*
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BOURGUIN, MAURICE	*Bernard Lavergne*
BOURINOT, JOHN GEORGE	*W. S. Wallace*
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BOURNEVILLE, DESIRÉ MAGLOIRE	*René Sand*
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BOY SCOUTS	*See* BOYS' AND GIRLS' CLUBS
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BOYS' AND GIRLS' CLUBS	*W. I. Newstetter*
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BRACTON, HENRY DE	*Theodore F. T. Plucknett*
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BRANTING, KARL HJALMAR	*Wilhelm Grotkopp*
BRANTS, VICTOR	*Ernest Mahaim*
BRASSEY, THOMAS	*Leland H. Jenks*
BRASSEY, THOMAS	*W. H. Dawson*
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BREMER, FREDRIKA	*Hanna Astrup Larsen*
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BRIGANDAGE	*Carleton Beals*

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ALLIANCE. When three or more states exist in proximity they tend to group themselves into opposing political alliances, either for self-defense, or for aggression, or to preserve the status quo. This was the case among the city-states of ancient Greece. With the development of a single great empire, like that of Rome or of Charlemagne, embracing the larger part of the known world, alliances no longer played so important a role. But with the break up of Charlemagne's empire and the formation of many feudal kingdoms, principalities and cities, political alliances again revived and often became highly effective. Popes, anxious to wield sovereign authority and to prevent the rise of any strong rival state in Italy which might endanger their own temporal power, were commonly the focal centers of mediaeval alliances. During the Italian Renaissance alliances were formed and dissolved with kaleidoscopic rapidity, for reasons which Machiavelli has set forth so shrewdly and entertainingly in *The Prince*.

With the growth of modern national states since the sixteenth century, alliances have commonly aimed to prevent any one state from securing the hegemony of Europe. England allied with the Dutch to prevent the domination of Philip II and of Louis XIV; Sweden, France and the German Protestants allied during the Thirty Years' War against the power of the Jesuits and the Hapsburgs; Austria, Prussia, England, Russia and lesser states joined together against the contagion of French revolutionary ideas and the domination of Napoleon.

Bismarck may be regarded as the master hand in making alliances in recent times. His victories of 1864, 1866 and 1870 were partly made possible by his skilful diplomatic arrangements. After 1871, fearful of a possible French war of revenge and anxious to preserve undisturbed his newly created German Empire, Bismarck first brought about the "League of the Three Emperors" of Germany, Austria and Russia, which was to defend monarchical solidarity against the rising tide of international socialism, and to maintain the peace and status quo of Europe against possible moves of France or others to upset it. This league, solidified into a formal very secret alliance in 1881, virtually secured the domination of the three eastern emperors until Bismarck's dismissal in 1890, but was seriously weakened in the years 1878–81 and 1877–90 by the rivalry between Austria and Russia in the Balkans and by the growth of pan-Slavism. In order further to strengthen Germany Bismarck made a defensive alliance with Austria in 1879, by which Austria and Germany agreed to give full armed assistance to each other if either were attacked by Russia, and to observe a benevolent neutrality if either were attacked by a power other than Russia (such as Italy or France). In 1882 Italy was admitted into alliance with Austria and Germany, thus forming the Triple Alliance, and in 1883 Rumania adhered by alliance to this group.

To offset this quadruple combination dominated by Bismarck, Russia and France gradually overcame the mutual antagonism arising from republican radicalism on the Seine and reactionary absolutism on the Neva, and formed the Franco-Russian Alliance. Continental Europe was now divided into two groups so balanced against one another that neither cared to risk the uncertainties of war.

England, meanwhile, began to experience the difficulties of continuing a policy of "splendid isolation." In the years 1898–1904 she negotiated successively for friendly understandings with Russia, Germany, Japan and France. The negotiations with the first two proving abortive, she made an alliance with Japan in 1902, and an understanding (*entente*) with France in 1904. This was extended into the Triple Entente by an understanding with Russia in 1907. Henceforth the Triple Alliance and Triple Entente, standing face to face, caused a dangerous tension in international relations which contributed to the general conflagration in 1914.

Alliances may be of various types, public or secret, offensive or defensive, or with either general or limited objectives. But these various types are not always sharply distinguishable and the distinctions tend in practise to disappear.

This is evident in a few outstanding examples.

The Alliance of the Three Emperors of 1881 is a good example of a secret alliance, and the secret was so well kept that its very existence was not known until revealed by Goriainov in an article in the *Izvestia* (News) of the Russian Ministry of Foreign Affairs (no. 2, 1915) which appeared in English in the *American Historical Review* (vol. xxiii, 1918). On the other hand the Austro-German Alliance of 1879 was also secret but contained a clause that if Russian armaments grew menacing the two allies would inform the czar that they would consider an attack on either of themselves as an attack on both; and in 1887 Bismarck revealed this fact to Russia. The terms of the Franco-Russian Alliance, and most of the clauses of the Triple Alliance, were kept secret; but this secrecy did not prevent the statesmen of Europe from being perfectly aware of the existence of these alliances, or from surmising pretty correctly their substance.

There is a twofold objection to secret alliances. At home the minister who contracts one may deceive his own fellow citizens and impose obligations and dangers on them which public opinion would not have sanctioned; and abroad the fact that an alliance is known to exist whose terms are secret causes dangerous suspicions and fears, because men are more prone to suspect and fear what is vague or uncertain. To avoid this double danger alliances are sometimes made public, as in the case of the Anglo-Japanese Alliance of 1902. The constitutions of some democratic states, like France and the United States, do not permit the executive to make secret treaties of alliance; but in practise this constitutional limitation has sometimes been evaded by an "exchange of notes" or a "military convention," as in the case of the Franco-Russian Alliance of 1894, which has the practical force of an alliance but which, not being drawn up as a formal treaty, technically does not have to be laid before the legislature for ratification.

Alliances commonly include a statement that they are defensive. Both the Triple Alliance and the Franco-Russian Alliance were originally essentially defensive in character and purpose. But the ambitions of Austria and Italy tended to give the Triple Alliance an aggressive character, so that Germany often had to restrain her partners and warn them that the alliance was not an acquisitive organization but an insurance company. Similarly the Franco-Russian Alliance, originally defensive in essence, tended to become deformed into an offensive combination through Poincaré's support of Russia's policy in the Balkans.

An alliance may have general objectives, in which case the allies agree to support each other in case of war, and not to make a separate peace until the common enemy has been defeated and each victorious ally has achieved satisfaction. Or an alliance may have a limited objective, like that between England and Japan, which related only to the Far East. More often, however, no such distinction is observed. The same treaty of alliance often not only promises general support but also stipulates the limited conditions under which it is to be given, or the special gains which each victorious ally demands for itself.

Alliances have sometimes served as steps toward federation or the formation of international organizations, like the Delian League, the Hanseatic League, the Holy Alliance or the League of Nations. Where such an international organization has been formed, especially if it is wide reaching and aims to preserve peace and the status quo, there is less place for alliances of the ordinary type. Thus, since the establishment of the League of Nations, though alliances and ententes exist, they play a much less important role than they did before 1919, partly because League members are not permitted to make secret alliances (all treaties of members must be registered with the Secretariat of the League), and partly because the League's machinery for preserving peace and the penalties it imposes for war not only lessen the need for special defensive alliances but also render more hazardous the execution of offensive alliances.

SIDNEY B. FAY

See: BALANCE OF POWER; CONCERT OF POWERS; AGREEMENTS, INTERNATIONAL; TREATIES; SPHERES OF INFLUENCE; DIPLOMACY; WORLD WAR; LEAGUE OF NATIONS; ARMAMENTS.

Consult: Phillips, W. A., *The Confederation of Europe* (2nd ed. London 1920); Fay, S. B., *The Origins of the World War*, 2 vols. (New York 1928); Bassett, J. S., *The League of Nations* (New York 1928); Shotwell, J. T., *War as an Instrument of National Policy* (New York 1929).

ALLIANCE, THE HOLY. *See* HOLY ALLIANCE.

ALLIED DEBTS. *See* LOANS, INTERGOVERNMENTAL.

ALLOTMENTS. The term allotment has always meant any parcel of land allotted or given to a person on the division of an estate in lands; but it became of special significance in English terminology during the chief period of the enclosure of the English common fields, 1760–1845. After 1790 it began to have a specific meaning best conveyed in the phrase of the time, "an allotment to the labouring poor." In economics the term as used from 1820 to the end of the nineteenth century signified a small plot of land occupied by a working man and cultivated to supplement the income from wages. This distinguishes the British allotment movement from continental efforts to retain rural workers on the land, for in most European countries the intention was that holders of small plots should substitute individual cultivation for employment for wages. In the beginning of this century, however, when the "allotment movement" in English urban areas gathered strength, the use of allotments spread to classes other than manual workers; in these communities the importance of subsidiary income yielded by cultivation was small. Some urban and suburban groups of allotment cultivators consist mainly of skilled artisans and small traders who hold and cultivate for personal interest and for leisure occupation, quite as much as for purposes of material production.

The earliest allotments were provided for the rural poor, recently deprived of their rights or privileges on the commons or wastes of their parishes. In some areas land was so allotted between 1760 and 1790, but the provision of land for this purpose became more general after 1790 when it had gained the support of influential persons like Arthur Young and Sir John Sinclair. An act of Parliament of 1801 (41 Geo. III. c. 109), relating to the conditions of enclosure, contained several clauses which recognized the right of the poor to participate in the division of common lands, particularly as compensation for their privileges of taking fuel from the common wastes. This, however, did not apply to cases in which the poor were specifically excluded by private enclosure acts; the provision of allotments in all cases was made compulsory only by the General Enclosure Act of 1845. Another enactment of 1819 gave to parish officers, churchwardens and overseers of the poor authority to hire land or, with the consent of the lord of the manor and the inhabitants, to enclose waste land and to let it to the poor. By 1830 the system of supplying plots of land to manual workers or unemployed persons had also spread to towns.

Although the movement at this time was in part an effort to restore the use and control of land to the agricultural and industrial worker, it is more significant as an attempt to provide sources of income to supplement wages insufficient to maintain families. Economists and social reformers were divided in their opinions as to the results of allotments. While all agreed that the sobriety, industry and thrift of the landless workers would be increased thereby, some feared that workers would be enabled to become too independent to work for wages, and others maintained that the opportunity of obtaining subsidiary income would lead to oversupply of labor and to further distress. The Poor Law commissioners in 1834 decided that the practise of letting land as allotments, beneficial to lessor as well as to lessee, and known to be so, might be left to the care of the self-interest of those involved. This led to a cessation of public activity in provision of allotments after 1835. Thus ended the formal connection between allotments and the system of poor relief, but the economic connection was to remain until the end of the nineteenth century.

The prejudice against the larger plots of land for laborers broke down very slowly, but by 1870 a clear distinction had developed between "garden" allotments, plots of one eighth to one fourth of an acre, and the larger "field" allotments, plots of one fourth of an acre to two acres devoted to the growing of cereal and potatoes. From 1880 on the former may be regarded as a natural amenity of country life for those people whose houses were not set in gardens, and as a special amenity of urban life for certain classes and persons who desired a profitable leisure occupation and a "sense of contact with natural things." Their direct economic importance was greater in rural than in urban areas. The "field" allotments were definitely associated with the irregularity of employment or underpayment of labor in agriculture. In the north of England and in Wales, where farm workers were engaged on annual contracts, the allotment system did not develop. In these areas, as in Scotland, farm workers were commonly supplied with potatoes, or "potato-ground," as part of the conditions of employment. But in the greater part of the rest of England allotments were in demand, and in greatest demand where wages were low and employment irregular.

By 1880 fear of the possible independence of the laborer had passed, and some fear of the landless laborer and the capitalist farmer had arisen. The idea was then promulgated that allotments should provide one step in a rural social ladder and small holdings the next step, and from this time allotments and small holdings were associated in political discussions and programs. The maximum area of one allotment was subsequently raised to five acres. From 1882 the law relating to the public provision of allotments slowly developed, until in 1908 the Small Holdings and Allotments Act contained an elaborate set of regulations which were expected to make possible a provision whenever there might be a demand. In the meantime the conditions of agricultural employment had changed. The agricultural depression of 1879–1906 had finally driven out a surplus of population, and the adoption of machinery for harvesting processes had done much to equalize the demand for labor and to regularize employment for the workers who remained. On the other hand the social ladder had not developed extensively. By 1913 there was little demand for many groups of allotments in agricultural villages, and many individual plots were uncultivated. Where all were used the plots were grouped into larger holdings often occupied by persons who did not work for wages, and who did not always depend on cultivation as a main source of livelihood. In some cases an "economic climb" was begun with allotments, and erstwhile laborers became small holders or entered other occupations such as that of teamster. Individuals in special areas developed market gardening businesses on the basis of allotments. But before 1913 village field allotments were little more than subsidiary sources of income for agricultural workers.

With the strong demand for labor in the early period of the World War the cultivation of allotments was still more neglected, until in the spring of 1917 the potato famine and the fear of a general food shortage caused an almost frenzied rush to every possible source of food supplies. From then until 1919 practically all allotments in villages were fully cultivated, in spite of shortage of labor and rising incomes. Nearly all classes partook of this effort both in villages and towns. The Cultivation of Lands Order (1917) gave local authorities power to occupy uncultivated land and to let it as allotments. This order, amended and then substituted by others, caused an increase of over 100 percent in the number of plots in cultivation. A total number of one million allotments was estimated to be in use at the end of the war. The pre-war number was probably 400,000, but no exact information is available. Societies of allotment holders had always been prominent in the urban movement, and these grew in numbers and activity during the war period. In rural areas societies were not so prominent, and it is probable that at least one half of the allotments in existence were let directly by owners of land to the individual cultivators.

In Great Britain the rural allotment system is essentially the result of the complete enclosure of common fields and wastes and of the consequent establishment of a class of landless workers. In other European countries land ownership is far more widely dispersed than it was in eighteenth and nineteenth century England; there is consequently no need for a public system of rural allotments. The distinction between a farm laborer and an independent agriculturist is usually not clearly drawn. Small holders earn a considerable share of their income as day laborers. Agricultural workers do not expect to remain dependent for the whole of their lives. Moreover they often enjoy the use of a cottage holding and of the employers' horses and implements as a part of their regular wage. Only in the twentieth century have certain governmental measures been taken for the settlement of the agricultural workers on the land. Such were the post-war provisions (preceded by enactments in 1907 and 1908) in Germany and the law of 1919 permitting local authorities to acquire land for laborers' cottage holdings in France. Cottage holdings in preference to detached allotments have recently found favor in England as well.

The urban allotment system had in its early stages pronounced utilitarian objects which were retained for a longer time in certain continental countries than in England. It is still primarily an economic arrangement in such countries as Belgium and the Netherlands, where industrial workers' families cultivate small garden plots in their spare time and thus provide variety in the family diet as well as some addition to the income. In Belgium the use of these garden plots is helped by low railway fare, which enables workmen to live where land is relatively cheap. It was of some economic and of undeniable psychological value in all of the belligerent countries during the war. On the

whole, however, the values attached to urban allotments at present are mainly sentimental, recreational and aesthetic rather than utilitarian.

A. W. ASHBY

See: ENCLOSURES; AGRICULTURAL LABOR; SMALL HOLDINGS; POOR RELIEF; FOOD SUPPLY; BACK-TO-THE-LAND MOVEMENTS; AGRARIAN MOVEMENTS.

Consult: Ashby, A. W., *Allotments and Small Holdings in Oxfordshire* (Oxford 1917); Johnston, George Arthur, *Small Holdings and Allotments* (2nd ed. London 1909); Green, J. L., *Allotments and Small Holdings* (London 1896); Wilkins (Jebb), L., *The Small Holdings of England* (London 1907); Onslow, W. H., *Landlords and Allotments* (London 1886); Dumsday, W. H., *The Law of Allotments and Small Holdings under the Small Holdings and Allotments Act, 1908, and Applied Enactments* (London 1909); Butcher, Gerald W., *Allotments for All* (London 1918); Tomlinson, F. L., "The Cultivation of Allotments in England and Wales during the War" in *International Review of Agricultural Economics*, n. s., vol. i (1923) 163–210; Mitchell, E. Lawrence, *The Law of Allotments and Allotment Gardens* (3rd ed. London 1922); Deromas, Paul, *Étude sur les lois françaises des 10 avril 1908 et 19 mars 1910 sur la reconstitution de la petite propriété rurale et les lois étrangères dont elles se sont inspirées* (Paris 1910); Heidenhain, W., "Organisationsfragen der Kleinsiedlung" in *Archiv für exacte Wirtschaftsforschung*, vol. viii (1916) 86–145.

ALLOWANCE SYSTEM. The allowance system became common in England toward the end of the eighteenth century. Its essential feature was a rate-borne grant in aid of the wages of able bodied workmen, often associated, as in the famous "Speenhamland Act," with a bread scale graduating the relief according to the price of bread. It laid down a minimum living wage which varied with the size of the family and provided such an allowance out of the rates as would bring actual wages up to this minimum. The system, intended as a temporary expedient to meet severe distress, became both widespread and long lived, lasting, despite much criticism, until the Poor Law Amendment Act, 1834. It was very general in rural England, and prevailed also in some manufacturing districts, such as the weaving areas of south Lancashire.

Criticism of the system, which has been held up as a warning against the policy of subsidizing wages, has continued for over a hundred years. Some of it is undoubtedly justified. In certain parishes the rates became inordinately high, and this imposed a heavy burden sometimes on leaseholders and often on landlords. Many employers took advantage of the system to pay a lower wage than they would have done if it had not been enforced. But the view that outdoor relief in itself is vicious is largely discredited by the more humane attitude and fuller knowledge of today. When distress is widespread, it is futile to insist on granting relief only in certain institutions. There are not enough of them, and indoor relief costs more than outdoor.

Criticism has centered mainly on the variations of benefits according to the size of the family. Basing their arguments on certain moral presuppositions and assumptions, critics have arrived at a whole body of conclusions by purely a priori reasoning. They have argued that since the size of the family became a sure source of income, and a married man with children, or an unmarried mother of children, was better off than the childless man or woman, the system produced a rising birth rate. They have also contended that it was demoralizing—"that parental responsibility was discouraged, and that drunkenness, vice and crime grew apace." Recent research does not support this view. In some areas the birth rate was lower while the system was in force than in the succeeding period. From 1811 to 1821, while it was in full operation, the birth rate actually declined. But since identical fluctuations in statistics were observed in the non-Speenhamland counties no direct connection can be established. Perhaps the traditional melodramatic interpretation arose from the desire for a simple explanation of the degradation of the working class and the many evils of the early period of industrialism.

The new interest in the subject arises from the growing movement in a number of countries in favor of family endowment, for which the English "allowances" system constituted until recently the only available guiding experience.

JOSEPH L. COHEN

See: POOR LAWS; FAMILY ENDOWMENT; MINIMUM WAGE; WAGES; SOCIAL CASE WORK; PUBLIC WELFARE.

Consult: Great Britain, Poor Law Commissioners, *Report, 1834* (London 1905); Great Britain, Royal Commission on Poor Laws, "Report" in Great Britain, Parliament, *Sessional Papers, 1909*, 106 vols. (London 1909) vols. xxxvii-xlv; Webb, S. and B., "English Poor Law History in the Last Hundred Years" in their *English Local Government*, 9 vols. (London 1906–29) vol. vii; Rathbone, E. F., *The Disinherited Family* (London 1924); Blackmore, J. S., and Mellonie, F. C., "Family Endowment and the Birth Rate in the Early Nineteenth Century" in *Economic Journal Supplement*, vol. i (1926–29) 205–13, 412–18.

ALMSHOUSE. In the United States this term denotes a public institution for indoor relief of the poor. This type of institution originated in England, where it is known as the workhouse; "almshouse" in England refers to the private endowed home for aged indigents. The English workhouse is conducted by a parish or a union of parishes, hence, colloquially, the "union."

The English Poor Law of 1601 authorized relief for the "impotent," the "setting on work" of the able bodied and the provision of "convenient dwellings" for the old and feeble. The act was not mandatory, however, and only a few workhouses or poorhouses were built. After many amendments of the law and much public discussion the first effective workhouse was built in Bristol in 1697. It was restricted to the able bodied who were given no relief elsewhere. Encouraged by the decrease of vagrancy and pauperism which ensued in Bristol, other cities followed suit. In 1723 a national act enabled all parishes, singly or in groups, to build workhouses, and provided that any individual refusing to be thus confined should not be entitled to other relief. This "house test" was based on the theory that the condition of the able bodied pauper must be made less desirable than that of the lowest paid independent laborer. In 1788 the notorious Gilbert Act authorized each parish or union to create a poorhouse for all classes of paupers except the able bodied, for whom the guardians were to find work near their homes and whose wages were to "contribute to their support." This system resulted in the lowering of wages, the demoralization of industry and the degradation of the laborers.

The Gilbert Act inaugurated the "mixed workhouse," which led to, and was so scathingly denounced by, the Royal Commission on the Poor Laws in 1832. The report of this commission advocated a return to the principles of the act of 1601, with the additional principle of segregation of indoor paupers, especially defectives and children, in separate institutions. Thus the evils of the workhouse system laid the groundwork for the modern programs for care of children, defectives and other special classes. The Poor Law Amendment Act of 1834 did not provide for complete segregation, but it did prescribe improved administration and created the Local Government Board as a central supervising authority. With considerable power to forbid, but little to compel, action, this board effected many reforms, although the gravest faults of the mixed workhouse continued.

In 1908 another royal commission found the more serious evils still unabated. While its majority report advised little more than better administration, a famous minority report declared that the conditions were so intolerable that nothing but a break up of the whole system could improve them, and recommended the extension of provisions of social insurance to relieve the prevailing abuses. However, even during the worst period of the mixed workhouse there were many exceptions to the usual conditions. Some buildings were so costly that they were nicknamed "palaces for paupers." Some boards of guardians were intelligent, public spirited and sympathetic, and a few wardens and matrons were efficient and humane, but these were exceptions to the general rule.

In the United States the word almshouse is the generic term for public institutions for poor relief, but the actual names of such institutions vary according to locality. Thus although almshouse is the legal name in New England and is fairly consistently found in the East and South, in Ohio it is "infirmary"; in Indiana, "asylum"; and in the Middle West, "poorhouse," "poor farm," "county farm" or "county home." In California the county hospital has a department for the non-sick paupers, and in New York City there is a Home for the Aged and Infirm.

In the New England states, with the exception of the county almshouses of New Hampshire (which are also houses of correction), the state almshouses for the unsettled poor of Massachusetts and Rhode Island and a city almshouse in Boston, the almshouses are conducted by towns. In New Jersey there are county, township and municipal almshouses. Pennsylvania has five classes: county, township, township district, borough and municipal. In Virginia district homes are replacing county almshouses. Some cities conduct large institutions. In some states there are counties with almshouses and others in which the plan of letting out the care of the poor by contract, at one time a very common practise copied from an English law of 1723, still persists. New Mexico has no almshouses. Everywhere else the county almshouse prevails.

The almshouse was the first and for many years the only public charitable institution. The colonies copied English laws and practises, and at first, as in England, the care of the poor was connected with the church; some of the earliest laws provide for the support of both the poor and the parson. Attempts to combine relief of the destitute with labor for the unem-

ployed are noticeable even to the present day, and the term "Work and Poor House" is frequently found. Many states have laws requiring that able bodied inmates be kept at work. The early almshouse was often used as a house of correction. Later the states again followed England in the appointment of commissions for the study and improvement of conditions.

The inmate population of a present day almshouse may vary from three or four in a small town almshouse to 2500 or more in a large city institution. Some of the largest are conducted with economy and reasonable comfort, with departments for the sick and defectives, and a few with special provision for the better class of inmates. Some small almshouses are conducted like a farm home where the inmates are regarded as one big family. The cottage plan in the more modern almshouses, as in other public institutions, approximates these conditions for the large almshouse. In some places today, although less frequently than before, one finds almshouses where the cost is inordinate and the conditions abominable: old and young, feeble and strong, sick, insane, epileptic, idiotic, sometimes even male and female, herded together in squalor, neglect and vice. Wherever the standard of living of the laboring people is low, the standard of the almshouse is lower. There is little relation between the cost per capita and the comfort and decency of the accommodations; some of the worst conducted almshouses are among the most costly. There are instances where the number of employees is greater than that of the inmates. In 1924 there were 137 almshouses without inmates, many of them with employees on the pay roll. The quality of almshouse administration depends on the superintendent, who is rarely of superior ability, since local party politics often controls the selection of officials. Jobs are needed to reward party workers with each political shift, so that even with the best intentions the almshouse superintendent hardly learns his work before he is superseded. It is evident that, with no special ability or training among the officials, inmates requiring skilled treatment are neglected.

There are, however, provisions in many states for the specialized care of the insane and imbecile and for dependent children in most. The tendency, characteristic of contemporary case work, to emphasize the importance of family solidarity rather than economy of care results in the limitation of the almshouse population to the indigent aged, at least in sections where case work standards are highest. One alternative to almshouse care is outdoor relief, for which there are many requests from people who refuse to go to the almshouse. A second alternative is old age pensions and other forms of social insurance, which prevail in England and on the continent, but which have not yet been developed in the United States to any appreciable degree, although the prospect for old age pensions is now good.

Varying in different states according to the state provision for the class, from one fifth to one half of almshouse inmates are mental defectives, and these are usually the best inmates from the administrative point of view. There are well conducted almshouses wherein all the domestic and farm labor is performed by imbeciles or by harmless, chronic insane. On the other hand it is impossible in the ordinary almshouse to give adequate protection to imbecile females of child bearing age, and no state has yet made adequate provision for them, with the serious consequence that many imbeciles are by-products of almshouse care.

County almshouses are usually on farms, because of the supposed economy of raising one's own food supplies. There are rare instances in which the sale of surplus products has defrayed the cost of the institution. But as there is usually little available inmate labor, many farms are run at a loss. Of the 350,000 acres of farm land occupied by almshouses in the United States little more than half is utilized, and much of that poorly.

These and other unsatisfactory conditions have long been recognized, and many laws for regulation and improvement have been enacted. In most states standards are advancing. Many states have regulations forbidding the housing of children among paupers, although the laws are often disregarded. In states having boards of public welfare, almshouses are inspected and supervised. Although such boards, with rare exceptions, have no mandatory powers and depend on persuasion and publicity, much improvement is due to their efforts. In a few states county boards of welfare have been able to improve conditions by enlisting the force of public opinion in behalf of better county management. Eighteen states have enacted laws for the consolidation of county almshouses into district homes serving a larger area, and in the few states where this plan has been put in operation improved standards of care and financial economy have resulted. In Virginia the

saving has been over fifty percent. But merely increasing the size of the group will not remedy all present evils. Better and more general social welfare work and more efforts at prevention are needed. With all the best governmental machinery that can be devised, there will still remain the need of educated public opinion which shall demand that the almshouse be made exclusively a home for the aged and infirm.

ALEXANDER JOHNSON

See: POOR LAWS; POOR RELIEF; OLD AGE; DEPENDENCY; CHARITY; SOCIAL WORK; PUBLIC WELFARE; INSTITUTIONS, PUBLIC; CHILDREN, INSTITUTIONS FOR CARE OF.

Consult: Nicholls, George, *History of the English Poor Law*, 3 vols. (new ed. London 1898–99); Webb, Sidney and Beatrice, *The Break Up of the Poor Law* (London 1909); "The Village Almshouse" in *Spectator*, vol. xcvii (1906) 1071–72; "Almshouse No. 13" in *Contemporary Review*, vol. ci (1912) 433–38; "Story of a Workhouse" in *Contemporary Review*, vol. cxxx (1926) 223–30; Johnson, Alexander, *The Almshouse* (New York 1911); Breckinridge, Sophonisba P., *Public Welfare Administration* (Chicago 1927); Evans, Harry C., *The American Poorfarm and Its Inmates* (Moosehart, Ill. 1926); Stewart, Estelle M., *The Cost of American Almshouses*, U. S. Bureau of Labor Statistics, Bulletin no. 386 (Washington 1925); Lincoln, Alice N., "Firvale-Union Cottage Homes" in National Conference of Charities and Correction, *Proceedings*, vol. xxxii (1905) 403–10; Cooley, Harris R., "Organization and Development of Our City Infirmary Colony" in National Conference of Charities and Correction, *Proceedings*, vol. xxxix (1912) 437–39; Clark, Mary V., "The Passing of the County Farm" in *The Survey*, vol. xlii (1919) 624–25; Sellers, E., "Woeful Waste in Workhouses" in *Nineteenth Century*, vol. lxxxviii (1920) 707–15; Cummings, John, "Poor Laws of Massachusetts and New York" in American Economic Association, *Publications*, vol. x, pt. iv (1895); Kelso, R. W., *History of Public Poor Relief in Massachusetts* (Boston 1922); Frankel, Emil, *Poor Relief in Pennsylvania* (Harrisburg 1925); Gillin, J. L., *History of Poor Relief Legislation in Iowa* (Iowa City 1914); Brown, Roy M., *Public Poor Relief in North Carolina* (Chapel Hill 1928); Virginia, *Public Welfare and Juvenile Laws of Virginia* (Richmond 1926).

ALSACE-LORRAINE. For a thousand years or more Alsace-Lorraine has been a cause of controversy and war to the dwellers on both sides of the Rhine. By the division of Charlemagne's empire among his three grandsons at Verdun in 843, Alsace and Lorraine fell to Lothair, and were included in his kingdom of Lotharingia; this name, in its French form, Lorraine, has adhered ever since to a small part of Lothair's inheritance. During the Middle Ages Alsace-Lorraine formed part of the Holy Roman Empire and became split up into numerous small counties, bishoprics and "free cities." The bishopric of Metz was conquered by Henry II of France in 1552, and formally ceded to France by the Treaty of Westphalia in 1648. Most of the surrounding Lorraine territory was transferred by its Hapsburg ruler to Louis XV's father-in-law in 1735, and joined to France in 1766. Alsace was acquired by Louis XIV, partly by French conquests in the Thirty Years' War and the ambiguous terms of the Treaty of Westphalia, partly by the forcible seizure of Strasbourg in 1681, and partly by claims and conquests which were confirmed by treaty in 1697.

At the time of their transfer to France the populations of Alsace and Lorraine were strongly bound by cultural ties to Germany, being German in habits, institutions, feeling, and almost wholly in language. This was especially true of Alsace where Strasbourg, Colmar and other towns had played a leading part in the literary and artistic life of Germany. But Louis XIV and his successors so respected the local rights and privileges of the inhabitants that the change in sovereigns was not greatly resented. Although the French language had to be used in the law courts and made progress among the upper classes in the towns, local affairs continued very much in the old way and in large measure in the German language. Thus the period from 1648 to 1789 was largely one of gradual and painless assimilation.

The French Revolution accelerated this assimilation process. It put an end to mediaeval German social and political conditions, reorganized Alsace and Lorraine into three new French departments, and introduced a democratic social and administrative system uniform with the rest of France. In spite of local resentment at the antireligious legislation of the government at Paris, Alsace and Lorraine in general welcomed and shared enthusiastically the work of the revolutionary and Napoleonic era. The *Marseillaise* was composed and first sung at Strasbourg, and Alsatians served in great numbers in Napoleon's victorious armies. Alsace-Lorraine became a living part of the French body politic, and so remained until the Franco-Prussian War.

Bismarck's annexation of the provinces in 1871 was dictated primarily by strategic considerations. His generals insisted that the German possession of Metz, and the establishment of the Vosges instead of the Rhine as the boundary, were necessary to the future safety

of the new German Empire against a possible French war of revenge. Bismarck openly stated that the region was to be a glacis against a possible French attack. His action was further justified on the ground that he was "liberating" territory which had been wrested from Germany by Louis XIV at a time when Germany was weak and divided against herself. But there was a vast difference between the French annexations in the seventeenth century and Bismarck's annexation in 1871. Between these two periods lay the French Revolution and the forces to which it had given rise. Nationalism, popular education, universal military service and the greater activity of the state in relation to the individual made a transfer of sovereignty a far more important matter for a people in the nineteenth than in the seventeenth century. Louis XIV in seizing Alsatian districts did not dismember Germany, because there was at that time no united German body politic—nothing but a conglomeration of mutually jealous German territories. The so-called Holy Roman Empire was "neither Holy, nor Roman nor an Empire," but, as the German Pufendorf said, "an irregular sort of body like a monster," incapable of feeling a wound. The French Revolution, however, in sweeping away provincial boundaries, had created a new self-conscious nation, "one and indivisible." France, including Alsace and Lorraine, had become one body, powerfully conscious of its unity and nationality; if one of its members suffered, all suffered together. Bismarck mutilated a living body, and the wound would not heal; it remained to threaten the peace of Europe for forty years. It also gave rise to the fatal system of alliances which came to divide the Great Powers of Europe into two hostile groups, and which was one of the main causes of the World War.

If Bismarck had immediately granted the annexed provinces, or "Reichsland," a large measure of autonomy, with careful regard for local privileges and feelings, it is possible that their resentment at being annexed might have gradually died away after a generation of material prosperity. If he had dignified their position by making them one of the component states of the empire, with a democratic legislature and representation in the Bundesrat, on equal terms for instance with Saxony or Baden, they might have become reconciled to the transfer of sovereignty. But, instead of this, Prussia imposed a military regime, which was regarded as severe and oppressive, and which fed the fire of discontent and protest both in Alsace-Lorraine and across the border in France.

Germany made many efforts to win the allegiance of the annexed provinces. Mediaeval castles were rebuilt to give employment and to flatter local pride. German immigrants took the place of natives who preferred to emigrate and live in France. Railways and factories were built. Potash deposits in southern Alsace were unearthed and developed to such an extent as to give Germany the leading world position in an industry of great importance for agricultural fertilizers and the chemical trades. Petroleum was tapped and exploited in considerable quantities at Pechelbronn in northern Alsace. In Lorraine the production of coal, and especially of iron, was accelerated to an astonishing degree; the iron of Lorraine and the coal, coke and steel mills of the Ruhr were rapidly developed as a natural and necessary economic unit. But in spite of these efforts the undercurrent of discontent flowed on. The grant of limited autonomy and representation in the Bundesrat, which was finally accorded to the Reichsland in 1911, came far too late, and did little to improve the situation.

The World War gave France her long awaited opportunity to recover the lost provinces. None of her responsible statesmen had seriously planned to provoke war simply to recover the territory lost in 1871; but, once the World War broke out, France instantly insisted on the restitution of Alsace-Lorraine as one of the absolute and unshakable conditions of peace. Germany's long continued refusal to consider such a condition wrecked various peace efforts, and tended to prolong the war. But finally Germany, defeated in the field, in order to secure an armistice had to accept President Wilson's Fourteen Points, one of which stated that "the wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine . . . should be righted." Accordingly the Treaty of Versailles restored the two provinces to France as a matter of right. Elaborate provisions were made, however, to protect the interests of German immigrants and to prevent a too sudden rupture of the economic bonds which had gradually united Alsace-Lorraine to Germany.

The spontaneous enthusiasm which greeted French troops upon their entry into Alsace-Lorraine at the end of the war was eloquent

evidence of the French sympathies of the population. But in the decade 1919 to 1929 this enthusiasm waned. During the half century of German rule Alsace-Lorraine had grown accustomed to a decentralized administration and to being treated as a unit; the French have a highly centralized administration and again divided the region into three departments. The government at Paris has paid small heed to local prejudices and to the desires of the restored population. This is particularly true in religious, school and labor problems. Since 1905 France has been living under laws which separate church and state and which prohibit religious instruction in the schools, but Alsace-Lorraine still abides by Napoleon I's Concordat with the papacy (*see* ANTICLERICALISM). Nearly four fifths of the Alsatians are Roman Catholics, and for the most part devoutly religious. Communist propaganda has been carried on against Parisian capitalists. The situation is indicated in the paradoxical statement: "The Alsatian laborer is a Communist who attends mass every Sunday." Under these various influences a strong autonomist movement has developed in Alsace, signified by the arrest in December, 1927, of twenty-four Alsatians charged with conspiracy to overthrow the existing regime.

In view of the Locarno Treaties of 1925, guaranteeing the existing frontier between Germany and France, it is to be hoped that Alsace-Lorraine has at last ceased to be a cause of controversy and a danger to the peace of Europe.

SIDNEY B. FAY

See: NATIONALISM; ANNEXATION; AUTONOMY; BUFFER STATE; BOUNDARIES; WORLD WAR.

Consult: Haskins, C. H., and Lord, R. H., *Some Problems of the Peace Conference* (Cambridge, Mass. 1920) ch. iii, with brief bibliography; Phillipson, Coleman, *Alsace-Lorraine, Past, Present and Future* (London 1918); Cerf, B., *Alsace-Lorraine since 1870* (New York 1919), strongly pro-French; Pfister, C., *La Lorraine, Le Barrois et les Trois-Évêchés* (Paris 1912); Reuss, R. E., *Histoire d'Alsace* (11th ed. Paris 1916), *L'Alsace au XVII^e siècle*, 2 vols. (Paris 1897–98); Schäfer, D., *Das Reichsland* (Berlin 1915); Vidal de la Blache, P., *La France de l'est* (Paris 1917), an admirable study of the country, the people and their economic evolution; Hayes, Carlton J. H., *France: a Nation of Patriots* (New York 1930) ch. x.

ALTENSTEIN, KARL, FREIHERR VON STEIN ZUM (1770–1840), Prussian minister of education. After holding several political offices, including that of minister of finance (1808–10), he was placed in charge of the Ministry of Ecclesiastical, Educational and Medical Affairs in 1817, when it became an independent department separate from the Ministry of the Interior. His accession to this office coincided with the beginning of the reaction under Friedrich Wilhelm III. Although well intentioned, Altenstein lacked practical ability and was unable to put into effect the far sighted educational program drafted by Süvern in 1819. His period of office, which lasted until 1838, was marked by the consolidation of the school as a political agency and the establishment of a strong bureaucracy, possibly under the influence of his friend Hegel, who joined the University of Berlin in 1818. Largely through Johannes Schulze, who assumed charge of secondary and higher education in 1818, a return was made to the tradition of the sixteenth century with an emphasis on classics and religion, and the *gymnasium* was recognized as the only secondary institution preparing for the universities; all movements of a realistic or practical tendency were checked, and strict requirements were enforced for the certification of teachers and the control of their political views. Progress was made in the training of elementary teachers, mainly because the normal schools were left undisturbed until after the Revolution of 1848. In elementary education Altenstein adopted the view of Friedrich Wilhelm III that it must not raise the masses out of the sphere designed for them by God and society, but must make their lot happy and agreeable. Altenstein retired from the ministry two years before his death.

I. L. KANDEL

Consult: Paulsen, Fr., *Geschichte des gelehrten Unterrichts*, 2 vols. (3rd ed. Leipsic 1919–21) vol. ii, p. 316–18; Schmid, K. A., *Geschichte der Erziehung*, 5 vols. (Stuttgart 1884–1902) vol. v, pt. i, p. 258, pt. iii, p. 153.

ALTGELD, JOHN PETER (1847–1902), governor of Illinois from 1893 to 1897. He became nationally prominent because of his pardon of the three surviving "anarchists" convicted of complicity in the Haymarket bomb case, his protest to President Cleveland against the sending of federal troops to Chicago during the Pullman strike, and his part in the free silver campaigns of 1896 and 1900. For his pardon of the anarchists he was subjected to vilification and misrepresentation rarely, if ever, equaled in American public life.

Altgeld was born in Germany and brought to America as a child. After studying law and serving as county attorney in Savannah, Mis-

souri, he went to Chicago in 1875, made a fortune in real estate, and served from 1886 to 1891 as a judge of the Cook County Superior Court. As governor he was a pioneer in mild social and political reforms, vetoed bills giving long franchises to Chicago public utilities, suppressed graft and inefficiency in public offices, greatly improved the penal and charitable institutions of the state, and raised the University of Illinois from a comparatively insignificant small college to an honorable position among educational institutions. The reform measures passed during his administration and with his aid include a civil service law, an inheritance tax law, a law providing for indeterminate sentence, parole and probation for prisoners, another regulating the sweating system and child labor, limiting the hours of women workers to eight a day and providing for factory inspection, and still another establishing a state board of arbitration for industrial disputes. He was also a pioneer in appointing women to public offices.

HELEN SUMNER WOODBURY

Important works: *Our Penal Machinery and Its Victims* (Chicago 1884, reprinted Chicago 1890 as part of a volume entitled *Live Questions*, revised and greatly enlarged edition Chicago 1899); *Oratory, Its Requirements and Its Rewards* (Chicago 1901); *The Cost of Something for Nothing* (Chicago 1904).

Consult: Browne, Waldo, *Altgeld of Illinois: A Record of His Life and Work* (New York 1924); Masters, E. L., "John Peter Altgeld" in *American Mercury*, vol. iv (1925) 161–74.

ALTHUSIUS, JOHANNES (1557–1638), political theorist and jurist. After studying law and philosophy at Basel and possibly Geneva, he held a professorship (with minor interruptions) at Herborn in Nassau until 1604. In that year he became syndic of the town of Emden in eastern Friesland, a prosperous trading center. He was an ardent Calvinist. He wrote several works on legal matters, particularly a widely used general treatise on Roman law; he was the author also of a little tract in the humanistic tradition on polite manners.

His main work, however, is the *Politica methodice digesta atque exemplis sacris et profanis illustrata* (Herborn 1603, enlarged 2nd ed. Groningen 1610, still further enlarged 3rd ed. Herborn 1614). This is (according to Gierke) the first systematic treatise on politics since the ancients. Its express purpose is to bring political science into accord with Calvinist theology generally, and particularly to apply the teachings of the Old Testament to a further development of Aristotelian politics. Indeed his work may be considered as the most developed system of politics which Calvinism has produced. But if the general ideas are supplied by Calvinist theology, the context of experience is to be found in the complex life of central European political communities, woven into the tenuous pattern of the Holy Roman Empire of the German nation. In fact the *Politica* may from this point of view be described as a systematization of the political ambitions represented by the craft guilds throughout the preceding two centuries in their efforts to democratize the town government, as well as of the similar political ambitions of the towns themselves in their struggle with the territorial princes. Unlike the writings of the monarchomachs with which it is commonly classed, the work of Althusius is not propagandist in nature. Quite on the contrary, it was the doctrines expounded by him that drew him into practical politics. His reasoning is based upon a strong philosophical individualism tempered by a profound appreciation of the individual's dependence upon a variety of groups. He emphasizes time and again the fact that the justification of all groups is to be found in their ability to provide a *vita beata, commoda et felix* for its members. The repeated emphasis upon the *vita commoda* and the further elaboration of this idea foreshadows Bentham's pleasure calculus and the doctrine of the utilitarians. Nevertheless there is a strongly puritanical note in his concept of comfort. Within this limitation there is a spirit of distinct worldliness permeating the entire work, which becomes apparent, for example, in the author's reasoned preference for the *vita activa* as against the *vita contemplativa*.

Althusius' fundamental attitude toward life is in harmony with his exposition of popular sovereignty as a desideratum. But his theoretical genius appears in the way he deals with Bodin's doctrine of sovereignty. He accepts Bodin's theory that sovereignty is in its nature indivisible; but for precisely the same reason he claims that sovereignty is an essential condition of the existence of the political community and therefore cannot be surrendered by the people to anyone. As Gierke has pointed out, Althusius clearly produces the argument with which Rousseau almost two hundred years later set the world on fire. Similarly Althusius develops a complete theory of the social contract. Popular representation is also a well defined part of his system, but he insists upon the superiority of

the primary assembly. In order to overcome the difficulties which such a preference for direct democracy involves, he introduces the concept of a complex federalization and integration of the several smaller units into a manifold hierarchy of authorities. The component corporate units are supposed to have a life of their own of which they transmit to the higher unit only enough to enable it to fulfil its specific purposes, all of which are dictated by the interests of these smaller units. This aspect of his thought has made a particular appeal to the modern pluralists, who are inclined to consider him as one of their forerunners.

Althusius aroused much interest during his lifetime and in the decades following, and his doctrines were widely discussed, praised and condemned. But with the ascendancy of absolutism on the continent interest in them waned. It was left to Gierke to rediscover him in connection with his extensive researches into the nature of the corporation and what he termed the Germanic concept of corporation.

CARL JOACHIM FRIEDRICH

Consult: Gierke, Otto von, *Johannes Althusius und die Entwicklung der naturrechtlichen Staatstheorien* (3rd ed. Breslau 1913); Wolzendorff, Kurt, *Staatsrecht und Naturrecht in der Lehre vom Widerstandsrecht des Volkes gegen rechtswidrige Ausübung der Staatsgewalt* (Breslau 1916) p. 198–247.

ALTRUISM AND EGOISM. The term altruism, in its psychological sense, means the disposition of an individual to further the welfare or happiness of other individuals or groups. Egoism is the contrary disposition to further one's own welfare or happiness. The ethical theory of altruism assumes that the altruistic disposition is at least of coordinate psychological standing with egoism and that as a matter of ethics it should prevail over egoism in cases of conflict. Ethical egoism reverses the second part of this statement and is inclined on the whole to deny the indicated psychological assumption also.

Seventeenth and eighteenth century British moralists argued at length the psychological genuineness of altruism or benevolence. The religious and civil disturbances of the seventeenth century had brought to definition the self-conscious individual as the unit of social grouping and organization. In England, as on the continent, though with a different emphasis, the basic characters, the powers, rights and possibilities of the individual were the themes of political and moral philosophy. Much as Hobbes (*Leviathan*, 1651) deprecated the insubordinate excesses of individualism, he never questioned the standing of the isolated individual as the true unit of political organization. For Hobbes the individual is fundamentally egoistic. Pity, he declares, is nothing but "imagination or fiction of future calamity to ourselves, proceeding from the sense of another man's calamity," and love, good will or charity, a mere pleased conceit of one's power to "assist other men in their desires." Mandeville (*Fable of the Bees*, 1723) held that only by artfully "extolling the excellency of our nature above other animals" had law givers been able to "persuade mankind to disapprove of their natural inclinations or prefer the good of others to their own." In opposition to this egoistic conception of the individual, British moralists, from the seventeenth century to J. S. Mill and Sidgwick, were essentially agreed that there are in human nature disinterested benevolent impulses and social sympathies as certainly genuine and native as the self-regarding.

The right relation of these two groups of impulses was, however, a perennial problem. For Joseph Butler (*Fifteen Sermons*, London 1726, no. iii) self-love must be held in check by conscience in order that a right balance of self-interest and the welfare of others may be assured. "In the common course of life there is seldom any inconsistency between our duty and what is called interest." When there is such inconsistency, conscience must prevail. For Sidgwick, (*Methods of Ethics*, London 1874, bk. iii, ch. xiii) what Butler calls conscience becomes a rational intuition to the effect that "the good of any one individual is of no more importance from the point of view of the universe than the good of any other," and that "as a rational being, I am bound to aim at good generally, not merely at a particular part of it." Neither Butler nor Sidgwick, in this reliance on a transcendental factor, has Bentham's faith in the adequacy of mundane or supernatural penalties and rewards to make socially expedient behavior appear to the intelligent individual a good bargain (*Introduction to the Principles of Morals and Legislation*, London 1789, ch. iii), or Mill's assurance that "the deep rooted feeling which every individual even now has of himself as a social being" must of itself make it impossible for those whose minds are not "a moral blank" to "lay out their course of life on the plan of paying no regard to others except so far as their own private interest compels" (*Utilitarianism*, London 1864, ch. iii).

So long as the problem is stated in the traditional terms of separate groups of impulses set side by side in rivalry in human nature, solutions must, as history shows, be ambiguous and inconclusive. However, a strictly self-seeking egoist, with no disinterested thought whatever for any other persons besides himself, is a monstrosity. So-called selfish persons commonly if not always include within the scope of the "social self" (William James, *Psychology*, 2 vols., New York 1890, vol. i, ch. x) a considerable number of other persons—parents, children, relatives, friends, compatriots—whose interests they put above those of the larger body of society. The perfect egoist is at best the limiting case, seldom if ever actually encountered. Egoism is in fact not so much the preferring of one's own well-being to that of others as refusing to widen the scope of one's interest in other persons in order to include claimants who think themselves wrongfully ignored. A man may deal hardly with others in trade or as an employer and yet very probably expend his gains for the pleasure of his family or friends with little or no direct participation on his own account. He deserves to be called an egoist, but chiefly because of the unimaginative inertia with which he resists any change in a way of living to which he has become accustomed. The egoist habitually cleaves fast to his established and congenial manner of life or system of values as against appeals made in behalf of others to change it. The altruist is normally or characteristically responsive to such appeals. The ultimate aim of both may be "happiness," but the difference between the ways by which egoists and altruists seek ultimate happiness loses nothing whatever of its social importance, even on such a showing (*cf.* Sidgwick, *Methods of Ethics*, bk. ii, ch. i).

Egoism has been widely if not generally believed to be the foundation postulate of economics. Economic theory has been regarded as essentially an account of egoism in action, with altruism playing the part of a more or less stubborn and disturbing intruder. This view seems confused and unnecessary. The analysis of the situation defining the market price of a commodity, for example, need take no account of the reasons lying behind the personal demand prices and supply prices of the commodity. All manner of aspirations, ambitions, curiosities, inhibitions, darings, cautions, stupidities, egoisms and altruisms are overtly expressed in the valuations of the several participants in the market equilibrium. On these valuations the eventual market price depends. If, now, an analysis in terms of the participating valuations is deemed worth while, it is because, on the whole, the situation is not expected to change in respect of them within a measurable period. It is assumed merely that buyers and sellers know their minds, by whatever logic and psychology made up, and that, apart from influences looking to the alteration of their motives, few if any of them will find it expedient, from their points of view, to change their valuations. In all this there is no implication of the priority or predominance of egoism over altruism in human nature. The theoretical analysis is the same, whether philanthropists, self-seekers or persons combining both qualities make up the market. Perturbations of the ideal smoothness and symmetry of market adjustment come not from irruptions of altruism as such, but from guess work, blundering and indecision.

As Locke sought to vindicate the immunity of the individual, in natural right, from civil and religious tyranny, so the British economists of the next century sought to justify the individual's freedom from governmental interference with his gainful pursuits. The economic man was the free citizen of Locke entering upon the affirmative exercise and enjoyment of his freedom (*cf. Robinson Crusoe*, 1719), not essentially or necessarily an egoist. His determination to make his way in the world has exposed him to some misrepresentation at the hands of both his abettors and his critics. It is not this determination that makes him egoistic when he is so, but a too lively fear of changes in law and social conditions that may put him to the cost and trouble of redefining it.

Thus the definition of egoism (and of altruism) given at the outset represents the point of view of an outside observer, not that of the agent himself. When other individuals or classes of individuals are adversely affected by my "unimaginative inertia," the fact is outwardly patent. I shall be reproached with "selfishness," whereas from my own point of view my shortcoming is not different in kind from falling into a rut in any other respect, as, for example, in my intellectual or aesthetic interests or in my friendly associations. Conversely my life may be freshened and invigorated not only by diversifying my privately personal interests (about which no one else has much reason for concern) but by actively interesting myself in the welfare of other persons (who are quite likely to notice the fact and to pass judgment on the

measure of my success). Thus the old problem of the genuineness of altruism and its ability to withstand or right to put down egoism becomes obsolete today. The real problem is the balancing of habit and initiative in the individual's conduct. Thus the supposed psychological priority of egoism over altruism disappears.

HENRY W. STUART

See: HUMAN NATURE; ETHICS; HEDONISM; UTILITARIANISM; INDIVIDUALISM; ECONOMIC INCENTIVES.

Consult: Tufts, J. H., and Thompson, H. B., *The Individual and his Relation to Society as Reflected in British Ethics* (Chicago 1904); Comte, A., "Discours préliminaire," pt. ii, *Système de politique positive*, 4 vols. (3rd ed. Paris 1890-95), English tr. (London 1875 77); Darwin, C., *The Descent of Man* (new ed. London 1901) chs. iv–v; Spencer, H., *The Data of Ethics* (New York 1894) chs. xi–xiii; Taylor, A. E., *The Problem of Conduct* (London 1901); Fite, W., *Individualism* (New York 1911); Scheler, M., *Wesen und Formen der Sympathie* (2nd ed. Bonn 1923); Stuart, H. W., "The Phases of the Economic Interest" in Dewey, J., and others, *Creative Intelligence* (New York 1917) p. 332–35.

ALVAREZ, AGUSTIN (1857–1914), Argentine political ethicist and sociologist. He was graduated from the national military college in 1878 and received his doctorate in law from the University of Buenos Aires in 1888. He saw military service on the frontiers, rose to the rank of brigadier general and was secretary of the supreme council of the army and marine (1896–1906). He taught international law in the national military college (1904–14) and was professor, vice president and acting president in the University of La Plata at various times after 1906. His chief work, however, was that of critic of Latin American institutions. A disciple of Emerson and Sarmiento, he applied the penetrating social criticism of the former and the energetic analysis of the latter, reenforced by his own sterling independence and honesty of character, to an evaluation of the social inheritance of the Spanish American civilization, particularly with respect to religion and politics. He held up always to the view of his fellow countrymen the example of Anglo-Saxon institutions, which he greatly admired. But his criticism was meant to cure rather than to wound, and his teachings have been greatly admired by his fellow Argentines.

L. L. BERNARD

Important works: *South America* (Buenos Aires 1894); *Manual de patología política* (Buenos Aires 1899); *Ensayo sobre educación* (Buenos Aires 1901); *Adonde vamos?* (Buenos Aires 1904); *La transformación de las razas en América* (Buenos Aires 1908); *Historia de las instituciones libres* (Buenos Aires 1909); *La creación del mundo moral* (Buenos Aires 1912).

Consult: Colmo, Alfredo, *Principios sociológicos* (Buenos Aires 1905); also the biographical introductions to Alvarez' works in La Cultura Argentina edition.

ALVORD, CLARENCE WALWORTH (1868–1928), American historian. He was born in Massachusetts and received his advanced training at Berlin and at the University of Chicago. He taught history at the University of Illinois, 1897–1920, and the University of Minnesota, 1920–23. Having discovered and edited the *Cahokia Records* (Springfield 1906), relating to a French settlement in Illinois during the American Revolution, he was made general editor of the *Collections* of the Illinois State Historical Library; and the fourteen volumes of the series issued (1907–20) under his editorship set a new standard for state historical publications, as did also the *Centennial History of Illinois* (5 vols., Springfield 1918–20), of which he was the editor. He was influential in shaping the policies of the Mississippi Valley Historical Association, brought about the establishment under its auspices of the *Mississippi Valley Historical Review* in 1914, and served as its editor until 1923. His most important writings are *The Illinois Country* (Springfield 1920) (vol. i of the *Centennial History*) and *The Mississippi Valley in British Politics* (2 vols., Cleveland 1917), which received the first Loubat prize. Alvord's work is notable for its thoroughness, accuracy, objectivity and literary quality. Its importance is not to be gauged by the fact that most of it was in the field of state history; it did much toward a reorientation of emphasis upon the mid-western aspects of American history. The last four years of his life were spent largely in England, where he was honored with important lectureships.

SOLON J. BUCK

Consult: Buck, S. J., "Clarence Walworth Alvord, Historian," with a bibliography of his published works, in *Mississippi Valley Historical Review*, vol. xv (1928) 309–20, 385–90.

AMALGAMATION is the biological union of previously distinct racial groups. There are three major stages in the process: first, cross breeding of divergent stocks to the production of a mixed-blood population; second, isolation and selective adaptation of the hybridized stock; and third, the ultimate establishment of a distinctive racial strain.

The contact of racial groups seems everywhere to result in some degree of amalgamation. The skeletal remains of early man show unmistakable evidence of racial intermixture. The populations of the modern European nations are in every case composed of diverse and incompletely fused ethnic elements. In the recent centuries, as a secondary consequence of world commerce and colonial policy, there has been an extensive crossing of racial stocks previously little in contact. Typical of these are the mulattoes in the United States, Brazil and South Africa; the Indian-white and Indian-Negro mixtures of both Americas; and the Eurasians of the Asiatic coast cities.

The biological effects of race crossing are difficult to determine because of the multiplicity and complexity of human characters and because of the hybridity of the modern races. In general the results are in accord with genetic principles that prevail in the hybridization of other forms of life. Certain traits are transmitted in accordance with a simple Mendelian formula. But the great majority of human characters are the result of multiple genetic factors. Consequently, there is a marked tendency toward blending, and the hybrid offspring approximate an intermediate type with, however, the reappearance in successive hybrid generations of certain ancestral traits. The Darwinian belief that race crossing leads to increased vitality and fertility and the opposed belief that it results in sterility and racial degeneration appear, in the light of modern knowledge, to be equally unfounded. Each rests upon partial data and upon the failure to disengage the exact cause or causes of the superiorities or inferiorities observed. The biological effects of racial crossing depend upon the hereditary constitution of the individuals generating the cross breeds, and are quite independent of the racial stock.

Racial amalgamation is related as both cause and effect to social assimilation. Biological intermixture, by increasing the number and intimacy of social contacts, promotes the fusion of social heritages and the diffusion and blending of cultures. On the other hand the social and psychological similarity resulting from cultural assimilation favors intermarriage through increasing mutual understanding and personal appreciation.

The crossing of races has other sociological consequences of far reaching significance. The hybrids may be identified with either parent race or form an intermediate caste; the specific adjustment depends upon the race and caste prejudice of the culturally dominant group. In any case they occupy a strategic position: they function as a buffer between the racial extremes and play the role of cultural mediators and interpreters. The mixed-blood individuals are often cultural as well as racial hybrids. They stand between two civilizations without being fully incorporated into either, and manifest in their personality characteristics the same fundamental cultural conflict that characterizes the bi-racial situation.

E. B. REUTER

See: RACE; HEREDITY; BIOLOGY; RACE MIXTURE; MISCEGENATION; NEGRO PROBLEM; MIGRATION; ASSIMILATION, SOCIAL.

Consult: Castle, W. E., "Biological and Social Consequences of Race-Crossings" in *American Journal of Physical Anthropology*, vol. ix (1926) 145–56; Davenport, C. B., "The Effects of Race Intermingling" in *Proceedings of the American Philosophical Society*, vol. lvi (1917) 364–68; Fischer, Eugen, *Die Rehobother Bastards und das Bastardierungsproblem beim Menschen* (Jena 1913); Boas, Franz, "The Half-blood Indian" in *Popular Science Monthly*, vol. xlv (1894) 761–70.

AMANA SOCIETY. *See* COMMUNISTIC SETTLEMENTS.

AMARI, MICHELE (1806–89), Sicilian patriot and historian. His early education and preparation reflect the peculiar political conditions of Sicily, where the struggle for liberty took the form of an endeavor to reestablish a separate kingdom. Amari espoused this cause and contributed to its furtherance by publishing in 1842 *Un periodo delle istorie siciliane del secolo XIII* (8th ed. Florence 1876). This innocent title masked a powerful arraignment of the Neapolitan rule and of its basis in the claim of the historic unity of the Two Sicilies.

The publication of this book forced him to leave Sicily. He took refuge in Paris, where he remained until 1859, except for the year he dedicated to active and courageous participation in the Sicilian revolution of 1848. At Paris he made himself a master of Arabic language and culture, published many scholarly articles, edited and translated important works and gathered material for his great work on the mediaeval history of Sicily. The nature and extent of his researches can be seen in the scholarly and comprehensive collection which bears the name of *Biblioteca Arabo-Sicula* (2

vols., Leipsic 1851–75), published by the Oriental Society of Germany; they constitute the foundation of his monumental work, *Storia dei Musulmani in Sicilia* (3 vols., Florence 1854–72). This work gives a documented description of the civilization which the Moslems created in Sicily, of the conditions that preceded it, and of its persistence in later times. It appraises the contributions of the Normans and proves how in reality it was "Italy that under their leadership took possession of the island." It is a classically written and scientifically motivated description of the converging results of four civilizations and of the interaction of their arts, sciences, traditions and religions.

In 1859 Amari returned to Sicily, took part in the Garibaldi government and, no longer a Sicilian separatist or a federalist or even an Italian republican, he became a senator of the kingdom, minister of public instruction (1862–65), and professor of Arabic language and history at Florence. Amari's writings mark the transition from controversial and patriotic historiography to purely scientific inquiry. He never lost his patriotic passion, but his scientific instinct enabled him to discover the proper object for his political ardor. No one in the nineteenth century had more influence than he in founding in Italy a school of historiography based on original documents and on the criticism of sources.

DINO BIGONGIARI

Consult: D'Ancona, A., "Elogio di Michele Amari" in Amari's *Carteggio*, 2 vols. (Turin 1896) vol. ii, p. 315–97; Derenbourg, Hartwig, "Carteggio di Michele Amari" in *Journal des Savants* (1902) 209–22, 486–98, 608–22; Croce, Benedetto, *Storia della storiografia italiana*, 2 vols. (Bari 1921) vol. ii, p. 28. A complete bibliography of Amari's works is to be found in the *Centenario della nàscita di Michele Amari*, 2 vols. (Palermo 1910) vol. i, p. xlv–cviii.

AMATEUR. The amateur is one without professional training or experience who engages in something solely because he enjoys doing it. In an evaluation of his status in society he must be understood not as the opposite of the professional but as his complement. There cannot always be a tenable distinction between amateur and professional since the latter's position itself is usually undefined; it may rest on such tenuous considerations as the conventions of the period, the quality of his work, his measure of success, or his estimate of himself, and he may be equaled by the amateur in some of these respects. Nevertheless amateurism in general may be said to mean the pursuit of a subsidiary interest, not primarily for a livelihood, in imitation or appreciation of something already done by a skilled worker.

There are many activities which are not to be classed as either amateur or professional. They derive from impulses and necessities that are everywhere existent, and are the origins from which professionalism, and ultimately the amateur's imitation, develop. When such pursuits are professionalized they are still not by any means given over entirely to specialists. Though there are professional cooks and entertainers, the housewife and the hostess are not thereby rendered amateurs. They are rather the precursors of both.

The appearance of the amateur is necessarily preceded by specialization and the recognition of specialists. Primitive and folk arts cannot be considered amateur activities. Specialization often exists in primitive communities, but only in certain activities, such as blacksmithing or carpentry or priestcraft, and these are recognized as the province only of certain persons. The economic organization does not permit of imitation merely for the sake of personal pleasure. Where the arts are participated in by the entire community, where each man fends for himself or all share alike in the provision of shelter, food and recreation, the results may appear amateurish in relation to other standards, but in that community the distinction does not exist.

Amateurism holds a different emphasis according to the group or period in which it appears, and its extent and direction depend on many variables. Until modern times the privilege of leisure time interests has been limited to the aristocracy. Since activities essential only for self-satisfaction and not for livelihood are something of a luxury, the amateur cannot appear in periods or classes where maintenance dominates life. Hard working communities have their recreations, but when time is short these are likely to take the easier, less intellectual form of games or entertainments provided by others instead of the more deliberate individual effort which amateurism involves. Moreover some educational background is necessary—a recognition of those things that exist beyond the daily routine of experience. Some appreciation of arts and of crafts is necessary to inspire imitation of them; knowledge and developed sensibilities are necessary to permit appreciation.

The leisured classes, therefore, have con-

tained the amateurs. The later days of the Roman Empire, the Italian Renaissance, Elizabethan and Caroline England, the court of Louis XIV, were vibrant with a polite imitation of the arts which was often amateurism of the finest kind. The lack of respect for the professions made amateurs of a great many persons of talent who today would candidly follow their interests as occupations. The tradition of aristocracy that its members shall not earn a living by their own efforts puts in bad repute, as long as aristocracies set the fashion, any pursuit that is followed professionally. A nobleman poet, therefore, who writes apparently only for his own pleasure and to follow the vogue of the time, denying even that he is the author of his verses, may rightly be considered an amateur, but if he prove to be a Philip Sidney it is apparent that he is an amateur only because of the conventions of the time.

By the eighteenth century the ideals of aristocracy had largely lost their hold, and professions had begun to be acknowledged as desirable. The artist was released from the rigors of patronage and the man of talent was able to follow his interests with independence and respect. The elegant amateurism of the nobility, which had not only resulted from leisure and fashion but had also contained the professional interests of the upper classes, gave way therefore to forms at once more imitative and more democratic. This shift in emphasis entailed a closer definition of occupations. New knowledge began to convert eclecticism into neat professional patterns. Instead of a Francis Bacon, with a knowledge of all fields, there appeared the chemist, the physicist, the mechanic, the physician, the man of letters, each a professional in his own field and an amateur outside it. Enthusiasm was high for the new ideas and discoveries, and in a period of such stimulation amateurism is one of its expressions. Social intercourse rested largely on an interplay of minds, and institutions arose which fostered this ideal. The salons of the eighteenth century, the coffee clubs, the earnest Bluestockings, bred by the score amateur writers and critics, philosophers and political theorists. A stimulus and a focus were offered for the expression of interests which would not, or could not, be followed professionally and which were given birth by the increased opportunities for knowledge and thought, for comfort and leisure. The amateur had his pleasure and his benefit in keeping in motion the current streams of thought.

As "cultural" advantages spread to the masses of the people, however, an adjustment had to be made to a new scheme of values. An appreciation of music and painting and singing, as represented by the professional artist, became a desirable mark of distinction as well as a thing to be developed for its own sake, and accordingly imitation of the arts was considered correct. The Victorian generations that were taught to play the piano and sing songs for assembled guests, to paint in water color with proud determination, represent a kind of amateurism which is an adaptation to a new social order. New found money, leisure and opportunities gave to the common man a wider acquaintance with the arts than he had ever had before. He was not always able to appreciate his opportunities as he felt he should, but he realized their value as an indication of position and knowledge, as an index of the gentility he considered desirable. This was amateurism which resulted from fashion and a desire for at least the outward and impressive qualities of aristocracy, but it did more than lectures could to lay the basis among the people for an understanding of the arts.

As the masses of the people have reached financial ease and social security, their amateur activities have again changed in emphasis. Professional delineation, which is necessary to the recognition of amateurism, has become so sharply accentuated that it tends to be esteemed as an end in itself. An attitude is thus set up which is inimical to the amateur and ultimately impoverishing to the expert. When recreation is systematized and made commercial without the vigor of individual enterprise, the personal effort which is indispensable to amateurism is likely to be chilled. The radio and moving pictures, social intercourse based on objective amusement, have made the individual of the present generation very largely a recipient rather than a communicant. He is more inclined to pay for his recreation than to supply it through his own efforts. The desire for economic position represents a ceaseless striving which is not easily discarded at will. It carries over beyond the working day and makes real leisure a thing to be shunned or, if imposed, a thing to be got rid of.

At the present time, therefore, there are more amateurs among women than ever before. The relaxation of their conventional duties has given them time for broader interests, while men are becoming more restricted and more converted

to the dogma of energetic money making and easy recreation. Women's clubs' activities may be largely the result of boredom, of superficial curiosity, of social competition, but they represent a kind of amateurism which is typical of the period that produces it and which has a considerable formative influence. They are an example of the tendency toward organization even in presumably individual activities. The little theater in fact is an amateur movement so well organized that it is often practically professional. Sports have clearly marked professional boundaries, but the division is entirely arbitrary. It is based on commercial considerations and also on the lingering feeling that sports are the province of the gentleman. The amateur status is therefore jealously preserved, but it is often similar to the position of the nobleman poet who is an amateur merely by convention. The influence of contemporary ideals of organization has extended even to the individual layman who enjoys his sketch block and water colors, his basement carpentry bench, his piano, for the very commercialism that makes him so formally an amateur contributes all its ingenuity to his convenience. Amateurs have never been so unanimously classified, but neither have they ever been so well served. Their work is given little consideration in a professionally paced society, but their whims are recognized as a profitable indulgence.

It is not for the quality of his work, however, that the amateur is significant. His activities are designed for his own pleasure, and as a means of expression for interests and talents which circumstances have made subsidiary they are of as much value as any other kind of educative recreation. To millions of persons they give that consciousness of creation which is a desire perhaps even more prevalent than the desire to enjoy and which, though it may be an illusion, is as necessary a one as that of achievement. Moreover the amateur, in following his interests, trains himself inevitably for a better appreciation of the kind of work he does, and is therefore an important influence in maintaining professional standards. An amateur painter is better equipped to understand the work of the trained artist because he realizes more intimately the problems that must be met. In this way also he serves, perhaps unwittingly, the function of a medium. By his appreciation and emulation of the achievements of others he is able to give them the homely qualities of recognition which make them intelligible. The artist paints his picture and leaves it to the world, but if the public that receives it knows nothing of the process of its creation, response finds form in catchword criticism and superficial and irrelevant analysis, in pretentious praise or smug damnation. Also, by the very nature of his purpose, the amateur is little bound by the restrictions of tradition and competition and is therefore free to innovate what the professional often recognizes ultimately as desirable. The ideals of the little theater, for example, were made commercially safe by amateurs. It is not entirely true that an uncreative age produces few artists. Rather should it be said that an uncreative age cannot nurture its artists. Not even a specialist can work in isolation. He needs an interpreter and it is this that the amateur becomes.

ELIZABETH TODD

See: PROFESSIONALISM; ART; LEISURE; PLAY; AMUSEMENTS, PUBLIC; ARISTOCRACY; SALON; CLUBS; SPECIALIZATION; COMMERCIALISM; INDUSTRIAL ARTS; DANCE; DRAMA; MUSIC; ATHLETICS.

Consult: Perry, Bliss, *The Amateur Spirit* (Boston 1904); Tinker, Chauncey Brewster, *The Salon and English Letters* (New York 1915); Stephen, Leslie, *English Literature and Society in the Eighteenth Century* (New York 1904); Chase, Stuart, "Play" in *Whither Mankind*, ed. by Charles A. Beard (New York 1928) p. 332–53; Rogers, F. R., *The Amateur Spirit in Scholastic Games and Sports* (Albany 1929).

AMBROSE (*c.* 340–97), church father. He was born in Trèves, the son of a Roman officer of high rank. He was educated at Rome in the humanistic tradition of the age of Constantine, and entered first upon the career of a high Roman official. In 370 he became consular prefect of northern Italy, with headquarters in Milan. When urged by the people he accepted the office of bishop, although he had not been ordained or even baptized. He held it until his death, achieving such distinction that Milan, like Rome and Carthage, became an important center in the formation of Latin Christianity.

Ambrose was unlike Augustine in that his lasting influence was due to his personality rather than to his writings. The nobility of his character, which had captivated the populace, was largely instrumental in converting Augustine to the church. His native capacity to rule enabled him, as a representative of the church, to reject successfully the claims of the empire for the first time in history and, with no other weapon at his disposal than the strength of his faith, to subordinate the acts of the Christian

emperor to the moral dictates of the Gospels. As scion and conqueror of the Roman nobility Ambrose assumed leadership of the Milan church and became the venerable prototype of church princes throughout Catholic history.

Ambrose originated Latin church singing and composed some of the most beautiful of the Catholic hymns. The quality of his writing became less distinguished, however, as its character became more impersonal. Accordingly a descending line can be traced from his poetry through his letters, orations and sermons to the larger theological-scientific treatises.

The importance of Ambrose as a scholar and theologian rests chiefly on his work in Christianizing and Latinizing the pagan heritage in education and theology. He made excerpts from Philo and Origen; he made available to Roman Catholicism the works of the Greek church fathers and of the Alexandrian philosophers; and he adapted to the uses of Christianity Cicero's work, *De officiis*. In his own *De officiis ministrorum*, with its carrying over of the stoic doctrine of duty, he produced the model for all homiletic ethics and at the same time furnished authoritative support for such specific doctrines as that private property is not in accord with natural law. His letters and orations have been frequently cited to prove that, while palaces may be subordinate to the emperor, churches are subordinate to the bishop (*Epistola 20* in Migne, vol. xvi, col. 999), or that in matters of faith emperors are not the judges of bishops but bishops the judges of Christian emperors (*Epistola 21* in Migne, vol. xvi, col. 1004).

EDGAR SALIN

Works: St. Ambrosii, *Opera omnia* (the Maurine is the best of the earliest editions, 2 vols., Paris 1686–90); this has been reprinted in Migne, J. P., *Patrologia latina*, 221 vols. (Paris 1844–65) vols. xiv–xvii; a modern edition is being issued in the *Corpus scriptorum ecclesiasticorum latinorum*, vols. i–lxvi (Vienna 1866–) vols. xxxii, lxii, lxiv.

Consult: Carlyle, R. W., and A. J., *A History of Mediaeval Political Theory in the West*, vols. i–v (Edinburgh 1903–28) vol. i, pt. iii; Salin, Edgar, *Civitas Dei* (Tübingen 1926); Troeltsch, E. D., *Gesammelte Schriften*, vols. i–iv (Tübingen 1926–) vol. i, p. 83–178.

AMENDMENTS, CONSTITUTIONAL. An adequate provision for amendment is implicit in the very nature of a constitution. Not only must it be possible to adapt the fundamental law to changing conditions, but any government founded on the democratic principle of popular sovereignty must make possible the fresh assertion of the popular will as that will changes. For these reasons most modern constitutions either contain specific machinery for their own amendment or are recognized as changeable in some less formal manner.

The term "amendment" connotes a definite and formal process of constitutional change. Used in this narrower sense it describes but one of the methods by which constitutions are altered. This formal method is supplemented by the force of tradition and custom which may vitally alter the constitution, by judicial interpretation and by the enactment of statutes which affect the organic structure of the state. All of these processes of change are discernible in the evolution of the Constitution of the United States and of those of the several states.

Bryce classified constitutions as "flexible" and "rigid" according to whether they can or cannot be changed by the same process by which ordinary laws are made. There are, however, many degrees of flexibility and a wide variety of methods for effecting the revision or amendment of fundamental law. The British constitution, often loosely described as "unwritten" since custom and common law enter so largely into its make-up, may be modified by Parliament by the procedure used in passing an ordinary law. But there is a fairly well solidified tradition that constitutional changes shall be made only after a general election which affords opportunity for a popular mandate on the change. The written constitution of France may be amended by a joint assembly of the two houses of Parliament meeting at Versailles after they have separately declared in Paris in favor of the change. The constitution of Switzerland can be amended only by a majority vote of the people, which must also be a favorable vote in a majority of the cantons. Proposals for such amendments may come either from the federal congress or in the form of an initiative petition signed by 50,000 voters. The new German constitution may be amended by a two-thirds vote of both houses of parliament. If the upper house (Reichsrat) rejects a proposed amendment it becomes valid in two weeks unless the objecting chamber demands a popular referendum. Amendments may also be proposed by popular initiative and adopted at a referendum election. A proposal voted upon in referendum must be approved by a majority of the registered voters. In most of the new states of Europe constitu-

tions set up since the World War are easily amendable by legislative action alone.

The Constitution of the United States is of the rigid type, though less so than its predecessor, the Articles of Confederation, which could be amended only by a unanimous action of the states in Congress voting as units. Article 5 of the constitution sets forth the procedure for amendment. Amendments may be proposed in two ways: by a two-thirds vote of both houses of Congress (i. e. two thirds of a quorum); or by a convention called by Congress upon petition of two thirds of the states. No such convention has ever been called. Amendments may be ratified either by the legislatures of three fourths of the states or by conventions in three fourths of the states, as Congress may determine. Congress has always designated the former method.

Through July, 1926 (the last official compilation), nearly 2500 resolutions had been introduced into Congress proposing, it is estimated, over 3000 changes in the constitution. Of these Congress adopted and submitted to the states for ratification only twenty-four, nineteen of which have been ratified. Those failing of ratification are two amendments submitted in 1789 with the first ten, one of which related to apportionment in Congress and the other to the pay of members of Congress, one in 1810 forbidding acceptance of titles of nobility, one in 1861 prohibiting interference with slavery, and one in 1924 authorizing federal child labor legislation.

In view of these facts it was natural that the opinion should spread that the constitution was too difficult of amendment. Writing in 1885 (*Congressional Government*, Boston 1885, p. 242) Woodrow Wilson observed: "It would seem that no impulse short of the impulse of self-preservation, no force less than the force of revolution, can nowadays be expected to move the cumbrous machinery of formal amendment erected in Article Five." Proposals of easier methods of amendment were urged in the nineties by the scholars John W. Burgess and Munroe Smith (see Burgess's *Political Science and Comparative Constitutional Law*, 2 vols., Boston 1890–91, vol. i, p. 150–54, and Smith's "Shall We Make Our Constitutions Flexible?" in *North American Review*, vol. cxciv, 1911, p. 657–73). Their suggestions included proposals of amendments by bare majorities in two successive congresses and reduction in the majority of states necessary to ratification. Proposals in Congress for an easier amendment process became both frequent and varied. These usually included a method of proposing amendments by petition of a certain number of state legislatures or by a petition signed by a certain percentage of voters in a definite number of states, and a form of ratification by popular vote either in the states or the nation at large. The details of the proposals may be studied in H. V. Ames' monographs.

An interesting change of attitude with regard to the amending process has been discernible since the adoption of the Prohibition Amendment in 1919 and the Woman Suffrage Amendment in 1920. These were ratified in the legislatures of certain states in which the proposals would have been defeated in popular referenda. Thus many who had regarded the referendum as a dangerously radical device now advocated it as a conservative check which ought to be included in the process of ratification of amendments, and numerous proposals to that end have been made in Congress. These proposals have frequently specified also that where ratification is to be by state legislatures, such action may not be taken until after a legislative election in which the people may give their representatives a mandate on the proposed amendment.

Amendments to the forty-eight state constitutions are made by highly diversified methods. Every state constitution sets up some procedure for its own change or revision. These methods are of three general types. The first is by constitutional convention which is used for more or less thoroughgoing revision. Such conventions may be called in every state except Rhode Island. In the second place every state constitution, except that of New Hampshire, may be amended by the process of legislative proposal and popular ratification. This is the method followed for making isolated changes in the constitution or additions to it. In more than a dozen states (thirteen in 1928) a third procedure obtains whereby amendments may be proposed by popular initiative by means of a petition signed by a definite percentage of the qualified voters. These proposals must be ratified in the usual way. The varied details of these methods may be studied in W. F. Dodd's book on the subject, and more briefly in the recent treatises on state government.

The question of how difficult or easy of amendment a constitution should be is not a simple one. The answer to it should depend largely upon what the constitution contains.

If its provisions, like those of the federal constitution, are all of fundamental import, then a method of amendment or revision is desirable which is sufficiently deliberate and restrictive to assure the most careful and mature consideration of the fundamental law. Our state constitutions, however, all contain many provisions of temporary or relatively trivial import, placed there frequently as a result of popular distrust of our state legislatures. It seems clear that constitutions containing clauses of this character should be easier to amend than those which contain only fundamental law. Otherwise these transitory and detailed provisions cannot be kept adequately adjusted to the changing demands of public policy. It has been suggested that parts of the same constitution might be amended by different methods. Thus a fairly difficult method might be made applicable to the fundamental parts of the constitution, while an easier procedure could be used to change those provisions of the constitution which are essentially legislative in character. Oklahoma and Virginia have applied this principle in a minor way by setting up a fairly rigid method of amendment for general use but providing that certain detailed sections might be altered by the legislature alone after the lapse of a certain length of time. The problem of the degree of flexibility of constitutions may ultimately be solved along these lines.

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See: CONSTITUTIONS; CONSTITUTIONAL LAW; CONSTITUTIONALISM; JUDICIAL REVIEW; CONSTITUTIONAL CONVENTIONS; ARTICLES OF CONFEDERATION; BILLS OF RIGHTS. See also other articles relating to specific amendments to the American constitution, or articles dealing with the subjects of the amendments.

Consult: Bryce, James, *Studies in History and Jurisprudence*, 2 vols. (London 1901) vol. i, ch. iii; Horwill, H. W., *The Usages of the American Constitution* (London 1925); Ames, H. V., "Proposed Amendments to the Constitution during the First Century of Its History" in American Historical Association, *Annual Report 1896*, vol. ii, and "The Amending Provision of the Federal Constitution in Practice" in American Philosophical Society, *Proceedings*, vol. lxiii (1924) 62–75; "Proposed Amendments to Constitution of United States, 1889–1926," ed. by C. C. Tansill, in U. S. Senate, 69th Cong., 1st sess., *Senate Documents*, vol. viii; Jameson, J. H., *The Constitutional Convention* (New York 1867); Dodd, W. F., *The Revision and Amendment of State Constitutions* (Baltimore 1910); Hoar, R. S., *Constitutional Conventions* (Boston 1917); Borgeaud, Charles, *Établissement et revision des constitutions en Amérique et en Europe* (Paris 1893), tr. by C. D. Hazen (New York 1895); McBain, H. L., and Rogers, L., *The New Constitutions of Europe* (New York 1922).

AMERICAN FEDERATION OF LABOR is the experimental outcome of labor movements in America, Germany, Great Britain and France. Here in North America the two nations of Canada and the United States, the continental variety of economic conditions, the mixed sovereignty of forty-eight states and one federal government, the domination of local politicians combined in two national parties, the successive waves of immigration from all lands and a remarkable mobility of labor, have afforded the scope and imposed the necessity of bringing together in one federation over an entire continent as many varieties of unionism as may be found in other lands more limited and uniform in their circumstances. The leading originators of the federation, in 1886, had previously, in 1881, taken over, almost verbatim, the constitution of the British Trades Union Congress, and that imported form of organization is perpetuated in forty-eight state federations of labor. Other originators of the federation had participated in or struggled against three preceding strictly American organizations—the National Labor Union, the Greenback Labor party and the Knights of Labor—each of them a product of the deflation of prices after the Civil War. The federation had to adapt itself to the individualistic psychology of these American movements unknown to other countries. Still other originators had participated in the American trade unions which began or expanded in the Civil War under American, British, Scotch and latterly Irish leaders.

The anarchistic exiles from the Paris Commune of 1871 and the communistic exiles from Germany's attempted suppression of socialism furnished, during the miserable decade of the seventies, leaders of desperate strikes, of street demonstrations, and finally the "Ten Philosophers" from whose eager deliberations the American Federation of Labor derived its first organization in the cigar shops of New York, 1879.

From the National Labor Union (1866–72) and the Greenback Labor party (1874–80) the men who later organized the American Federation of Labor learned a painful lesson: the futility of a labor party which had necessarily to be founded on alliances with frantic farmers and small business men against their organized opponents, the bankers and big business men under the guidance of expert managers of American machine politics. Such alliances could last

only while the slump in business continued.

From the Knights of Labor (1869–86) they learned that miscellaneous organized labor was incompetent to manage productive cooperation with the purpose of displacing capitalism by a voluntary cooperative commonwealth; and they learned that this same miscellaneous labor, while it might win sudden mass strikes, could not keep the winnings.

From the French exiles they learned that street demonstrations brought to the front the facile intellectual agitator against whom the workers in the shops were helpless and by whom they were misled; the American leaders could not even share the French anarchists' glorification of street barricades.

From the German communists and the teachings of Marx they learned that their immediate opponents were the employers who owned the shops, and that their enduring alliances must therefore be not with farmers and small business men, since these included their own employers, but with other wage earners in the shops of competing employers. But they had also learned from the National Labor Union and the Greenback Labor party that a labor party in America must include these same farmers and business men against whom, as employers, they must proceed, as communists, by confiscating their shops and usurping their management.

From the British and American unionists and from the Knights of Labor they learned that labor could not be lifted as a mass, nor business and banking defeated as a mass, and that sporadic organizations in single shops could not accomplish improvement; that their immediate opponents were the competing employers in the same line of business, and their organizations of labor must be separated along competitive lines so as to extend to these competing employers and no further. They learned, too, from the British unionists, but not the American, that they must build for permanent organization which could withstand the cycles of business depression and unemployment.

This learning by experience was the outcome of the deliberations of the "Ten Philosophers," about whom Gompers writes in his autobiography. Gompers, the Jewish cigar maker from London, and Strasser, the German cigar maker, proceeded to organize on the British model first the New York and then the national cigar makers and later the whole labor movement. This last organization was known as the Federation of Organized Trades and Labor Unions of the United States and Canada.

It was found after five years' experiment with this British model (1881–86) that it really concealed two different functions—legislation and organization—which had to be separated, intensified and subdivided in order to fit the variety of American conditions. Out of the reorganization based on these discoveries came the American Federation of Labor, in 1886. Legislation had to be split into federal, state, municipal, Canadian and provincial. So the new organization, for legislative purposes, split the Trades Union Congress eventually into forty-eight state congresses and the Canadian Trades and Labor Congress with federations for the provinces of Canada, in order to fit the political divisions of the whole North American continent, and changed "United States and Canada" in its name to "American." Several of the trade unions similarly prefixed the word "international" to their names, meaning thereby "North American." While the British organization had its one parliamentary committee and its annual congress of all the unions, which eventually became, by alliance with the socialists, the British Labor party, the American federation has its executive committee and congressional lobbyists at Washington, affiliated with an independent congress at Ottawa for the Dominion of Canada, but supreme over the federations of the states and Porto Rico.

Like the British organization, and also like the Knights of Labor, the federation has its city central federations, which in Russia became the Soviets. These local federations in America are also linked up with municipal politics, and have even conducted independent municipal campaigns, the most notable being the unsuccessful Henry George campaign of 1886 in New York, conducted by the Central Labor Union in alliance with socialists and single taxers, and the successful McCarthy campaign of 1909 in San Francisco.

The second function, separated from the other functions and immensely emphasized in America, is organization of the unorganized into local unions, their allocation to membership in the several national and international unions, and mutual support among all the unions in offense and defense on the economic field. The American Federation of Labor has as high as a thousand diminutive "federal labor unions" directly under control of headquarters at Washington. These are always in process of

formation and dissolution as recruiting stations for existing or new national unions. The federation supports from its own funds from twenty to fifty general organizers in various localities, who give their assistance to incipient unions and older unions. It appoints special organizers for concerted action or sympathetic strikes, as in the case of the steel strike of 300,000 workers in 1919, or in the organization of the 35,000 Italian subway workers in 1902 in New York. The strikes themselves are conducted by the affiliated unions; but the federation officials and organizers lend their aid, and at times are a means of collecting large sums of money as their substitute of "moral and economic force" for the sympathetic strike.

The union label, an American invention first adopted in California to exclude Chinese workers from the shops and then copied wherever the consuming power of union labor could help, has been, for unions like brewery workers, cigar makers, employees on workingmen's garments and others, an instrument of importance in the program of mutual support. The label is organized labor's trade mark, protected against infringement by state and federal legislation, like the trade marks of capitalism.

Thus the economic problem of organization became the decisive point in the reorganization of 1886. The experience of five years with the British model showed that nothing could be done with the national political parties. The letters of the federation were unanswered and its agents unheard. Besides, at that time Congress had not undertaken labor legislation, the federal courts had not begun to use the injunction against labor unions or to declare unconstitutional the labor laws of the states. There were very few such laws anyhow, and they were state laws, since the states were then deemed to be sovereign in such matters. Hence the reorganization of 1886 provided for state federations whose main purpose should be legislation, while the national federation specialized on the expansion of economic organization in all the states. Its headquarters were established in Indianapolis, a thousand miles from Washington but a convenient railroad center for reaching all parts of the country. Not until 1896, after federal injunctions and judicial unconstitutionality had nationalized labor legislation, were headquarters moved to Washington, where the executive committee could reach the Congress, the president and the departments. Federal labor legislation eventually became equal and even superior in importance to widespread organization, for the federal injunction challenged the right of unions to exist except on paper, and unconstitutionality challenged the usefulness of state federations of labor.

But in 1886 the problem of organization was supreme. The contest with the Knights was approaching its climax. The legislative constitution of the preceding five years was not fitted to this task. It provided only for a legislative committee without executive power between sessions. Nor were the trade unions of the country interested in national legislation—they were interested in defending themselves against the Knights, who in that year had reached the height of their power. Hence at a national conference of the officials of twenty-five unions and the legislative committee of the Organized Trades and Labor Unions, the latter disbanded and the national unions formed the American Federation of Labor. Samuel Gompers, secretary of the former legislative committee, was made president, and was reelected to this position every year, except one, until his death in 1924.

The federation proceeded, in 1887, to strengthen the voting power of the national unions. Delegates from national and international unions were given one vote for each one hundred members, leaving the delegates from city and state federations with only one vote. Thus in the convention of 1924 the eight carpenters' delegates cast 3152 votes and the one delegate from the central union of New York City cast one vote.

This method of voting, it will be seen, makes the American Federation of Labor not a popular representative assembly for legislative or political purposes, like the former British or German or French conferences, or like the former General Assembly of the Knights of Labor, or the former National Labor Union, but makes it a congress of ambassadors from sovereign unions, "weighted" according to the size of the union. The delegates from the unions are usually the national presidents and executive officers of the unions.

Thus no individual workingman is a "member" of the American Federation of Labor. He is a member only of his union, and it is his national union that is the member of the federation. There is even no dual citizenship, as there has been since the Civil War under the political constitution of the United States,

where every citizen owes allegiance both to the federal union and to the state of his residence. Each workingman is a "citizen" only of his own union, and gets representation in the federation only through the executive officers of his national union. Consequently the federation has no jurisdiction over individuals (except in the small federal labor unions above mentioned). Furthermore, since the federation has no funds of its own except the meager fund of one cent per member per month which the national unions each contribute in a lump sum, the federation remains with only "moral" jurisdiction over its constituent unions. It is a loose confederacy—not a federal union.

The result is that no "left wing" or "anti-administration" movement within any national union can get representation, or even a vote, in the federation convention, except as it comes from a city or state federation where the voting is legislative, democratic and equal for each local union, no matter how weak or strong it may be. As a matter of fact nearly all of the socialistic or communistic resolutions offered in the conventions of the American Federation of Labor have come from these local delegates, occasionally from a socialistic or politically minded national union, and then, after speeches, they are voted down ninety-nine to one. They have freedom of speech but no weight.

No wonder that the dissatisfied and sometimes revolutionary elements in this country and in others criticize the federation bitterly as "a machine," "boss ridden," "reactionary," even "a corrupt conspiracy of tyrants." The federation was organized and has been maintained expressly for organization purposes and to keep out disunion. Like the American political parties it is a "machine"—indeed its principle of organization has been named "business unionism" by Hoxie, a discriminating student of labor movements. In the American conflict of races and religions and of geographical sections, in a system of machine politics and highly efficient mechanized capitalism, and in the absence of any "class consciousness" or "solidarity" of labor, which in other countries is the heritage of centuries of military suppression, the American federation has just one "pure and simple" business—how to create a united front which is able to deal as one man with any situation regarding higher wages, shorter hours, slower speed, stricter shop control of jobs and permanence of unionism. The federation was created not as a political movement to overthrow capitalism or get control of government, but as a movement within the ranks of labor to bring about permanent organization over a continent where everything conspired against both organization and permanence.

Hence when it came to dealing in 1895 with the Socialist Trade and Labor Alliance, or in 1905 with the syndicalistic Industrial Workers of the World, or in 1923 with the Communists, whose movements threatened to disrupt some of the unions, the federation was in a position to take drastic united action, expelling and suppressing them. The federation is truly a militant organization, but in a country where there is no class consciousness that unites labor regardless of organization, its militancy runs sidewise against disruptive labor movements even more uncompromisingly than frontwise against employing capitalists.

This lateral and frontal militancy within a disruptive environment affords an explanation of several peculiarities either wholly absent or unobtrusive in other countries and at former times in America. These are the small proportions of organized to unorganized labor, the wide spread of wages between high paid and low paid labor, dual unions, jurisdictional strikes, trade agreements and strict shop rules.

American industrial labor is much less extensively organized than the labor of other countries. While Germany, in 1924, was about 75 percent organized, England 65 percent, and Australia 60 percent, American labor was only 15 percent organized, including the relatively small numbers outside the federation. The percentages were larger in all of these countries at the peak in 1920. It may be estimated that in a city like Philadelphia a larger percentage was organized in 1835, when the ten-hour day strikes were first successful, than at any subsequent time. But those organizations lasted less than a year. In contrast with this and other similar disruptions, Gompers was able to report in 1897 that the unions of the federation had been able—for the first time in America—to maintain their organizations during a period of business depression. While only 15 percent of "organizable" labor is organized, this is an average of figures ranging from 100 percent organization in a few trades down to zero organization in the bulk of the industries.

Paralleling this diversity of organization is the diversity of wages and hours. Skilled labor in some of the organizations gets as high as $1.75

per hour, six or seven times as much as the pay obtained by the lowest unskilled and unorganized in others, which falls to twenty cents an hour or less. Contrasted with this, formerly in America and now in other countries, the highest skilled labor obtained no more than twice or thrice the wage that went to the lowest unskilled labor. Hours of labor, too, run from thirty-five per week to seventy-five per week, while in other countries, as formerly in America, they are much more nearly uniform. Thus the diversity of American political and economic conditions is paralleled by the diversity of organization, of wages and of hours. The spread is more extreme than the difference between the building trades of London and the textile mills of Bombay. The former, transported to New York, are highly organized with high wages and short hours; the latter, to North Carolina, seem unorganizable with low wages and long hours. In some industries "industrial" unions, including the unskilled, have reduced the differentials formerly resulting from "craft" unionism.

These differential high wages are obtained largely by relentless prohibition of dual unions. The form of organization of the federation is designed for this purpose. If it is a congress of ambassadors rather than a house of representatives, then it follows that no territorial or occupational infringement will be permitted over the boundaries of each autonomous organization. England has 1100 independent unions, largely sectional rather than national—the American Federation of Labor has only 106 national unions, each dominating its local and sectional branches. Organized unions in Germany seem indifferent as to whose members get the jobs. It is enough that they are "organized," but not important to which union they belong. Perhaps this indifference is owing to class consciousness, equal wages and immobility. The American federation, instead of permitting different organizations to do the same work, is based on the principle of only one union for one kind of work throughout North America. This was its foundation from the start in 1881 and is even more solidly its foundation today. It means a federation of sovereign trade unions determined on mutual protection from dual unionism. Differential high wages, scarcity of high wage jobs, prohibition of dual unions and the absence of class consciousness, make the American federation a league of independent allies, not one big union.

But this independence has its weakness—jurisdictional disputes and jurisdictional strikes. The carpenters have conducted twenty contests with other unions on matters of jurisdiction. They have defied the federation, have been expelled from the Building Trades Department, have withdrawn, have conquered, have been taken back. Nearly all unions have had similar contests, but none so many. Jurisdiction means the power to make rules governing individuals respecting the materials, or tools, or kinds of work. The federation, when admitting a union, carefully and minutely describes its jurisdiction. If the claim of the union covers the total jurisdiction of a member union, it is a dual union and is excluded. But if it claims only a part jurisdiction, the highly technical problem must be agreed upon as to the lines of demarcation. This must be done over and over again, when new materials, new tools, new kinds of work, are introduced. But, even so, no method has been discovered by which jurisdictional disputes can be handled in such a way as to avoid jurisdictional strikes. Such strikes, especially in the building trades, have at times cost large losses in wages, in profits and in public sympathy. They damage friendly employers, but non-union employers escape. Leaders of the federation for more than thirty years have looked with dismay upon these disputes as a serious menace. The federation has tried all remedies except the compulsion which its constitution prohibits by denying jurisdiction over individuals. Hence the strength of the federation, its use of "moral force," is its weakness.

To the jurisdictional dispute must be added jurisdictional jealousy. When twenty-four different national unions had to unite in conducting the national strike of 1919 against the United States Steel Corporation for the eight-hour day in place of the twelve-hour day, the question as to which unions should have the thousands of new recruits from the previously unorganized brought forth internal dissensions and indifference to further organization, against which the federation was powerless and the corporation victorious.

However, its greatest achievement, and the one of which the federation is proudest, is the trade agreement. Often misinterpreted and misapplied, the trade agreement is the outcome of a constitutional convention of capital and labor for the economic government of competing establishments in an entire industry. It is a

flat denial of the communistic and syndicalist doctrine of an irrepressible conflict between "capital" and "labor." Historically it has usually followed a severe conflict extending throughout an entire industry. The first national trade agreement, originating in this way, was made for the iron and steel industry, 1866. The next was in the stove foundry industry, 1891. The latter became the model toward which federation policy focussed after the notable agreement in bituminous coal mining, 1898. The trade agreement means what the name indicates, an agreement between competing employers and competing laborers, throughout the competitive area and through their representatives, to stop their conflict by laying down shop rules for the regulation of the labor contract in all individual transactions.

The trade agreement is also a denial of the antimonopoly policy that culminated in the federal antitrust act of 1890, after centuries of insistence in legislation and in common-law decisions of the courts. But the trade agreement means not only acquiescence in but also advocacy of comprehensive organizations of capital, provided they are confronted by similar organizations of labor.

The trade agreement is not an agreement to prevent competition but one to regulate competition through uniform shop rules. It reduces "free" competition by introducing "fair" competition, as far as conditions permit. The American federation is a confederacy of unions each attempting to set up its own shop rules in its own industry. If the union is powerful enough, like the printers on daily newspapers, its rules are made not by trade agreement but by labor dictatorship. If the union is weak or non-existent, the rules are made by capital dictatorship. Between these extremes the rules are of great variety. Their purpose is evidently not the political or class conscious purpose of improving the condition of labor as a mass, but the individualistic purpose of affording greater liberty, equality and security for individual members within the competitive area. They cover such items as hours, speed, transfers, promotions, seniority, "hiring and firing," piece-work, discrimination, "victimization" of leaders, and they provide in various ways for interpretation, decision and appeal on individual disputes.

Shop rules, it is plain, are restrictions upon the common-law rights of the employer to manage his own business as he sees fit. Their first tendency is to restrict output. But the fact that the trade agreement policy of the federation for forty years had looked to collaboration with employers, in place of conflict, led to the formal declaration of the convention in 1925, already put into practise by several unions, favorable to cooperation with management in eliminating waste and increasing efficiency for the mutual benefit of employers and employed. Thus the trade agreement is the federation's assertion that there is a conflict of capital and labor, but it is not irrepressible; that the evils are not in the capitalist system but in free competition; that competition can be made "fair" by shop rules under joint jurisdiction of organized capital and labor; and that this joint jurisdiction leads to cooperation with management in increasing the efficiency of industry.

The federation has been from the start antipolitical and antilegislative. The trade agreement is evidently economic legislation, not political legislation. In this respect the policy of the federation fits the political system. American political parties are not founded on "principles"—they are business organizations of local professional politicians offering such promises, often different in different parts of the country, as they think will capture the voters. This means that they always take over from an independent "third party" whatever platform promises they think will dissolve that party and win its votes, if it appears to hold the balance of power. In the hope of this result the federation has always opposed a labor party and has always presented its legislative demands to the two dominant parties and to individual candidates, with recommendations that union members should vote for friendly candidates regardless of parties. This method is patently the only thing to do for an organization of only 15 percent of the voters. Sometimes the method gets results where strikes fail. After the federated unions lost the eight-hour strike in the steel industry in 1919, the Republican party leaders were reported to have induced the Steel Corporation to grant the demand voluntarily, which the corporation did in order to relieve the party of the incubus created by its victory over 300,000 workers. Similar paradoxes have occurred in the federation's history. The fact that administrative officers of government are usually elected by popular vote, whereas in other countries they are appointed by a legislative committee in control of the government, makes it even more

important for the federation's executives to use their influence with the administration rather than the legislature. It is in the administration of laws—local, state and federal—that the organizations both of labor and of capital accomplish their aims of nullifying objectionable laws, enforcing favorable laws, or interpreting colorless laws. This process does not require a political party.

But the method is precarious. Consistently, therefore, the federation's policy is anti-legislative. The primary reasons advanced against such legislation as that dealing with social insurance, hours of labor, minimum wage and the like are rooted in fear of government interference with the liberties of wage earners, thus reducing them to a "status." The "self-help" of laborers organized in unions, by which is meant the establishment of shop rules, enlarges the liberties of the individual workers. Yet the federation's policy calls for legislation in cases where laborers, like children, are too weak to organize and, in less degree, where women are involved.

Its position on these points is peculiar and baffled by the judiciary. Under the American constitutional system the judiciary is a third independent branch of government, having even superior power over legislatures and executives in the interpretation of an elastic constitution entrusted solely to the judiciary. For more than thirty years the federation has worked for what proved ineffective legislation intended to curb the judiciary in the issue of injunctions, whether in labor disputes or in the nullification of state and federal statutes. The political parties have repeatedly promised relief. But federal courts, especially, continue to extend their reach and to clip off one by one the instruments of organized action. The state courts then perforce follow the federal courts. The goal of the trade agreement, which is usually reached only after the destructive consequences of several years of aggressive organization, is thus deferred, perhaps demolished.

Even more baffling than the judiciary are the new tactics of many capitalistic concerns. The largest concerns, most vulnerable to public opinion and least pressed by competition, refrain from seeking injunctions, and direct their energies toward planning far in advance their own systems of shop rules taken over from the union schedule and designed to accomplish for their employees as much as, or even more than, organized labor can obtain. The astonishing growth, during the past ten years, of "scientific management," "personnel administration" and "welfare capitalism," under the administration of experienced and well trained professionals who already have their professional associations and periodicals, along with the policy of paying higher wages for the increasing proportion of unskilled labor brought in by technological progress than labor unionism has been able to obtain, and in addition the restriction of immigration which the federation has always advocated, deprive the unions of the federation of most of their appeals to the unorganized. These workers, numbering about 1,700,000 employees as contrasted with 4,000,000 members of the federation unions, have been denounced by the spokesmen of the federation for their "yellow unionism" and "company unionism." Nevertheless they clearly show the need for new policies on the part of the federation if union organization is to continue and enlarge. These new policies are already taking shape, and experiments are being made. The federation has the beginnings of a research bureau; individual unions have even employed professional technicians to deal with employers in connection with matters which affect the welfare of the industry and of the workers; training schools have been set up for union members and apprentices; the federation supports a Workers' Educational Bureau; high officers of the federation and its unions participate in meetings with the professional managerial experts of non-union establishments; publicity is widely given to comparative statements intended to show that the policy of collaboration with employers is bringing more economies, greater profits and higher wages than the corresponding employee-representation plans of employers. Just as the leaders of the federation forty years ago started to turn the energies of organization from politics and socialism toward shop rules intended to stabilize small scale competitive capitalism, so now they begin to turn their energies toward collaboration with the new large scale stabilized capitalism.

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See: LABOR MOVEMENT; TRADE UNIONS; TRADE AGREEMENTS; UNION LABEL; DUAL UNIONISM; LEFT WING MOVEMENTS, LABOR; BUSINESS AGENT; COMPANY UNIONS; PARTIES, POLITICAL.

Consult: Commons, J. R., and associates, *History of Labour in the United States*, 2 vols. (New York 1921); Perlman, Selig, *A History of Trade Unionism in the United States* (New York 1922), and *A Theory*

of the Labor Movement (New York 1928); Hoxie, Robert F., *Trade Unionism in the United States* (New York 1923); Kirk, Wm., *National Labor Federations in the United States* (Baltimore 1906); Gompers, Samuel, *Seventy Years of Life and Labor*, 2 vols. (New York 1925); Ware, Norman J., *The Labor Movement in the United States, 1860–1895* (New York 1929); *American Federationist*, official organ of the American Federation of Labor, published since March, 1894.

AMERICAN LAW INSTITUTE, an incorporated organization of judges, practising lawyers and law teachers, "to promote the clarification and simplification of the law and its better adaptation to social needs, to secure the better administration of justice, and to encourage and carry on scholarly and scientific legal work," had its inception in an undertaking of the Association of American Law Schools. That association had been considering a project for a "juristic center" which should "direct the attention of law schools toward the improvement of the law." A special committee had this project before it and determined that cooperation of courts, bar associations, law schools and learned societies was desirable. Accordingly, at the annual meeting in December, 1921, a committee was appointed to bring about such cooperation. The result was a meeting in May, 1922, which formed a "Committee on the Establishment of a Permanent Organization for the Improvement of the Law." That committee (of forty, judges, practising lawyers and law teachers, headed by Elihu Root) prepared an elaborate report, setting forth the defects in American substantive law, the need for restatement, the form which a restatement should take, a project for organization of an American Law Institute and for a restatement of the law under its auspices, and an estimate of the time and money required. The expense of the preliminary investigation leading up to this report was borne by the Carnegie Corporation, which subsequently gave $1,075,000 to finance the institute for ten years. The formal organization of the institute was completed in 1923, comprising the foremost judges, practitioners and legal scholars in the country. George W. Wickersham was elected president. At a subsequent meeting William Draper Lewis, former dean of the University of Pennsylvania Law School, was made director.

The work planned by the American Law Institute gives it a position of public importance and of significance for the future of American law. Two main projects have been undertaken: a restatement of the substantive law and a model code of criminal procedure. The restatement was begun by taking up four subjects: contracts, torts, conflict of laws and agency. Property and business associations were later added to this group. Each study is in charge of a reporter who has working with him a number of advisers, chiefly law teachers, and of assistants. Frequent conferences are held and the drafts as they progress are submitted to discussion and criticism at the annual meetings and by the council. Thus the views of judges and practitioners from all parts of the country are brought to bear on the drafts, which themselves represent the study and judgment of law teachers from all the more important law schools. In addition state bar associations through cooperating committees have begun to annotate the drafts for each jurisdiction, stating and discussing the pertinent local decisions and statutes, if any, or noting that there are none, and pointing out the relation of the restatement of the general law to local peculiarities.

The process of restatement is a method peculiarly in accord with the spirit of the common law. Restatement is not codification although it is hoped that the authority of the institute will result in some of the benefits of codification. It is not directly unification although it is probable that it will act as a force in this direction. In the restatements the aim is to formulate the existing common law at its best in the form of succinct propositions with a commentary setting forth divergent views, reasons for the choice of one rather than another, general considerations bearing on the text and illustrations of the application of the propositions to concrete cases. This aim may be contrasted with that of the project for the model code of criminal procedure, where the purpose is not merely to restate but to furnish a model for legislative improvement of the existing practise.

While the restatement proceeds entirely on the basis of the authoritative legal materials, making no attempt to refashion them with the aid of the social sciences and in the light of demands other than those of legal theory, it is a necessary forerunner of any effective refashioning. We must first master the authoritative legal materials which are to be reshaped. In doing this preliminary work thoroughly and in unifying the body of substantive law at a time when the economic situation of the country calls for a giving up of local legal provincialism, the

institute is doing a conspicuous service to American administration of justice.

ROSCOE POUND

See: LAW REFORM; CODIFICATION; COMMON LAW; JUDICIAL PROCESS; LEGAL PROFESSION.

Consult: American Law Institute, *An Account of the Proceedings at the Organization of the Institute at Washington, D. C., on February 23, 1923* (Philadelphia 1923); American Law Institute, *Report of the Committee on the Establishment of a Permanent Organization for Improvement of the Law* (Philadelphia 1923); American Law Institute, *Proceedings*, published annually in Philadelphia since 1923; Lewis, William D., Oliphant, Herman, Llewellyn, Karl N., and Parkinson, Thomas I., in Academy of Political Science, *Proceedings*, vol. x (1922–24) 313–52.

AMERICAN LEGION is an organization of persons who served in the United States forces between April 5, 1917, and November 11, 1918, the period of American participation in the European War. Unlike other veterans' organizations the legion admits women to membership since yeomen in the navy and nurses in the army were permitted military rank. The membership in 1918 was approximately 750,000; it was probably not more than 850,000 at the high point in 1922, although at one time a membership of 2,000,000 was claimed.

Organization of the American veterans of the World War was proposed by Colonel Theodore Roosevelt, Jr., in February, 1917, at a dinner of staff officers in Paris. Later (March 15–17, 1919) a caucus of one thousand representatives of various units of the Expeditionary Force was held in Paris from which was selected a committee of organization. A convention was called at St. Louis (May 8, 1919). The name "American Legion" was selected, and a constitution was adopted.

It was provided that the organization must not be allied to any political party; that the national commander should be elected at each annual convention for a period of one year and should not be eligible to reelection, and that no salaried elective officer should hold office in the legion. A tentative program for assistance to returned soldiers (government grants of land, rehabilitation of disabled veterans, improved administration of government insurance for veterans) was worked out. Posts ranging from fifty members upwards were chartered throughout the country, which was divided into departments usually following state boundaries; and the national headquarters was established at Indianapolis.

The object of the organization was stated to be "to uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate 100 percent Americanism; to preserve the memories and incidents of our association in the Great War; . . . to combat the autocracy of both the classes and the masses; to make right the master of might. . . ." Antiradical trends were further emphasized by the adoption of resolutions attacking the pardon or honorable discharge by the War Department of conscientious objectors, and condemning the Industrial Workers of the World, anarchists and international socialists. Peculiar conditions prevailed at the time of the organizing convention. A large section of public opinion greatly feared the extension of communist and radical activities in the United States. A political group desired to put forward Major General Leonard Wood as candidate for president in 1920. The problem of employment of returned soldiers was beginning to be acute.

With the tacit consent of the national organization many individual posts at once emphasized the radical issue and, officially or unofficially, took active part against the liberal side. Several hundred incidents are on record in which, following the policy of 100 percent Americanism, legionnaires were active in breaking up radical or socialist meetings, stopping concerts of German music, etc. In this and in the violence of expression often found in official legion publications and reports the legion merely reflected the wave of intolerance which was then passing over the country.

The most disastrous clash occurred between the legion and the Industrial Workers of the World at Centralia, Washington, on November 11, 1919. During the Armistice Day parade shots fired from a building occupied by the Industrial Workers of the World killed several legionnaires. The legion maintained that this was an unprovoked attack. The I. W. W. insisted that the legion parade had paused in its march to attack the I. W. W. headquarters, and that the shots were fired in self-defense. At the resulting trial of a number of members of the Industrial Workers of the World for murder, some were acquitted; others were convicted and sentenced to prison for murder in the second degree. The case remains an issue to date (July 1, 1930), there being considerable evidence to support the contention that the legion in Washington had taken sides in the struggle then existing between the I. W. W. and the lumber

interests with a view to eliminating the I. W. W. from Centralia, as well as to support the self-defense theory. Conflict resulting between the legion and labor organizations led to conferences (1922) between the commander of the legion, Franklin D'Olier, and Samuel Gompers, president of the American Federation of Labor, which brought about the establishment of an understanding between the legion and the right wing forces in the American labor movement.

The legion has often taken active part in projecting legislation, and has often been the beneficiary of minor legislative appropriations either directly by grant or indirectly by having extended to it the free use of government buildings or services. The great legislative issue of the legion has been the soldiers' bonus, or "adjusted compensation," the theory being that the returned soldiers should receive government grants equalizing their pay with that of laborers in civil life during the war. The question divided the country. A national campaign was instituted by the legion calling for grants by way of cash and paid up insurance, but it was opposed, especially in the East, by a large section of the public headed by Andrew Mellon, secretary of the treasury. Some sentiment in the legion likewise opposed it, e.g. the Willard Straight Post (New York); but the national organization was decisively for the measure. Proposals for a bonus in cash proved unacceptable, and a bill requiring grants by way of paid up insurance was introduced and passed in 1922 but vetoed by President Harding. In 1923 the bill was reintroduced with amendments. It was vetoed by President Coolidge but passed over his veto in 1924. At the same time the legion both nationally and in the various states conducted campaigns of varying success to give veterans preference in all civil service appointments and to place under legion supervision the operations of the Veterans' Bureau in Washington. A campaign for universal military training, although endorsed by the national convention of the legion, found legion sentiment divided and proved abortive.

On the humanitarian side the legion's activities, although less spectacular, have been more fruitful. In 1919–21 an extensive campaign, especially in the East, for reemployment of returned soldiers proved fairly effective. Individual departments of posts provided hospitals for disabled and tubercular veterans, cared for dependent children of the legion, located missing soldiers and gave assistance to veterans who desired to obtain or collect insurance or to secure other aid from the government. As the war receded, individual posts, through their club activities, have entered more generally into the life of their various communities, so that at present the legion forms one of the many national fraternal organizations whose individual units are a part of the social framework of many communities.

Politically the legion has to a considerable extent avoided the charge of creating an office seeking group. But the organization has nationally or locally supported or opposed individuals in public life. Men prominent in legion affairs have frequently entered political life, notably Theodore Roosevelt, Jr. (assistant secretary of the navy, candidate for governor of New York in the election of 1926, governor of Porto Rico) and Hanford MacNider (formerly national commander of the legion and subsequently assistant secretary of war); and the legion has continuously been a factor in local politics, especially west of the Mississippi River. A considerable number of posts supported the candidacy of General Wood for the Republican nomination for president in 1920. Legion sympathies were enlisted against the activity of the Non-Partisan League, the Farmer-Labor party and the La Follette candidacy in 1924. Although political activity was a factor in the 1928 election in Iowa and Nebraska, it has tended to diminish in recent years. In 1927 the legion received a great deal of public attention because of the trip of 20,000 legionnaires to Paris under semi-official government auspices. At present its national policies are largely concerned with the administration of the Veterans' Bureau and of the War Department, although it has also objected to diminishing the navy program. It continues to some extent its propaganda for Americanism and has never abandoned the welfare and relief work commenced in 1919.

A. A. BERLE, JR.

See: VETERANS; REHABILITATION; PATRIOTISM; MILITARISM; AMERICANIZATION; MILITARY TRAINING; ANTIRADICALISM.

Consult: James, Marquis, *A History of the American Legion* (New York 1923); American Legion, *Proceedings of the National Convention* (published in St. Louis annually for 1919–24; since 1925 printed in *House of Representatives Documents*); *American Legion Weekly*, published in New York since July 4, 1919; O'Connell, F. B., *History of Nebraska American Legion* (Lincoln, Neb. 1922); Fuess, C. M., *Brief History of the American Legion in Massachusetts* (Boston 1925); De Nys, R., "Qu'est-ce que l' 'American Legion'?" in *La revue hebdomadaire*, année xxxvi

(1927) vol. ix, 453–64; various reports of the American Civil Liberties Union; Warner, Arthur, "The Truth About the American Legion" in *The Nation* (New York) vol. cxiii (1921) 7–10, 35–36, 65–66, 89–91; Warr, O. L., "The Heroes' Union" in *The American Mercury*, vol. xiii (1928) 169–77.

AMERICAN PARTY. *See* PARTIES, POLITICAL, section on *United States*.

AMERICAN PROTECTIVE ASSOCIATION. *See* PARTIES, POLITICAL, section on *United States*.

AMERICANIZATION involves the social adjustment of the immigrant to the American environment—the processes of social assimilation by which immigrants in the United States come to participate in the common life of the nation and to identify themselves with it in thought and feeling. It is a slow and organic process which cannot be isolated from the totality of the immigrant's experiences and relationships in the United States. Fundamentally the problem of Americanization is the problem involved in any migration from one social group to another, the bringing together of the traditions of the immigrant's old and of his new community.

As it is commonly used at present Americanization suggests something other than the play of natural social forces. While the word has been employed for years, it was not until the World War that it gained wide currency. It was then that the heterogeneous character of our American population first became a matter of serious national concern. Prior to that time it had been generally assumed, except for anti-foreign outbursts among certain groups in the 1850's and again in the 1880's, that the American environment would of itself exert those pressures upon the immigrant which would make him an integral part of the American community. But when the war revealed many groups of immigrants voicing the national aspirations of their kin in Europe, war time efforts to arouse American national sentiments and weld national interests resulted in a formal movement of "Americanization" designed to supplement the play of natural social forces.

In most quarters this Americanization movement concentrated on teaching English to the immigrant and stimulating his naturalization. In many states the teaching of common school subjects in any language other than English was prohibited by law. This emphasis on the learning of English and on naturalization, together with the unfortunate atmosphere of coercion and condescension in which so many war time Americanization efforts were conceived, had the effect of bringing the word into a disrepute from which it has never fully recovered. Contributing to the same result, in the period following the war, were the widely expressed fear and suspicion of the immigrant, his frequent indictment as a radical, attempts to suppress his newspapers and organizations, the ignoring of his own culture and aspirations, the charge that certain nationalities and races were inferior and unassimilable, and the use of intimidating slogans. Americanization work too frequently made the assumption that American culture was something already complete which the newcomer must adopt in its entirety. Such attitudes and activities were important factors in promoting restriction of immigration, but they did not advance the assimilation of the immigrants who were already in America.

The principal agencies now doing Americanization work, in the more limited meaning of the word, include our public schools, religious and patriotic societies and a large number of independent and miscellaneous organizations, supported for the most part by voluntary contributions. Industries employing foreign born workers, chambers of commerce and women's clubs have frequently undertaken or sponsored Americanization work.

Evening schools for adult immigrants, maintained by most cities, are the chief governmental Americanization activity. For the most part instruction is limited to English and the elements of American history and civics required of candidates for naturalization. While many state governments make it compulsory for local boards of education to organize such classes, only a few share in their expense and the main burden of immigrant education rests on local communities. As a rule the state departments of education organize teacher training classes, develop methods of instruction and stimulate or supervise the activities of local school boards. In some cities, in addition to the evening schools, foreign born mothers are reached through home teachers and neighborhood classes.

Various states, conspicuously California and Massachusetts, have in addition to educational activities created special departments to protect the immigrant, investigate and adjust his complaints, promote better housing and inspect

labor camps. Among other government Americanization activities should be mentioned the work of the public libraries, many of which provide special facilities for immigrant readers. The United States Bureau of Naturalization formerly did extensive citizenship training work but at present this organization limits its activities to administering the naturalization law.

Equally important and extensive is the Americanization work of private organizations throughout the country. In almost every large city there is at least one citizens' bureau, Americanization committee or similar organization, designed to encourage naturalization, prepare the candidate for citizenship and assist the immigrant in adjusting some naturalization or other difficulty. Many large religious organizations, Protestant, Catholic and Jewish, maintain special immigration or Americanization divisions which meet or assist the newly arrived immigrant, help him with his personal problems of adjustment and carry on extensive educational activities in his behalf. Similar aid is extended by the travelers' aid societies and other nonsectarian agencies. Social settlements, the international institutes maintained by the Y. W. C. A., and many community centers, churches and welfare organizations are not only doing social service work for the foreign born but are also trying to establish friendly relations between individual immigrants and the native born.

Another important type of work is that which is being carried on among immigrant groups by their own organizations, national societies, parochial schools, educational institutes, mutual benefit and welfare associations. These organizations bind together national groups and seek to make their Americanization a process of amalgamation, not of substitution. Instead of treating the individual as a unit, assuming that he can be transformed, they work upon the group, thus relieving the strain which adaptation places upon the unsupported individual.

Important as these conscious efforts are toward Americanization, they represent only a part of the social forces which play continuously upon the immigrant and determine the degree and rapidity of his assimilation. A conspicuous force which makes for adjustment is the urge to achieve material success, which makes the immigrant adapt himself to American ways of work and business. This usually involves learning the English language as quickly as possible. Standardizing forces such as national advertising, ten-cent store products, movies, radio and the tabloid press play also upon the immigrant. An American neighborhood which receives the immigrant on a footing of social equality with the native born, American schools which give him an opportunity to educate his children, and industrial concerns which grant him good working conditions, a decent standard of living and a chance to advance act as agencies for Americanization. Assimilation is also facilitated by English or foreign language newspapers which furnish the immigrant much of his information about American laws and institutions, communities which provide for adequate housing, recreation and playgrounds, and political organizations which initiate him as a participant in American democracy.

These influences work with varying force upon individuals in small or large immigrant groups, agricultural of urban communities. Their effect is largely determined by the individual's own experience of prolonged unemployment, poverty, exploitation, separation from wife and family, inability to find redress for his grievances, isolation in overcrowded or squalid immigrant quarters, social discriminations, or by his acceptance into a community with adequate housing and recreation facilities and into an industry with good working conditions. Immigrant adaptation is further complicated by such problems as those arising from the transplanting of the land conscious peasant to a restless industrial community and by industrial dislocation in periods of unemployment or depression. However, an unsophisticated group whose chief fund of culture consists in a store of folk customs and folk wisdom necessarily enlarges its horizon chiefly in American terms rather than in those of its fellow countrymen. On the other hand those immigrants whose home experience is broader and whose own cultural background is richer have more to contribute to the making of American culture.

READ LEWIS

See: IMMIGRATION; NATURALIZATION; ALIEN; CIVIC EDUCATION; ASSIMILATION, SOCIAL; CONFORMITY; ADULT EDUCATION; PUBLIC EDUCATION; PATRIOTIC SOCIETIES.

Consult: *Americanization Studies* prepared under the direction of Allen T. Burns, 10 vols. (New York 1920–24); Abbott, Grace, *The Immigrant and the Community* (New York 1917); Wood, A. M., *Community Problems* (New York 1928) pt. v; Carpenter, Niles, *Immigrants and Their Children*, Census Mono-

graphs no. vii (Washington 1927); Drachsler, J., *Democracy and Assimilation* (New York 1920); Aronovici, Carol, "Americanization: Its Meaning and Function" in *American Journal of Sociology*, vol. xxv (1919–20) 695–730; Kallen, Horace M., *Culture and Democracy in the United States* (New York 1924); Fairchild, H. P., *The Melting-Pot Mistake* (Boston 1926); Thomas, W. I., and Znaniecki, Florian, *The Polish Peasant in Europe and America*, 2 vols. (2nd ed. New York 1927); Addams, Jane, *Twenty Years at Hull House* (New York 1910); *The Immigrant Portrayed in Biography and Story* (bibliography published by the Foreign Language Information Service) (New York 1925).

AMES, FISHER (1758–1808), American political writer and publicist. Ames was born in Dedham, Massachusetts; was graduated from Harvard College, a precocious and delicate youth, in 1774; read widely at home during the war; and was admitted to the bar in 1781. His newspaper essays during Shays' rebellion and speeches in the Massachusetts convention of 1788 gave him a reputation as publicist and orator. He served in the first four Congresses (1789–97) as a staunch Federalist, and his speech on Jay's Treaty was the greatest of that generation. In a series of essays in Boston newspapers between 1798 and 1808, he provided a philosophic basis for New England Federalism. In ancient history, from which most Americans read the lesson of tyranny, Fisher Ames found a warning against democracy. Starting with the premise that men are naturally evil and are influenced only by a desire for wealth or fame, he deduced that democracy must be a government of the worst and end in anarchy or despotism. Regarding England as a bulwark of religion and rational liberty, and Napoleon as the incarnation of the revolutionary spirit, he devoted much of his writing to the European war, and to denouncing the foreign policy of Jefferson and Madison. His classical allusions and crisp, nervous style gave his essays wide vogue among educated people, although they passed over the heads of the public; and among the ruling class of New England his position was analogous to that of Calhoun in the South of 1850. A collection of his essays was published posthumously in Boston in 1809 and partially reprinted in England in 1835 as a warning against democracy. His *Works*, edited by Seth Ames (2 vols., Boston 1854), contain a biographical sketch.

S. E. MORISON

Consult: Morison, S. E., "Squire Ames and Doctor Ames" in *New England Quarterly*, vol. i (1928) 5–31.

AMES, JAMES BARR (1846–1910), American law teacher and jurist. In 1873, shortly after his graduation from Harvard Law School, he was made assistant professor; in 1877 he became professor and in 1895 dean. His whole career was at Harvard. As a student he came under the influence of Christopher C. Langdell, recently appointed dean of the law school. The latter's ideas regarding methods of legal teaching were original and radical. Law was to be studied from first hand material in reported decisions of courts. The student was to employ the inductive process and to make his own syntheses. The opposition to Langdell, aroused by his radical theories, was not lessened when his disciple Ames, a young man without experience in the practise of the profession, was appointed to a professorship in the school. But the latter's genius as a teacher perfected the method which Langdell originated, and before Ames' death the case method, as it was called, was almost universally employed in the law schools of the United States. Through the preparation of a series of annotated case books and through his extraordinary power as a teacher he deeply influenced the legal thinking of a generation of practitioners, judges and law teachers. A few essays, particularly in the field of legal history, constitute very important contributions to juristic science. His "Disseisin of Chattels" and lectures on the history of assumpsit, in *Lectures on Legal History*, are legal classics.

Ames confined his researches rather strictly to the legal system of England and its development in the United States. He made little attempt to consider other systems, or to take account of social or economic elements, and almost entirely excluded legislation from his investigations. In short, he carefully marked off the province of law from that of other social sciences. Essentially his method consisted in the careful analysis of the reported cases, from the year books to the latest current report, with a view to discovering general concepts underlying the mass of judicial pronouncements. Although he studied case law as probably no other man of his generation, he was ready to reject precedent, to declare a result wrong, if it conflicted with principle.

In his later years an ethical tinge became more evident in his juristic thinking, especially in his treatment of equity, trusts and torts. Notwithstanding his devotion to the common law, he did not scorn the law of nature. It is

perhaps not so convincing today as it was in 1891 to describe as a "far-reaching principle of natural justice" the doctrine that "as between two persons having equal equities, one of whom must suffer, the legal title shall prevail" (*Lectures on Legal History*, p. 272). But Ames was able to make such a formula useful in producing harmony between apparently conflicting decisions in widely different parts of the law. His great service was the restatement of a large part of the common law in broader generalizations and clearer outlines.

ORRIN K. MCMURRAY

Consult: Eliot, C. W., and others, "James Barr Ames" in *Harvard Law Review*, vol. xxiii (1909–10) 321–38; "Memoir of James Barr Ames" in Ames, J. B., *Lectures on Legal History and Miscellaneous Legal Essays* (Cambridge, Mass. 1913) p. 3–26.

AMMON, ALFRED OTTO (1842–1916), German anthropometrist and one of the founders of the anthropo-social school in sociology. His anthropometric measurements of recruits and students in Baden, Karlsruhe and Freiburg showed that city born people were more dolichocephalic than country born people; that migrants from the country to the city were more dolichocephalic than those who remained in the country; and that the upper classes were more dolichocephalic than the lower classes. Such facts were due, in Ammon's view, to the selection of the dolichocephals by the city and by the upper classes. On the basis of these findings he posited a correlation between dolichocephaly and migratoriness, and likewise between dolichocephaly and intellectual capacity.

Later on, by combining the Darwinian principles of heredity, selection, variation, struggle for existence and survival of the fittest, Ammon gave a systematic theory of the social order and evolution of society. The essentials of this theory are as follows: first, the basic characteristics of the social order and social evolution are determined by the above Darwinian factors; second, any society progresses as long as the proportion of the innately talented persons (dolichocephals) of its members does not decrease; third, the existence of social inequality and stratification is a natural result of the innate inequality of individuals; fourth, the upper classes are much richer in talented dolichocephals than the lower classes; fifth, the existing forms of social selection in western society are unfavorable for the survival of these upper classes and they tend to decrease. At the present time many of Ammon's generalizations are known to be invalid.

P. A. SOROKIN

Important works: *Anthropologische Untersuchungen der Wehrpflichtigen in Baden* (Hamburg 1890); *Die natürliche Auslese beim Menschen* (Jena 1893); *Die Gesellschaftsordnung und ihre natürlichen Grundlagen* (Jena 1895, 3rd ed. Jena 1900). A short summary of Ammon's theories is given in his article, "Histoire d'une idée. L'Anthroposociologie" in *Revue internationale de sociologie*, vol. vi (1898) 145–81.

Consult: Berblinger-Ammon, Berta, *Otto Ammon. Das Lebensbild eines Rasseforschers* (Halle 1925); Kovalevsky, M., *Sovremennie sotsiologi* (Contemporary Sociologists) (St. Petersburg 1905) p. 339–51; Sorokin, P., *Contemporary Sociological Theories* (New York 1928) p. 244–51.

AMNESTY, a concept of public law, comes from the Greek ἀμνηστία, which means forgetfulness or oblivion and implies an act of the legal sovereign conceding, from grace, a voluntary extinction from memory of certain crimes committed against the state. It is a legal oblivion, usually of political offenses. However, only the criminal consequences of the absolved act are destroyed. Civil recourse to reparation for damages to third parties still remains, unless the amnesty has been made by its terms to cover exemption from all legal recourse.

Amnesty is usually held to be juridically different from pardon in that it involves no nullification of a penalty already judicially determined in particular cases, but is a general determination that whole classes of offenses and offenders will not be prosecuted. Normally amnesty is carried into effect by statute rather than by executive order, unless a devolution of the power upon the executive has been granted, under a survival of executive prerogative such as exists in England and Italy and, perhaps one may say, in the United States. Joseph-Barthélemy almost alone believes that amnesty, because it involves discretion, is an executive act and for that reason, under the French system, ought to be accorded by the parliament (not as a legislative power but as representative of the nation) but on the exclusive initiation of the government ("L'amnistie," p. 281–84). Others have held that it proceeds ultimately from the highest source of legislative authority, existing in the crown under constitutional monarchies, in the representative body under parliamentary republics. Owing to a refusal on the part of American courts to differentiate amnesty from pardon, the power is found both in president

and in Congress under the constitutional allocation of powers in the United States.

For purposes of formal classification amnesties may be said to be: first, general or particular, that is, they may cover all classes of political offenders or may be limited to special groups, with specific exceptions; and second, absolute or conditional, that is, they may impose no conditions or they may demand the performance of certain conditions before their provisions enter into legal effect.

Such a formal classification, however, oversimplifies the difficulties involved in an analysis of the concept. In Roman law it was extremely difficult to distinguish between amnesty and pardon. In continental law, with its Romanist traditions, the distinction between them is more finely drawn in theory than in practise. The amnesties granted often involve, in fact, commutation of sentences, as well as blanket indulgences.

American law, as well as English, possibly because of shared common law traditions, has been even less rigorous in the separation of amnesty from pardon. To be sure, American courts recognize a distinction between the two (U. S. *v.* Bassett, 13 Pac. 237, 239; 5 Utah 131; and U. S. *v.* Wilson, 7 Peters 160) and, although they take no notice of pardon unless it is pleaded, they apply amnesty as part of the law proceeding from the legislature (State *v.* Blalock, 61 N. C. 242, 247; State ex rel. Anheuser-Busch Brewing Ass'n. et al *v.* Eby, 71 S. W. 52, 61; 170 Mo. 497). Nevertheless some courts have held that "amnesty is included within the word 'pardon' which is generic, and includes every character of pardon" (Davies *v.* McKeeby, 5 Nev. 304–09; U. S. *v.* Klein, 13 Wall 128). The usual juristic distinction between amnesty and pardon is "not recognized in the law and, except that the term 'amnesty' is generally employed in pardons extending to whole classes and communities instead of to individuals, the distinction between 'pardon' and 'amnesty' is merely philological rather than legal" (Knote *v.* U. S., 95 U. S. 149, 152–53; this case finally determined that amnesty was not a grant and did not entitle to recovery of property previously condemned and sold). It is on this reasoning that the courts have held that a general amnesty may proceed from an executive proclamation; this executive power, however, does not destroy the power of Congress to pass an act of general amnesty. Here is possibility for confusion, yet this deduction, in spite of congressional resistance to President Johnson, appears to be sustained both by the practise of the presidents and by the courts (see, for an extended discussion, 8 *American Law Register* n. s. 513–32, 577–89; and Brown *v.* Walker, 161 U. S. 591–638).

Some courts have further held that "the term properly belongs to international law . . . and has no technical meaning in the common law," on the ground, it would seem, that it often "is applied to rebellions which by their magnitude are brought within the rules of international law" (Knote *v.* U. S., 10 Ct. of Cl. 397–407). It is hardly possible, in the light of political practise, to defend this contention merely on such a ground. Acts of amnesty have been applied to desertion and petty offenses. It is true, however, that amnesties of a general nature usually follow civil disturbances which have threatened the government, and that the granting of an amnesty is nearly always a sign that the government feels its position secure from violent overthrow, and that having disarmed its enemies in the field, it may proceed with the attempt at disarming hatred and resentment by an act of grace.

The first historical instance of an amnesty that shows a clear concept of its nature was the act by which Thrasybulus in 403 B.C., after the expulsion of the Thirty Tyrants from Athens, forbade the further persecution of citizens for their past political acts and exacted an oath of amnesty in an effort to erase civil strife from memory by the imposition of legal oblivion. In Roman law the *restitutio in integrum* was a rehabilitation amounting in practise to an amnesty. Every great civil struggle in which the victor has not pursued the defeated to complete extermination has of necessity been followed by an amnesty, tacit or legal.

French history, full of civil strife as it is, abounds in amnesties, first known as *lettres de rémission générale*. The *lettres d'abolition* in 1413 which accompanied the truce between the Armagnacs and the Burgundians were really an amnesty. Similarly in 1549 civil riots in Bordeaux were amnestied. The Edict of Nantes was partly an amnesty; and the whole nineteenth century was a long train of them, from Napoleon's imperial decree of 1802 to the successive amnesties up to 1881 following the civil disturbances of 1871 and the Paris Commune. Amnesties in favor of war time deserters, of communist agitators and of the Alsatian "Autonomists" have formed stormy subjects of debate since 1919.

In England the most famous amnesties include those after the Civil War in 1651 and that of Charles II in 1660. It is noteworthy that the latter excepted from the terms of the amnesty the judges who condemned Charles I to the block, though this was done by vote of a Parliament more vengeful than the king himself. The Fenians Act of 1873 and the amnesty to the Boers in 1903 are other typical amnesties.

The chief interest in amnesties granted by the federal government in the United States centers in the reconstruction period after the Civil War. Lincoln's Amnesty Proclamation of December 8, 1863, had been authorized by Act of Congress, July 17, 1862. It offered full pardon to those who took a prescribed oath, excepting certain classes of rebels. President Johnson's struggle with Congress grew in some measure out of his liberal Amnesty Proclamation of March 29, 1865, and from the congressional repeal on January 7, 1867, of the Act of 1862, by the authority of which Lincoln had proceeded. Johnson treated this repeal as a nullity and went about extending the provisions for amnesty in proclamations of September 7, 1867, July 4, 1868, and December 25, 1868, this last granting amnesty without the formality of oath. The question whether he was justified in subsuming amnesty under the executive's legal power of pardon has been disputed. Certainly he had precedents for his action in the presidential amnesty proclamations by Washington, Adams and Lincoln. (On the whole Johnson controversy see Edward MacPherson, *Political History of the United States of America during the Period of the Reconstruction*, Washington 1880, and *Political History of the United States of America during the Great Rebellion*, Washington 1876; also 12–17 *U. S. Statutes at Large*, appendices. For the legal effects of these acts see Brown *v.* Walker, 161 U. S. 591–638).

After the Great War the nationalistic settlements forced the incorporation of amnesty provisions in the armistice and the peace treaties. Amnesties became necessary also as a means of easing the bitterness which grew out of the post-war struggles of classes and minorities. Deserters of certain categories, those who had taken part in unsuccessful revolts and political offenders generally were amnestied. Because of the revolutionary and dictatorial character of their governments Italy and Russia furnish the most interesting illustrations since the war of strictly political amnesties.

In Italy the pre-Fascist governments were notoriously lenient to deserters. When the Fascists came into power the tables were turned. Blanket extinction of Fascist offenses of violence (and of non-Fascist offenses where they did not arise from "purely personal motives") were brought under a royal decree of December 22, 1922, that included "crimes committed in agitation, strife, tumults or conflicts arising from economic-social causes" up to a certain degree of seriousness (*Racc. di leggi e decreti*, vol. vi, 1922, p. 5022). Later amnesties permitted the escape of certain enemies of the regime who were being detained, although the decrees were aimed primarily at absolving Fascists. Amnesty in Italy hardly affords protection from Black Shirt terrorism or from subsequent arrest by the political courts.

Not only post-war Russian experience but the experience under the czarist regime as well furnishes many instances of failure to execute amnesties in strict good faith. The fate of some of the mutineers of the Russian war vessel *Potemkin* will be recalled, particularly that of Matushenko who was condemned to death in 1907 despite the amnesty of October 21, 1905. The reckless disregard of their own promises by Denikin, Kolchak and other White Guard leaders after the revolution was quite in tradition. One need not be surprised, therefore, at the failure of the Soviet government to carry out with complete good faith the amnesty offered by the Presidium of the All Russian Central Executive Committee (decree of December 16, 1921, to all enlisted men of the White Guard military organizations, and a later partial amnesty to White Guard officers as well). The secret Cheka left no one in safety who had been or might be suspected as a counter-revolutionist.

It is clear, therefore, that amnesties are effective as legal protection only in constitutional states under the rule of law which courts can enforce, or in absolute monarchies or dictatorships where the ruler is of tried good faith. Wherever the government feels itself insecure they are of doubtful worth. In fact, from the standpoint of the group in power, amnesties are politically expedient only when the regime is safe from further violence, and when clemency may not be mistaken for weakness.

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See: PARDON; POLITICAL OFFENDERS; CIVIL WAR; REVOLUTION.

Consult: Gagliardi, Elia, "Amnesty" in *Enciclopedia*

giuridica italiana, vol. i (Milan 1884) 2011–20 (the best analytical-juridical article); Cabat, L., *De l'amnistie* (Paris 1904); Joseph-Barthélemy, "L'amnistie" in *Revue du droit public et de la science politique en France et à l'étranger*, vol. xxxvii (1920) 260–313; Vrabiesco, G. C., *Contribution à l'étude critique du droit de grâce* (Paris 1921); Husson, P., *La réserve des droits des tiers dans les lois d'amnistie* (Lille 1922); *L'amnistie dans le traité de Versailles et dans d'autres traités de paix*, documents (Amsterdam, no date); Schäfer, L., *Die Londoner Amnestievereinbarungen* (Mannheim 1925); Prignon, P., and Barret, Jules, *La nouvelle amnistie, les incapacités électorales et la réhabilitation de droit* (Montreuil, Seine 1920); Alsberg, Max, *Die Reichs-Amnestiegesetze* (Berlin 1919).

AMOS, SHELDON (1835–86), English jurist and law teacher. Amos carried on the Bentham-Austin tradition in jurisprudence. In common with that school he regarded law and legislation as synonymous, and continued to emphasize the idea that law is a command issued by the governing body to the governed. Austin's penchant for distinguishing law from morality is reiterated in Amos. Yet Amos outsteps his master by recognizing the existence of international law, to which Austin had denied the title of law "properly so called." But the concept of international law which Amos developed was made to fit in with the general theory of law as a command. To him international law consists only of such rules as have a positive sanction either in the local courts of the various states or by some other force, such as war. Between the periods of Austin and Amos, Sir Henry Maine had written his epochal treatises on ancient law; the influence of these works is discernible in the writings of Amos even while he verbally continues strictly to adhere to the Austinian doctrines. Without accepting Maine's view of law as evolving custom he recognizes the utility and validity of many of Maine's tenets and concludes: "History, descriptive sociology, Roman law, foreign law and international law, logic, ethics and politics, are none of them alien, are most of them essential, and are all of them helpful to the fit furnishing of the student of legal sciences."

MAURICE FINKELSTEIN

Important works: *Systematic View of the Science of Jurisprudence* (London 1872); *The Primer of English Constitution and Government* (1st ed. London 1873, 7th ed. London 1895); *An English Code* (London 1873); *The Science of Law* (London 1874); *Lectures on International Law* (London 1874); *Comparative Survey of Laws in Force for the Prohibition, Regulation, and Licencing of Vice* (London 1877); *Fifty Years of the English Constitution* (London 1880); *The Science of Politics* (1st ed. London 1883, 3rd ed. London 1906); *History and Principles of the Civil Law of Rome* (London 1883).

AMUSEMENTS, PUBLIC. Literally, an amusement is something at which one gazes or stares; and public amusements are characteristically spectacles, but there are few forms of amusement which have not originally involved the active participation of every member of a group, whether as contestant in a game or as one of a chorus in a dramatic ritual. Most amusements have been group activities before they became mass spectacles. The commonly accepted distinction between amusement and recreation, which would limit the former to activities that divert without requiring any effort, is too narrowly drawn to the forms of an industrial civilization. The games and play to which modern man turns in a self-conscious attempt to regain strength and vigor, and which he calls recreation, have been among the important forms of amusement to people of other times. Even the most mechanized amusement retains something of the recreative value of the diverting; the recreative and the amusing are always intermingling. But amusements are primary; they are the spontaneous play patterns; in particular forms they may become cheap and repetitive and distorted, but they never lose the impress of activities which men have passionately enjoyed.

It is because one can best define amusements by reference to this emotional factor, to the attitudes which men have had toward certain occupations, that one must recognize as amusements a whole fringe of activities designed primarily for other ends. Thus one of the favorite amusements of the citizen of Athens was attendance at the speeches of the great orators; while the Roman found a similar pleasure in the debates of the Forum; and for the contemporary American the recurrent election campaigns are among the most popular of national sports. In the process of such transformation necessary activities are often elaborated that they may better serve as diversions. The pomp and splendor of the autocratic ruler, secular or priestly, ministers not only to his sense of greatness but furnishes all of the drama and pageantry that may come to large groups of his subjects. Even the execution of the criminal has been furbished out as the most entertaining of spectacles. And there is a pathology of cultural as well as of individual pleasure, which takes the form now of an Inquisition, now of a Cromwellian regime.

The actually existing variety of amusements

within any particular culture is determined by its economic resources, its social cohesiveness, its political structure, its relative isolation, its prevailing morality. But all the bewildering diversity of amusements which men of different civilizations and periods have known have been but variations of a few basic forms and patterns. Devotees of particular games and sports are fond of tracing their origins to remote and distant places—games of ball to Egypt, cock fighting to India or the court of the Great Khan, certain forms of athletic contest to Japan. But the relationship between modern amusements and those of Egypt is more fundamental than that of mere historical continuity; it is a functional similarity based on the shaping and reshaping of certain common elements into variant forms. Thus music and dance and the drama of religious ritual are universal; games and athletic contests find their place in modern recreational programs as they found a place in primitive life; exhibitions of strange beasts and men charmed the ancient Egyptian as they charm the modern circus goer or the courts of the native princes of India. There has never been a civilization without its individual mimics or clowns, its jugglers and performers of tricks. The strolling player and comedian wandered among the crowd at the Olympic games, initiated the literary drama in Rome, set up his stall in the fairs of mediaeval Europe as of old Japan, joined the great band of Elizabethan vagabonds, occasionally created a *commedia dell' arte* and finds shelter today in the circus or on the vaudeville stage. To the many whose daily occupations are more serious the masquerade has offered again and again a temporary escape from the bonds of personal consistency or of ordinary social standards. The element of masquerade was present in the earliest ritual dances; in the Roman Saturnalia or the mediaeval All Souls' Day it became the justification of a sudden wild escape into licentiousness; in pageant and carnival it heightened the merrymaking of aristocrat and of peasant. An equally persistent form of diversion has been gambling. The most primitive peoples have their games of chance, while from India and China, as from England or America, come records of long series of protests against the evils of organized gambling. And in every age betting has attached itself symbiotically to almost every available form of contest. Standards of taste and literateness bring now one, now another, amusement to the fore, but the materials of which public amusements have been formed remain the same. Science and machinery, though increasing their range and specific shape, have hardly added to their number.

Most civilizations have harbored some form of each of these diverse types of amusement, but with varying emphasis. Some amusements are dependent on the cultural situation for their quality or existence, while others have flourished at all times. Empires and despotisms have usually been accompanied by spectacular displays for the lower classes and the restriction of music or literary drama to a small class. A cosmopolitan population gives a touch of exoticism to amusements. Military peoples have emphasized horse races or tourneys and the ideals of physical health. In times of social change amusements take on a restless, shifting, roistering character. There has probably never been a time without its cruel amusements, but excesses of blood lust seem to occur most frequently in societies which are frankly organized on a basis of arbitrary power.

More significant than the coexistence of particular forms of amusement is the place of all amusements in the composition of different cultures. One of the primary changes in the position of amusements occurs in the transition from a simple, well integrated community to a protean, loosely grouped society, urban or rural under urban domination. In the former, amusements rise directly and with spontaneity from everyday activities. They involve the same personal contacts as work or religion. The distinction between work and release from work is thoroughly well recognized in a primitive community, but one activity may serve both purposes. The rhythmic cooperative effort of canoe building partakes of the nature of play; hunting is not only work but sport; the spring earth festival is a serious duty, but its color and fire afford to participant and spectator a sense of moving drama. Athletic contest, games or feast are set apart by a holiday spirit, not by contrast with ordinary forms of activity. All are held together and shot through by religion. One can hardly speak of a social function of amusements in a primitive community. Games may serve as a training for the youth and be caught up into the ritual of initiation; contest and drama help to strengthen group loyalties, to build about the individual a wall of human associations that protect him from the terror of natural forces; but such is also a function of religion and of all the institutional regulations of the community. For the individual amusements have a distinct psychological place;

for the community they are inextricably woven into one pattern of social life.

Most rural communities have preserved something of this closeness of the texture of living. They have generally had neither the leisure nor the wealth to support elaborate entertainments. It is around the wedding or the funeral that such a community creates its celebrations; the husking bee and the quilting bee or the barn raising are important forms of amusement. Even when the merchant has come, bringing with him all the diversions of the fair, or the traveling singer or the Chautauqua makes an annual visit, these but supplement the more essential community amusements. The class privileges or tastes in amusements that always develop in a city are of little importance in such a community. Economic status affects power, of course; but everyone within the community has some share in its festivities. Something of the mutuality of relationship between religion and amusements is usually preserved in such a community. For the peasant of Europe, Eastertide and Christmas with their candles and flowers; for the villages of Japan, the Feast of the Dead when every little stream is gay with its tiny lighted boats floating to the sea; for the American in the small community, the church sociable with its cakes and amateur fortune teller—for each in a different way religion and amusements are associated.

This clustering of amusements about vital community activities has been one of the most enduring patterns for their organization. It appears in East and West alike, among peoples who have never known urban civilization and among groups who have left large cities to establish themselves in new continents. Although it is suffering disintegration throughout most of the Occident by the scattering of communities and the introduction of city amusements into the most remote districts, it can never entirely disappear and must regain its importance with every dissolution of an urban civilization. It is even making its way in an attenuated form into our present industrial society: the community as the social unit for work and play and worship having disappeared, the neighborhood has come to take its place. But the modern self-conscious organized "community," relying upon drama or festival to develop a sense of cohesiveness, can never restore amusements to their original place. Not only does the community movement itself restlessly organize on an international scale, but its very existence depends upon a setting apart of amusements from the rest of life that gives them a social position very different from that which they had in the older type of community.

It is not, however, only in the primitive or the rural society that amusements develop in intimate association with other forms of activity. The amusements of an aristocratic class are essentially of this nature. The once necessary hunt becomes the sport reserved to the privileged class; out of the preparation for war is developed the tourney; while old and simple games are elaborated for the better diversion of a group with wealth and leisure. But the most characteristic amusements of aristocracies have been those which centered around and developed out of private social gatherings. In China and in India, in Homeric Greece and in imperial Rome, in Renaissance Italy and in eighteenth century France, the feast has been the occasion for elaborate dances, for music, for brief dramatic entertainments, for exhibitions of physical skill by the slaves or retainers of the host. Not infrequently have the members of an aristocratic class been themselves the most accomplished musicians or painters; and, always preserving an elegant air of amateurism, a whole court may devote itself to the writing of poetry or to the half drama of the masque. When a Leonardo turns naturally from the painting of the Last Supper to the designing of costumes and machinery for a court carnival, when that carnival combines drama and fireworks, dances and contests between philosophers, there is reproduced in a highly sophisticated form that closeness of contact of amusements with other activities that is characteristic of simpler communities. The amusements of such an aristocratic group may have a perfection of finish and an intimacy of tone that can be developed on a large scale under no other conditions. But it is also under such conditions that diversion is most apt to defeat its own ends through becoming all absorbing.

Not all of the amusements of an aristocracy remain exclusive; the mediaeval tourneys made place for contests by archers or rural athletes; the English gentleman permitted his private prize fighters to give public performances; the Renaissance nobles vied with one another in the richness of the floats they furnished for the great city pageants. Such provision for the pleasures of the people may be the result of political expediency; it may indicate the beginning of a development of municipal or national rather than class pride. For at some period in its history

almost every aristocracy has turned for fresh diversion to the amusements which have grown up among the other classes. In a society definitely organized on caste lines such a whim may endanger the whole social structure. In seventeenth century Japan, for instance, the increase of popular plays threatened to break down the hard lines of class; the emperor hastily prohibited what plays he could, relegated others to disreputable quarters of the city and forbade the samurai to attend them. But in the more loosely organized societies of western Europe nobleman and lady had always frequented to some extent the arena or the public theater. Indeed it is difficult to tell whether such diversions as bear baiting, the favorite amusement of Queen Elizabeth, or prize fighting, popular with later English monarchs, were originally popular amusements taken over by the aristocracy or were imported from the East by the nobles and gradually spread in favor.

If an aristocracy is to preserve its own amusements and its aloofness to those of the people, it must live outside of the city. For the growth of urban civilization gives to amusements a new character and a new compulsion. City life involves a formalizing and separation of the spheres of activity that set amusements apart in time and space and function from other activities. City amusements are essentially mass amusements. The city regularizes the sporadic drama or festival; it gives the traveling player or clown a permanent stage; it brings together men of all tastes to form a large and restless audience eager for any diversion. The city furnishes the necessary conditions for professionalism. The priest who takes the important part in the religious drama or the traveling player who makes his few coins in remote rural districts is in a sense a professional; but it is only in the city that there develops a whole group of people dependent for their living on their success in entertaining others. In the city organized amusements increase in frequency and variety. The victor in the Olympic games of antiquity, no longer content with an appearance every four years, travels all over Greece competing before audiences well pleased with the increased opportunities to share in the excitement of an athletic contest. The politicians of Rome soon realize that the periodic religious festivals are too infrequent to satisfy the restless city group, and every victorious general takes the opportunity of his return to institute a new holiday with more elaborate processions and combats. Thus the city secularizes amusements, for although religious festivals never cease to be of importance the original holy day character of gladiatorial combat or chariot race is gradually lost sight of as these diversions become more frequently available. And the city sophisticates its amusements. The wild revel is refined and made subtle; the sun-burned, lee-reddened Dionysus becomes white and delicately beautiful; beside comedy grows up tragedy. But the comedy may also become burlesque. The simpler amusements may be penetrated and transformed by a more searching intelligence or they may be shot through with vulgarity. In the smaller humanized city one is most aware of the rationalization, perhaps the over-subtlety, of amusements; the metropolis, although it shelters all types of amusement, thrusts forward its coarser, strident, exaggerated diversions.

It is the amusements of the city which are characteristically spectacles, for whose presentation great masses of people can be gathered together in a relatively small space; spectacles for the enjoyment of which few common traditions are necessary, which are equally diverting to the man dulled by long hours of work or to the vagabond drifting idly and unattached through the streets. The city does not stifle amusements which require more active participation; it supplants them and relegates them to far corners. In every large city there are little islands of community life, racial groups preserving their pleasures with their traditions, professional groups creating their own amusements. The mediaeval guilds had their special holidays as they had their special saints; modern corporations try to foster a group feeling with an annual picnic or a baseball team. Moreover certain forms of amusement which are not spectacles never lose their popularity. The city furnishes new opportunities for games of chance; dancing on the green gives place to the public dance hall. The fair is in one sense a series of miniature spectacles, but at fair or circus the crowd laughs as heartily at itself as at clown or Punch and Judy show. The carnival too sweeps up into its rhythms every individual within reach. Less elaborate forms of amusement may acquire traditions and flourish. Throughout India and China every city becomes gay in the spring with the multicolored and many-shaped kites, not of the children, but of the elders, eagerly competing according to elaborate rules. Throughout other parts of the Orient the flying of pigeons is an equally popular diversion. Such amusements are overshadowed rather than supplanted by mass spectacles.

The character of urban amusements is to no small degree determined by the conditions of their maintenance. As soon as amusements cease to be community affairs their increasing costs can no longer be met by community contributions. In varying ways they have been met by individuals and groups who have become wealthy through the mechanisms of the social system. No matter what the form of support, the maxim of *panem et circenses* has dominated more frequently than is generally recognized. Monarchs have found circus or wild beast shows as effective as war in stilling unrest. The church has expended part of its tithes for the provision of amusements. And wealthy individuals, seeking favor or freedom from censure, have contributed largely, whether through the offering of prizes, through the erection of a stadium or odeum or by direct subsidy. Public officials have always been peculiarly susceptible to popular demand for amusements. For some hundreds of years the road to public office in Rome lay through lavish expenditures on the popular spectacles of the arena. Many a Roman used his whole fortune for the provision of amusements in the expectation of regaining with interest the sums thus spent when he should come to office. The modern politician contributes less directly, though none the less effectively for his purposes, to the staging of a prize fight or the continuance of illegal but popular diversions. Until recently state support of amusements has generally been thus indirect, the support of officials or members of the ruling classes, perhaps using public funds which they had appropriated. At times, however, the state has contributed more directly: the Greek cities in the fourth and third centuries B.C. supported the athletes who represented them in the intercity contests; the republic of Florence appropriated moneys from the treasury for the city carnival. Somewhat different was the method by which the Tudor government provided for the popular sport of bear baiting. A special tax for the maintenance of the bears was laid on the peasants, who were then admitted to the baitings free of charge.

Whether it be king, politician or wealthy citizen who thus provides for public amusements, it is usually the most popular diversions, those which appeal to the largest number of people, which are supported. Thus it is that city pleasures tend to be rough and spectacular, suited to the understanding of the most illiterate. The greatest common denominator of appeal is seldom very refined in taste. Literary amusements must find refuge in the privacy of small gatherings, while the physical contest and the crude pantomime gain popular attention. It is only in rare moments of culture, such as that of Athens of the fifth century B.C., or in times when the more popular amusements are supplied by other means, that the donor will support a theater or an orchestra.

Although the compulsion of the tastes of the great masses of people is not lessened when amusements come to be organized on a commercial basis, it is offset by other factors. Not only is the wealthy individual more likely to support the less popular amusements, but the mechanism of business can itself make possible the existence of diversions whose appeal is limited. While it is true that most commercial amusements reach out for ever larger audiences, within the same system the experimental theater, the classical ballet, the string quartet, can exist, not for a small wealthy group alone, but for every person in a city.

The commercial element has for long been of some importance in the organization of amusements. In Rome there arose rival entrepreneurs, owners of great numbers of performers, who bid for the privilege of providing the public spectacles. The amusements of fair and market place have always and everywhere been on a commercial basis. But it is only since the eighteenth century and the establishment of business as the dominant mechanism for the organization of society that one form of amusement after another has taken on its mantle. And as petty commerce has developed into big business, the most typical amusement industries have organized on an increasingly large scale. In the United States there is the industry of baseball, dominated by the major leagues, financial concerns which buy and sell players with a view to success and profits. The manager of a prize fight is a genuine entrepreneur. The sport of racing is financed by the use of the stock exchanges of the world. As a result of successive consolidations there is now but one big circus in the United States. The theatrical industry remains primarily a small scale business; but vaudeville and movie are fast being concentrated in the hands of a few corporations.

Modern invention aids modern business methods in the extension of the scope of amusements. The movie, the one totally new art form or amusement which modern civilization has produced, circles the world in a single stride. It finds its way into the most remote rural districts,

and so long as it remains silent it overcomes all language barriers. Radio and new methods of television indicate the possibility of the penetration of this new dramatic form into the individual home or room. The older forms of amusements too have become international. Baseball has become popular in Japan. No longer are we satisfied with local contests; intercity and interstate games and races must all culminate in international contests.

This internationalism of amusements is fostered by the newspaper and the printing press. Perhaps the most important part of a modern newspaper is its sporting section. Popular international heroes of sport are made by these pages. International contests become front page news throughout the world. In addition many amusements have their special magazines. The existence of such a vast literature of amusements is a new phenomenon. Specific amusements have in other ages developed an extensive preceptorial literature. Late in the Middle Ages the rules of the tournament were written down and carefully formulated; the best methods of breeding cocks, of training falcons or bears, were recorded in lengthy treatises when those sports were old. And with the growth of antiquarianism specific sports and amusements have received their share of research. But modern athletics have developed international rules and traditions in the space of a few years; modern drama has its constant day by day criticism. This great body of comment, though it attempts little social criticism or evaluation, does exercise a directive influence on the development of amusements; it has the power to discourage or condone the worst abuses of professionalism; it may foster or hold back the radical and the new. But most important, it makes it possible for the man who cannot witness game or contest to read of it, talk its language and follow its development.

Thus in our modern civilization all the potentialities of urban amusements have been more completely realized than ever before. Amusements have been made an integral part of the economic system; as such they can be bought any day or night. While the need for diversion from routine is greater than it has ever been, amusements themselves have become part of the routine. Their vicarious character is increasingly emphasized. Indeed the spectator attitude has become so pervasive that it penetrates almost every form of activity. The dance marathon takes its place with the round-the-world race and the national marble contest as a form of diversion. Record breaking is not a new phenomenon. Plutarch protested against the false emphasis upon it in his time, but never has it been so prevalent as today.

Modern conditions emphasize above all the function of amusements as a stabilizing, unifying force in a society no longer held together by spiritual or community bonds. In earlier civilizations this stabilizing influence was sometimes offset by the danger to order which the gathering of crowds of people always represented. Theater and movie still play upon religious and racial animosities; indeed the potentialities for propaganda are greater than ever before, as chambers of commerce and communist or Fascist leaders well know. But as powerful as the propaganda of the newsreel is the propaganda of the love story. In the darkness of the movie palace political and national differences are forgotten. The very strength of amusements lies in the standardization of tastes which they can effect. Men of totally different racial and work backgrounds speak the common argot of baseball or the prize ring. The language of amusements becomes the truly international language; the assumptions and standards of amusements become the most effective bonds of social unity.

Churches have again and again opposed public amusements, perhaps because of a realization that these may become more important than religion in the setting of standards and the binding together of society. A religious group does not, however, oppose the amusements which it controls. The Catholic church fostered the miracle play at the same time that it was condemning the drama; the most important form of Japanese drama, the "No" plays, was entirely developed and performed by Buddhist monks in an attempt to inculcate moral principles. The great religions of the Orient seem never to have attacked amusements as such; but the Hebraic religions have been traditionally hostile to popular amusements. The early Jewish tribes, like other primitive peoples, had their games and dances and festivities; it was with the introduction of Graeco-Roman games into Palestine that the priests began to condemn as idolatrous and immoral these attractions which threatened to break down their racial exclusiveness. Tertullian in his *De spectaculis* attacks first not the obvious vulgarity and depravity of the gladiatorial combat and the popular farce, but their connection with idolatrous worship. Since they are in honor of pagan gods they become part of the pomp of the devil and so evil for Christians. This charge

of idolatry was repeated by Cyprian, by Chrysostom, even by Augustine, and left its traces on the canon law.

The members of a small sect might well keep themselves apart from the amusements of the world; but when Christianity was suddenly transformed into an imperial religion it became a church of nominal rather than of convinced members. Although at its instance a series of imperial edicts forbidding plays or spectacles on Sunday were promulgated, they were of limited effectiveness. Throughout the Middle Ages much of the wealth and talent of the church went into the support of every form of amusement. It remained for the reformed church to condemn once again; the English Puritan attack of the seventeenth century was carried on with an unequaled bitterness of invective. The hostility was not entirely moral; the extravagance and the foreign airs of the court enraged the honest Puritan as much as its revels; the popularity of masque and play with the prelates of the established church added fuel to his anger; and the general lawlessness of the strolling player increased the zeal for suppression. But it was the old charges of idolatry which were repeated by one of the outstanding critics, William Prynne, in his *Histriomastix*. The Puritan opposition forced James I to issue in 1618 his Declaration of Lawful Sports, the famous order which, while it sanctioned certain forms of amusement, forbade rude and disorderly pastimes on Sundays and holidays; an order which was copied by many of the colonial legislatures of America. With the triumph of Cromwell all plays were for a time suppressed, but even before the Restoration they had crept back, and Sunday prohibitions were never strictly enforced. The opposition to Sunday amusements has lasted longer in the United States than in any other country, and blue laws are by no means obsolete. But particularly in the cities one sect after another is giving up its opposition to dancing, to the theater, even to Sunday amusements. To an ever increasing extent the churches are directing their attention to the moral aspects of amusements, attempting to do away with specific abuses and to provide their own non-commercial diversions.

The state has always been the agency through which reform groups have had to work for the regulation of amusements. The modern state impinges upon amusements at an increasing number of points. Its law courts must settle disputes as to contract and property rights. Since the Middle Ages the governments of Europe have regulated amusements by means of the power of taxation. The *droit des pauvres*, a percentage tax on the price of admission to spectacles, the proceeds of which are devoted entirely to special funds for the relief of the poor, has been in existence in most European countries since the fourteenth and fifteenth centuries. This and more recent taxes are graduated according to the type of amusement, so that theater and opera are lightly taxed while the burden on public dance halls and race tracks becomes almost prohibitive. In the United States and England, on the other hand, taxation of amusements has been purely fiscal.

The most important form of modern regulation of amusements is municipal. In both Europe and the United States some division of the city government issues licenses for all theaters, motion pictures or dance halls, or amusement concessions; presumably it has the right to make periodic inspections, but except under the sporadic prodding of vice societies this involves little actual supervision. The responsibility of municipal police departments for the enforcement of ordinances and the preservation of public order and welfare is a legal power of far reaching extent; but its use depends upon the attitude of the police force, and in every city profitable and popular, though illegal, amusements continue to flourish. Such a situation is as old as organized government. Indeed no government has ever succeeded in suppressing or curbing really popular amusements. Gambling was forbidden in India as early as the second century B.C. by the Code of Manu, but it was never stamped out; the mime flourished in the latter days of Rome despite the prohibitions of church and emperor; the London corporation drove the theaters and bear dens outside the city limits in the eighteenth century but did not thereby control them; prize fighting occurs in New York City in spite of its illegality; those forms of amusement which are connected with organized vice are driven underground rather than eradicated.

Although the state may fail in suppression it can be more successful in fostering desirable forms of amusements. Most significant for the future development of amusements is the increasing interest which modern governments are taking in the provision of diversions which business has failed to supply. The democratic governments of Europe fell heir to a long tradition of the value of national and municipal opera and theater, and continued to subsidize institu-

tions first founded by the aristocracy as an outgrowth of their own diversions. In the United States and in England municipal drama and municipal concerts have been of slower growth and are still largely dependent on the gifts of philanthropists. But in the sphere known as recreation the modern state is providing public amusements on a large scale. The recreation movement has grown to importance in the past fifty years as part of a reaction to the standardized, mechanized, vicarious amusements of the city, and of a new emphasis on physical health. It has become world wide in scope and in every country is leading to the creation of municipal or national commissions of recreation, which build parks and playgrounds, support athletic clubs or subsidize public festivals and amateur drama leagues.

The characteristic amusements of a great city will always be vast and organized and spectacular. But recreation and community movements point the way to a new form of group activity which will give room for the expression of individual interests and talents. The machines about to be invented which shall produce color and music harmonies in new and gorgeous forms to become the amusements of the future present the same double possibility as that contained in all modern amusements: the most complete world domination of tastes and forms of activity, and the greatest variety of possible means of expression when men have learned to take advantage of them.

IDA CRAVEN

See: PLAY; RECREATION; ATHLETICS; SPORTS; GAMES; MUSIC; DANCE; FAIRS; FESTIVALS; CHAUTAUQUAS; GAMBLING; MOTION PICTURES; RADIO; THEATER; MUSEUMS AND EXHIBITIONS; LIBRARIES; PARKS; PLAYGROUNDS; CLUBS; COMMUNITY CENTERS; CHILD LABOR; POLICE POWER; CENSORSHIP; BLUE LAWS; PROFESSIONALISM; AMATEUR.

Consult: Gardiner, E. N., *Greek Athletic Sports and Festivals* (London 1910); Fowler, W. W., *Roman Festivals of the Period of the Republic* (London 1899); Strutt, Joseph, *The Sports and Pastimes of the People of England* (enlarged ed. by J. C. Cox, London 1801); Boulton, W. B., *The Amusements of Old London*, 2 vols. (London 1901); Ralph, James, *Taste of the Town* (London 1731); Ellis, Havelock, *The Dance of Life* (London 1923); Seldes, G. V., *Seven Lively Arts* (New York 1924); Chase, Stuart, "Play" in *Whither Mankind*, ed. by Charles A. Beard (New York 1928) p. 332–53; Martin, Lawrence, "The Common Man's Pleasure" in *Man and his World*, ed. by Baker Brownell, vol. viii (New York 1929); Addams, Jane, *The Spirit of Youth and the City Streets* (New York 1909) chs. i, iv; *International Labor Review*, vol. ix (1924) 815–938, a series on workers' leisure movements. In addition, references to histories of particular amusements may be found in the bibliographies of the appropriate articles. Descriptions or critical appraisals of amusements, except those scattered throughout histories, novels and essays, are rare.

ANABAPTISTS. *See* SECTS; COMMUNISTIC SETTLEMENTS; REFORMATION.

ANACHARSIS CLOOTS. *See* CLOOTS, JEAN BAPTISTE.

ANARCHISM. There is perhaps no other chapter in the history of social-political ideas which has caused so much confusion to the specialist as well as to the general public as the anarchist doctrine. Anarchism covers so many distinct conceptions and tendencies that it is difficult to reduce them all to a common denominator. Besides, it is not so much a definite scientific theory as a mass ideology colored by many emotional and religious elements. It can in general, however, be defined as an attempt to establish justice (that is, equality and reciprocity) in all human relations by the complete elimination of the state (or by the greatest possible minimization of its activity) and its replacement by an entirely free and spontaneous cooperation among individuals, groups, regions and nations. In addition there are certain general propositions and judgments of value with which all representatives of anarchist thought would probably agree. (1) Our unbearable social and moral evils cannot be cured, or even alleviated, by the state, which is necessarily an instrument of domination and exploitation. (2) Human nature is essentially good, if not corrupted by the state and its institutions. (3) All reforms from above are worthless and can only augment our present misfortune. Only the principle of federalism, beginning with the humblest of human relations and ascending to the highest international cooperation, can establish the new society. (4) This new society can only be the result of a revolutionary action (in the soul or in the social-political life) which will destroy the state. (5) Such a revolution, however, would be a complete failure if it built up a new government or any coercive system whatever. (6) The new society of anarchism will not be the product of an inevitable evolution (as is taught, for instance, by Marxist socialism) but will emanate from the natural tendencies of the human soul led by reason and justice and aided by scientific experimentation. (Most of these

principles were codified by the Pittsburg Congress of the American Anarchists in 1883.)

In tracing the origins of anarchist thought there are certain beliefs and doctrines which, though not strictly anarchist in the modern sense, have paved the way for more concise and self-conscious formulations. Many ancient myths of various peoples agree in the belief that a Golden Age preceded the hardships and injustices of the historical state. This conviction found historical expression in the Latin state festival called Saturnalia, which remained an established institution for many centuries and commemorated the old lost liberty and fraternity.

Zeno, the founder of the stoic school, is generally accepted as the first systematic exponent of anarchism. In conscious opposition to the state omnipotence and state communism of Plato, he advocated a stateless society in which perfect equality and freedom would restore the original good tendencies of human nature and establish universal harmony. Carpocrates, in the middle of the second century B.C., became founder of the communist type of anarchism. He believed that not only the state but also private property should be eliminated, and his doctrine combined an unlimited communism with extreme individualism which later developed into sexual libertinism.

In the feverish and exalted religious life of the second half of the Middle Ages, we meet many formulations of a purified Christianity with distinct anarchist tendencies. Especially the doctrine of an ecstatic subjectivism, the claim that the individual can enter into a direct mystic communion with God, by which every sin in him will be extirpated, assumed, in the sect of the Brothers and Sisters of the Free Spirit at the beginning of the thirteenth century, an anarchist tinge. Although this fraternity, denying all state and church institutions and proclaiming the lawless freedom of the divine individual, was cruelly persecuted, it reappeared again and again in the course of the thirteenth to fifteenth centuries and had many followers in France, Belgium, Germany and Switzerland.

Among the sectarians of the Middle Ages we find Johannes Spinner, an outspoken anarchist who advocated principles very much akin to the later doctrine of Max Stirner. There was also Peter Chelčický, a younger contemporary of John Huss and the spiritual forefather of Leo Tolstoy. Against his triumphant Hussite brothers, against the power of the emperor, against the dogmas of the official church, he tried to establish peace and the freedom and equality of the individual by denouncing bloodshed and repudiating the state as a pagan institution. His chief work, *Siet Wiery* (Net of the Faith), so admired by Tolstoy himself, remained a real Bible of religious anarchism.

Against the growing tendencies of absolutistic monarchy we find many protests, some of them of a distinctly anarchist color. Among the protestants one of the most daring, logical and penetrating, was Étienne de la Boétie who, in his famous discourse on voluntary servitude, attacked the very foundations of despotic power. "Be resolute. Serve no more and you will be free! I do not say that you should expel the tyrant, nor that you should throw him from his throne; only, do not support him and you will see how a colossus, deprived of his base, breaks down under his own weight and collapses. . . ." In the widely spread literature of the Monarchomachs similar ideas found emphatic expression at the end of the sixteenth and the beginning of the seventeenth centuries. Although the chief tendency of this group was not anarchism but a limitation of absolute power, the Protestant and the Jesuit promoters of the idea of tyrannicide approached the anarchist doctrine in making the moral conscience of the individual the supreme judge over the tyrant. It is evident that the psychology by which an individual feels himself authorized to kill the tyrant is not very different from the ideology which entitles the modern anarchist to kill the "bourgeois oppressor." The Digger Movement (*see* LEVELLERS) in England in the middle of the seventeenth century, led by Gerrard Winstanley, had also a somewhat anarchist character. By the end of the eighteenth century we find in all the leading countries a very rich literature which, though not anarchistic in a proper sense, was an enthusiastic vindication of freedom and the natural rights of the individual. This literature culminated in the writings of the brilliant circle of the French *Encyclopédie* whose editor, Diderot, often expressed definite anarchist ideas. His famous phrase, "Je ne veux ni donner, ni recevoir des lois," became one of the most quoted anarchist slogans.

Two later movements have considerably affected the development of anarchist thought. One was the liberal doctrine in its earlier form, especially as it appeared in the physiocratic school. Their belief in the invisible harmony of society, a brilliant effort to guarantee free com-

petition limited only by considerations of justice, exercised a powerful influence on anarchist thought; the *ordre naturel*, which they so strongly emphasized, and their attempts to liberate economic life from unnatural and unjust shackles, paved the way to Adam Smith and his followers. The liberal doctrine in its later form, through Herbert Spencer and his vehement attacks upon the state and the "coming slavery," also gave new arguments to the anarchist movement. The other force which aided anarchism was the philosophy of Ludwig Feuerbach and his followers, who attacked the accepted religious and metaphysical foundations of the state.

The first systematic exponent of anarchist doctrine was William Godwin, who believed that there are two great evils which cause the present distress and impede the natural perfectibility of our race. One is government, which is inevitably a form of tyranny; the other is accumulated property, which is a monstrous injustice because it constitutes a kind of "mouldy patent" enabling its possessor to exploit the work of other men. Godwin, however, did not reject all kinds of property, but only that originating through exploitation. For the realization of a better society he deprecated all revolutionary actions and did not even advise any kind of social-political reform. Only the propagation of the idea of justice could result in a general enlightenment which would induce the individuals to replace the state by a contractual arrangement of the parishes and to regard accumulated wealth as an unbearable injustice against their fellowmen. Another impetus to the anarchist movement was given by Max Stirner, from the group of the young Hegelians. He continued the revolutionary thought of Feuerbach and undertook the task of demolishing our moral ideas. Society is a pure chimera, and the only reality which can be known is one's own personality; all the rules which limit this individuality are only a fetter which frustrates the healthy development of the ego. The state would be replaced by an Association of Egoists. No economic exploitation would be tolerated any longer, and therefore the dominant type of production would become a free cooperation. Stirner was the first anarchist who advised violent means for the realization of individual rights. The entirely abstract and metaphysical trend of his argument made his influence a very limited one, however, in spite of the propagandistic efforts of John Henry Mackay. It is interesting to notice that the plan of economic cooperation elaborated by Stirner is very near to that which in the same year was practically realized by the Rochdale Pioneers.

The first man who made anarchism a conscious mass movement was Proudhon. It was even asserted that he was the first to use the word anarchism in our modern sense, but the recent studies of Nettlau have demonstrated that the term was already used in the present meaning in the middle of the eighteenth century. In one of his early works, *What is Property?* Proudhon answered the question with a slogan which became famous: Property is theft. This led to a good deal of misinterpretation, but he was in reality an ardent supporter of private property ("property is freedom") and attacked only usurpation and monopoly. His anarchy was not a contempt of laws but an almost religious attachment to eternal laws. The ideal society represents "freedom in order and independence in unity." To achieve this aim two fundamental revolutions are needed, one directed against the present economic order, the other against the present state. In neither direction was he a preacher of violent revolution, although he regarded such outbursts as inevitable. He believed not in a mass revolution but in a cellular revolution, the economic and moral emancipation of the individual. Proudhon did not attack capital, but only its power to exploit the workers. He saw the real evil of capitalistic society in the sphere of distribution rather than production, and advocated as the fundamental institution of a new order a special type of credit organization, the so-called Bank of Exchange (*see* LABOR EXCHANGE BANKS). He was convinced that the gratuitousness of credit and the strict mutuality of service provided by this institution would lead to the establishment of free associations of individuals having the same interests and organized on an entirely voluntary basis. Only such associations could eliminate the capitalist economic order and the exploiting state. In one of his later books, however, (*Du principe fédératif*, 1863) he admitted that a total elimination of the state could not be achieved in any conceivable future, and that the main claim of anarchism, therefore, should be restricted to the reduction of the compulsory functions of the state, as far as possible, by a growing decentralization and by a fostering of independent group life.

The influence of Proudhon was very great. The fact that Marxist socialism did not acquire

the same influence in France as in Germany and central Europe is to a large extent due to his gospel. In Germany Moses Hess and Karl Grün and later Gustav Landauer continued, not without success, the propagation of Proudhon's doctrines. The only kind of socialism and anarchism which seems to have had a genuine influence on the Americans of the older stock was a transplantation of the ideas of Proudhon based on freedom and mutual help. The teaching of Stephen Pearl Andrews, William Green and Lysander Spooner developed along the line of Proudhon, and Benjamin R. Tucker simplified his teaching and had a wide circle of followers. It would be interesting to inquire whether and how far the engaging personality of Josiah Warren was influenced by the work of Proudhon. He was the publisher of the first anarchist magazine of the world, and founded an Equity Store in Cincinnati which had a close resemblance to the Exchange Bank of Proudhon.

Modern anarchism assumed new tendencies in the pamphlets, speeches and propaganda of Michael Bakunin, with whom anarchism took a definitely collectivist form. He approved common ownership in land and in other means of production, but retained private ownership in consumption goods and repudiated emphatically the state socialism of Marx. Bakunin's system was based on a threefold foundation: anarchism, atheism and free cooperation of independent groups. Not the conquest but the destruction of the state was the chief aim of his "collectivistic anarchism." But how to build up this new society Bakunin never told. He even repudiated as reactionary all detailed speculation concerning the future. Only two things were perfectly clear in his conception. One was his deep belief in the instinct of solidarity, which led to the conviction that a mankind liberated from the superstition of God and from the corruption of the state will soon find the optimum form of its organization. Thus a hundred years before Bergson he advocated Bergsonian principles: "Only life creates. . . . Science does not create, but only states, describes, the creation of life. . . . Science is the sacrifice of life on the altar of abstraction." The other firm point in his thought was his conviction of the necessity of violence. The revolution, however, according to his point of view, should be a spontaneous work of the masses and not an instrument of political leaders or of disciplined military forces, since political and military domination, he held, would inevitably lead to a class dictatorship under an organized oligarchy, that is, merely to the formation of another state. His was a semi-mystical doctrine of violence which is similar to the later teachings of Georges Sorel. Although a man of warm heart, he introduced into the anarchist movement a terroristic conception which later more and more assumed the body of a system. His compatriot, disciple and emissary, Netchayev, transplanted the gospel into Russia where it found vehement echo in a soil already permeated by the propaganda of Nihilism. In his revolutionary catechism Netchayev brought the idea of his master to its fullest fruition. There is no crime or brutality which he did not explicitly recommend for the destruction of our corrupted society. Later the doctrine became very much rationalized, and in the theories of Kropotkin, Johann Most, Paul Brousse and others it found a more utilitarian explanation. They argued that the terroristic deed, both individual and collective, is of the greatest importance because it arouses the imagination of the passive masses and awakens the hope of those who suffer under the injustices of the present system.

Since the eighties of the last century anarchism has assumed a more and more rigid communistic form, probably as a result of the mighty growth of Marxist socialism, which appealed very much to the masses of industrial workers. The leader of this movement was Prince Kropotkin, who regarded as antiquated the former types of anarchism, both individualistic and collectivistic, and pleaded for a complete communism. At the same time, however, he rejected all types of authoritarian communism, holding that the state must be radically eliminated by a popular revolution. On its ruins the nucleus of the future society will become the free village community, the commune whose glorious achievements in mediaeval Europe were pictured by Kropotkin with a creative imagination. Each commune will be an independent economic and administrative organization possessing all the means of production and consumption. No system of representation (invention of the bourgeois class) will be necessary under this system. The extreme division of labor, "horrible and injurious to society and brutalizing for the individual," will disappear, giving place to the "integration of labor and production." No compulsory organization will be necessary for the maintenance of the new order, because it will be in perfect

accord with moral law and "free agreements need not be enforced." Among the followers of Kropotkin one of the most remarkable was the famous geographer Élisée Reclus.

Whereas most representatives of anarchist thought regarded religion and religious feeling as a chief impediment to the emancipation of mankind, Count Leo Tolstoy, the great Russian poet and philosopher, came to the opposite conclusion. True religion, as it is embodied in the gospel of Christ, is a complete negation of the state and all its institutions. Pure reason, as manifested in the doctrine of Christ, refuses to cooperate with the state, which is the very negation of love and is a product of egoism and violence. Tolstoy accepted all the main teachings of anarchism with two reservations. One is the unconditional rejection of communism, which would inevitably lead to a new system of state coercion. The other is the strict repudiation of all kinds of revolutionary action based on violence. Only a spiritual revolution, a perfect moral transformation, can make an end to the present system based on war, oppression and exploitation. No violent revolution is needed to achieve this supreme end. Do not cooperate with the state, he taught; refuse to pay taxes, to comply with military duties, to accept the tribunals and the administration of the state, and the whole present unjust society will immediately collapse.

Similar ideas, in conscious support of Tolstoy but founded independently on genuine Hindu religious thought, are propagated by Mahatma Gandhi, the Indian leader, whose doctrine, however, is largely colored by the national struggle of his people against British rule. It is his belief that only by an attitude of passivity towards political life, by civil disobedience, non-cooperation and economic boycott, and not by a violent revolution, can British domination be defeated. These and similar conceptions of religious anarchism are not purely individual interpretations of religious thought, but they seem deeply rooted in the religious convictions of the masses. There are dozens of religious sects all around the world (Doukhobors, Nazarenes, Mennonites) which advocate the same principles of passive resistance to military service.

At the end of the last century a revolutionary movement grew up among certain elements of Marxist socialism and trade union organizations which had many points in common with anarchist tendencies. It attacked the parliamentarian form of later Marxist socialism and tried to demonstrate that participation in bourgeois legislation, the system of cooperation with the capitalist state, corrupts the revolutionary spirit of the working classes. The movement found its philosopher in Georges Sorel, who elaborated a semi-mystical theory of revolutionary violence. Revolutionary syndicalism regards the trade unions as the real nucleus of the future society. They must be educated in such a way that some day they shall be able to take over all the functions of the capitalistic organization. At the same time they must become fighting organizations, saturated with the spirit of rebellion, in order to molest, to irritate and finally to overthrow the capitalist state. Hence antiparliamentarianism, antimilitarism (*q.v.*), direct action (*q.v.*), sabotage (*q.v.*), antipatriotism, "Ca' Canny," the extensive use of political strikes (strikes without economic motive). The latter are regarded as preparatory schools for the final general strike of all workers which will give the ultimate blow to the capitalist system. Revolutionary syndicalism had a strong influence in the Latin countries. At the same time, independently of it, there arose also in the United States a similar movement called Revolutionary Industrial Unionism (*see* INDUSTRIAL WORKERS OF THE WORLD).

This map of the various anarchist currents would not be complete without mention of a certain tendency which is more a moral and spiritual attitude in favor of anarchism than a coherent trend of thought. From the earliest times until the present day a very long list of eminent literary men could be traced who, though remote from political theories, have made acute and passionate statements against the state. The explanation is not difficult. A genuine poet, artist or philosopher will feel every pressure of whatever kind as an encroachment upon the natural rights of his personality, and he will be aware that most of our social pressures emanate from the coercion of the state as a machine. The list of such men, to mention only a few, would include Rabelais, Fénelon, Sylvain Maréchal, Diderot, Lessing, Fichte, Richard Wagner, Nietzsche, Multatuli, Edward Carpenter, Thoreau, Emerson, Walt Whitman, Ibsen. A no less enthusiastic support has been given to anarchism by many gifted cartoonists and caricaturists who denounced the present order of things with mordant satire. A type of anarchist caricature was created by Puget's magazine, *Père Peinard*, and George Adler is

perhaps not wrong when he attributes to this kind of propaganda a great influence on terroristic deeds.

Outside the field of actual anarchist thought there are two important intellectual movements which share the fundamental anarchist attitude to the state. One is the "Liberal Socialism" of Franz Oppenheimer, which would restrict the sphere of influence of the state to a minimum and give the largest opportunity to local autonomy, decentralization, federalism and to the spontaneous economic union of capitalist-producers, liberated from the yoke of capitalism by the elimination of monopolistic landed property. The other is the pluralist school of political thought, which endeavors to demonstrate that there are many associations anterior to the state; that above the law of the state there is the common moral conviction of the society; that the "supreme power" of the state is practically always limited by the power of other associations; that the whole trend of economic evolution tends to discard state sovereignty; that the unified centralized state will disappear and will give place to a cooperation of various economic, cultural and religious associations.

Even a very summary description of the historical development of practical anarchist policy is a matter of great difficulty. Anarchism never became an organized mass movement as socialism did, and there is not even a possibility for such a development. The very essence of anarchist thought precludes organization. The anarchist congress at St. Imier (1872) protested energetically against "the reactionary assumption" of giving to the proletariat a definite program and an authoritative guidance, although continuous persecution of the movement by state authorities often compelled the anarchists to an underground organization. A discussion of the mass movement, therefore, must restrict itself principally to the emphasis of certain important features or some rather typical traits that it displays.

The antagonism between anarchists and communists became an important force of differentiation in the proletarian movement. The first period of the International Workingmen's Association, called the Mutualist Period, was characterized by the predominance of the principles of Proudhon over the Marxist minority. The situation was slowly changed when in 1868 several organizations entered the association which previously belonged to the Alliance Internationale de la Démocratie Socialiste, founded by Bakunin on a strictly anarchist basis. This adherence led to a short collectivistic period of the International when the followers of Marx and Bakunin were successful in overruling the former Proudhonist attitude and in forcing an acceptance of the claim of nationalization of all landed property (Congress of Geneva, 1868, of Basel, 1869). By this the ice was broken for pure communism, and Marx attacked more and more violently the anarchist wing represented by Bakunin, who in his turn made a violent struggle against the authoritarian "German Communism." The end of the conflict was the expulsion of Bakunin from the International (Congress of The Hague, 1872), but the organization did not survive this amputation because this very congress decided the dissolution of the International, whose general council was removed to New York, where it died silently. Bakunin remained therefore undefeated and was successful in gathering the chief anarchist forces in the Fédération Jurassienne, which became the nucleus of anarchist revolutionary propaganda and regarded itself as the legitimate successor of the dissolved International. As a matter of fact, several congresses were held under the name of the International (the last in Vervier, 1877), but these congresses were not strictly anarchist in their character. Only the congress of London, 1881, and of Amsterdam, 1907, can be regarded as real anarchist congresses of an international character. The Federation of the Jura became a revolutionary center from which anarchist propaganda radiated into all parts of Europe, but it soon found a formidable enemy which checked its influence. This was the regalvanized International Workingmen's Association which, after its Congress of Paris (1889), carried on an embittered struggle against the anarchist movement until it broke with it entirely.

The only countries in which the anarchist movement assumed a certain mass importance were France, Italy and Spain, where the labor movement has shown anarchist color leading sometimes to violent excesses, and the state finally felt itself compelled to interfere and crush the agitation by brutal measures and Draconic exceptional legislation. In terroristic attempts against political figures the anarchists of the Latin race had an overwhelming part. Many attempts against the lives of sovereigns were successful, and the terroristic deeds aroused a wave of persecution against the

anarchist movement. This paramount participation of the Latins cannot be explained on purely racial grounds. The chief cause lies in a rigid system of centralization allied with excessive red tape and (at least in Spain and Italy) with a system of pseudo-constitutionalism. Besides, in Spain and Italy the feudal land system made social oppression still more conspicuous. This explanation is corroborated by the facts that under the Austrian absolutism there arose in Vienna a vehement anarchist movement (about 1880) which cost the lives of several government employees, but that later when more civil liberty was given, and especially when a powerful Social Democratic party was organized, the movement lost all its significance. It is manifestly not an accident that the terroristic theory of anarchism was born in Russia, the classic country of feudalism, despotism and bureaucratic abuses. It is an interesting fact that, although European anarchist thought was so conspicuously influenced by its Russian apostles, the movement itself never assumed a greater significance in Russia because other more rigid and centralized political associations, the Socialists, the Nihilists, the Social Revolutionists and the Bolsheviks, were more successful in uniting the revolutionary energies of the country. The anarchist organizations and papers have been completely suppressed by the Bolshevik government during recent years.

In all other countries where a sufficient amount of freedom and constitutional liberty has guaranteed an adequate share of activity and independence to the individual, anarchism never became a dangerous movement. The former extreme liberalism of England and Switzerland toward political refugees did not disturb, even in the most critical period of the anarchist tide, the calm of the citizens, who preferred "to cast ballots rather than to cast bullets." The story of American anarchism seems to corroborate these conclusions. Only the non-violent liberal individualistic type of anarchism had a deep influence on the genuinely American mind, whereas the violent communistic anarchism, transplanted by the German exile Johann Most, appealed rather to the immigrant proletariat. The vehement Haymarket Riot in Chicago (1886) caused the execution of several alleged anarchists, the imprisonment of Most, and the suppression of the anarchist organizations and papers. The murder of President McKinley in Buffalo in 1901 by an anarchist exasperated American public opinion so greatly that the next year a law was passed forbidding anarchists entrance into the United States. In spite of this prohibition, it is recent immigrants from the regions of the "highest social pressure" who seem to constitute the revolutionary ferment in the latest phase of anarchism, revolutionary trade unionism. Nothing demonstrates more clearly the extent to which terroristic anarchism has been repudiated by genuine American public opinion than the fact that even now, and even among intellectuals, the term anarchism is often indiscriminately used to indicate assassins and all kinds of disorganizing forces.

Critics of anarchism attack the theory generally from three points of view. First, they argue the absolute necessity of a coercive organization in any human community. Second, they undertake to show that without violence the destruction of the state is unimaginable, whereas with violence a new state would immediately follow the destroyed one. Third, they argue that the preaching of violence and the application of immoral means destroy those very human tendencies on which anarchism intends to build the new society. To these objections it might be added that the later communistic anarchism of Kropotkin and his followers is a manifest *contradictio in adjecto*. It is evidently a gratuitous assumption that every man will spontaneously renounce the advantages of private property. With this assumption repudiated, it becomes obvious that a communist society must be based on coercive organization.

These arguments, however, do not destroy the whole edifice of anarchist thought. The stateless society is only an ideal vision to the anarchists, and some of them have avowedly abandoned it. Moreover the doctrine of violence or passive resistance is not essential in the system. The fundamental element of anarchism is an extension of classic liberalism from the economic field into all other fields. It is a maximum of spontaneous cooperation based on equivalent exchange, measured on the scale of justice.

This emphasis on justice and liberty (if necessary, above practical efficiency) is surely an important admonition in a society which begins to lose the very meaning of these ideas. Anarchism is an emphatic assertion of the truth that our present mass democracy is not a definite solution of our deepest problems. It is a protest against the growing mechanization

of political life; against the worship of state institutions, which tend unavoidably to become aims in themselves; against the tendency of the increasingly centralized state to standardize all the activities of society and gradually transform not only material production but also art, science, literature and education into a state monopoly under which all minorities will be forced to accept the standards of the ruling group. Anarchism claims that every social relation must be measured by the individual needs involved. It asserts most emphatically that the state is only instrumental in the fulfilment of these needs, as measured on the scale of justice. It is a plea for all those tendencies which lead toward home rule, regionalism and federalism, to the subordination of the present nation states to a broader international unity. It is an apotheosis of the richness of individual and group life as against the growing uniformity and mechanization of our present state.

The ultimate feasibility of such a plan depends upon the answer which we give to the old dilemma so clearly stated by Bastiat: Is it true that the natural economic order is in its very essence antagonistic, that it must inevitably lead to a polarization of society between extreme wealth and extreme misery, or is it rather true that economic life could lead to harmony if liberated from certain artificial obstacles? If the first alternative is true the compulsory regulation of society becomes a moral imperative. If the second, the road is open toward a growing decentralization of the state and a growing intensification of autonomous group life.

OSCAR JÁSZI

See: INDIVIDUALISM; COLLECTIVISM; COMMUNISM; SOCIALISM; BOLSHEVISM; SYNDICALISM; NIHILISM; LIBERALISM; COOPERATION; FEDERALISM; PLURALISM; DECENTRALIZATION; AUTONOMY; STATE; SOCIETY; HUMAN NATURE; NATURAL ORDER; UTOPIAS; JUSTICE; LIBERTY; PROPERTY; REVOLUTION; ASSASSINATION; VIOLENCE; TERRORISM; GENERAL STRIKE; PASSIVE RESISTANCE; NON-RESISTANCE; COMMUNISTIC SETTLEMENTS; SECTS. See also biographies of anarchists mentioned in the text.

Consult: An authoritative bibliography is Max Nettlau's *Bibliographie de l'anarchie* (Brussels 1897).

WORKS OF A GENERAL CHARACTER: Rist, C., "Les anarchistes" in Gide, C., and Rist, C., *Histoire des doctrines économiques* (3rd ed. Paris 1920), tr. by R. Richards (Boston 1915) p. 614–42; Douglas, P. H., "Proletarian Political Theory" in Merriam, C. E., and Barnes, H. E., *History of Political Theories (Recent Times)* (New York 1924), p. 178–269; Nettlau, Max, *Der Vorfrühling der Anarchie, ihre historische Entwicklung von den Anfängen bis zum Jahre 1864* (Berlin 1925), and *Der Anarchismus von Proudhon zu Kropotkin* (Berlin 1927); Zoccoli, E., *L'anarchia* (Milan 1907); Eltzbacher, P., *Der Anarchismus* (Berlin 1900), tr. by Steven T. Byington (New York 1908); Diehl, Karl, *Über Sozialismus, Kommunismus, und Anarchismus* (4th ed. Jena 1922); Adler, Georg, *Geschichte des Sozialismus und Kommunismus* (Leipsic 1899); Zenker, E. V., *Der Anarchismus* (Jena 1895), English translation (New York 1897); Menger, Anton, *L'état socialiste* (Paris 1904); Stammler, R., *Die Theorie des Anarchismus* (Berlin 1894); Garin, J., *L'anarchie et les anarchistes* (Paris 1885); Dubois, Félix, *Le péril anarchiste* (Paris 1885), tr. by R. Derechef (London 1894); Plekhanov, G. V., *Sozialismus und Anarchismus* (Berlin 1894), tr. by E. M. Aveling (Chicago 1908); Shaw, G. B., *The Impossibilities of Anarchism* (Fabian Tracts no. 45) (London 1895); Wilson, C. M., "Anarchism" in *What Socialism Is* (Fabian Tracts no. 4) (London 1886) 9–12; Jászi, O., *A történelmi materializmus államboleselete* (2nd ed. Budapest 1908).

WORKS ON DOCTRINES OF INDIVIDUAL ANARCHISTS: Vogl, C., *Peter Cheltschizki* (Zurich 1926); Bouglé, C. C. A., *La sociologie de Proudhon* (Paris 1911); Diehl, Karl, *P. J. Proudhon, seine Lehre, und sein Leben*, 3 vols. (Jena 1888–96); Bourguin, M., "Des rapports entre Proudhon et Karl Marx" in *Revue d'économie politique*, vol. vii (1893) 177–207; Huch, R. O., *Michael Bakunin und die Anarchie* (Leipsic 1923); Oppenheimer, F., "Fürst Kropotkin und der Anarchismus" in his *Gesammelte Reden und Aufsätze*, 2 vols. (Munich 1924–27) vol. ii, p. 142–58; Rocker, R., *Johann Most, das Leben eines Rebellen* (Berlin 1924).

WORKS ON THE ANARCHIST MOVEMENT: New York State, Joint Legislative Committee Investigating Seditious Activities, *Revolutionary Radicalism*, 4 vols. (Albany 1920) vol. i; Commons, J. R., and associates, *History of Labour in the United States*, 2 vols. (New York 1918) vol. ii; Brissenden, P. F., *The I. W. W., A Study of American Syndicalism* (2nd ed. New York 1920); Halévy, D., *Essais sur le mouvement ouvrier en France* (Paris 1901); Michels, R., *Il proletariato e la borghesia nel movimento socialista italiano* (Turin 1908), Langhard, J., *Die anarchistische Bewegung in der Schweiz* (Berlin 1903); Thun, A., *Geschichte der revolutionären Bewegungen in Russland* (Leipsic 1883); Kreal, A., *Blätter aus der Geschichte der Arbeiterbewegung Oesterreichs (1867–94)* (Zurich 1913).

ANCESTOR WORSHIP is a term which is still vaguely defined, despite its prominence in all evolutionary schemes since Herbert Spencer. This confusion is to some extent due to the tendency on the part of most sociological theorists to approach the subject with definite presuppositions concerning its origin and development. In fact there are those who maintain that ancestor worship is a stage in the evolution of all religions—that it has been retained in some cases, notably the religions of the Chinese and Japanese; superseded, as in the Semitic, Greek and Roman religions; or not yet attained,

as in the case of many primitive religions. In all these essentially evolutionary schemes of thought ancestor worship is supposed to have developed out of the cult of the dead and the propitiation of their ghosts, particularly the propitiation of the ghosts of deceased members of the family. To understand the nature and the rather peculiar distribution of ancestor worship, however, all such developmental schemes should be kept in the background, if not disregarded.

We may define ancestor worship as the equation of one's ancestors, both remote and immediate, or of persons standing in the place of ancestor or titular household head, with spirits and gods, and the transference to them of all specifically religious acts and attitudes which are usually associated with the worship of the spirits and gods. This would definitely exclude the cult of heroes, whether semi-historical or mythical, among the Greeks and among numerous primitive peoples, particularly the American Indian. Where remote ancestors or kings are regarded as gods, we may or may not have an instance of true ancestor worship. The question turns on the historicity of the deified person and the quality of transference of religious attitudes.

Ancestor worship today has a very specific distribution. It is to be found in marked development among primitive peoples only in certain regions. It characterizes the religion of the Bantu Negroes and of many of the Melanesian tribes, and it is also to be found in certain parts of Asia. With the possible exception of the ancient Peruvians and of the Pueblo Indians in the southwest of the United States, it can hardly be found in aboriginal America at all. Among the Australian natives a strangely confused situation exists because of the peculiar development of their belief in reincarnation. Among civilized peoples the Chinese and Japanese are of course the classic examples of ancestor worshipers. Historically, however, Japanese ancestor worship is an importation from China. True ancestor worship seems therefore to have developed in but few areas and, far from being a universal phenomenon in the history of religions, it seems comparatively rare. This should dispose at once of the numerous attempts made to correlate it with certain types of economic organization, particularly with an agricultural community, or with certain forms of family life.

Among the Bantu peoples we may find the best illustration of ancestor worship in all its manifestations. Contrary to most theories of the development of religion, the ancestor worship of the Bantu has no connection with festivities associated with the dead, which are so common among many civilized peoples. When an individual dies he joins the family gods and is worshiped as one of them. An ox is immolated over his grave, as is customary when an oblation is made to the gods. The deceased must now be worshiped even by his brother, who may remember all his faults; the dead man has become an ancestor god who must be propitiated and prayed to for protection. Although death has worked no change in his character, his former human attributes in no way detract from the new ancestor's godhead. Like a god he reveals himself to his former relatives through dreams, ecstasy, trance, possession, prophecy and reincarnation. He may assume the form of an animal or be actually reborn in one of his descendants. In the latter case it would appear that no belief in the divinity of such a person exists, for when he ceases to be dead he is no longer divine.

It is characteristic of all forms of polytheism or daimonism that specific functions and benefits are associated with particular gods or spirits. Among the Bantu this role is immediately extended to new ancestor gods. There are two forms of such gods, those connected with public and those connected with private worship. When it is a question of prayers for rain, for the fertility of the land or for that of the herds, prayers are addressed to the ancestors of the ruling dynasty. For specifically private boons, for protection or deliverance from private ills, prayers are addressed to the spirits of more immediate ancestors. There is a point-to-point correspondence between the deceased who have become gods and the older gods of the community. Strangely enough, images of dead ancestors are, on the whole, rare, despite the fact that idols were by no means uncommon in the Bantu area.

Although the ancestor worship of the Bantu is perhaps the most thoroughgoing example of this faith that we possess, that of the Chinese is almost as marked and is of course on a much higher ethical level. But because of this ethical reinterpretation and because since Confucius it has become a sophisticated and officially accepted faith, ancestor worship in China does not give us the same insight into the workings of such a religion as is revealed by the Bantu.

If there were any truth in the widely accepted belief that one type of religion displaces another among primitive people, we should expect to find among the Bantu no other gods than ancestor gods. But even here numerous other gods, obviously older, are duly worshiped.

All the facts at our disposal indicate, therefore, that ancestor worship is essentially of a transitory and unstable nature. The older polytheistic nature worship and animism were always making inroads upon it. Perhaps it is also well to remember that where men can become gods so easily and mechanically these same gods may likewise become men, particularly when we bear in mind the marked association of ancestor worship with the belief in reincarnation in Africa, Melanesia and Japan.

Whether ancestor worship has any marked influence on so-called progress and whether it in any way circumscribes thought and action and makes for rigid conformity, is more than doubtful. The stagnation of Chinese civilization has always been cited as an example of its deleterious effects. But this can be explained far more adequately in other ways. If the customary explanation were indeed a true one, the Japanese and the Bantu civilizations should exhibit the same traits as the Chinese. Yet emphatically they do not. The deification and the milder form of this same phenomenon, the veneration of one's ancestors, are recurrent phases of religious life intimately bound up with specific psychological tendencies of the human race that are called forth by certain social and economic situations.

PAUL RADIN

See: RELIGION; POLYTHEISM; KINSHIP; DEIFICATION; HERO WORSHIP; DEATH CUSTOMS.

Consult: Sumner, W. G., and Keller, A. G., *The Science of Society*, 4 vols. (New Haven 1927–28) vol. ii, p. 941–46, vol. iv, p. 412–17, where the older discussions of the subject are well summarized; Hopkins, E. Washburn, *Origin and Evolution of Religion* (New Haven 1923) ch. vii; Groot, J. J. M. de, *The Religious System of China*, 6 vols. (Leyden 1892–1910) vols. iv–vi; Granet, M., *La religion des Chinois* (Paris 1922); Florenz, K., "Die Japaner" in *Lehrbuch der Religionsgeschichte*, ed. by P. D. Chantepie de la Saussaye, 2 vols. (4th ed. Tübingen 1925) vol. i, p. 262–422. For the Bantu ancestor worship the best accounts are Willoughby, W. C., *The Soul of the Bantu* (Garden City 1928), and the famous work of Canon Henry Gallaway, *The Religious System of the Amazulu* (Natal 1870).

ANDERSON, ELIZABETH GARRETT (1836–1917), English feminist and a pioneer in opening the medical profession to women. In the late fifties, when the small group of English feminists divided among themselves the tasks of enlarging the economic, social and political opportunities of women, Elizabeth Garrett chose to make the initial attempt to obtain a medical degree. Dr. Elizabeth Blackwell's London lectures of 1859 and the counsel of Emily Davies helped her in this decision. Admitted to some medical lectures through the roundabout method of service as a nurse she showed unexpected proficiency in preliminary examinations only to find herself confronted by the refusal of all medical colleges to permit her to matriculate. The charter of the Society of Apothecaries, however, made her exclusion impossible. In 1866, equipped with an apothecary's license, her name placed on the British medical register, she founded in a working class district the first woman-staffed dispensary for women. This was later known as the New Hospital for Women and after her death was called the Elizabeth Garrett Anderson Hospital. In 1870 it was through the help of her patients' husbands that she was elected as the first woman member of the London School Board. By this time she had obtained in Paris the medical degree denied women in England. For many years she and Dr. Blackwell remained the only women on the British medical register, and it was not until after a widespread agitation in which they both participated that some of the obstacles to the medical education of women in Great Britain were removed. She aided in establishing the London School of Medicine for Women in 1874 and was on its staff as teacher and dean for almost thirty years, serving at the same time as senior physician of the New Hospital. In 1908 she became England's first woman mayor, holding office in that capacity in Aldeburgh, Suffolk. In an age which not only doubted women's capacities but frowned on higher education for women as interfering with their "natural functions," Dr. Anderson's marriage (1871) and children may perhaps have been as important factors in her influence as her high professional repute.

ELSIE GLÜCK

Consult: Fawcett, Millicent G., *What I Remember* (London 1925); Stephen, B. N., *Emily Davies and Girton College* (London 1927).

ANDERSON, JAMES (1739–1808), a pioneer in scientific agriculture. Anderson was a native of Hermiston, near Edinburgh, and the son of a farmer. Both his parents died while he was young, leaving him a holding which he

worked for some time with successful results, thanks to his diligent study of agricultural chemistry and the employment of improved methods and implements. Later he removed to Aberdeenshire, where he earned fame as a ready writer on high farming, but in 1783 he retired from practical agriculture and settled in Edinburgh. He devoted many books and pamphlets, as well as a great deal of magazine and newspaper writing, to agricultural questions, including leases and land tenure generally, the Corn Laws, emigration, the drainage of bogs, the construction of dairies, etc. He also took great interest in the Scottish fisheries, and made a survey of them at the request of Pitt. Although in general favoring free trade, he advocated state protection for the national fisheries. He may claim to have laid the foundations on which Malthus and Ricardo built their doctrines of rent. In one of his earliest writings he speaks of rent as a premium for the cultivation of the richer soils, reducing the profits of the cultivators to an equality with those of the cultivators of the poorer.

W. H. DAWSON

Important works: *Observations on the Means of exciting a Spirit of National Industry* (Edinburgh 1777); *An Inquiry into the Nature of the Corn Laws, with a view to the new Corn Bill proposed for Scotland* (Edinburgh 1777), in which he anticipated Ricardo's doctrine of rent; *An Inquiry into the Causes that have hitherto retarded the Advancement of Agriculture in Europe* (Edinburgh 1779); *An Account of the present state of the Hebrides and Western Coasts of Scotland* (Edinburgh 1785); *Observations on Slavery, with a view to its effects on the British Colonies in the West Indies* (Manchester 1789); *A Calm Investigation of the Circumstances that have led to the Present Scarcity of Grain in Britain* (London 1801).

Consult: Brentano, Lujo, Introduction in Anderson, James, *Drei Schriften über Korngesetze und Grundrente* (Leipsic 1893) p. iii–xxxvi.

ANDERSON, WILLIAM C. (1878–1919), British labor leader. The son of a Banffshire blacksmith and apprenticed to a chemist, Anderson was one of the younger members of the group of self-educated working class intellectuals associated with Keir Hardie and Ramsay MacDonald in the inner councils of the Independent Labour party. As national organizer for the Shop Assistants' Union he brought it close to other elements in the labor movement. It was in connection with his work for the union that he met Mary Macarthur, whom he married in 1911 and whose work for the Women's Trade Union League he aided with his executive and literary abilities. Anderson's eloquence as a speaker and his skill in debate made a parliamentary career inevitable and, after unsuccessfully contesting two elections, he became M. P. for Attercliffe in 1914. At the same time he was chairman of the executive committee of the Labour party. His excellent judgment, executive ability and personal popularity helped him to steer the Labour party through the difficult years of 1914–16, and marked him as a promising candidate for the leadership of the political labor movement. He opposed the entrance of labor into the coalition government in 1915 and loyally supported the "international" policy of the I. L. P. during the war. He fought to preserve civil liberties, to abolish military conscription and to save the workers from industrial conscription under the Munitions Acts. Together with the other pacifist leaders he was deprived of his seat in Parliament by the "khaki election" of 1918.

GLADYS BOONE

Consult: *The Labour Leader* (Manchester, Eng.) Feb. 27, March 6, March 13, 1919; Labour Party (Great Britain), *Report of the Annual Conference of the Labour Party*, for the years 1914–19, of which the last contains an obituary notice; Independent Labour Party (Great Britain), *Report of the Annual Conference*, for the years 1908–19.

ANDLO, PETER OF (Andlau, Petrus de) (*c.* 1425–80), jurist and political theorist. He was born in Alsace, studied at Heidelberg and Pavia, and became cleric and professor of canon law at the university in Basel, which was founded with his cooperation. His chief work is the *Libellus de caesarea monarchia*, or *De imperio romano-germanico libri duo* (ms. *circa* 1460, published Strasbourg 1603), the first exposition of German imperial law. The first part, which is a historico-philosophical treatise, begins with political doctrine, discusses the question "republic or monarchy?" and explains the transition from the Roman to the German *imperium*. The second part deals with the German public law of his time, with princes and the king, with the nobility and the Reichstag. Peter of Andelo built on the doctrines of Thomas Aquinas, Aeneas Silvius, Landulph de Columna, Lupold von Bebenburg, Jordanus von Osnabrück and Felix Hammerlin. In the struggle between emperor and pope he acknowledged the pope's as the superior right; he also still believed in the Donation of Constantine, but he tried to reconcile the two powers. As a loyal adherent of the imperial idea he dedicated

his book to the emperor. His is a work of reform, full of ethical pathos, which urges especially the acceptance of the Roman law. He wrote (1471–78) a second book, advocating moral reform of the clergy, *Tractatus de canonica clericorum secularium vita*, printed as appendix ix in Hürbin's biography of Andelo.

EBERHARD VON KÜNSSBERG

Consult: Hürbin, Josef, *Peter von Andlau* (Strasbourg 1897).

ANDRÁSSY, GYULA, GRÓF (1823–90), Hungarian statesman. As a young man Andrássy was an enthusiastic supporter of Louis Kossuth, in opposition to the interest of his own class, and took an active part in the Hungarian War of Independence of 1848–49. After the disaster of Világos he escaped from the Austrian authorities and was hanged in effigy. As a political *émigré* he lived mostly in Paris and London, where he familiarized himself with the workings of the modern state. After his return to Hungary in 1858 he assisted Ferenc Deák in preparing the way for the solution of the Hungarian question. In 1866, appointed president of the parliamentary subcommittee in charge of the elaboration of the Compromise (*Ausgleich*) with Austria, he conceived the idea of the "delegations," a quasi-legislative organ of control set up to supervise the administration of the joint affairs of the monarchy.

Andrássy was appointed the first Hungarian constitutional prime minister in 1867, and he carried on a spirited campaign against the centralizing policy of Hohenwart's Austrian government. On the resignation of Chancellor Beust in 1871, Andrássy became minister of foreign affairs. He was opposed to Count Beust's anti-German policy and frustrated the proposed *démarche* of the powers in 1875, which was to be addressed to Berlin on behalf of France. He made the monarchy adhere to the Alliance of the Three Emperors of Austria-Hungary, Germany and Russia, and was chief plenipotentiary at the Berlin Congress, where he received the authorization of the powers for the occupation of Bosnia-Herzegovina by the Austro-Hungarian army. The policy there pursued necessitated the reorientation of his attitude toward Russia. He signed the Austro-German defensive-offensive alliance on October 7, 1879, and resigned the following day. His book *Az 1867-iki Kiegyezésről* (The Compromise of 1867) (2nd ed. Budapest 1896) is the most significant commentary on that much discussed document. To Andrássy's Near Eastern policy (expressed in the famous "Andrássy Note") and his anti-Russian orientation consequent upon the Bosnian crisis, recent historical criticism assigns a part of the responsibility for the complications leading to the World War.

The speeches of Andrássy were collected by Béla Lederer in *Grof Andrássy Gyula beszédei* (2 vols., Budapest 1891–93).

EMIL LENGYEL

Consult: Wertheimer, Eduard von, *Graf Julius Andrássy; sein Leben und seine Zeit*, 3 vols. (Stuttgart 1910–13); Andrássy, Gyula, *Bismarck, Andrássy és Kortársai* (Budapest 1913), tr. as *Bismarck, Andrássy and Their Successors* (London 1927).

ANDREAE, JOHANN VALENTIN (1586–1654), German humanist, clergyman, educator and philanthropist. He is chiefly significant for his *Reipublicae christianopolitanae descriptio* (Strasbourg 1619, Leipsic 1706, tr. by F. E. Held, New York 1916). The most outstanding features of this work are his scheme for an artisan democracy; his project for a system of education run as a miniature republic and manned by instructors who are "the choice of all the citizens," the child to be taken from the age of six to early maturity and the instruction to be carefully graded in eight departments; his emphasis upon religion; his complete dependence on widespread investigation and on scientific laboratories; and his desire for "light" on the part of the citizens. Andreae's *Christianopolis* considerably influenced the utopias and other literature of his century. His educational ideas resulted in agitation for better educational systems both on the continent and in England; and his outline of a plan for a "college" or society of fellows for scientific investigation, combined with his emphasis upon laboratories and investigation, was the germinal idea that developed eventually into the Royal Society.

Andreae has also been credited with exerting a great influence on the development of Rosicrucianism and through it on Freemasonry. The *Fama fraternitatis R. C., das ist, Bericht der Brüderschaft des hochlöblichen Ordens R. C.*, which appeared anonymously in Cassel in 1614, has been attributed to Andreae. With its admixture of pseudo-science, Christian piety, mysticism and anti-orthodoxy, and motivated as it was by the desire for a general reformation of the whole world, this book attained a wide circulation, especially among the followers of

Paracelsus, Böhme and Valentin Weigel, and created a sensation throughout all Europe.

J. O. HERTZLER

Consult: Glöckler, Johann Philipp, *Johann Valentin Andreae, ein Lebensbild* (Stuttgart 1886); Held, Felix Emil, *Johann Valentin Andreae's Christianopolis: An Ideal State of the Seventeenth Century* (New York 1916), containing also the translation cited above; Prys, J., *Der Staatsroman des 16. und 17. Jahrhunderts und sein Erziehungsideal* (Würzburg 1913); Mumford, Lewis, *The Story of Utopias* (New York 1922) p. 81-99; Kvačala, J., "J. V. Andreä's Antheil an geheimen Gesellschaften" in University of Yuriev, *Acta et commentationes*, vol. vii (1899) no. 2; Schneider, F. J., *Die Freimaurerei* (Prague 1909) p. 85–102.

ANDREAE, JOHANNES (*c.* 1270–1348), the most influential canon law writer of the fourteenth century. He became a professor at Bologna about 1303. His tenure of this influential chair for almost half a century gave him a post of vantage which he used so effectively that he came to be known as *fons et tuba juris*. Andreae's talents were especially fitted to the stage of development which the canon law had reached. He had neither constructive originality nor interest in the philosophic aspects of law, but was gifted with enormous industry, remarkable power of assimilation and facility in writing. Although the formative stage in the development of the canon law had passed, no one had yet reduced to order the mass of new juristic material which had accumulated in the half century since the *Aurea summa* of Hostiensis. This was the life work of Andreae, which he accomplished in his four principal works. His *Novella . . . in decretales Gregorii IX* supplanted the treatise of Hostiensis as the definitive commentary on the Decretals. His two glosses on the "Sext" and the "Clementines" became the authoritative interpretations, the *glossa ordinaria*, for those enactments. Finally in his *Additiones ad speculum Gulielmi Durantis* he brought that great work on procedure down to date and filled in the gaps with new matter. Andreae's method was essentially one of balancing all the existing authorities. He displays an unquestioning respect for the authority of the legislator, which made him an extreme champion of the claims of the papal power.

JOHN DICKINSON

Works: For a list of the numerous editions of Andreae's works, see the catalogue of the Bibliothèque Nationale.

Consult: Savigny, F. C. von, *Geschichte des römischen Rechts im Mittelalter*, 7 vols. (2nd ed. Heidelberg 1834–51) vol. vi, p. 98–125; Schulte, J. F. von, *Geschichte der Quellen und Litteratur des canonischen Rechts*, 3 vols. (Stuttgart 1875–80) vol. ii, p. 205–30; Gillmann, Franz, "Zur Frage der Abfassungszeit der Novelle des Johannes Andreä, zu den Dekretalen Gregors IX" in *Archiv für katholisches Kirchenrecht*, vol. civ (1924) 261–75.

ANDRÉE, RICHARD (1853–1912), German geographer, folklorist and comparative anthropologist. He was the son of Karl Andrée, founder of the geographical-anthropological weekly *Globus* (published 1862–1910). In 1873 Richard Andrée founded the geographical establishment of Velhagen and Klasing in Leipsic, and from 1891 to 1903 he edited the *Globus*. Even before Ratzel, Andrée devoted himself to comparative ethnological studies. Impressed by the similarities which he observed in the traditions and usages of geographically distinct peoples, Andrée juxtaposed in a number of series certain cultural phenomena such as the lucky day, the evil eye, mourning mutilations, names of persons, standards of value. He was not dismayed by the fact that the cultures he thus compared were sometimes located on different continents and were on the whole dissimilar. The diffusionist theory had not yet been developed, so Andrée was forced to conclude, although not without some misgivings, the independent origin of similar cultural traits. He subscribed to the theory that the similarities are explained by the essential sameness of the human mind and the consequent uniformity of cultural progress. He published also several important studies of folklore and a number of statistical-geographical works.

R. THURNWALD

Important works: *Ethnographische Parallelen und Vergleiche* (Stuttgart 1878); *Die Flutsagen* (Brunswick 1891); *Die Metalle bei den Naturvölkern* (Leipsic 1884); *Anthropophagie* (Leipsic 1887); *Braunschweiger Volkskunde* (Brunswick 1896–1901); *Votive und Weihegaben des katholischen Volkes in Süddeutschland* (Brunswick 1904). For a complete list of works see *Zeitschrift für Ethnologie*, vol. xliv (1912) 339-53.

ANDREWS, ELISHA BENJAMIN (1844–1917), American educator. He was in turn soldier in the Union army, student at Brown University and at Newton Theological Seminary, Baptist minister, student in Europe, president of Denison University, professor at Newton Theological Seminary, professor at Brown University, professor at Cornell University, president of Brown University, superintendent of schools in Chicago and chancellor of the University of Nebraska.

His contributions to the scholarship and public opinion of his time were many and important. They took the form of sermons, addresses, articles, translations from the German, and books dealing chiefly with history and economics. In all his speaking and writing there were clarity, vigor, human sympathy and unremitting search for philosophic understanding. Andrews was avowedly of the type which its opponents call "radical." In the midst of a financially solid Rhode Island he was a downright advocate of free silver. The founding of the Woman's College in Brown University gives indication of his zeal and daring in furthering the education of women. He was likewise a pioneer in the establishing of extension courses for the general public, and when the *Cosmopolitan Magazine* projected a scheme for popular college education his imagination was fired by the proposal and he was eager to share in its realization.

The presidency at Brown came when Andrews was at the summit of his powers. He was notably successful at the two points at which alone it is essential that a president should succeed. First, he gathered, held together and led a faculty which was in quality far out of proportion to the funds provided for its payment. Second, in a community whose interests and prepossessions were vaguely or clearly hostile he dominated and swept its student body into the currents of scholarship and moral intensity.

ALEXANDER MEIKLEJOHN

Consult: Meiklejohn, A., *Freedom and the College* (New York 1923) p. 49–67.

ANDREWS, STEPHEN PEARL (1812–86), American philosophical anarchist. He was identified chiefly with formulating a scheme of universal order based on "sovereignty of the individual." He called it "integralism" and considered it as scientific as Newtonian law. A utopian in a day of utopian experiment, he found practical expression of his theories in the communities of Josiah Warren and Fourier, whom he regarded as the greatest of social prophets. He believed naively in the speedy universal realization of a natural scientific social order without government, law, marriage, the family or punishment. Economic salvation was to be achieved by equal wages in industry run on the principle of "cost as the limit of price," with labor notes as credit and exchange. He pushed his ideas to grandiose lengths, prophesying the abolition of disease and death through the power of belief. The "Pantarchy" of the "Infinite Republic" was to be directed by the most advanced intelligences, who would create "God." He had a considerable following among the utopian-minded, but his disciples were unorganized and his pedantic works reached only their first limited editions. In earlier years he was known widely as a passionate abolitionist, as the chief exponent of the Pitman shorthand system, which he introduced from England, and as the inventor of a universal language.

ROGER BALDWIN

Important works: *Basic Outline of Universology* (New York 1872); *Love, Marriage and Divorce*, a controversy with Horace Greeley and Henry James (Boston 1889); *The Science of Society* (Boston 1895); *The Church and Religion of the Future* (New York 1886).

ANGARY. In early times in the East the term angary, *jus angariae*, was applied to the taking over for public use of means of land transportation. The term was later applied to the similar taking over of means of transportation upon the water. Such action in early days was not always confined to times of war or based upon absolute necessity, but was taken sometimes in order that the king's journey might be more easy, or that an exploring expedition might not be delayed.

Writers in the seventeenth and eighteenth centuries referred to angary as a recognized right but one that involved adequate payment for the service rendered. Gradually treaties began to be made which regulated the practise and which provided that the right of angary should not apply to persons. The treaties sometimes related the right of angary to embargo. The seizure of neutral vessels by Napoleon in 1798 for transport of troops to Egypt was classed as angary. In 1870 Prussians seized and sank six English vessels in the Seine in order to prevent movement of the French forces and Bismarck advanced the claim that it was under the right of angary. Many treaties in force in 1900 admitted the existence of the right of angary, and of about fifty treaties referring to angary before 1900 only about one third are unfavorable. Of the five treaties since 1900 which mention this right three are unfavorable. Article 5 of the treaty of 1902 between the United States and Spain provides as follows: "Furthermore, their vessels or effects shall not be liable to any seizure or detention for any public use without a sufficient compensation, which, if practicable, shall be agreed upon in

advance" (33 U.S. *Statutes at Large*, pt. 2, p. 2105, 2108). In 1907, at the Second Hague Peace Conference, the seizing by belligerents of neutral railway material within belligerent territory was regarded as analogous to the right of angary. The right of angary was, however, beginning to be regarded as obsolete before the World War, and Article 494 of the British Regulations and Admiralty Instructions (vol. i, 1913, p. 191) provided that if a neutral British merchant ship were "coerced into the conveyance of troops," etc., the senior naval officer should remonstrate or take "steps to assure her release."

During the World War there occurred a marked change in the drift of opinion and practise. Turkish vessels were taken over by Great Britain in 1914, and in a British note to the Netherlands, March 21, 1918, it was said: "After full consideration the Associated Governments (the United States and Great Britain) have decided to requisition the services of the Dutch ships in their ports in the exercise of the right of angary." The Dutch government denied the right but the ships were retained, used and returned. Charter hire was paid and also indemnity in case of damage or destruction.

There has been much discussion as to the existence of the right of angary. Germany called the practise "a strange violation of right," while the French Minister of Marine on November 18, 1917, declared angary is lawful "in presence of imperative and urgent need for the national defense and in absence of contrary treaty stipulations."

GEORGE G. WILSON

See: REQUISITIONING; EMBARGO; NEUTRALITY; BELLIGERENCY; WARFARE; MERCHANTMEN, STATUS OF; ALIEN PROPERTY.

Consult: Albrecht, A. E., "Requisitionen von neutralem Privateigentum, inbesondere von Schiffen" in *Zeitschrift für Volkerrecht und Bundesstaatsrecht*, vol. vi (1912) suppl. no. 1; Bullock, C. L., "Angary" in *British Year Book of International Law* (1922–23) p. 99–129; Harley, J. E., "Law of Angary" in *American Journal of International Law*, vol. xiii (1919) 267–301; Great Britain, Parliament, "Miscellaneous Paper 11 (1918) Cd. 9025" in *Sessional Papers*, 1918, vol. xxvi (Accounts and Papers, vol. xii) 747–58.

ANGAS, GEORGE FIFE (1789–1879), British colonizer, "the father of South Australia." He was born in Newcastle-on-Tyne and inherited from his father a profitable shipping business. In 1832 he became interested in the scheme to settle South Australia on the Wakefield plan, by which land was to be sold at a "sufficient price" instead of being given away. The money thus obtained was to be devoted to public works and to subsidizing the emigration of carefully chosen laborers. Parliament approved the planting of the colony (1834) provided sufficient land could first be sold. When it became apparent that not enough land could be sold at £1 an acre, Angas and two friends bought the unsold 14,000 acres at 12/- an acre and floated the South Australian Company to develop this and other lands. For the next sixteen years Angas worked unceasingly in London to carry the colony through its infant troubles. He sent out many shiploads of emigrants, including six hundred persecuted Lutherans from Prussia. He founded the South Australian School Society as well as two banks to handle Australian trade. In 1851 he went to live in the colony after having played an important but inconspicuous part in the formation and the passage of the South Australian constitution. In 1838 Angas heard of French plans to occupy New Zealand and successfully urged the British government to forestall this action.

HERBERT HEATON

Consult: Hodder, E., *George Fife Angas, Father of South Australia* (London 1891), and *History of South Australia*, 2 vols. (London 1893); Brady, Edwin J., *Australia Unlimited* (Melbourne 1918) p. 829–44.

ANGELL, JAMES BURRILL (1829–1916), American educator and diplomat. He was graduated from Brown University in 1849 and after spending several years in travel and study in Europe he returned to Brown as professor of modern languages. In 1860 he left to become editor of the Providence *Journal* and in 1866 accepted the presidency of the University of Vermont. In 1871 he was appointed president of the University of Michigan, which he raised from a little known institution to one of the strongest state universities in the country. With his administration are associated the development of the university's virtual independence of the legislature in questions concerning finance; also the accrediting system, elective studies, the study of education, graduate and summer schools and improvement in medical, dental, engineering and architectural education. In the history of higher education Angell ranks with Presidents Eliot, Gilman and White. His chief strength lay in his broad conception of a democratic system of public education. He retired as president emeritus in 1909 and died at Ann Arbor in 1916.

Opportunities for public service in another direction came in 1880–82 when he was minister plenipotentiary and chairman of a commission to revise the treaties with China, especially those bearing on Chinese immigration to this country, a task performed in an unprecedentedly short time. In 1887 he was a member of the Canadian Fisheries Commission and in 1895 chairman of the Deep Waterways Commission. In 1897–98 he was minister to Turkey.

I. L. KANDEL

Important works: *Progress in International Law* (n.p. 1875); *Reminiscences* (New York 1912); *Selected Addresses* (New York 1912).

Consult: Thwing, C. F., *Guides, Philosophers and Friends* (New York 1927) ch. ii; Shaw, Wilfred, *University of Michigan* (New York 1920) p. 64–79.

ANGIULLI, ANDREA (1837–90), Italian philosopher and educational theorist. He was professor of pedagogy at Bologna and Naples and the most vigorous systematic writer of the Italian positivist school in the political-pedagogical field. As a young man he was influenced by the liberal Catholic thought of Gioberti, then by the neo-idealism of Spaventa and was thus led to Hegelianism. His first book, *La filosofia e la ricerca positiva* (Naples 1868), revealed him as a positivist whose conception of a scientific era was derived from the philosophy of Comte. Although Angiulli's position was between those of Mill and Littré, giving exclusive place to neither man nor nature, he never, as Gentile has pointed out, proceeded beyond the recognition of the necessity for superseding positivism. His doctrine was substantially an expression of scientific mysticism; it postulated a cosmic activity which man creates by his thought and a mysterious harmony in things which guides them through the various forms of life in a continuous progression which becomes conscious in man. In this philosophy man becomes the liberator of humanity, dominating the real world through science and controlling it through perpetual, insatiable research. Without revolution or reaction he can ameliorate his condition by the transforming power of criticism. Such "reconstitution of the social organism depends upon the mental reconstitution of all the organisms that compose it." The state can be made the organ of the necessary scientific education. The state as educator claims every field: physical, intellectual, moral, aesthetic, religious, economic, civil, political. But since the solution of all problems can occur only in the course of centuries, the state is essentially the guarantor of liberty to future generations. The state must seek to introduce the higher achievements of science into the lower cultural strata in order to prepare all minds for the understanding of truth. This education will exclude all theological dogmatism, and religion, reduced to the subject matter of history, becomes the object of science, not a matter of precept. For Angiulli the ideal program of study is limited to science. He even maintained that the only true spiritual interests of the child consist in knowledge of the objective world. Indeed, to him imagination meant nothing and both aesthetic and religious education were irrelevant. His pedagogy, as systematized in his works, *La pedagogia, lo stato e la famiglia* (Naples 1876) and *La filosofia e la scuola* (Naples 1888), held undisputed sway in Italy until 1900.

GIUSEPPE LOMBARDO-RADICE

Consult: Gentile, G., *Le origini della filosofia contemporanea in Italia*, 3 vols. (Messina 1917–23) vol. ii, p. 123–53; Caramella, S., *Studi sul positivismo pedagogico* (Florence 1921).

ANIMAL PROTECTION. Although history and literature record the affections of individuals for animal pets, no organized movement for animal welfare developed until the nineteenth century. The nineteenth century sentiment for animal protection, like the humanitarian movements for the abolition of slavery and the amelioration of the situation of submerged elements of the population, traces its intellectual ancestry to eighteenth century rationalism. Denial of a special divinity to man cleared the way for recognition not only of brotherhood to one's fellowmen but also of kinship with the animal world. The sentiment for animal protection had always existed in particular individuals; the rationalization of the sentiment developed in the late eighteenth and early nineteenth centuries, when it found an earnest propounder in Jeremy Bentham; the impetus to organization and legislation for animal protection was a side aspect of the general humanitarian activity of the time.

The movement for animal welfare operates in two fields—the legislative and the institutional. There is a close relation between the two, since animal welfare societies are usually instrumental in the enactment of animal welfare legislation and are usually the agencies for its enforcement. Animal welfare legislation may be classified as: first, statutes penalizing

cruel treatment of animals (wanton cruelty, failure to care properly for individual animals or to provide suitably for commercial transportation, fashionable or sporting misuses of animals and vivisection); second, statutes covering the organization and activities of animal protective societies and giving their agents police powers; and third, statutes permitting or compelling the instruction of humane principles in public school systems. Game laws, wild life preservation laws and bird sanctuary laws save birds and animals from the guns of hunters, but the purposes of these laws are not purely humane; often the regulation is intended for the benefit of the sportsmen themselves.

Choice for an arbitrary date for the commencement of organized activity for animal welfare may be divided between 1822, when the English "Martin's Act" for animal protection was passed, and 1824, when the English Society for the Prevention of Cruelty to Animals was formed by Richard Martin. The progress of the animal welfare movement has been most marked in England, in the British dominions and in the United States. It has made slower progress in the Latin countries, where it has never succeeded in enlisting the support of the Catholic church.

The first German society was formed in Dresden in 1839. A Paris animal protective society was formed in 1845, and one was organized in Vienna in 1846. The American S.P.C.A. was organized by Henry Bergh in New York in 1866. By 1929 there were in England 1679 branches and auxiliaries of the Royal S.P.C.A. American societies in 1928 numbered 537. The funds of the English societies are drawn exclusively from endowments. Many of the American societies receive, in addition, public funds. In some states, notably in Colorado and in Wisconsin, animal protection has been made a state function.

The purpose of the earlier animal welfare or protective societies was to enforce the statutes against cruelty to animals. Agents and officers of the societies made arrests and prosecuted offenders. As the animal welfare societies of the larger cities grew stronger and richer, the original pressing demand for their activity as prosecutors in individual cases of cruelty declined. They have never been able to relinquish this function, but more and more they have been able to supplement animal protection by animal welfare activities. They have erected watering troughs for horses at convenient city locations, established animal hospitals, provided animal shelters to care temporarily for strays and to dispose of such as are not claimed by owners, and engaged in campaigns of education among adults and children to inculcate in them a love for animals. In many cases some or all of these distinct functions are carried on by a single society. The tendency in large cities, however, is toward specialization and separation of functions.

The American animal welfare movement differs in one important particular from the animal welfare movements in other countries; it is often amalgamated with a parallel movement for protection of children from cruelty. Although in most of the larger American cities child protective activities are carried on by independent organizations—societies for the prevention of cruelty to children—334 out of the 537 American humane societies combine child protection and animal welfare work. This combination of functions is not always fortunate, since the two activities demand different techniques, and according to the dominant interest of an organization one activity or the other—usually child protection—is often neglected. In communities where human interest is not sufficiently developed to maintain two independent organizations, however, the combination of activities is the only practicable solution.

In England the Royal Society for the Prevention of Cruelty to Animals is a national organization, operating through branches and auxiliaries. The American humane societies are local organizations. Unity of animal welfare activity in the United States has been achieved through federations, nationally through the American Humane Association, founded in 1874, and through state federations in eleven states.

Antivivisection—opposition to the use of animals in scientific experimentation—represents a radical aspect of the animal protective movement. In England it has consistently been part of the program of the S.P.C.A. Antivivisection sentiment was the impetus for the formation of many of the German protective societies. In the United States the animal protective societies have rigidly dissociated themselves from the antivivisection movement, leaving this field to an independent group of antivivisection societies. The legislative accomplishments of the movement in England and in the United States have been the licensing and limitation

of animal experimentation rather than its abolition.

WILLIAM J. SHULTZ

See: HUMANITARIANISM; GAME LAWS; CHILD LEGISLATION.

Consult: McCrea, R. C., *The Humane Movement* (New York 1910); Shultz, W. J., *The Humane Movement in the United States, 1910 to 1922* (New York 1924); Fairholme, E. G., and Pain, Wellesley, *A Century of Work for Animals: the History of the R.S.P.C.A. 1824-1924* (London 1924); Salt, H. S., *Animals' Rights Considered in Relation to Social Progress* (rev. ed. London 1915).

ANIMAL PSYCHOLOGY. *See* COMPARATIVE PSYCHOLOGY.

ANIMAL SOCIETIES. Agglomerations formed by animals are to be distinguished as associations (mere collections) and societies (organic wholes). Associations are chance gatherings of animals brought together in certain places by an external factor (insects on a lamp, flies on a piece of meat, lice on a tree branch, game at a spring). Among men, according to this definition, those persons form an association whom accident brings together in a railway coach, in a theater or in a street crowd. In contrast to this, societies are always held together by an internal factor which propels the individuals toward one another and keeps them bound together—by social instincts which are subjectively manifested in man as the need of companionship.

We may divide animal societies into mateships, families and herds. To the last named belong not merely mammals but also swarms of birds and fishes and "states" of bees, ants and termites. Social life always involves among animals a certain degree of brain development; on this account societies are to be found only among those animal species and categories of the zoological system that are most advanced in bodily organization (among mollusks, cuttlefish; farther on in the scale, arthropods, especially insects; and still farther on, vertebrates).

Among many of the lower animals there are no individual sex relations, but what occurs is an emission of sex substances by both male and female into the water where the fertilization of the egg by the sperm follows. In the case of other types among the lower animals, however, a coition does indeed occur, but the sexual act takes place between the sexes without rule, several or many times; that is, there exists a state of promiscuity. We speak here of promiscuity as the general rule, for it is, in the absence of organized mateship, the normal behavior of these species of animals. The higher we ascend in the zoological scale, the more do instances accumulate in which there emerges a psychic union of the sex partners for longer or shorter periods, or what we must call real mateship. This union takes place not through external factors but through internal causes contained in the psyche of the individuals concerned—through the instinct for mateship. Among birds and mammals permanent mateship is the norm from which only a few species diverge.

The forms in which animal mating appears are: monogamy (one male mated with only one female); polygyny (one male with his "harem," that is to say, two or more females); and polyandry (one female with two or more males). Polyandry is rare in the animal kingdom (as also in man); when it does occur among animals it is always due to the fact that the female sex surpasses the male in bodily size. Monogamy and polygyny are found both as solitary mateships and as mateships within a herd—that is to say, in the first case the mating couple or the male and his harem segregate themselves from their fellows; in the latter case, however, we find monogamous or polygynous mateships within larger herds. Further, monogamous or polygynous mateships either last during one breeding season or are formed for longer periods and sometimes for a lifetime. Accordingly we may distinguish seasonal mateships and permanent mateships. It goes without saying that it is difficult for an observer to determine in the case of wild animals whether individuals are mated for a season or permanently.

According to what has been said we may distinguish nine different categories of mateship: solitary polyandrous mateship (certain worms and spiders); solitary monogamous seasonal mateship (a few beetles and fishes, some amphibians and reptiles, mammals of prey, such as martens, cats, lions, jaguars, foxes, wolves and bears); solitary monogamous permanent mateship (many birds, rhinoceroses, orang-utans); monogamous seasonal mateship within a herd (many birds); monogamous permanent mateship within a herd (many species of parrots, gorillas); solitary polygynous seasonal mateship (buffaloes, elephants, many deer, antelopes, wild sheep, wild goats); solitary polygynous permanent mateship (domestic fowl, South American ostrich, guanacos, vicuñas, primitive wild horses, zebras, wild asses,

kangaroos, apes); polygynous seasonal mateship within a herd (certain seals); polygynous permanent mateship within a herd (baboons).

Among monogamous or polygynous animals the mating bond is more or less strictly kept; there are in this respect specific as well as individual variations. Monogamy is strictly kept among cranes, swans and geese. Among other species of birds the mates are occasionally unfaithful; we speak then of accessory promiscuity. A clear distinction may be observed between the two forms of promiscuity: promiscuity as the general rule which involves no organization of mateship; and accessory promiscuity which accompanies mateship. The latter is, as we know, no uncommon occurrence among men; on the other hand promiscuity as the rule has never under searching investigation been known among any contemporaneous or historic peoples. Among birds and mammals, notwithstanding the many species in which mateship is the rule, there are a few in which mateship is just as regularly absent, and with these latter promiscuity is the rule. Here are to be mentioned ruffs, North American cowbirds, European cuckoos, bats, North American bison, hares, quails, argus eyed pheasants. Among the black cocks and the capercaillies the sex relations border on promiscuity.

Out of mateship, on the appearance of offspring, there arises the family, whenever the animals concerned remain together for a time. This union is brought about through the family instinct. According to whether both parents or only one parent stays with the young, or whether the young remain united by themselves for a while, we may distinguish four categories of the family: parent family (certain beetles and fishes, many birds and mammals); father family (some fishes and frogs); mother family (some insects and spiders, some fishes, frogs, birds and mammals); child family (some caterpillars and fishes).

Mateship and family among animals are both connected with breeding. The herd, on the other hand, is a form of society which, as such, has nothing to do with sex and reproduction. Mateships and families may, however, as we saw, be included within herds. The bond of the herd is the social instinct. Three distinct kinds may be noted. First, temporary herds are those which are bound together by a temporary manifestation of the social instinct (traveling swarms of locusts, dragon flies and other insects). Second, seasonal herds are those which appear in species with a mating season. In this classification a further distinction should be made between herds during sexual inactivity and herds during the breeding period. Some species congregate in herds only during the annual periods of sexual inactivity, while during the breeding period monogamous (many migratory birds) or polygynous (the South American ostrich and Indian buffalo) mateships segregate themselves from their own kind. Other species, however, live in societies throughout the year, but the structure of the herd changes with the seasons; with the fur yielding seal, for instance, the herd consists during mating time of numerous harems belonging to individual males, while the old males and the youngsters not allowed to mate by the masters of the harems remain aloof. During sexual inactivity, on the other hand, the males and females live in separate herds—the female herd including the infants and occasionally also the young males. The third distinctive type consists of permanent herds which may be formed either by seasonal mating (e.g. rodents living in settlements) or by continuously mating species (e.g. gorillas). Every such herd consists on close analysis of a number of monogamous (rodents and gorillas) or polygynous mateships (baboons), with their respective young. A special kind of permanent herd is constituted by the "states" of the social insects.

To investigate and to classify the various forms of animal societies thus enumerated is the task of special animal sociology. There is, besides, general animal sociology. The latter studies those general features which appear whenever any association is formed, such as the establishment of a social scale, mutual understanding, mutual assistance, etc. It ascertains, for instance, that many birds and mammals, through struggle or intimidation, immediately establish a system of rank in their societies; it studies leadership in societies, mutual help and attack, common games, dances and signal callings, communication and imitation, teaching and tradition within animal societies, property of the individual and of the entire society, manifestations of the collective psyche, etc.

Animal sociology is not without importance for human sociology. In a certain sense it forms its foundation, for much that appears "typically human" in an isolated consideration of man becomes in the light of animal sociology purely a phenomenon of group psychology. With animals it is primarily internal ties and in-

hibitions that regulate their cohabitation in mateships, families and herds. The supreme regulatory principle is not brute force; that intervenes only where irreconcilable opposites collide. In no sense is everything in confusion in animal herds, either in sexual or in other affairs. Let us consider, for example, a brooding swarm of doves. These animals live monogamously, yet there exists accessory promiscuity inasmuch as infidelity occasionally occurs among the mates. It would be entirely erroneous to attempt to explain the union of monogamously paired doves only by the general absence of opportunities for unfaithfulness. The objection to this is that no social organization, even if it be that of brooding doves, can be based on such external factors. As an important condition we must always have the deeply entrenched predisposition of single individuals to bring their instinctive reactions to bear upon an objective situation no matter what obstacles stand in their way. There is, besides, a variety of supplementary supporting factors such as respect for the strength of the beaks of the other mated doves, claims made by the necessities of nest building, bringing up the young, etc. The primary fact, however, is the instinct of monogamous mateship.

It has repeatedly been asked which is older, mateship and the family or the herd (in the case of primitive man, the horde), and whether perhaps one may have grown out of the other. Animal sociology teaches that the question is not well put; for mateship and the family, on the one hand, and the herd, on the other, are forms of society formation which in certain animal species exclude one another, in others exist side by side. The mateship and family, on the one hand, and the herd, on the other, are based on different biological principles, of which neither is traceable to the other.

Mateship, family and herd (horde) are prehuman biological institutions; when, as we have to suppose, in the evolution of man human reason gradually became differentiated from instinct, it found all these social forms preexistent, and nothing remained but to justify them after the fact by rationalistic considerations.

F. ALVERDES

See: SOCIETY; ASSOCIATION; INSTINCT; FAMILY; MARRIAGE; PSYCHOLOGY.

Consult: Alverdes, Friedrich, *Tiersoziologie* (Leipsic 1925), tr. by K. C. Creasy as *Social Life in the Animal World* (New York 1927).

ANIMISM, the belief in spiritual beings, is one of the oldest inventions of man. We must infer that it dates from palaeolithic times, and its subsequent world wide distribution and incomparable influence upon human thought and activity are to be paralleled, for instance, in the invention of fire. Both are so fundamental in human history that no one has successfully imagined an order of human events in which they do not figure.

This universally animistic state of mind of primitive peoples was, to the early anthropologists, exponents of nineteenth century English rationalism, bewildering and very nearly incredible. Since it was their habit of mind to assume the rationality of human processes, Tylor and Spencer were quite naturally overwhelmed by this unanimous fantasy: the ascription of being, on the pattern of that known in human beings, to the external world. Their difficulty was intelligible enough. Animism is not, like forms of marriage, to be understood ultimately in relation to the biological structure of man or, like the forms of industry, to his needs of food and shelter. Even where animistic practises were used in connection with economic pursuits, they were, from the rationalist's point of view, supernumerary; that is, man knew the technique of stupefying fish in a pond or of burning over the ground before seeding, and the animistic acts and tabus that were inevitably superadded, if not to agriculture, then to hunting or to warfare, could not be justified on the economic basis.

Tylor derived animism from those experiences which gave man the notion of the separable human soul. These are primarily dreams, but also include shadows, reflections in the water, etc. Once primitive man had arrived at the hypothesis of his own soul, he transferred the notion first to other humans and later to the inanimate world. Spirits, then, however many, are rooted in one common notion. Those which are transferred to the world of the dead gain currency as ghosts; those which are transferred to animals, as animal spirits; those which are transferred to the world of nature, as all the host of nature spirits. There are also those "souls" of disease and nightmare against which so much ritual is directed, and those guardian "souls" which as the personal protectors of individuals are so variously known.

Tylor emphasizes the fact that spirits are not necessarily differentiated from the objective world on the basis of their spiritual, i.e. non-

material character. Spirits are supposed to leave footprints, to need holes cut in partitions through which it is desired that they should pass, to dwell together in villages often as material as those of human beings.

Spencer in his discussion of animism laid weight also on the importance of the concept of the human double. Andrew Lang stressed the fact of trance and psychic experience as calling into being animistic conceptions. More recently Marett has given theoretic prominence to the occurrence of non-personalized concepts of spirit. These are well known under the Indian names of *orenda* and *manitou*, and better yet the Polynesian term of *mana*. Marett calls this aspect "animatism," and describes it as a simpler form of the religious concept than that of the visualized supernatural beings with whom Tylor was specifically concerned. J. W. Hauer, agreeing more nearly with Lang's emphasis, has recently derived animism from the religious experience, the intrusion of compelling psychic states felt to be authoritative and imposing upon mankind the animistic interpretation.

Tylor's exposition of animism has been challenged by a number of anthropologists, notably Durkheim and Lévy-Bruhl, on account of its over-intellectualist character. While both of these critics phrase their problem in such a way that they do not contribute specifically to a discussion of animism, their criticism of the classic statement of animism is in line with modern psychological thought.

In common with other thinkers of his time, Tylor was interested in the origin not of complex emotional backgrounds but of conceptual phenomena, and he regarded these as of primary importance in behavior. It is more in accord with present day conclusions to regard the concept as secondary and the act as primary, and it is natural that the modern problem in regard to animism should have shifted. In Marett's phrase, we think of religion as "danced out, not thought out," and this shift is especially significant in connection with the problem of animism. The question has been distorted by the classical emphasis. It has been regarded as a department almost of cosmology, as an affair of theories and beliefs. In the modern view it is animistic behavior that is crucial: that behavior which plays opposite to the external universe regarded not as thing but as person. Our present day dichotomy of behavior has isolated two distinct types: the type directed toward things, which follows strictly a cause and effect sequence; and the type directed toward persons, which runs the gamut from love to manipulation, but which deals only in small degree with measurable cause and effect. Of this dichotomy primitive man knew little. As we have noted above, he knew thing-techniques, but he did not regard them as ruling out person-techniques. He harangued the tree as bride or as child, taking it to wife with the ordinary marriage rites, or cradling it according to the ceremonial of childbirth, at the same time and place that he demonstrated his mastery of felling large trees without the use of iron. He simply made no dichotomy where with us it has become fundamental.

Behavior of this sort in our own civilization is most easily observed in the child. Modern child psychology exhibits many examples of the child's assumption that his relations to the inanimate world are of one pattern with those toward the animate world of people: he fondles as he would his mother the pretty thing that has pleased him, he strikes the door that has slammed upon him. Animism considered as behavior is nothing more than this; properly speaking, it is only the expression of a state of mind that has not made our distinction between behavior toward persons and behavior toward things, but which brings the whole field under the one rubric, treating the entire external world according to the pattern learned in dealings with fellow beings.

From this point of view animism loses much of its fantastic character. It is not evolved de novo, but represents a well tested gamut of acts and accompanying emotions, from adoration and cajoling to bargaining and legalistic compulsion, all of which are familiar in the sphere of human relations and are here simply transferred to the supernatural. If primitive man believed that his most serious matter of fact efforts in hunting or agriculture were still insufficient, without the addition of prayer and fasting, to propitiate the supernatural beings, it was no more than we ourselves feel necessary in such human situations as that of parents and children. We judge material care still insufficient unless we give evidence also of a certain emotional attitude. In other words, the religious behavior of primitive people followed rules of conduct which we have not ourselves repudiated; the difference lies in their belief that that part of the external world which we now manipulate by knowledge of cause and effect sequences

should be managed by the same rules as those that obtain in the human world.

This view of animism shows clearly that it does not bar out, even for the most primitive, the development of naturalistic control of the environment. We have used the example of the felling of trees. Any field of activity illustrates the same point. The Australian or the Bushman by minute knowledge of a locality can obtain water from roots and water holes unavailable to a civilized person; a Polynesian can build a trustworthy boat from materials that would seem unusable to others. In addition they use incantations, fastings and tabus. It is obvious that the roots of modern science are in the matter of fact techniques and knowledge of the environment, not in the magico-religious realm at all. Frazer's contention that magic is a primitive science is untenable. At any period in the world's history, in so far as any procedure depended on supernaturalism it was removed from scientific method.

It is important to observe that animistic behavior was fallacious only in that it was applied outside the realm of man's dealings with his fellows. With the person-technique as such, as a technique that must always be in some measure removed from cause and effect considerations, we can have no quarrel. Human beings are most moved, not by mathematical demonstrations, but by love, by gifts, by cajolery, by punishment. Our cultural emphasis tends to slight this fact, stressing in practical affairs the possibility of impersonal manipulation of groups, and in psychological thought the cause and effect sequences in the individual. We may well remember that we often fail by our methods when primitive man would succeed by his. A labor dispute attacked by the techniques used in the rain ceremonials of the Pueblos of the Southwest would never need the militia. Within the field in which this type of behavior was perfected—in the field of personal relations—the person-technique of primitive people is often admirable. And if their thought characteristically extends beyond reason the confines of this type of behavior, it is at least arguable that ours extends as far, in the incalculable region of human relations, the confines of the thing-technique. The fact that European civilization has made its most significant contribution in exploring mechanical causation should not blind us to the fact that those other forms of behavior which are characteristic of human relations were carried to a high point of art by many peoples in their varieties of animistic behavior.

RUTH BENEDICT

See: MAGIC: RELIGION; TECHNOLOGY; ANTHROPOLOGY; FETISHISM; TABU; ANCESTOR WORSHIP.

Consult: Tylor, E. B., *Primitive Culture* (7th ed. New York 1924); Spencer, Herbert, *Principles of Sociology*, 3 vols. (London 1876–96; vol. i, 3rd ed. 1885) vol. i; Lang, Andrew, *The Making of Religion* (3rd ed. London 1909); Marett, R. R., *The Threshold of Religion* (2nd ed. London 1914); Hauer, J. W., *Die Religionen*, vol. i– (Stuttgart 1923–); Durkheim, Émile, *Les formes élémentaires de la vie religieuse* (Paris 1912), tr. by J. W. Swain (New York 1915); Lévy-Bruhl, Lucien, *La mentalité primitive* (Paris 1922), tr. by L. A. Clare (New York 1923); Frazer, J. G., *The Golden Bough*, 12 vols. (3rd ed. London 1911–20).

ANNAPOLIS CONVENTION. *See* CONSTITUTIONAL CONVENTIONS.

ANNENSKY, NIKOLAY FIODOROVICH (1843–1912), Russian statistician, journalist and political figure. After studying law and history in preparation for an academic career he joined the statistical department of the Ministry of Transportation. This official connection was severed in 1880 when, because of his outspoken liberalism, he was exiled by police orders to Siberia for a term of three years. On his return to European Russia he managed the statistical department of the Kazan, and later that of the Nizhni Novgorod provincial *zemstvo*. During his association with the latter it acquired the reputation of an all Russian school for *zemstvo* statisticians. In his farm assessments Annensky relied largely upon the results of soil tests, a procedure which later gained wide acceptance in Russia. In 1895 he moved to St. Petersburg to become chief of the municipal statistical bureau and to join, with Korolenko, the editorial staff of *Russkoe Bogatstvo* (Russian Fortune), the leading monthly organ of populist socialism. Beginning in 1882, when Annensky attracted considerable attention by an article on the "New Trends in Economics" in which he criticized German socialism of the chair, he contributed articles on political and economic subjects to various periodical publications. After 1900 he devoted himself entirely to journalism, and in 1904, upon the death of Mikhaylovsky, the editor-in-chief, became the chairman of the editorial board of the *Russkoe Bogatstvo*. In his articles for this magazine Annensky dealt with social and economic topics, such as budgetary problems and questions of financial policy. His attention, however,

was absorbed mostly in editorial work in the economic and political sections of this publication. He helped to found the Laborite People-Socialist party in 1906 and was elected chairman of its central committee, an office which he retained to the day of his death.

V. MIAKOTIN

ANNEXATION is primarily a term of international law denoting the act of a state, within the limits of that law, in adding to the territory held under its sovereignty territory not so held prior to that action. It confers all powers of use, exclusion and alienation. The term cannot in strict accuracy be applied to extension of the authority of the state over territory which even after such action remains outside the scope of its full sovereignty, as in the establishment of a protectorate, military occupation, acceptance of a League mandate or the acquisition of territory on lease. The action must be taken for the state by public officials or persons previously authorized so to act or whose action is subsequently ratified by the state. There is no etymological reason why the term should not be applied to acquisitions of territory not previously held by another state, but it is more frequently applied to acquisitions of territory previously so held.

The only ground upon which annexation may validly be based, in international law, is that of consent by the state whose territory is annexed in whole or in part (*see* CESSION) or, in the case of territory not formerly held by another state, consent by the international community to the act of the annexing state. The consent of the predecessor state, in the former case, may be given tacitly (as in peace time prescription), and even under coercion, as by cessation of resistance to conquest (operation of rule of *uti possidetis* at end of war); but without such acquiescence no proclamation of annexation or military conquest by a second state is effective (Belgium, 1914–18). No plebiscite of the inhabitants of annexed territory is as yet necessary under international law to confirm either the action of their former government in making the cession or the action of the new sovereignty in making the annexation. On the other hand the consent of the ceding state may be given expressly, in a treaty agreement for sale, exchange, etc. In either case recognition of the fact of transfer is incumbent upon all other states, in view of the standing rules of international law permitting acquisition of title by these means, in the absence of prior agreements by which the cession is placed outside the power of the ceding state (Platt Amendment), or of subsequent agreement of the parties reversing the cession (Port Arthur). Outside states may not, however, by agreement among themselves transfer the territory of another state without its consent (Bessarabia), although in recent years several cases of international action to create or sanction title to territory for an individual state have appeared (Danzig). Finally, in the case of territory not previously held by another state the agreement of the international community is admitted in the standing rules of international law authorizing acquisition of territory by discovery, occupation and accretion. Subsequent recognition of actual annexations of all types will operate to confirm title, but in no case does it appear that notice of annexation need be given or such recognition obtained until the question arises in the routine course of international relations. In spite of many opinions expressed to the contrary, it does not appear that actual occupation by the authorities of the annexing state is required to complete annexation where the basis of annexation itself does not require such occupation; thus such occupation is necessary to acquisition by conquest, occupation of new lands, prescription and accretion, but not necessarily to acquisitions by discovery.

The result of annexation is to transfer the allegiance of the inhabitants to the new sovereignty; nationals of the old sovereignty become nationals of the new, and resident aliens transfer their allegiance as such to the new state also. The latter may permit the inhabitants—nationals of the former sovereignty—to retain their nationality on any terms which it may think desirable (e.g. removal); it is under no obligation to do so. The existing public law, including criminal law, remains in force except where incompatible with the public law of the annexing state, as do the local governmental organization and practise, subject to the same limitation; thus in certain cases annexed units may retain a great deal of their identity, as before the annexation (Texas). Any military government set up by the annexing state during military occupation similarly remains in effect. Titles to public property rights pass to the new sovereignty; public obligations are inherited by it only where they have been reasonably incurred for the betterment of the territory annexed, but in no case are obligations contracted for resistance

to the annexation so inherited. In view of the many variable and indefinite factors which go to determine the results in this situation, it is held that the annexing state may decide for itself, if the matter is not regulated by the agreement for cession, what obligations it will assume as a result of annexation, subject to these general principles. Treaty obligations of the annexed territory are inherited by the succession state, where the annexed unit does not retain power of discharging such obligations itself, subject to similar principles. The law of private relations, and private rights and obligations thereunder, remain unaltered, subject to the authority of the new sovereignty.

Historically annexation has been extremely important in the relations among the European nations and in the development of the United States. The former have not only in past centuries annexed vast colonial territories in the Americas, in Africa and Asia (relatively uncommon application of the term), but have also from time to time annexed from one another metropolitan territories in Europe itself (Alsace-Lorraine, Poland), usually as a result of conquest. The United States annexed vast territories on the continent of North America and, later, overseas, mainly as a result of purchase, with some admixture of conquest. The acquisition of original title by discovery and occupation of new land being now no longer of great importance, it seems probable that annexation as a basis of national territorial sovereignty will grow in importance in the future. But the decreasing discretion of the nation in controlling use of its own territory, as a result of increased international supervision (internationalization, mandates, minority protection, etc.), together with the growing tendency to restrict freedom of annexation ("no annexations," Article 10 of the Covenant, demand for plebiscites) may counterbalance this influence. Any arrangements for revision of the territorial status quo by international agreement, implicit in the outlawry of conquest, would further emphasize this change. Moreover there seems to be some decline in the eagerness of states to make annexations of territories, continental or colonial, populated by hostile peoples or by backward races requiring expensive tutelage by the administering state. The future of annexation as a form of state action is problematical.

PITMAN B. POTTER

See: CONQUEST; CESSION; ALLEGIANCE; PLEBISCITE; SELF-DETERMINATION, NATIONAL; TERRITORIES, UNITED STATES; COLONIES; IMPERIALISM; MANDATE; ALSACE-LORRAINE.

Consult: Hertslet, Edward, *The Map of Europe by Treaty*, 4 vols. (London 1875–91); Fauchille, P., *Traité de droit international public* (8th ed. of Bonfils' *Manuel*), 4 vols. (Paris 1921–26) §§ 216–20, 427–32; Hall, W. E., *Treatise on International Law* (8th ed. Oxford 1924) §§ 30–42; Hershey, A. S., *Essentials of International Public Law and Organization* (rev. ed. New York 1927) §§ 169–84, 125–30; Hyde, C. C., *International Law, Chiefly as Interpreted and Applied by the United States*, 2 vols. (Boston 1922) §§ 98–133; Liszt, F. von, *Das Völkerrecht systematisch dargestellt* (12th ed. Berlin 1925) §§ 17–18; Luter, J. de, *Le droit international public positif*, 2 vols. (Oxford 1920) § 20; Phillipson, C., *Termination of War and Treaties of Peace* (New York 1916); Kunz, J. L., *Die völkerrechtliche Option*, 2 vols. (Breslau 1925–28).

ANNUITIES are yearly or other periodic payments of a certain sum of money granted to one for life, years or in fee, chargeable upon the person of the grantor (Sir Edward Coke, *circa* 1615, *et al*). The annuity is often confused with a rent charge, which is a charge against lands in the hands of the purchaser and arises out of the land itself. It should not be confused with gifts of incomes from funds, with incomes or profits indeterminate in amount, or with incomes from ordinary legacies, however payable. The periodic payment of sums certain, chargeable upon rights and personal property, seems to have become obsolete.

Annuities may provide sums certain either for others or for oneself. The first type of annuity is the older. It is of testamentary character and takes the place of a legacy in the lump. In modern times this form of annuity is used in connection with marital separation agreements and as provision for wayward or spendthrift children. Provision for self, or jointly for self and spouse, seems to be the prevailing practise.

The annuity may have been in vogue in ancient India, China, Babylon and Assyria. Annuities were granted in Egypt at the close of the twentieth dynasty (Setnakht). The Romans bought and sold annuities. Early in the Middle Ages in England and in northern Europe annuities chargeable against the person of the grantor evolved from payments charged against lands, rights, tolls and personal property. From the eleventh to the fifteenth centuries the expense of petty wars in Italy, Germany, England, Flanders, Brabant and elsewhere was met by loans repayable as annuities chargeable against the credit of the cities and countries involved. Loans for the general purposes of

cities, repayable as annuities, for life or years (singly or jointly), or in perpetuity, were often resorted to (Tournai, Bruges, Nuremberg, Florence, Ghent).

The "tontine," a pseudo-annuity, arose toward the end of the seventeenth century as a result of the attempt of Mazarin and Colbert to resuscitate French finances. Lorenzo Tonti, the inventor of this plan, proposed that a fund of 25,000,000 livres be collected and each year interest be paid thereon at a lower rate to younger members and a higher rate to older entrants into the fund. Subscribers were to be divided into ten age classes, each constituting a closed group, surviving members of each class receiving annually a pro rata share of the interest fund allotted to the class. After the death of the last subscriber the original fund reverted to the state. Tontine loans were also issued in Amsterdam (1671), Groningen (1671) and in other places on the continent. Tontine practises survived into the eighteenth century.

The calculation of annuities passed from a guesswork basis to one based upon observations of human mortality in the seventeenth century, chiefly as the result of the work of Jan de Witt, who in 1671 presented his famous report to the Parliament of Holland and West Friesland. This report contained the table of minimum values to be accepted in return for life annuities, the principal sums to be used in financing the wars which threatened Holland at that time.

The English government attempted for the first time in 1692 to raise money through life annuities. The granting of life, deferred and term annuities in England supplemented the earlier instruments of tallies, navy and exchequer bills. During the eighteenth and nineteenth centuries annuities accompanied the state lotteries, lottery loans, the issue of consolidated 3 percent stock, the victualing bills, tariffs and other sources of the king's revenue. Annuities have been employed in American finance only once—by Hamilton in the funding of the revolutionary debt.

The common or formal types of annuities now in vogue may be divided into two main classes: annuities certain and contingent annuities. An annuity certain is a series of payments made at equal intervals over a fixed period of years. The contingent annuity is one for which the date, either of the first or last payment, depends upon the happening of some event, the time of whose occurrence cannot be foretold.

Annuities certain may have the first payment at the end of the first period (immediate annuities); at the beginning of the first period (annuities due); or the first payment may be made after the lapse of a given number of years (deferred annuities). When annuity payments continue forever they are said to be perpetuities.

The simplest form of contingent annuity is the whole life annuity, i.e. payments are made throughout the life of an individual. Life annuities are often granted jointly to several lives, or as long as one, at least, of several lives survives. An annuity is said to be forborne when the payments are not taken when they fall due but are left to accumulate at compound interest.

In annuity calculations it is necessary to approximate from tables of the probability of human survival and of compound interest the present value of the series of payments. When the payments are made at equal intervals and in equal amounts for a stated number of years, (n), the present value $(a_{\overline{n}|})$ and the amount when forborne $(s_{\overline{n}|})$ may be expressed as sums of geometric series, that is:

$$a_{\overline{n}|} = v + v^2 + v^3 + \cdots + v^n$$

$$a_{\overline{n}|} = \frac{1 - v^n}{i} = \frac{1 - (1+i)^{-n}}{i}$$

and:

$$s_{\overline{n}|} = 1 + (1+i) + (1+i)^2 + \cdots + (1+i)^{n-2} + (1+i)^{n-1}$$

$$s_{\overline{n}|} = \frac{(1+i)^{n-1}}{i}.$$

To introduce the life contingency element in the simplest manner it is necessary to take into account, with the present value of each payment, the probability that the annuitant, or receiver of the payments, will survive a given number of years (n). That is:

$${}_na_x + vp_x + v^2{}_2p_x + v^3{}_3p_x + \cdots\cdots v^n{}_np_x$$

where $v = (1+i)^{-1}$ and ${}_np_x$ probability of a person aged x surviving n years. The commutation columns (invention of John Nicholas Tetens, 1786) of the life table chosen for the given class of annuitants may be used to sum such series. The mathematics of the annuity has engaged the attention of the ablest of minds —De Moivre, Dodson, Simpson, Price, Euler, Tetens and others.

In modern practise one finds the annuity form expressed in retirement and disability

pensions, in the "income" or "instalment" settlement features of ordinary life insurance, in the disability annuity annexes of life insurance and in the wide variety of annuity contracts *per se* offered by insurance institutions. In recent years the sales of annuity contracts have increased remarkably. Since 1916 the companies reporting to the New York Insurance Department show an increase of 160 percent in sums received and of 120 percent in the reserves set aside for annuity payments. The total reserve fund so held by these companies in 1926 was approximately a quarter billion of dollars.

Insurance students feel that with the prospect of an increase in the purchasing value of money and a decrease in the yield on fixed-rate securities available to the private investor, moneyed persons in the United States will be attracted more and more to the certain proceeds of an annuity. The wage working population also may benefit in the future from the increased sales of the retirement and disability annuities now available on the "group" plan. Under this plan the consideration for the annuity is paid for jointly by employer and employee. These annuities are sometimes combined, in one arrangement, with group policies for life, health and accident.

Deferred annuities for persons not covered by industrial or establishment pension systems seem to meet with particular favor at the present time. These are paid for by the prospective annuitant in lump sum early in life, or in instalments during the working period of life or through a combination of these two methods. The first payment to the annuitant usually begins at age 60 or 65. If the annuitant dies before the annuity payments begin, the return, without interest, of the amounts paid in can be arranged ("refunding" or "guaranteed minimum return" contracts).

EDWIN W. KOPF

See: RENT CHARGE; DEBT, PUBLIC; LIFE INSURANCE; PENSIONS.

Consult: Baily, Francis, *Doctrine of Life Annuities and Assurances*, 2 vols. (London 1813); Walford, Cornelius, "Annuities" in his *Insurance Cyclopedia*, 6 vols. (London 1871–80) vol. i, 98–168; Institute of Actuaries, London, *Textbook of the Principles of Interest, Life Annuities and Assurances*, 2 vols. (London 1901–02) vol. i; Avery, John M., "The Nature of an Annuity" in Association of Life Insurance Counsel, *Papers* (1928) 65–81; Kopf, Edwin W., "Early History of the Annuity" in Casualty Actuarial Society, *Proceedings*, vol. xiii (1926–27) 225–66.

ANSELM (*c.* 1033–1109), theologian and philosopher. In 1093 he was chosen archbishop of Canterbury, and a quarrel ensued with William Rufus concerning investitures and homage. This seemed to Anselm to involve the fundamental question of the liberty of the church and resulted in a trip to Rome in 1097. There he took a prominent part in the Council of Bari (1098) and the Synod of Rome (1099), where the decrees against simony, concubinage of clerics and lay investiture were renewed. After the death of William Rufus he returned to England and after some difficulties reached an amicable agreement with the new king, Henry I. The terms are not definitely known but it appears from contemporary documents that Henry gave up his claim to the investiture of bishops and agreed to abstain from arbitrary interference in their election. The pope, however, seems to have agreed temporarily that bishops should pay homage to the king.

Aside from his important role in the investiture controversy, Anselm was a towering figure in scholastic thought. His writings comprise, in addition to philosophical and pedagogical works (*De veritate*; *De grammatico*), a discussion of all the theological themes which agitated his time—the freedom of the will, the humanity of Christ, the sacraments, the Holy Ghost and the fall of the devil. On the crucial question of the existence of God, Anselm's ontological proof is classic. The collected works of Anselm appear in J. P. Migne's *Patrologia latina* (vols. clviii–clix, Paris 1863–65), which contains also Eadmer's *Vita S. Anselmi* (vol. clviii, cols. 49–134).

RICHARD MCKEON

Consult: "Anselm von Canterbury als Vorkämpfer für die kirchliche Freiheit des elften Jahrhunderts" in *Historisch-Politische Blatter fur das katholische Deutschland*, vol. xlii (1858) 535–61, 606–27; Church, R. W., *Saint Anselm* (London 1873); Rule, M., *Life and Times of Saint Anselm*, 2 vols. (London 1883).

ANSON, WILLIAM REYNELL, BART. (1843–1914), English law teacher and educational leader. In 1874 he became Vinerian reader in English law at Oxford; in 1881 he was elected warden of All Souls, and became vice chancellor of the university in 1898. He was active in the revival of the study of law at Oxford, and his work there resulted in a succession of important law textbooks for students and in the establishment in 1884 of the *Law Quarterly Review*. Anson's writings are characteristically

those of a teacher. His *Principles of the English Law of Contract* (Oxford 1879, 16th English ed. Oxford 1923; 8th American ed. Chicago 1929) was a model introduction to the subject in the last century, when the chief reliance was on texts rather than on the original authorities. It represents the nineteenth century movement for organization and systematization of the common law by an analytical-historical method, in which it was sought to put English law into the mold which the German historical jurists had constructed as an instrument of university teaching. *The Law and Custom of the Constitution* (3 vols., Oxford 1886–98; 5th ed. Oxford 1922) is an analytical survey of "the machinery of the existing Constitution of England," seeking to take it to pieces by analysis and to explain the nature and working of each part.

In education he had much to do with the constitution of All Souls as finally determined by the reforms after 1877; he was active in support of the Education Bill of 1902, which sought to incorporate the voluntary schools with the board schools in a single national system; and he helped to lay the foundations of the organization of education which has obtained in England since 1918.

From 1899 to 1914 he was burgess (member of Parliament) for the University of Oxford, and was parliamentary secretary of the education department from 1902 to 1905. He was of the best type of nineteenth century liberal, inclined to improvement but cautious, tolerant, appreciative of all sides and skilful in compromise.

ROSCOE POUND

Consult: Henson, Herbert Hensley, *A Memoir of the Right Honourable Sir William Anson* (Oxford 1920).

ANTEQUERA, JOSÉ MARÍA (died 1891), Spanish writer on juridical and historical subjects. Antequera served for many years in the ministry of "Gracia y Justicia," was editor of *El faro nacional* (1851) and of *El estado* (1859), and contributed to various periodicals, among them *El cristianismo* and *La ilustración católica*. His best known work is *Historia de la legislación española desde los tiempos más remotos hasta nuestros días* (Madrid 1849, 4th ed. 1895), the fruit of twenty-five years of study. He takes the view that law and legal institutions are an epitome of the religious, social and political ideas of a people, and hence stresses particularly those codes and institutions which reflect the internal growth of the Spanish nation. While much in this book has been superseded by later monographs in special fields, particularly in regard to the origins of the *municipios*, the *Fuero Juzgo*, the *señorios* and the Aragonese and Catalan primitive codes, it still remains a valuable survey of the field and will serve the student as a useful introduction and contrast to other works on the same subject. He gives a list of the most important *fueros* from 780 to 1523, and summaries of all the important codes and of the *fueros* which came to serve as models. He wrote also *La cuestión religiosa en la historia legal de España* (Madrid 1870).

MARIE R. MADDEN

ANTHONY, SUSAN BROWNELL (1820–1906), American feminist and agitator for social reform. The Hicksite branch of the Society of Friends had in Susan B. Anthony the most indomitable woman exponent of its left wing social creeds. From a home which was a center of discussion and activities highly radical in their day a brother and a sister of Susan's also bore to the outer world a gospel of humanitarianism. Their Quaker father had dared to marry a Baptist, and he held heretical opinions on subjects other than marital. Nor was he afraid to have his children do likewise. Their mother was a daughter of the American Revolution of the first rank, for her own father had fought for national independence. Thus in an invigorating domestic atmosphere were stimulated the mind and temperament with which Susan Anthony attacked the issues of her time—temperance, slavery, trade unionism, feminism. But she was not solely home bred. From the age of seventeen to the age of thirty she was a teacher, getting a first hand contact with labor in its twofold aspect of social problems and sex status. Remaining celibate, every ounce of her nervous energy went into the causes she espoused and made her the "propulsive fire" of the woman movement which had been launched in 1848 under the leadership of Lucretia Mott and Elizabeth Cady Stanton.

Fiercely persecuted at the beginning of her public career, Susan Anthony was the most revered woman in America the year she died at the age of eighty-six. She had given the largest measure of devotion to the combined tasks—finally approved—of widening industrial, educational and professional opportunities for women, erecting the principle of equal pay for equal work, extending women's rights over property, arousing their sense of civic responsibility and securing forum privileges for its

expression, practising what she preached in the matter of economic independence and applying her equalitarian philosophy to the emancipation of a race as well as a sex. Although she did not live to see ratified the federal amendment granting woman suffrage, she had agitated for it incessantly for fifty-five years. She had poured a steady stream of articles into the press, pleaded from platforms across the continent, drafted resolutions, circulated petitions, raised funds for publications and assistants, met the requirements of a difficult and voluminous correspondence, argued before state legislative committees and the Congress at Washington, struggled with a weekly paper, helped in editing the documents of the movement, and from 1892 to 1900 she carried the responsibilities of president of a national organization of women. In all her work, however, her emphasis was on the vote as an instrument, not a goal.

MARY R. BEARD

Consult: *The History of Woman Suffrage*, ed. by E. C. Stanton, S. B. Anthony, M. J. Gage and I. H. Harper, 4 vols. (New York 1881–1902); Townsend, H. A., *Reminiscences of Famous Women* (Buffalo 1916); Howe, M. A. de W., *Causes and Their Champions* (Boston 1926); Eddy, G. S., and Page, K., *Makers of Freedom: Biographical Sketches in Social Progress* (New York 1926); Dorr, R. C., *Susan B. Anthony* (New York 1928).

ANTHROPOGEOGRAPHY. *See* HUMAN GEOGRAPHY.

ANTHROPOLOGY.

INTRODUCTORY. Anthropology deals with man as a social being. The races, languages and cultures found in different localities and following one another in the course of time are the material and contain the problems of anthropological study. The historical events that have led to modern conditions and the sources of the differentiated forms of social life, whether sprung from a common source or of multiple origin; the processes by which modifications of race, language and culture come about by the action of inner forces and by mutual influences; the interrelations between man and his environment and those between race, language and culture; the types of mental activity found in distinct cultures; the relations between individual and society—these present some of the problems that anthropology is trying to solve.

Its subject matter includes all the phenomena of the social life of man without limitation of time and space. From an anthropological viewpoint human life of the earliest times and of the remotest parts of the world is no less important than that of historic times and of our own race. The geographical distribution of forms of human life and their historic sequence from earliest time to the present must be included in the scope of anthropological researches. The first task of the science is therefore the reconstruction of the history and distribution of mankind and of the forms of human life.

This material must be supplemented by the investigation of the physiological reactions of the body determined by heredity and environment; of the mental processes of the individual under the stresses of natural and social environment; and of the behavior of society. The analysis of static types, languages and cultures alone is insufficient for an understanding of their development. The dynamic conditions of change require a knowledge of the sequence of events and of the functioning of society and of its component individuals.

The life forms of any given people exhibit three distinct phenomena: bodily form, language and culture. Culture itself is not a unit, for the manifestations of social life are diverse in character. Bodily form is determined by biological conditions, by the influences of heredity, environment and selection. Language is largely dependent upon linguistic processes. Although these are intimately related to other cultural phenomena they are so unique in their character that the linguistic processes may be considered separately. Culture in the narrow sense of the term is highly complex, for the conditions under which economic life, inventions, social forms, art and religion develop are not analogous, although in many respects interrelated.

A reconstruction of the history of mankind must take into account all these aspects, for each one throws light upon a definite series of happenings. Since the conditions under which change takes place in bodily form, language and culture are quite distinct, it must not be expected that the same series of events will be reflected in each. Observation shows that these groups of phenomena possess only slight coherence. In modern times the bodily appearance, speech and culture of the American Negro show a continuance of racial type combined with complete change of language and culture. Earlier occurrences of the same type are illustrated by the substitution of Latin for Iberian in Spain and of Arab for Berber in North Africa. Sometimes languages persist notwithstanding changes in type due to the intermingling of races, as

among the Athapascan Indians who live in isolated localities on the Mackenzie River, in California and on the Mexican border. Their languages are closely related, their types quite distinct. The differences of culture in Africa, combined with similarities of types and close relationship of languages, also illustrate the independence of cultural development from physical form and language.

On account of the disparity of these elements classifications of mankind based on bodily form, language and culture give contradictory results. Each group of phenomena must be looked at independently as reflecting one aspect of the history of mankind.

Two methods for the reconstruction of human history during those times in which no written records exist are available: prehistoric archaeology and the comparative study of similar phenomena in regard to form and distribution. Prehistoric archaeology can give us information only on the occurrence of such tangible objects as skeletal remains, objects of stone, pottery, bone; in favorable cases more perishable materials may be preserved. Fragments of intangible aspects of culture may sometimes be inferred from the forms of artifacts; but language, beliefs and customs are, on the whole, inaccessible to archaeological research. The possibilities of comparative study may be illustrated by the results of linguistic study, which has succeeded in establishing a considerable part of the linguistic history of the Indo-European family of languages.

The attempt to reconstruct the history of mankind is beset with one fundamental difficulty. Similarity of bodily form and culture is not always due to common origin but parallel forms may develop independently in distinct units. Independent parallelisms are found in life forms. The desert plants of Africa and America have a similar *habitus* and similar modifications of organs, although they are not genetically related. The marsupials of Australia have developed on lines similar to higher mammals, although they represent a distinct genetic line. Immediate physiological responses due to insufficient nutrition or to particular kinds of exercise are analogous in all races of man. In language similar categories, like a classification of concepts according to sex or form, or similar processes, like duplication of words or of parts of words for grammatical purposes, are found in a number of isolated regions. Similarities of inventions, customs and beliefs may also have sprung up independently here and there. In language the number of words and grammatical forms, all of which are so many independent elements, is so large that in most cases historic relation can be definitely established by the existence of numerous independent analogous forms. It is frequently true that the question of the independent origin or historical connection of isolated cultural phenomena cannot be answered categorically. The occurrence of parallel phenomena in biological forms and in language does not countenance the assumption of the non-existence of independent origin of cultural achievements. For this reason we demand in a reconstruction of historic development that a proof of historical connection of cultural forms in distinct areas should be based on the occurrence of complex and unrelated phenomena and upon the distribution of the phenomena over continuous areas; also that the assumption of lost intermediate links should be used with greatest caution.

Consult: Ratzel, Friedrich, *Anthropogeographie*, 2 vols. (3rd ed. Stuttgart 1909–12), and *Völkerkunde*, 3 vols. (Leipsic 1885–88), tr. by A. J. Butler as *History of Mankind*, 3 vols. (London 1896–98), for the importance in historical reconstruction of a study of distribution over continuous geographical areas; this principle has been rigidly applied in the study of North American ethnology by Leslie Spier, "The Sun Dance of the Plains Indians" in American Museum of Natural History, *Anthropological Papers*, vol. xvi (1921) 451–527, and "Havasupai Ethnography" in American Museum of Natural History, *Anthropological Papers*, vol. xxix (1928) 81–392; Boas, F., "Tsimshian Mythology" in Bureau of American Ethnology, *31st Annual Report, 1909–10* (Washington 1916) p. 29–1037; Kroeber, A. L., "Handbook of the Indians of California" in Smithsonian Institution, Bureau of American Ethnology, *Bulletin 78* (Washington 1925). Fritz Graebner, *Methode der Ethnologie* (Heidelberg 1911) takes the viewpoint that independent origin is impossible and assumes that a few correspondences in remote areas are proof of historic connection; on this basis he establishes *Kulturkreise* based on similarities which he assumes to be retained since remote antiquity. This theory has been adapted and expanded by W. Schmidt and W. Koppers, "Gesellschaft und Wirtschaft der Völker" in Obermaier, H., and others, *Der Mensch aller Zeiten*, 3 vols. (Berlin 1912–24) vol. iii, pt. i. Quite unacceptable are the views of G. Elliot Smith and his followers, who would derive all phases of human culture from Egypt (see, for instance, Perry, W. J., *The Children of the Sun*, London 1923). The other extreme is represented by Daniel Brinton who would not admit any borrowing. On the whole the earlier anthropologists, like Adolf Bastian, did not take a definite position on this question. Bastian was rather indifferent to the problem of historical transmission or independent development, because he laid stress upon the psychological conditions that bring into

being certain ideas everywhere; no matter whether the impetus may come from inside or outside, the same ideas will always develop. Edward B. Tylor, although primarily interested in the problem of the general line of evolution of culture, recognized the importance of the problem of independent origin versus historic transmission.

BIOLOGICAL ASPECTS. Man is closely related to the anthropoid apes, and the home of man must be looked for in an area in which early anthropoid forms occur. These are absent in America, present in southern Europe, Asia and Africa. The origin of man must, therefore, be looked for in the Old World. The oldest human remains belong to the early quaternary and are represented by a lower jaw found near Heidelberg. The form of the jaw is so distinct from later and recent forms that it has been described as a separate species, "Homo Heidelbergensis." In the middle quaternary another primitive type is found, "Homo Neandertalensis," remains of which occur in western Europe. It was probably not the ancestor of modern races, but a side branch. Towards the later quaternary, forms appear which are related to modern man. It is even possible that at this time the differentiation of the Negro race and of the Mongoloid races had occurred. The absolute time elapsed since the end of the quaternary is estimated at about ten thousand years. There is much difference of opinion in regard to the time when the Neandertal man lived, but it can hardly be less than fifty thousand years ago. Crude implements made of stone are much older. Neandertal man also possessed fire, and there are evidences, at the end of the period in which he lived, of fireplaces and burials. All this has a bearing upon race development, because the use of utensils and of fire characterizes the mode of life of man as that of a domesticated being, enjoying artificial protection and artificially modified feeding. The body of modern man shows clear evidence of the effect of domestication, for the hair form of the Negro, the loss of body hair, the length of hair on head and face, the blondness and general loss of pigment, the blackness of the Negro, the lack of periodicity of sexual function, the permanence of the female breast, the reduction in size of the face, are analogous to features that develop in domesticated animals. The history of human races must be considered from the point of view of the origin of races of domesticated animals. On the basis of morphological evidence it seems that two, perhaps three, fundamental races must be distinguished: the Negro, which is found in Africa and in isolated places in southern Asia and the islands north and east of Australia, in general around the Indian Ocean; the Mongoloid in Asia and America; and as a third ancient type the Australoid and a similar type in southern India. The European would seem to be an early offshoot of the Mongoloid, while the Negro may be an offshoot of the Australoid.

At the present time a large number of local types exist, the history of which is difficult to trace. There must have been many centers in which during an early period of isolation distinct types developed, but this period has been followed by intermingling of distinct types, so that at the present time no sharp lines can be drawn between the varieties of man.

The individuals composing any local variety exhibit considerable differences among themselves. The brothers and sisters composing a single family—a fraternity—also show considerable differences among themselves. Each fraternity represents on the average a certain hereditary type, and when these types are compared they also exhibit a considerable variety of forms. When comparing neighboring groups, similar groups of fraternities are found in all. For this reason it is impossible to define a local race in such a way that the description would fit all members. All that can be done is to determine the frequency distribution of the various component types.

On account of these conditions it has been found necessary to give for each type exact measurements in place of general verbal descriptions. The selection of features that are commonly measured is determined partly by striking differences in form, as in the relations between transversal width and antero-posterior length of the head, partly by the ease with which exact measurements can be taken. Not enough attention has been paid to the morphological significance of the measurements selected. This would require a detailed inquiry into their permanence under varying conditions. The object of the metrical description is essentially a statement of the distribution of hereditary types and of their modifications by the environment.

It is not permissible to assume that individuals of the same bodily form, but members of distinct local groups, are genetically identical, for the series of their offspring will always revert toward the population to which they belong. If these are distinct, the offspring of each will develop on different lines. Too little is known of

the ancient development of types under conditions of isolation, of the effect of intermingling, and of the variability of types, to allow us to lay great weight upon the attempts to reconstruct the history of development of present types and to determine their ancient habitats.

The development of specialized types may be investigated in isolated, inbred communities. The high nobility of Europe and small, stable village communities offer such opportunities. It has been shown that under these conditions peculiar hereditary features appear with unusual frequency in the community. Up to the present time attention has been directed particularly to the occurrence of pathological traits, but observations on small tribes indicate that many normal traits may increase in frequency in the same way. The frequency of divisions of the occipital bone among the American Pueblo Indians, the hairiness of the Ainu, the excessively round heads in some of the valleys of the Alps must probably be explained in this manner. Minor differences of local types may perhaps all be due to the effects of early segregation of small groups, the characteristics of which were transmitted by heredity. In this case the range of variation of local types would be limited by the range of variation of the ancestral group. New features can develop only by mutations.

The question how far environment may bring about variation in type has hardly been investigated, because most metrically determined forms are assumed to be dependent on heredity alone. It is recognized that stature, an expression of bulk of the body, is strongly influenced by both heredity and environment, that the improvement of economic and hygienic conditions raises the average stature of a population through a direct influence upon the conditions of growth. Headform and facial width are also not absolutely permanent, but it is not known to what extent changes under varying conditions may develop. Their occurrence is analogous to skeletal changes that are observed in animals born in captivity which differ in details from the bodily forms of the parents.

Differentiation of local types may develop also by selection. If a relation exists between bodily form, on the one hand, and birth rate, mortality and tendency to migration, on the other, changes in the distribution of individuals will occur that are reflected in the impression given by the population as a whole, although physiologically determined changes in the individual may be entirely absent. It has been suggested that a population containing many blonds exposed to a climate with intense sunlight would become darker by greater mortality of the blonds. Correlation between pathological processes and bodily forms is therefore of importance for an understanding of the development of local types. Much of our knowledge of this subject is vitiated by the difficulty of differentiating between social and organic conditions that determine the selective processes. In modern populations the different social strata do not represent identical types. This is due to the varying mobility of populations and local differences in social and economic status of the component parts. Since birth rate, mortality and migration are dependent upon social status, the distribution of bodily forms must undergo changes. It is doubtful how strong this influence may be in populations that are socially homogeneous. At the present time the identity and distribution of each local human type can be determined, but it is not possible to account satisfactorily for the processes of differentiation.

Wherever distinct types are in close geographical contact, and whenever archaeological research indicates a sudden change of type in a specific region, it is possible to trace by means of the study of types the migration of peoples. Thus the sudden appearance of round-headed types in prehistoric England is an indication of migration; the similarity of certain groups of Japanese to Malay forms proves the existence of racial relations; the contrast between the East Indian aborigines and the dominant people who resemble west Asiatics proves immigration of the latter from the west; the distribution of types in Italy proves the intermingling of the type of the Alps with the Mediterranean type.

A number of authors classify races according to certain combinations of metric and descriptive features, for instance, as tall, long-headed, narrow-faced, blond, and recognize another race as soon as any of the selected elements changes beyond a certain arbitrarily determined limit. Types thus isolated have no biological significance because it can be shown that almost all of them are unstable variants of one ancestral strain.

Consult: On early races: Keith, A., *The Antiquity of Man*, 2 vols. (2nd ed. London 1925); MacCurdy, G. G., *Human Origins*, 2 vols. (New York 1924); Boule, M., *Les hommes fossiles* (2nd ed. Paris 1923), tr. by J. E. and J. Ritchie (Edinburgh 1923); Osborn, H. F., *Men of the Old Stone Age* (3rd ed. New York 1918); Macalister, R. A. S., *A Textbook of European Archaeology* (Cambridge, Eng. 1921); Burkitt, M. C., *Prehistory* (2nd ed. Cambridge, Eng. 1925);

Bayer, J., *Der Mensch im Eiszeitalter* (Leipsic 1927); Reche, O., "Homo" in *Reallexikon der Vorgeschichte*, vol. v (Berlin 1926) p. 361–80. On heredity, environment and selection: Bauer, E., Fischer, E., and Lenz, F., *Grundriss der menschlichen Erblichkeitslehre und Rassenhygiene*, 2 vols. (2nd ed. Munich 1923; vol. i, 3rd ed. 1927). On phenomena of domestication: Fischer, Eugen, *Rasse und Rassenentstehung beim Menschen* (Berlin 1927). On anthropometry: Martin, Rudolph, *Lehrbuch der Anthropologie*, ed. by Stefanie Oppenheim, 3 vols. (2nd ed. Jena 1928); Hrdlička, Aleš, *Anthropometry* (Philadelphia 1920); Wilder, H. H., *A Laboratory Manual of Anthropometry* (Philadelphia 1920). On classification: Topinard, P., *Éléments d'anthropologie générale* (Paris 1885); Deniker, J., *Les races et les peuples de la terre* (2nd ed. Paris 1926), tr. from the 1st ed. as *The Races of Man* (London 1900); Dixon, R. B., *The Racial History of Man* (New York 1923).

PSYCHOLOGICAL ASPECTS. The relations between bodily form and mental function are of particular importance for the student of human society, for if mental life is partly so determined, differences between the social life of various races may have to be explained on this basis. Much stress has been laid on this point. There is no doubt that individually the members of each local type differ among themselves no less in functional characteristics, both physiological and psychological, than in bodily build. Among different local groups, however, the same phenomenon is present that occurs in bodily build: analogous types are found in different local races. Furthermore function is much more subject to environmental influence than anatomical form. The same organism may be functionally adapted to a wide range of environmental conditions. For this reason organically different individuals are apt to react in similar ways when subjected to the same environment, while organically similar individuals will react differently when living in different types of environment. It is not correct to say that structure is entirely irrelevant in the determination of functional life, as extreme behaviorists claim; for we have ample evidence to show that organs, including the central nervous system, do not function in the same manner in all individuals.

These considerations are, however, irrelevant for the study of languages and cultural forms. The language spoken by a person, and his behavior, are not determined by anatomical forms and the functions depending upon them, but depend upon the social medium in which he lives. Identical twins, one of whom has grown up in Europe, the other in a culture analogous to that of Australian aborigines, will speak the languages and be guided in their lives by the customary behavior of their environment. Differences in organically determined functioning may influence their position in this environment, but not the character of their behavior. Individual organic differences are immaterial for an understanding of types of culture.

Consult: Thurnwald, R., "Psychologie des primitiven Menschen" in *Handbuch der vergleichenden Psychologie*, ed. by G. Kafka, 3 vols. (Munich 1922) vol. i, pt. ii; Myers, C. S., and McDougall, W., "Physiology and Psychology" in Cambridge Anthropological Expedition to Torres Strait, *Reports*, 6 vols. (Cambridge, Eng. 1901–12) vol. ii.

LANGUAGE. While in most cases the study of bodily form results in rather vague impressions relating to the descent of populations, the study of languages often gives us more precise data in regard to historical events so far as they are reflected in language. On account of the independence of the numerous stems composing the vocabulary of a language the occurrence of the same stems in several languages is an incontestable proof of their historical relation. The stems undergo, in course of time, changes in form and in meaning. Definite directions of change in form prevail at certain times and in certain regions. These can be studied by a comparison of vocabularies, and it is possible to reconstruct older forms with a fair degree of certainty. By following out these changes in form and meaning of stems and of grammatical structure, the history of languages may be partially reconstructed. If related languages are found in extended areas we obtain proof of a historical connection and of a gradual differentiation, as in the cases of the Bantu Negroes who occupy a large portion of Africa and speak related languages, and of the Indo-Europeans who ranged before the period of modern colonial expansion from Spain and Ireland to India and Central Asia. When scattered remains of a language are found in a wide territory, as the Finnish on the Baltic, in Hungary and in isolated groups in Russia, significant inferences in regard to linguistic history may be drawn.

The importance of linguistics for anthropology is generally underrated. The categories of speech are the categories of thought, and the form of language directs the attention of the speaker in definite lines. Grammar embraces a set of categories that *must* be expressed by the speaker. In English I may say, "the man is sick"; in other words, "the definite single man at the present time is sick." The thought cannot be ex-

pressed without stating that we want to speak of a definite or indefinite man, of one or several, of past or present. Other languages select other aspects prescribed by their grammar. We may find the vaguest term, "man sick," or determinations quite different from ours that, however, must be expressed, such as "man (or men) near you visible evidently sick." A generalized translation from English into such a language is impossible. Language does not express the whole of a sense experience, but selects certain parts in regard to which the imagination of the hearer is restricted, while in regard to all others it remains free. The mental pictures produced by the statement of the same expression in different languages are not comparable in their details. In this way the flow of ideas depends upon the language spoken, for our thoughts may be directed in one way by a language that classifies objects according to sex, in other ways by those that classify according to social position or form, or by those that have no classification whatever. Our thoughts may be influenced by what is considered as an object, what as attribute; by what is regarded as a state and what as an action. In all these respects fundamental differences occur.

Similar observations may be made in regard to the vocabularies of different languages. The principles of the classification of experience differ considerably. Many American languages lay great stress upon form. To throw a long or a round or a flat object are distinct concepts. Actions relating to single or multiple objects may be differentiated. On the other hand, specific terms like our "to swim," "to fly," "to walk" may be expressed by a single stem, modified by qualifying elements. The combination of experience in categories follows the most diverse lines.

The influence of language upon cultural life must not be exaggerated, however, for a new cultural need is met by the development of new linguistic forms. The absence of abstract nouns, when it occurs, does not hinder the development of abstract ideas. If the need for them is felt by new experiences, language follows by giving a value to new, formerly unidiomatic expressions. The vocabulary of philosophy is largely of this character. Phenomena of nature that vary in form, each of which has a special significance in the life of a people, are differentiated in language. Thus the Eskimo differentiates between falling snow, drifting snow, snow on the ground, a snow drift and soft snow. We use only one term. The peasant differentiates between horses according to age, sex and coat color; the Siberian native has numerous terms for his reindeer, the African for his cattle. Those not interested in horses, reindeer or cattle use only a very few terms.

Not all similar linguistic phenomena are due to historic connection. The fundamental traits of all languages show that their forms are a necessary result of the way in which we acquire experience. If every single experience were expressed by a single sound complex, i.e. a word, speaking and understanding would be impossible. It is necessary that the sounds should be recognized. This is possible only if the sounds are not too many and are fixed, and if the whole mass of experience is classified, so that similar experiences are grouped together and recognized by the symbol of the same sound complex. The classification of experience brings it about that the specific designation of an experience must be expressed by its subsumption under a number of classes which must be brought into relation. This means that words, i.e. classes, and grammar, i.e. devices of expressing relations, must be and are common to all languages.

Notwithstanding important differences, the sounds of most languages have in common the fact that they are produced by breathing out, or by the expulsion of air compressed in the oral cavity. Only the tribes of South Africa produce sound by sucking air into the oral cavity in which a partial vacuum is produced. Specific processes by means of which stems are grammatically modified are few: the addition of syllables as affixes (as in "un-kind-ly-ness"); changes of stem (as in "write, wrote"; "teeth, teethe") and significant position (as: "the wolf killed the man; the man killed the wolf") are universally distributed. Mechanical changes of sounds resultant from contact or other close association (as "impossible" for "in-possible") are frequent and of varied character. Sometimes historic changes of sound follow the same rules in widely separated areas. Thus the *k* in Bantu has changed in many dialects to *ch* (as in "church"). The same change occurs in a number of American languages. The effect of the loss of accent of a syllable has also often the same effect in regard to its phonetic development. Thus linguistic data give a safe proof of the independent origin of similar phenomena in remote parts of the world.

Consult: Meillet, A., and Cohen, Marcel, *Les langues du monde* (Paris 1924); Vendreys, J., *La langage*

(Paris 1921), tr. by P. Radin (London 1925); Wundt, W., *Völkerpsychologie*, 5 vols. (Leipsic 1900–09) vols. i–ii; Boas, F., Introduction to "Handbook of American Indian Languages" in Smithsonian Institution, Bureau of American Ethnology, *Bulletin 40*, 2 vols. (Washington 1911–22); Sapir, Edward, *Language* (New York 1921); Jespersen, O., *Language* (London 1922).

CULTURE. Culture embraces all the manifestations of social habits of a community, the reactions of the individual as affected by the habits of the group in which he lives, and the products of human activities as determined by these habits. On account of the heterogeneity of the habits of life it is customary to describe culture from a number of distinct viewpoints: the adjustment of man to surrounding nature; the mutual relations of individual members of a society; and the subjective behavior of man. The adjustment to nature includes the use of natural products for the purpose of nutrition and of obtaining shelter, as well as for less immediate purposes. The relations between individuals include sexual life and the forms of social conduct; the subjective behavior is manifested in art, religion, ethics and science. These various aspects of cultural life are interrelated and their complete separation in a systematic description gives a warped impression of the character of culture. Nevertheless a full description cannot be given without taking up each aspect of culture separately.

The definition of culture given here indicates that so far as the relations of members of a species to nature and to other members of the same species are concerned, phenomena analogous to those of human culture occur in animal society as well. As a matter of fact many of the characteristic human adjustments are found in the animal world. Insects, birds and mammals preserve food for unfavorable seasons; they build shelters, sometimes of very complex construction; they store up provisions; ants cultivate fungi; apes use sticks and stones as tools; they may even break off a stick to be used for a specific purpose. The social relations of animals are varied. There are hermits who meet the opposite sex only at the time of pairing; there are large societies like swarms of fish that welcome any number of their own species and may even admit members of other species; there are other more rigidly organized societies with recognized leaders; and among insects we find the organized states of bees and ants with an elaborate division of labor. Property rights are asserted by individuals and by animal societies. It is even doubtful whether the culturally determined, purely subjective behavior is entirely absent among animals. The habits of the bower-bird suggest a pleasure in form. Apes seem to enjoy ornaments and rhythmic movements. Domesticated animals distinguish forbidden acts from those permitted. There is no absolute gap between many of the aspects of human culture and the life habits of animals.

In the relations of man to nature the procuring of food and shelter are fundamental. With the spread of man over all climates, ever new adjustments to the food supply and protection against the rigors of climate become necessary.

Consult: Wheeler, W. M., *Social Life among the Insects* (New York 1923); Yerkes, R. M., *The Mental Life of Monkeys and Apes* (Cambridge, Mass. 1916); Alverdes, F., *Tiersoziologie* (Leipsic 1925), tr. by K. C. Creasy as *Social Life in the Animal World* (London 1927).

Food. Archaeological evidence proves that during the palaeolithic age, up to the end of the glacial period, man lived as a food-gatherer, that is, by hunting, fishing and gathering edible parts of plants, shellfish and other stationary or slow moving animals. These conditions still prevail among a few tribes, such as the Eskimo, the Indians of California and the western plateaus, the tribes of Tierra del Fuego, most of the Australians, the Bushmen and some other Pygmy tribes of Africa, the Veddah of Ceylon and the Andaman Islanders. Where the food supply is distributed irregularly through the seasons, the art of preserving food is indispensable. The Eskimo preserves little, partly because the supply of sea mammals is fairly regular, partly because the climate makes preservation difficult. The Australians lay by enough to allow large assemblies to live for weeks on stored provisions. Permanent association of man with plants and animals, that is, cultivation of plants and domestication of animals, does not begin until the neolithic period. It seems probable that the dog is the oldest domesticated animal. Its domestication is now universal, except in a few of the islands of the South Pacific. Domestication probably developed through a form of symbiosis, the dog following human camps and living in part on the refuse of human food. It is significant that all the most important domesticated animals are gregarious: cattle, sheep, goats, reindeer, buffalo, horses, ducks, chickens and geese. It is therefore probable that the relationship of man to gregarious animals was one of the conditions that led to domestication. It has been suggested that the

hunter who follows the same herd establishes a certain property right over it, and that he protects it against the attacks of wild animals; that in this manner gradually a permanent relation between man and the animal was established that led to domestication. If this is true, domesticated animals would have served first of all as a food supply. Their use for other purposes would be a much later development. The present distribution of the use of milk suggests that this discovery is also a late acquisition.

Many of the cultivated plants occur also in great masses. This is particularly true of the grains. Wheat and barley appear in Europe as the first cultivated plants. The property relation of man to an area in which such grains abound may still be observed among the Indians of the Great Lakes who gather wild rice; or among the seed-gathering Indians of the western plateaus. From the more or less permanent relation of man to an area bearing an abundance of the food-producing plant the art of cultivation may have developed. On Vancouver Island we may observe that spots producing roots of cinquefoil are cleared of stones and marked as property by being surrounded by walls of the pebbles that have been thrown away; along the north Pacific coast tribal property is established by burning over woods in order to produce a larger supply of berry-bearing bushes. The relation of man to fruit-bearing trees seems different from this, because in some cases a single tree produces as much nourishment as a large area on which gregarious plants grow. It is remarkable that many of the plants used and cultivated are not edible without special preparation, on account of their taste or because they contain poisonous substances. Examples are the cassava potato and acorns. Some have lost these qualities under cultivation.

All early agriculture was practised without the help of domesticated animals. It was analogous to our cultivation of plants in gardens. The invention of the plough and with it the use of draft animals for tilling fields is a late invention of the people of the northern half of the Old World.

Shelter. In earliest times man dwelt in natural shelters such as caves. The labor bestowed upon representations of animals in the caves indicates that his stay in the caves was continuous. The kind of shelter erected in the cave or outside is not known. Some people utilize caves even now. Among modern tribes the simplest shelter is a windbreak erected of poles and filled in with branches. More complicated are double windbreaks that offer shelter from two sides and tents that are closed all around. In some regions shelter is sought in subterranean or semi-subterranean dwellings. While these structures serve a number of individuals as protection against climate and partly against attacks of wild animals, the individual is sheltered by clothing. In the arctic climate life without clothing would be impossible; but in more temperate zones the requirements of clothing are variable. The Fuegian in a tempestuous, wet and chilly environment and the Indian of Vancouver Island exist with very little clothing, while in some tropical regions, as in Uganda, the whole body is covered. Climate alone does not account for the kind of dress used.

Inventions. The specific methods of procuring food and shelter depend upon inventions. The earliest art of which we know is the shaping of brittle stone by means of flaking and chipping, for use in striking, breaking and scraping. Implements of this type belong to the early quaternary. The art is almost universally distributed. It is likely that wood in the form of sticks was also used, but wooden implements have not survived the ravages of time. The skill in handling brittle stone gradually increased and the forms became more elaborate and specialized. The shaping of tough stones by pecking, polishing and drilling occurs in Europe much later. Toward the end of the earlier palaeolithic period fire had been discovered and was presumably used for obtaining warmth and for preparing food. On account of the difficulty of obtaining fire it is carefully kept in rotten logs or other forms of slow-match. It is claimed that the Andaman Islanders do not know how to make fire, that they keep up their fires continually. Fire is most frequently produced by drilling, less frequently by a sawing or cutting motion. It seems likely, therefore, that the production of fire was learned from these processes, and at a time when drilling and cutting tools were made of wood. The use of fire for preparing food is difficult to understand. Without long experience scorched and burnt animals found after a fire of natural origin cannot have been attractive, on account of the strangeness of taste and smell; and it is difficult to see how it happened that the experience was presented with sufficient frequency to become attractive. It is still more

difficult to understand the discovery of boiling. Many modern tribes boil by throwing red hot stones into water contained in a box or basket. This is presumably the earliest method of bringing water to a boil. It would seem that the only experience that could lead to this result is presented in cases where a stream of lava runs into a pond, bringing the water to a boil and cooking the animals living in the water. To make use of this observation the invention of containers for water and the appreciation of boiled food were required. Experience with fire also led to its use in hardening, shaping and hollowing out wood.

An important step in the development of implements was made when two pieces were united together. The earliest stone implements were merely held in the hand. Later on the stone was attached to a handle and in the further development of tools the elaboration of the handle is almost more important than that of the working tool. The art of combining different parts into a unit is also the basis of sewing and weaving.

The invention of pottery was not made until after the end of the palaeolithic period. Even now pottery making is not universally distributed. The discovery may have been made when food was roasted or steamed in underground ovens made in clayey soil. People whose habits require a frequent change of dwelling place do not use pottery on account of its fragile character. It presupposes permanence of a dwelling that, however, may be occupied only seasonally. In many parts of the world pots are made of strips of clay that are built up spirally, in coils. This suggests a relation of the technique of pottery to that kind of basketry which is made by sewing together coils of fibrous material.

Wood, bark, bone and horn are shaped by cutting, shaving, drilling and polishing. They are bent by steaming. Pieces are joined together by tying, sewing and pegging; sometimes also by gluing.

The use of skins required methods of preservation to avoid rotting and stiffening of hides. Both mechanical and chemical means are applied to this end, such as scraping, application of various substances for curing, and smoking.

The invention of basketry may have antedated that of pottery. Weaving by intertwining coarse materials and coiling by sewing together spiral coils of fibres or twigs are the processes applied. Weaving of cloth developed through the substitution of spun hair or plant fibre for stiff intertwined materials.

The most important step in industrial development was the discovery of the use of metals. Locally pure copper was used like stone. It was hammered into shape. In Babylonia and Egypt the reduction of copper ores was known in the fourth millennium B.C. About the middle of the third millennium bronze, an alloy of copper and tin, appeared in Egypt, first containing a small amount of tin which gradually increased to about ten percent. In America bronze was also invented and used in Peru and in parts of Central America. Iron appeared in Egypt in the twelfth century before our era. It has never been used in aboriginal America, except in a few cases in which pure meteoric iron was available.

The impetus to many inventions must have come in the work of procuring food and shelter. The gathering of roots led to the development of instruments for breaking the soil. The effective accumulation of seeds, berries and other vegetable food supplies was made possible by the construction of receptacles which also facilitated the preservation of supplies and their protection against the ravages of small animals. Bark, wood and basketry were used both for carrying and preservation.

The killing of animals brought about the development of means of overtaking and overcoming them. Weapons for throwing served to wound them; pits and traps were employed for holding and killing them. Masses of skeletons of the mammoth and of horses found as remains of periods in which hunting implements were still apparently ineffective suggest the use of pits and of the battue. The use of pits is also suggested by some palaeolithic rock paintings. At the end of the palaeolithic period bow and arrow, spears and throwing sticks were in use. Harpoons and fishing implements were also made in this period.

The various inventions were also utilized for the construction of dwellings. Simple mechanical devices for lifting heavy beams must have been developed in connection with the erection of habitations intended to shelter many individuals. Stone architecture was a late development. Stone enclosures or more complex structures were probably first used for graves, as evidenced by early stone circles, stone cysts and dolmens. Stone architecture developed in the eastern Mediterranean and in the plateaus of South and Central America.

The acquisition of tools, implements and

other property requires means of transportation in cases of removal from one place to another. In addition to the receptacles already mentioned which were carried by man, means for transporting heavier loads on sliding conveyances were required. Domesticated animals were used for carrying and hauling, and special means of locomotion on snow, like sledge and snowshoe, were invented. The wheel is a comparatively late acquisition confined to parts of the Old World. The use of regular routes of travel, such as are found also in animal life, created trails through the woods and brought about the discovery of fording places. Much later, trails were artificially developed and rivers or valleys crossed by primitive bridges. Navigation must have developed at an early time. Without it the peopling of islands would have been impossible. The simplest forms of transportation by water are rafts made of wood or bundles of floating plants, but we also find at an early time the dug-out. The canoe made of ribs covered with bark or hide and the plank boat are later inventions.

A number of inventions deserve special mention on account of their complexity and the proof they give of the ability to profit by the observation of complex phenomena. Bow and arrow belong to this group. In Europe the rock paintings of Spain give evidence of the inventions of these before the close of the glacial period. In all probability the experiences gained with spring-traps may have helped to develop the invention, but there could have been no immediate observation that would lead to it. The intricacies of the flight of the Australian boomerang were observed in the peculiarities of the flight of thrown sticks, but it required an incredible amount of experience and of acute observation to discover that the inclination of the planes of the two arms towards each other is the condition under which the observed and desired movement is obtained. Another unusually complex invention is that of sailing by the wind which the Micronesians use: the shifting of the mast; reversing of bow and stern in order to keep the outrigger on the lee side; but particularly the difference in curvature of the sides of the Marshall Islands canoe which serves to prevent the turning of the canoe in the direction of the outrigger. The Negroes of Africa reduce iron ores in furnaces in which the ore and charcoal is placed in alternating layers and in which increased heat is produced by a system of bellows that supply the furnace with a constant current of fresh air. This art is widely spread over Africa and may be a discovery of the Negroes, although arguments may also be given for its invention in western Asia. The early cultivation of plants and domestication of animals disclose other practises that are difficult to understand as discoveries due to the observation of nature. The artificial pollination of the date palm and the gelding of animals may serve as examples. Many other similar inventions may be mentioned in which the opportunity for discovery by observation is exceedingly remote.

Consult: *Reallexikon der Vorgeschichte*, ed. by M. Ebert, vols. i–xiv (Berlin 1924–29). For modern industries of primitive people: Mason, O. T., *The Origins of Invention* (London 1895); Tylor, E. B., *Researches into the Early History of Mankind* (Boston 1878), and *Primitive Culture* (7th ed. New York 1924); Avebury, J. Lubbock, *Pre-historic Times* (6th ed. New York 1902); Hoernes, M., *Natur- und Urgeschichte des Menschen*, 2 vols. (Vienna 1909; rev. ed. by O. Menghin, 1927); Weule, K., *Die Anfänge der Naturbeherrschung*, 2 vols. (Stuttgart 1921–23); Franchet, L., *Céramique primitive* (Paris 1911); Forestier, G., *La roue* (Paris 1900); Hough, Walter, "The Methods of Fire-Making," in United States National Museum, *Report 1889–90* (Washington 1891) 395–410.

Economics. In primitive society men and women cooperate in gathering the necessary food supply. A fundamental difference due to physiological causes is found in their activities. Childbearing women during pregnancy, when nursing young children and when caring for a number of children, are less mobile than men. They are unable to move rapidly over great distances and hence their lives are spent in or near the camp. For this reason we find that among all hunters and fishermen the men occupy themselves with the chase and with fishing, while the women gather vegetable products and slow moving or stationary animals that are within reach of the camp, and perform all the work that pertains to the camp. Secondarily it follows that the men prepare the utensils for the chase while the women work on the utensils and implements used in camp. Stone and wood are the principal materials used by the hunter. Hence the man performs work in stone and wood. He uses hammer, knife and drill. Normally the woman works on meat, skin and fibre; she cooks, preserves food, prepares skins, spins, sews and weaves baskets and cloth.

The woman's work is largely devoted to the gathering and handling of plants. In technically somewhat more advanced communities the whole agricultural work falls to her share while the men are unfamiliar with the raising of plants.

It is therefore probable that the art of agriculture was developed by woman. The men, on the other hand, are constantly occupied with the chase. In technically more advanced communities they take care of the domesticated animals. Accordingly it seems likely that domestication of animals was developed by the men. The theory that domestication developed from the habit of keeping pets, a practise common, for instance, in South America, is not tenable, because an essential trait of domestication is the free reproduction of the herd, a condition not found among pets, and also because pets are cared for by the women, who do not occupy themselves with domesticated animals.

In most cases the typical division of labor according to sex continues until some type of labor that in simple communities is performed by man is utilized for the further development of agriculture. This is the case when irrigation or building of terraces is required, or when the help of domesticated animals is introduced in agricultural work, as in ploughing.

Even in simple forms of society there is further division of labor according to individual preference. When hunting and fishing are practised, some men devote themselves by preference, or even exclusively, to the one or the other occupation. Among the Chukchee there is a differentiation between maritime dwellers who are sea hunters, and reindeer breeders. Members of the same family may belong partly to the coast people, partly to the inland reindeer breeders. Some individuals, skilled in particular industrial pursuits, devote themselves to these and furnish their tribe fellows with the products of their labor. The person who is endowed with the power of curing disease and of communicating with the supernatural world is a professional in the strict sense of the term.

In somewhat more complex societies, as among the Africans or Polynesians, there is a much more highly developed division of labor. No longer are all the industries carried on in each family group, but there are definite trades; in Africa, particularly, the blacksmiths, in Polynesia the carpenters and boat builders.

When the social structure is more complex, hereditary groups may take over definite functions. In North America some special division of the tribe may furnish the warriors; in the region of the Great Lakes of East Africa agriculture and herding are carried on by distinct hereditary divisions of the tribe. On Vancouver Island whaling was the privilege of a small group. In the civilized states of America, as well as in Egypt, the division of trades was very elaborate.

The feeling for property rights is not confined to man. Both individual and social property rights are found in the animal world. The woodchuck owns its hole; the bird its nest, sometimes even its surroundings; the squirrel and mouse their stores of winter provisions. Animals defend their property against strange individuals or groups. Eagles drive away other birds of prey, monkeys and kangaroos have their own limited territories which they defend against invasions. In all groups of primitive man there is a feeling for property of the individual in objects made or constantly used by himself, and of groups in the territory they occupy. Food, while individual property, is generally shared with members of the group. The individual has absolute control over objects made or constantly used by him, as long as their destruction does not involve loss or danger to others. Human property differs from that of animals in being transferable in the form of presents or exchange. Property is not only individual or tribal; it may also belong to tribal divisions (see *infra*). The tribal territory may be so subdivided, and social groups may have common property interests in other valued objects. Many of the individual or group property rights might better be called social privileges. Individual property or an individual privilege in which a group has a claim of participation must pass from the holder in the case of death, or sometimes even during his life, to other members of the same group. These conditions are expressed principally in the customs regulating inheritance. The range of objects that may be considered as property is very wide. Not only material objects are property, but also songs, tales, position and other privileges.

Since even in the simplest forms of society a differentiation of occupation exists, at least in so far as the sexes contribute different parts of the sustenance and are engaged in different industrial occupations, and since furthermore a pronounced feeling for property rights exists, we find also customs regulating the exchange of produce. In the small family both parents generally contribute to the support without consideration of the value of the goods, but when the family breaks up, the man and the woman each claim as their property what they have collected or made, and in general in exchanging goods or making presents to outsiders their respective ownership manifests itself. These conditions are more complex whenever a more elaborate

division of labor exists, so that a family is no longer economically self-sufficient. In most forms of primitive society such exchange is made by barter or by rendering service. M. Mauss has pointed out that the fundamental principle of exchange is the obligation of accepting a present and the consequent obligation of the return of an equivalent. The Chukchee reindeer-breeder exchanges furs for seal-meat and thongs obtained from members of his own family or from others who dwell on the seacoast. The Indian of the western plateaus exchanges dressed deer-hides for dried salmon. Another form of payment occurs when valuable appliances are borrowed for purposes of productive work or when in a cooperative enterprise one individual furnishes the needed appliances, such as a canoe or nets. In these cases the participants share in the product of their work but yield to the owner of the appliance a specific privilege. A member of a family group is also considered as a valuable asset. This finds expression both when compensation is demanded for a death caused by an outsider and in the payments or service demanded in exchange for the privilege of marrying a girl and taking her away from the family unit. Although other attitudes play an important role in these cases, their economic import must not be neglected.

There are few tribes that are absolutely self-sustaining. Most of them obtain from neighbors some necessities, such as salt and iron in Africa, and shells and, in later times, horses in America. In extreme cases a tribe may take up a specialized occupation and rely for everything else upon its neighbors. An outstanding example are the Toda in India who have given up almost everything for a milk industry. Exchange with neighboring tribes is generally by barter, in cases of mutual fear by silent barter, the objects of exchange being deposited and left, either to be taken up and exchanged or refused by the second party. When barter is more regular, a standardization of values occurs. In Africa, on the islands of the Pacific Ocean, and in many parts of America values are measured by standards. Some of these may be used for practical purposes, while others, although useful, are handled only as representations of values, that is, as money. In Africa salt, iron in various standard forms, and cattle serve as standards of wealth. All of these may be used, while the usefulness of shell money which occurs, for instance, in Africa, Micronesia and America is restricted to the manufacture of ornaments. On the north Pacific coast of North America blankets, canoes and copperplates representing certain values are in use as standards. In some parts of East Africa wealth is measured solely by cattle, not by any other kind of possession.

Wherever a highly developed system of exchange exists, we find also systems of credit. The amount given is repaid by exchange or in money value at a later time, either without or with interest. When it cannot be repaid in substance it may have to be repaid in service. An extreme form of this institution is found in the bonding of members of a family in debt, which prevails in many parts of Africa.

War, notwithstanding its numerous other affiliations, must be considered as a form of economic activity, for most wars or raids among primitive people are waged for the acquisition or retaliatory destruction of property, including the values inherent in human life. The horse stealing raids of American Indians, the cattle and slave raids of Africans, and the plunder of villages in Melanesia are examples. In arid countries the possession of water, among herders the need of pastures, have led to armed conflicts between those who try to acquire them.

Consult: Cunow, H., *Allgemeine Wirtschaftsgeschichte*, vol. i– (Berlin 1926–); Schmidt, M., *Grundriss der ethnologischen Volkswirtschaftslehre*, 2 vols. (Stuttgart 1920–21); Koppers, W., "Die ethnologische Wirtschaftsforschung" in *Anthropos*, vols. x–xi (1915–16) 611–51, 971–1079, a general historical review.

Social Organization. Man everywhere lives gregariously, and a local group varying in size forms a unit firmly coherent in its relation to outsiders. In the same way that many gregarious animals form closed societies which do not admit strangers of the same species, so in primitive society every local unit forms a closed society hostile to all outsiders. This is clearly expressed by the frequent custom among primitive tribes of designating themselves as "human beings," all outside groups by specific terms. There are probably no tribal units in existence now that have exclusively hostile relations to their neighbors, but suspicion and avoidance are very common. The feeling of community of interest of the members of a closed group is characteristic of even advanced types of human society.

Free sexual relations and marriage must be clearly distinguished. Free relations are the result of sexual passion, marriage involves property relations. Although in many cases free

premarital sexual intercourse is forbidden and, if discovered, punished, there are numerous cases in which it is permitted or is even required, except among individuals who belong to an incest group (see *infra*). Marriage is often easily terminated, until in old age a more permanent relation between husband and wife develops. Personal attachment between two young individuals is often passionate and accompanied by jealousy, but temporary. Abnormal sexual habits, such as homosexuality, have been observed among many primitive tribes. They may be explained as an effect of domestication common to man and highly domesticated animals.

The position of the individual in the social group is determined by age, sex and membership in a fixed subdivision usually consisting of descendants of a common ancestor, immediate or remote, known or assumed.

Infants and young children are dependent upon adults and therefore occupy a special position in the social unit. As they acquire greater independence they may continue to be grouped by age classes or they may merge in the general population. The old-age group which loses its economic independence is also often set off from the active population. The period of adolescence and complete maturity also brings about the formation of separate groups. Individuals passing through these stages at approximately the same time may continue throughout life as a group that retains its individuality, as in East Africa, or they may be advanced through a number of groups differing in functions and characteristics. Generally the more detailed age groupings are more pronounced in the male sex than among females.

A fundamental difference prevails in the social position of the sexes. It is due to the difference of their biological functions and the resulting difference in economic position, men being hunters, women food-gatherers; men herders, women agriculturists, at least in most of the simpler forms of human societies (see p. 82).

Since on hunting expeditions and in war men work in groups which need a leader, social recognition of leadership belongs almost always to the man. Woman's work is more commonly individual or at least does not require leadership.

In the daily life of primitive man the family group is the most important unit. It consists normally of parents and children. The family forms the economic unit in the life of hunters who live in infertile areas, for each group needs a large area for its sustenance. The mother cannot procure sufficient food for herself and her children, and a male is needed to maintain the family. The human family unit is analogous to the family unit of animals.

The relations to one another of individuals constituting this group depend upon the relation of the family to the larger social group of which they form a part. In almost all forms of human society the family consisting of parents and children forms an incest group, sexual intercourse between parents and children and between brothers and sisters being forbidden. The mature children must seek mates in other family groups. If the original family does not separate completely after the establishment of new families by the children, relations are established that give rise to a great variety of forms. These complications are bound to arise where families do not live in temporary isolation, but occupy jointly a village or a limited territory in which communication is frequent.

Three fundamental forms controlling the interrelation of families are possible and do occur. First, the family may be a firm unit and the relations of the children to father and mother may be the same. This is called a family with bilateral descent. Second, the man who marries a daughter of a family may come in as a stranger and may remain more or less an outsider, while the daughter's children may be considered as born to the family and members of the family. In this case there is a close relation between mother and children, a loose relation between children, relations-in-law and father. Third, the son may take a wife from another family into his own family, so that his children will be members of his own family while his wife remains an outsider. In this case a close relation exists between father and children, a loose relation between mother and children. The second and third are families with more or less clearly recognized unilateral descent, the second matrilineal, the third patrilineal.

Social status is largely a reflection of such relationships. In a small community in which bilateral descent prevails, the concept of the family as an incest group cannot be extended over the later generations. If it were, the whole tribe would become a single family and marriages in the group—endogamic marriages in the tribe—would become impossible. All marriages would have to be with foreign tribes, and tribal exogamy is the concomitant of this condition.

In both cases of unilateral descent consciousness of family relationship in later generations may be preserved and leads to large exogamic groupings in the tribe. This is possible only in two cases: when the terms of relationship are not individual, but extend over classes of individuals so that a whole group may be recognized as members of an incest group or as outsiders; or when a certain symbol holds together the whole large family group, such as a name, a particular kind of dress, or practises others do not share.

When a common term is used for the mother and all her sisters, when the children of this group of sisters call one another brothers and sisters and when this designation is carried through the generations, combined with the conceptualization of brothers and sisters as an incest group, the tribal unit will be divided into a number of exogamic units. If the tribe is small and no accessions to these groups occur and if, for some reason, they do not split up, this will ultimately lead to a dual division, owing to the unavoidable extinction of most of such lines of descent. The same result is obtained when the unity of the later generations is preserved by a common name or by some other symbol. Conditions of this kind are generally designated as totemism. The totemites share a name, a symbol, beliefs or rites.

The principles according to which relationship may be conceptualized vary considerably. The most frequent principles are sex of person spoken of; generation; collateral or direct line of descent; relative age; sex of an intermediate relative, as in terms of maternal or paternal descent or in terms of affinity through wife or husband, sister or brother; sex of speaker; death of an intermediate relative, as, for instance, death of mother in the term used for a maternal uncle; social rank. The combination of these principles of classification vary considerably, and many of them may be omitted. When the principle of generation is omitted, all the males of the mother's line (in the case of matrilineal descent) may be designated by the same term. When sex of the intermediate relative is considered, there may be four terms for cousins, as father's brother's child, father's sister's child, mother's brother's child, mother's sister's child. In the same way as in our term "brother" relative age is disregarded and the term is reciprocally applicable, generation may be disregarded, so that one term may designate the reciprocal relations between uncle and nephew or between grandfather and grandson.

The incest groups vary in character. When the fraternal and paternal nomenclature is extended, as described before, and exogamy is adhered to, the whole group so designated forms an exogamic unit and there is a sharp distinction between parallel cousins (that is, the children of two brothers or of two sisters—in matrilineal society the children of sisters, in patrilineal society the children of brothers) and cross cousins (that is, children so related that the father of one group of brothers and sisters is the brother of the mother of the other one). The former, as brothers and sisters, belong to the incest group; the latter belong to different families and may, or even must, intermarry.

Endogamy is found in local units. Marriages outside of the tribe or village may be forbidden. In India the basis of endogamy is caste, based largely on occupation. In Australia its basis is generation. Individuals of even generations may not marry members of odd generations. Both in India and Australia endogamy is combined with exogamy. In India the caste is subdivided in exogamic family lines. In Australia the whole tribe is divided into generations and into exogamic moieties. There may even be a double system of these, giving rise to a most complex system of marriage regulations.

In most cases the regulations preventing sexual relations in the incest groups are felt as absolutely binding. There are, however, cases in which sexual relations in the incest groups are considered as condonable.

Exogamy and endogamy are extreme expressions of a differentiation of behavior in the group of relatives both by consanguinity and affinity. Some relatives may be exceedingly free in their social intercourse. They stand in the positions of "joking" relationship. Others have to be treated with extreme respect, which sometimes takes the form of absolute avoidance. This occurs particularly between mother-in-law and son-in-law. It is generally felt as an expression of respect. Avoidance and familiarity are related to actual or potential sexual relations between the sexes, or to community of sexual interests.

From the interrelation between social position and sex, social leadership generally belonging to the men, a peculiar contradiction results in all cases of matrilineal descents. When social position belongs to a family line it cannot be transmitted from father to son, but must be inherited from a male of the mother's family, that is, from the maternal uncle. This is frequently the source of the avunculate, although

prominent position of a woman's brother in the family unit may bring about similar conditions without matrilineal descent. Since often the mother's brother does not belong to the same economic unit as that to which his sister belongs, a certain weakness is inherent in the avunculate and it is liable to give way to systems in which inheritance and descent are combined in the same sex.

The constitution of the family is dependent upon the numerical relation of mates. There are four possibilities: several men may be mated with several women; one man with several women; one woman with several men; or one man with one woman. All these forms do occur, most frequently the union of one man with several women (polygyny), or of one man with one woman (monogamy). The two other forms, polyandry and group marriage, are rare.

If polygyny is combined with permanent matrilocal residence, the wives must necessarily be sisters; if combined with patrilocal residence, they do not need to be related. In Africa polygynous households consist of a number of separate houses, each being presided over by one woman. Since marriage is always accompanied by a transfer of property rights, often by exchanges between the two families, or presents or payments made by the groom's family to the wife's family, the relationship between husband and wife is involved in these transactions. In case of payments made by the groom's family, the deceased wife's sister may be claimed as a substitute; or after the death of the husband his brother or son from another unrelated wife may claim the widow. In other cases the deceased husband's brother may be claimed as a substitute by the widow's family. Both these forms, sororate and levirate, are expressions of the property relations between families. In some cases they lead to apparent group marriages between brothers and sisters. In exceptional cases women of different generations, such as mother and daughter, may be involved in these relations.

There is no evidence that any one of the four forms of marriage was the original form. It seems rather probable that according to economic and other conditions of life one or another form developed.

Groupings consisting of relatives by consanguinity and affinity occur everywhere. In many primitive societies, particularly in those in which the local unit embraces larger numbers of individuals, other types of social groupings occur, some very firmly knit, others rather loose. These groups are held together by their social functions: occupational, political or religious. In many cases we find clubs embracing age classes of one sex, particularly young men. In others military societies occur which have definite duties or privileges in military undertakings. In extreme cases, as in some parts of Africa, they form regular regiments in an army. In still others they perform police functions. There are also societies that are pitched against one another in games and those charged with religious activities, like the shamanistic societies of the Pueblo Indians or those of Melanesia.

In some cases these societies are identical with the groups based on actual or supposed consanguinity, or they must be recruited from their membership. For example, one of the divisions of the Omaha tribe which is viewed as consanguineous is charged with the defense of the camp circle, another one functions as keeper of the sacred objects of the tribe. The societies are likely to surround themselves by secrecy, their activities, teachings and functions being known only to members. Often all the adult males form a group from which women and children are rigidly excluded. Intrusion is punishable by death or other heavy penalties. Meetings of the society are held in secrecy and guarded by the use of musical instruments, such as the bull-roarer or whistle, that keep outsiders away. Hereditary rights to membership in a society imply either that the society is identical with one of the family groups or sibs, or that its members are selected exclusively from one family or sib.

As the family groups may have associated to themselves a name, symbol, privilege or rite, so the societies are apt to assume the same characteristics. Probably all societies have names. Many are characterized by their dress or, like the African military groups, by the decoration of their paraphernalia. The societies of British Columbia differ in rank and possess privileges. Whenever a religious element is involved in these organizations, they have rites of their own and supernatural protectors appear in the same way as in family groups. The forms of these phenomena are analogous to those of totemism, but attach to a society instead of to a group considered as consanguineous.

On account of the secrecy involved in the organization of these associations new members must undergo a course of instruction. Its character differs according to the character of

the society and to the manner of acquisition. When membership is attained by purchase of a seat in the society and when the prerogatives of the society are purely formal, no elaborate instruction may be necessary because the society has no esoteric teachings. In other cases the novice may be compelled by the older members, or by the prevailing custom, to join and there may be an elaborate course of instruction, often connected with complex rites of initiation. In this case the entrance into the society is often coincident with adolescence and is of a religious character (see p. 102).

The size of the social group varies. In extreme cases all the males may form one association. The other extreme is reached when a social group consists of a single individual only. Between these extremes all possible sizes of groups are found.

The existence of any type of grouping is accompanied by stratification of society. Single individuals, as well as social groups that claim any kind of social distinction, are segregated from the general mass of the population. The segregation does not need to be based on the forms of society referred to before, but may be due to individual prominence in some capacity: experience and skill as hunter, fisherman, herder, agriculturist or warrior and consequent wealth; skill in arts; in helping the sick; in real or supposed possession of unusual qualities. All these may insure to the individual unusual prominence in his community. A different kind of stratification results from the privileges or powers of a closed society, in which all the members on account of their membership form a privileged class. When membership is determined by consanguinity we have a hereditary nobility. In other cases a hereditary priesthood or other similar forms result. The unity of the tribe depends largely upon the functions and mutual relations of these associations. When their activities are correlated, or when they form an integrated series in which leading individuals or associations control the others, the tribe will form a well organized unit. The control may be based on friendly relation or may be forced, as in cases of subjection of one class by another, or of a conquered unit by its victors. When they are uncoordinated the tribal unit will be loose.

In the limits of the group, no matter whether it is held together by consanguinity or by functioning, the members are subject to the rules of the group, which are supreme. Breach of these rules is resented or even punished. In this sense the group is analogous to the state, from which it differs because it does not unite all the members of the community in one whole, subject to common rules of behavior. The more complete the coordination or subordination of these groups, the more will the political organization approach our concept of a state. Since cohesion of the groups implies constant contact, possibility of communication and local contiguity are necessary elements in the formation of well integrated groups. Examples of uncoordinated groups are family groups or sibs that require mutual aid among the members and joint responsibility against outsiders, as in blood feuds, religious societies, like those of the Dakotas, which are held together by similar revelations, and many of the military societies of the Plains Indians. Coordination and subordination are characteristic of many of the politico-religious societies of Africa and of political organizations such as the League of the Iroquois. In some cases the separate, uncoordinated groups may form temporarily coordinated associations, as in the case of the Plains Indians during the buffalo hunt, when they are subject to a particular society that performs, temporarily, police functions, or the sibs of the Kwakiutl, which, whenever a village has dealings with another village as a whole, become a unit.

Consult: For older important literature: Morgan, L. H., *Ancient Society* (New York 1877); Maine, H. J. S., *Ancient Law* (10th ed. London 1906); McLennan, J. F., *Studies in Ancient History* (2nd ed. London 1886), and *Studies in Ancient History*, second series (London 1896); Bachofen, J. J., *Das Mutterrecht* (2nd ed. Basel 1897). A more recent point of view is represented by Lowie, R. H., *Primitive Society* (New York 1920), and *The Origin of the State* (New York 1927). See also Rivers, W. H. R., *Social Organization* (London 1924); Webster, H., *Primitive Secret Societies* (New York 1908); Schurtz, H., *Altersklassen und Männerbünde* (Berlin 1902); Westermarck, E. A., *The History of Human Marriage*, 3 vols. (5th ed. London 1921); Frazer, J. G., *Totemism and Exogamy*, 4 vols. (London 1910).

Law. Ordinarily the individual is not restrained in his actions so long as their effects concern only himself. As soon as his actions have a bearing upon the well being of his fellows a customary behavior is demanded which may be designated as customary law. Its domain is intimately associated with the general social and religious concepts of the community. Property rights are guarded. When a forbidden marriage is planned and it is believed that it entails dangers to others, it will be prevented. When the breach of a tabu is considered as

dangerous for the community, observance will be enforced. Interference with the individual who plans an action detrimental to himself may emanate from his family or his friends. He may also be shunned, because his action is condemned, or because intercourse or contact with him may be dangerous. Behavior in these cases is not regulated or enforced.

In many cases, particularly in America, customary law is obeyed merely in deference to public opinion. There are no restrictions that serve the enforcement of the law, excepting police organizations that control communal undertakings such as the gathering of fruits, the hunt or war. These are charged not with judicial function but merely with executive control. In Africa, on the other hand, a most elaborate system of judicial procedure is found almost everywhere. It uses the taking of evidence, the oath and the ordeal, and is strictly comparable to European and Asiatic forms of procedure.

Where public opinion controls, the individual crimes that affect the community may result in the killing or driving out of the criminal, or ways may exist by means of which the effects of the crime may be warded off—by purification or other religious means. There is no set punishment or compensation. When the evil results can be warded off there is no punishment. On the other hand, infractions that affect the interests of individuals or of groups of individuals are settled by revenge taken on the perpetrator or on a member of his group, according to the principle of retaliation. The damage inflicted in revenge must not exceed the original one. In other cases compensation may take the place of retaliation. A life may be redeemed by payments adjusted to socially established valuations. Wherever strong solidarity of a group occurs, responsibility is not individual but rests with the group. Actual law giving machinery and imposition of arbitrary fines are common in Africa but are rare or absent in other areas.

Customary law is binding only in the social group. The relations to outsiders are commonly unsettled, although in many cases customary law regulates intertribal commercial intercourse, and forms exist that provide for the avoidance or termination of hostilities.

Consult: Post, A. H., *Grundriss der ethnologischen Jurisprudenz*, 2 vols. (Oldenburg 1894–95); Letourneau, C. J. M., *L'évolution juridique* (Paris 1891); Kohler, Josef, and Wenger, Leopold, *Allgemeine Rechtsgeschichte* (Leipsic 1914), introduction and pt. A; *Zeitschrift für vergleichende Rechtswissenschaft* (Stuttgart 1878–).

Leisure. When the necessity of procuring food and shelter does not fill all the time of waking life, either because the food supply is plentiful and easily obtained or because the ample supply of one season is laid up and man lives in the intervening season on accumulated stores, the leisure time is spent in a variety of occupations. The total amount of tangible property that constitutes the possessions of a household depends largely on leisure time, on the permanence of abode and, in migratory tribes, upon facilities of transportation. The variety of household goods increases with the amount of leisure time. Besides this, time becomes available for activities that do not serve the immediate needs of life, and complications of technique, social gatherings and religious rites of various kinds have opportunity to develop.

In early childhood no contributions to the maintenance of the tribe are demanded and hence young children pass their time playing. Much of their playing is imitation of the occupations of their elders and a differentiation according to sex may be generally observed, the boys imitating man's, the girls woman's, work. Besides this, amusements in great variety occur: ball games, spinning of tops and plays based on personal dexterity or strength. Parents play with their young children, often accompanying the game by the singing of ditties. Adults also have games of individual dexterity, such as the making of string figures or contests in wrestling or running. Formal ball plays and racing according to set rules are common. Games in which the whole village may be divided into two units are often accompanied by betting. Games of chance, of the most varied character and played according to intricate rules, are found almost everywhere and lead often to a high pitch of excitement.

Consult: Culin, Stewart, "Games of the North American Indians" in United States Bureau of American Ethnology, *24th Annual Report, 1902–03* (Washington 1907) 1–846; Groos, Karl, *The Play of Man*, tr. by E. L. Baldwin (New York 1901).

Art. The influence of leisure upon technique is most important. It is characteristic of almost all untouched primitive culture that the technical skill exhibited in all kinds of manufacture is very great. Slovenly work has no place in primitive culture. Even when the members of the family have to provide all their weapons, implements and utensils, these are made with skill. This is still more the case when the technique used in various kinds of manufacture is

the same for most of the needs of the people, as among the Californian Indians, who use basketry for all their household utensils. As more time is devoted to a particular industry, skill becomes greater, and when sufficient leisure is available, joy in the skill acquired leads to a play with the technique that is one of the sources of artistic form.

The mastery of technique results in regularity of outline and of surface in the manufactured object, and there is evidence of the satisfaction felt in their achievement. In some cases the virtuosity displayed in the manufacture is not visible in the resulting form. The satisfaction can therefore lie mainly in the pleasure given by the control of the difficult technique, only secondarily in the regularity of form. Pleasure in virtuosity is the stimulus that leads to the development of complex forms.

The fundamental lines found in all manufactured work are the results of technical processes. The straight line is rare in nature, but is produced whenever a fibre or string is drawn tight or when the same process is carried along by a sure hand. Regularity of curves and circular forms result in basketry and pottery; spirals, in the coiling of thongs, ropes and wire.

Rhythmic repetition is also a necessary result of technical skill, for the regularity of movement involved in skill leads to the regular repetition of the same forms. The more complex the group of technical movements that produce a form unit, the more complex is also the rhythm. Less intimately related to the technical processes is symmetry, which although not universal is of frequent occurrence. Symmetrical forms result in basketry and pottery, but they are not so definitely the results of technical processes as the straight line, the regular curve and rhythmic repetition.

Every technique, as locally developed, produces fixed forms because the same technical processes are employed by all. These forms constitute the basis of the local art style. Without fixity of form art is impossible. The increasing complexity of technique, due to the development of virtuosity, often directly produces surface patterns. This is particularly noticeable in basketry but occurs also in stone chipping, adzing of wood and hammering of metal, whenever the work is done in complex rhythmic regularity. It is necessary to assume that these forms were felt as attractive, for the further development of the surface by decoration does not follow directly from technical needs. It may be observed that borders are emphasized, that prominent points are elaborated and that entirely adventitious forms are produced which have no relation to technical processes. These also follow fixed rules of arrangement. The mental effect of all these products is based entirely on the pleasure given by virtuosity and by a feeling for form.

Representative art has an entirely different source and appeal. It springs from the desire to represent some interesting object and its appeal is based on the contents and forms of the representation. So far as it is merely representation without skill, it has only the slightest relation to art. When executed with technical skill it has the double appeal of content and form. Representation can be made skilfully only in a technique in which virtuosity has been attained. The technique must therefore exert an influence over the form of the representation. The technical style will influence the style of representation. This may be particularly observed in weaving. The arts which allow the most naturalistic representations, on account of the flexibility of their materials, are pottery and carving. The most realistic representations are in the pottery of Peru or the Sudan and in the carvings of the Eskimo. In many other cases the rigidity of the art style will not admit realistic representation even in these materials. In representations of three-dimensional objects on a plane two methods are used, a symbolic one in which all the parts of the object are shown that appear to the maker as essential, without regard to their position; and a perspective one in which a view from a single viewpoint at a single moment is given. The former method is most rigidly developed in the art of the Indians of the north Pacific coast, the latter is characteristic of our classical art. Combinations between the two are frequent, as, for instance, in ancient Egyptian art in which the whole representation consists of a composition of a number of forms in perspective each seen from a different viewpoint.

Among many primitive tribes the association between technical form and representation has come to be so intimate that all forms are expected to be representative, so that apparently geometrical forms are given a symbolic meaning. In some cases this meaning is fixed for the whole community. In others there are great individual variations of the concepts suggested by forms. The symbolic meaning may be of intense emotional significance or it may be merely a name assigned to a form. In some cases

it can be shown that the meaning is read into a design which may be further elaborated according to the idea once suggested, or it may be an old representation which has become conventionalized by use or by the compelling force of an inadequate technical style or by the compulsion of stylistic requirements of space.

Art style is one of the "patterns" that characterize the thoughts and activities of every social unit. It is closely connected with motor habits, but no less with habits of formal arrangements. Every representation is subject to the molding influence of style. Its form is a result of the application of the style, and the style cannot be explained as a result of conventionalization of patterns. There may also be more than one style when different types of technique develop in a tribe, owing to a differentiation of occupations. More frequently one of the types of technique most productive of decorative forms imposes its style upon all the others.

On account of the close interrelation between technical skill and decorative art those parts of the population are the most productive and inventive that do most of the technical work. On the north Pacific coast the bulk of the industrial work consists in wood carving and is done by the men. In California the principal industrial occupation is basketry, which is done by the women. Hence the men are the creative artists in the north, the women in California.

Most primitive art is decorative. It consists of designs applied to useful objects. Works of fine art, made for the sake of art alone, are rare. Small representative carvings of the Eskimo and rock paintings and carvings of the Bushmen belong to this class. The paintings of glacial man also belong primarily to this class.

In some cases representations have a value only on account of the idea they express. This happens sometimes when objects are made for ritualistic purposes, to be discarded after the performance of the rite; or when the representations or symbols serve exclusively the purpose of communication. The symbolic devices used for the conveyance of messages, such as cowrie strings of varied forms in Africa, the signs set up along trails for the information of travelers, or the message sticks of Australia, are primarily means of communication or mnemonic devices. Sometimes they may have at the same time a decorative function, like the feathers of the Dakota Indians which, by the way they are cut and painted, express warlike exploits. The recording of information by means of pictures has also no artistic aim and is in character generally quite independent of the art style developed in those types of technique in which virtuosity has been attained. Picture writing or its further development into ideographic or hieroglyphic writing assumes artistic forms only when transferred to other artistic industries, as in Central American architecture and painting, or where it is given permanent form in codices.

The conditions for the development of music and literature are different from those for the graphic and plastic arts, because they require a different kind of leisure. While hunting and food gathering, man cannot work with his hands. The time for technical occupation is when he is at rest. On the other hand, the imagination from which spring music and poetry is at work at all times when attention is not concentrated on a particular object. For this reason even those tribes that are poor in industrial and art products, like the Bushmen, have a large body of music, poetry and prose tradition.

In primitive culture poetry is inseparable from music, and the dance is generally accompanied by music and poetry. Poetry and the dance are dependent upon musical form. There are simple forms of song in which the musical notes are sung on meaningless syllables. In others a single word or a name may be interjected between the meaningless syllables. In still others the words are distorted so as to become adjusted to the musical phrasing. Only when the words express consecutive thought may the tune be adjusted to the words, by addition or omission of short musical phrases.

Rhythmic repetition, parallelism of structure, and emphasis are the forces with which primitive music and song operate. The rhythm of primitive music is often very complex. Music uses also sequences of pitch. In some regions the whole range of pitch is very narrow, not more than three tones; in others it is wide. Discontinuous intervals are used everywhere; continuous raising or lowering of pitch occurs as a mannerism of singing. The system of intervals is fixed, although not easily defined on account of the inaccuracies of singing. Almost all primitive singing is in unison. When men and women sing together it is in parallel octaves. Singing in parallel fifths or fourths is rare. On the Admiralty Islands singing in parallel seconds occurs. The intervals are not based on harmony and differ from the scales of the music to which we are accustomed. The accompaniment of song by

rhythmic noises—handclapping, beating of boards, drums or rattles—is universal, and rhythm is sometimes carried along by beating alone. The coordination of rhythms of singing, instruments and dancing is often intricate. A complication arises when the instrument that is struck gives several distinct tones, like the drums of ancient Mexico. A further development of percussion instruments is the xylophone. This and similar instruments occur commonly in Africa. Pipes occur in the form of Pandean pipes, as in Melanesia and South America, and as flutes of several tones. Although reed pipes are used as calls and whistles, their use as musical instruments seems to have been confined to the Far East and to Europe. String instruments occur only in the Old World. The use of instruments must have contributed to the development of harmony, to the fixing of intervals and to polyphonous music.

On account of the interrelation between body movement and articulation—a special form of body movement—it seems likely that rhythmic body movements release rhythmic articulations, that is, song. In this sense songs that consist of meaningless syllables may have their origin in rhythmic movement. On the other hand, the excitement engendered by song leads to movements that are related to the rhythm of song, so that in this sense the dance is conditioned by song. All formally regulated body movements must be classed as dance. The dance accompanying states of great excitement, while adhering to the general local dance pattern, loses in fixity of form; the more formal the dance, the more rigid its adherence to artistic pattern. We find among primitive tribes solo dancing, as in the Arctic tribes among whom dancer, drummer and singer are often the same person, or solo dancing accompanied by a chorus. The most frequent form is the dancing of groups of men or of women placed in definite order and all performing the same motions. When these motions are imitative, the dance approaches a dramatic performance. In some cases the dance movements are accompanied by significant gestures or consist of gestures expressive of the words of the accompanying song. We find even more fully developed pantomimic representations.

In more highly developed song the words give a connected meaning. Many of the trifling songs that have been recorded fail to give an adequate impression of primitive poetry because the visitor hears first of all what corresponds to the street songs of our times. The subject matter of song is as varied as our own, although in the precarious life of primitive tribes the emotional connotation of the satisfaction of daily needs is infinitely greater than among ourselves. Hence the numerous songs describing in detail the emotional effect of the movements of animal and hunter or of the occupations of the food gatherer. The patterns of interest are very varied. Among the Eskimo we find songs describing the beauties of nature, a variety of songs relating to hunting, domestic affairs, quarrels, songs of religious import, and others expressing love for children, but hardly any love songs. Among some other tribes love songs are found. The language of religious songs or of other songs of serious import is sometimes archaic, or devices are used that make words appear different from the forms of ordinary usage. Metaphoric expressions, cumulative synonyms, parallelism of form, are used as artistic devices. Rhyme and assonance are rare except when they appear on account of repetition of words.

While most of the poetic forms are lyric, prose is either narrative or oratory adapted to public occasions. It is, however, not rare that oratory, as in the case of the laudatory oratory of Polynesia, takes poetic form. Impressive narrative may also assume a semi-poetic form by the regular repetition of meaningless syllables or by taking the form of a rhythmically organized recitative.

Narrative includes tales dealing with events in human society, animal tales, myths and the like. The forms vary according to local style and occasion. While human tales may be told in free form, the impressiveness of sacred myths may be increased by intimating rather than telling their contents. The form varies also according to the purpose of the narrative. Many Negro tribes like to associate their tales with a moral, as in our moralizing fable. In other cases the point of the tale may be etiological.

There has been much speculation regarding the origin of tales. It has been claimed that mythological tales are an immediate reflex of the anthropomorphic consideration of nature and that many apparently non-mythological tales are derived from myths. This theory is contradicted by the varied interpretation given to tales with mythological significance by various tribes, according to their particular mythological interests. Thus the mythological value appears as attached to the preexisting tale. While mythological concepts result from the anthro-

pomorphic interpretation of nature, plots of mythological tales seem to be transferred from the human sphere to mythology. According to this view folk tales and myths must be considered primarily as products of the art of narrative. Their religious significance is a secondary development. Since the tale is an artistic unfolding of the happenings in human society, it must reflect the habits and conflicts of life of the society in which the narrator lives. Themes like the conflict between father-in-law and son-in-law, or between stepmother and stepchild, must be considered from this angle. It is but natural that the tales reflect intimately the cultural life of the people, although in some cases, as in Europe, it may be the cultural life of a passing or past period. At the same time their character depends upon the play of imagination with the conditions of everyday life. Exaggerations of strength, size, abilities; fulfilment of wishes; conditions the opposite of what we are accustomed to, are features of imaginative narrative the world over.

There are fundamental differences in the forms of tales. Among most primitive tribes the single tales are rather short. Often they are connected by being concentrated around a single character, like the transformer tales of many tribes, the tales of Reynard the Fox, or the raven tales of eastern Siberia. A sequence may be established by letting the hero travel through a certain district. Only in rare instances are tales united by an inner bond, like some of the origin tales of Polynesia. Still more rarely are they cast in poetic form and united into epics, like those of ancient Greece and of the Orient.

Mention should be made of two minor literary forms: the proverb and the riddle. These are highly developed in some parts of the world, as in Africa, almost absent in others, as in America.

Consult: Balfour, Henry, *The Evolution of Decorative Art* (London 1893); Boas, Franz, *Primitive Art* (Oslo 1927); Grosse, Ernst, *Die Anfange der Kunst* (Freiburg 1894), English translation (New York 1897); Haddon, A. C., *Evolution in Art* (new ed. London 1914); Hirn, Yrjö, *The Origins of Art* (London 1900); Riegl, A., *Stilfragen* (Berlin 1893); Scheltema, F. A. van, *Die altnordische Kunst* (Berlin 1923); Stolpe, H., *Collected Essays on Ornamental Art* (Stockholm 1927); Wilson, Elisabeth, *Das Ornament* (Erfurt 1914); Wallaschek, R., *Primitive Music* (London 1893); Stumpf, Karl, *Die Anfänge der Musik* (Leipsic 1911); Werner, H., *Die Ursprünge der Lyrik* (Munich 1924); Leyen, F. von der, *Das Märchen* (Leipsic 1925).

Knowledge. A curious contrast is presented between the actual control of nature based on precise knowledge and the manifold beliefs and practises of primitive man. The inventions previously described are all the result of acute observation and of practical experience. The knowledge of primitive man extends over the whole field of his experience. He is familiar with the habits of animals and with the life of plants, so far as his practical experience brings him into contact with them. The regular movements of sun and moon are known and lead to calendar systems based on the celestial phenomena, but closely related to seasonal occupations. Measures of space and time are the more elaborate, the more extensive their use in technical occupations and in the regulation of daily occupations. Counting is the more elaborate, the more important the number of equal objects in everyday life. The north Californians have standard measures marked on their hands to determine the value of chains of shells; the tribes of British Columbia count their standard values by tens of thousands; the ritualistic calendar of the Pueblos determines with a fair degree of accuracy the time for the performance of the religious acts that occur during a series of years. Principles of geometry are empirically known and applied in the squaring of boxes by giving the diagonals equal length or by making a right angle by equally dividing the base of an isosceles triangle and connecting the center of the base with the apex. Geographical knowledge is embodied in the sailing charts of the Marshall Islanders, which mark the locations of islands, directions of the swell and of currents and cross seas, and in the charts of the Eskimo. All these illustrate the ability to learn from the observation of complex phenomena. The measuring of time and space and the art of counting indicate the beginnings of a systematization of knowledge which, however, has not led to a systematic observation of the regular connections between objective phenomena and the recognition that the objective world cannot be controlled by thoughts or acts that enable us to influence our fellow men.

Consult: Mason, O. T., *The Origins of Invention* (London 1895); Weule, K., *Die Anfänge der Naturbeherrschung*, 2 vols. (Stuttgart 1921–23); Hambruch, P., "Die Schiffahrt auf den Karolinen- und Marshall-Inseln" in *Meereskunde*, vol. vi (1912) no. 6; Goddard, P. E., *Life and Culture of the Hupa*, University of California Publications in American Archaeology and Ethnology, vol. i, no. 1 (Berkeley 1903); Boas, Franz, in Jesup North Pacific Expedition, *Publications*, vol. i–x (New York 1900–26) vol. v (1905–09) p. 410–12, and *Contributions to the Ethnology of the*

Kwakiutl, Columbia University Contributions to Anthropology (New York 1925) p. 112–19.

Religion. As we distinguish objects by size as large or small, by formal expression as beautiful or ugly, by ethical value as good or bad, without being able to draw a sharp line between the concepts of these opposites, so we distinguish between degrees of power over the outer world or of the power of the outer world over us. Ordinary ways of applying power are a matter of everyday experience. Extraordinary ways of applying power are wonderful. The emotion aroused by the latter is one of the chief elements of religious feeling. The line between the ordinary and extraordinary is indistinct. What is ordinary to one person or to one cultural group is extraordinary to another. Thus it is difficult to circumscribe the field of religion in a satisfactory way, because the same ethnic phenomena may have a religious connotation or may lack it entirely. The cure of a patient by extracting from his body the supposed cause of disease, like a piece of bone, may be a purely practical act. It may also be associated with strong emotional feelings related to an unusual heightening of the everyday powers of the practitioner. In the former case it has no religious connotation, in the latter it has. It is necessary to consider in the study of religion all activities and thoughts that are sometimes associated with the feeling of unusual power—either one's own or one that confronts one's self—even if in other cases they lack this connotation entirely. For this reason treatises on religious belief do and must include descriptions and discussions of the greatest variety of customs based on the assumption of relations which we do not recognize as founded on physical cause and effect, or on those in which physical cause and effect arouse a strong emotional attitude associated with the feeling for the existence of heightened powers. The specific character of this emotion is expressed by the attitude of man to those things which he considers sacred, as opposed to the ordinary secular life. From this point of view the religious side of ethical and aesthetic emotion will also find its proper place.

It is convenient to consider religious phenomena from two angles, as thought and action. The former gives us the general view of nature, which in a sense we might call the dogma; the latter, actions related to the dogma or those releasing religious emotion.

There are two widely distributed concepts of power, the one anthropomorphic and clearly conceptualized, the other vague and defined with difficulty. Languages like the American Algonquin, which classify the objective world in what is human-like (i.e. animate) and what is not human-like (i.e. inanimate), give the clearest evidence of the importance of the anthropomorphic viewpoint. It may be that some of those which, like the Eskimo, do not know of any differentiation, recognize human qualities in the whole world. The interpretation of events according to subjective experience is, however, general. As we are only too apt to explain the motivation of action in our fellow men in accordance with our own mode of thinking and feeling, so primitive man, with his lack of controlled experience, explains the events of the outer world as voluntary actions which, if helpful to him, are friendly, if impeding his plans, hostile. This is not to be conceived as a rationalization but as an automatic reaction, like the unrepressed action of a person in our civilization, child or adult, who vents his spleen on an inanimate object that has been the cause of some accident. The dogmatized development of this attitude may lead to the belief that the whole world is animate, or to the belief that human-like beings inhabit all objects and that the objects obey the orders of these beings rather than that the objects themselves act. This is in part the Eskimo conception of the inanimate world. Animals, on account of the many qualities of behavior that they share with man, are most commonly considered as strictly analogous to powerful human beings.

The anthropomorphic viewpoint is conversely applied in the conceptualization of inner experiences and of the phenomena accompanying death. In some languages qualities or even habitual actions are conceptualized as objects so that they appear as nouns. It is not by any means necessary that the occurrence of such concepts should lead to an imaginative process by means of which they are given concrete form and anthropomorphic character, but it affords ready opportunity for such development. We still feel the force in the use of metaphors based on a concrete form given to a state or attribute. Hunger, courage, love, sin, consciousness, death, are, owing either to traditional usage or to poetic imagination, endowed with qualities, particularly anthropomorphic qualities, and with concrete form. Sickness is often conceived as a concrete object or a living being that enters a body and may be removed again, or as an enemy

who attacks the body and against whom man may be defended. Sins or transgressions are commonly considered as impurities that may be removed by mechanical means. The skill of a hunter may be objectivated and exist as an object or as an anthropomorphic being leading an existence independent of the hunter himself. Other qualities, particularly life, power of action, personality, are indissolubly connected with the living individual. Their conceptualization, particularly their anthropomorphic conceptualization, leads to the varying concepts of the soul. It is not rare that several of these occur at the same time, so that we have an apparent multiplicity of souls, in reality a multiplicity of different anthropomorphic aspects of life.

Since those qualities, conditions and functions which we construe under the term "soul" are conceived as substances, body and soul have separate existence and their lives are not encompassed in the same period of time. This seems to be the essence of the belief in immortality. The soul may exist before birth and continues to exist after death, for the memory of the substantiated qualities of a person does not end with his death. The intangible memory-image of the deceased arises suddenly, and vanishes again when the calls of everyday life repress imaginative thought and day dreams. It partakes of all the features of the departed and he appears in his daily garb and in his daily occupations, all of which have, therefore, continued existence. The conflicts between everyday experience and the continued existence of these images lead also to the concept of the remote country of the dead. The detailed development of all these concepts into individual systems of mythology depends largely upon specific ideas developing in a tribal unit or introduced through intertribal relations. Anthropomorphism is the expression of a lack of differentiation between the self and its sense experience.

Fundamentally distinct from anthropomorphization is the conceptualization of power as an attribute of objects. The concept is necessarily vaguer than the concrete anthropomorphization. A stone, a piece of wood or a tree is conceived as having the quality of bringing good luck or misfortune; a particular place or a particular time is endowed with "sacred" qualities; a word or a symbolic action may have the quality of power; or finally all nature may have the quality of exerting power. The awe inspired by any of these phenomena is a response to their immanent power that may have a depressing or an inspiring effect.

Such powers may also be discovered in man. The seer who discovers the future, the twin children who control the weather, the warrior who has slain an enemy, the woman during menstruation or after child birth, and the dead are endowed with powers, helpful or dangerous. Those who have helpful powers perform religious functions in the community and are intermediaries between those without powers and the anthropomorphic beings or the vague powers whom they are able to control.

Both types of reaction to the outer world occur continually side by side and independently. They flow together in so far as the quality of power is ascribed to the anthropomorphized concepts.

Only the anthropomorphic aspect of the world lends itself to the development of mythological concepts, for the human forms participate in human activities. The animals speak and act like men, the wind travels through the world, the sun is dressed in shining garments, the soul leaves the body. For this reason mythological concepts reflect necessarily the pattern of tribal life. At the same time they are transfigured by imagination, human conditions being exaggerated or a contrast being created to the conditions existing in the known world.

Many mythological concepts that are found distributed widely all over the world may be the immediate outflow of the anthropomorphic viewpoint. This seems particularly true in connection with the conceptualization of the soul, of animals as human beings, perhaps also in the readiness with which active natural forces, like sun, wind and thunderstorms, or everchanging natural forms, like the moon, are given human forms; but mythological concepts are so varied and they are so readily influenced by imaginative suggestion that their actual development in each locality can be understood only by an analysis of their complex growth, due in part to the ever changing formulations given by imaginative minds in the course of generations, and in part to suggestions that come from the outside through cultural contact.

The mythological tales attached to the anthropomorphic characters are even more involved in their origins. All these tales, when stripped of their mythological trappings, are clearly human, novelistic tales. It is often assumed that these tales are an expression of the naive contemplation of natural phenomena. Their distribution and the variety of mythological purposes served by the same tale suggest that ordinarily the

reverse process has occurred. The anthropomorphic characters seem to have fitted a preexisting tale or to have suited peculiar human situations that are often the topic of conversation. These were transferred to the mythologic characters. There is ample evidence of the wide diffusion of tales and of the variety of their mythological applications.

Most mythologies attempt to account for the beginnings of things, for the origin of human inventions and for the regulations controlling life. The mythological imagination relating to origins is always satisfied with the existence of things as they are now in another concrete or conceptual world, from which they are brought into the world of man piecemeal or altogether; from a concrete world by heroic or crafty visitors, from a conceptual world through projection into objective existence by a creative will power, as in Semitic mythology; or by actual manufacture according to the preexisting idea. In some cases the beginnings of our era are marked not only by the beginnings of those conditions that make life possible but also by the introduction of the difficulties that beset human life, while the previous period did not know hunger, sickness and death. The correlated idea of an end of our period with recurrence of desired conditions is not so frequent.

While the vague concept of power as an attribute has not the necessary definiteness to lead to the formation of myths, it occurs constantly as an important element of mythical tales, just as it appears in human life: the mysterious qualities of space, exemplified by the contrast between inland and sea, mountains and plains, or between the cardinal points; of time as shown by the power or sacredness of certain hours or days, of the solstices, midnight or new moon; of numbers, as in the formal number of repetitions of an action, of the success of the third brother, of the fifth son or of the fourth attempt to reach a goal. In many of these cases the purely aesthetic pleasure in repetition may be felt as no less important than the mystic relations of space, time and number.

The forms of religious activities and those of religious concepts are interrelated. An extended group of religious activities serves the purpose of obtaining success in undertakings; in other words, they are designed to obtain the fulfilment of wishes. Magical acts are performed to control immanent powers of objects or of mythical beings. In the performance of a process resides the power to have the same process repeated in another desired place or on another object. This is magic by analogy. To dissolve the clay figure of an enemy in running water causes the enemy to waste away. The symbolic act by means of which an end is to be attained varies in character among different tribes and according to the ends to be attained. Fertility of plants or animals is promoted by sexual symbolism, rain and wind by symbolic, imitative actions. An object and all its parts are felt to be so intimately related that an action affecting the part will affect the whole. Particularly the human body is so keenly felt to be one with the hair, nails and excretions, with objects that have absorbed some of the exhalation or perspiration, that their maltreatment will immediately affect the body itself. Whatever is done to the part affects the whole. A spell can coerce anthropomorphic beings on account of its inherent power. The action of amulets is based on their qualities that exert a control over other qualities or anthropomorphic beings. An amulet makes it permissible to visit uncanny places and protects against the attack of spirits. On the other hand unlucky objects may thwart favorable influences.

Generally all kinds of power, conceived as qualities or in anthropomorphic form, are unable to overcome the defiling influences of the unclean, particularly of mourners and menstruating women, sometimes also of a murderer or of a warrior who has killed an enemy. Hostile powers may be overcome by magical acts.

It depends entirely upon the attitude of the performer of a magical act or of the wearer of an amulet whether his behavior is individually of a religious character or whether he looks upon it unemotionally purely as a relation of cause and effect, from his point of view as a practical or scientific process. When accompanied by the emotional state induced by the awe, respect, or feeling of sacredness of the qualities utilized, it is religious.

The devices used for influencing anthropomorphic beings are naturally parallel to behavior by which human beings are influenced: to entreaty, presents or compulsion. These devices applied to anthropomorphic beings are prayer, sacrifice and compelling spell. Formality of prayer and sacrifice are often necessary because their power is believed to be immanent not in the act as such but in its form. The stronger this concept, the more rigidly controlled is ritualistic behavior. Ritualistic accuracy of behavior is sometimes insisted on because of the inherent power of the precise

action; at other times it is interpreted as a requirement imposed by anthropomorphic powers. Simple forms of ritual are merely an expression of custom, like tabus or forms adhered to in gatherings. In most of these the religious explanation is due to rationalization of a prevailing custom, although the rationalization may produce new parallel customs. Examples of such rationalized customs are the food tabus. Some South African tribes observe food tabus, because the eating of the forbidden fruit would cause the teeth to drop out prematurely. There is no reference to a supernatural being. The Eskimos must observe their tabus because the concretely conceived transgression fastens itself to the hair of the anthropomorphic giver of food animals, annoys her and causes her to withhold the food supply.

Many ritualistic acts designed to increase the power of the performer require a heightened emotional state. When power is to be obtained from anthropomorphic beings, their grace is secured by rigorous purification, fasting, dancing and, in some cases, by self-torture. These may lead to a trance in which the desired power-bestowing vision is secured. The person who seeks a vision and the practising shaman work themselves up into a state of high excitement. Other ritualistic acts are perfunctory and lack the emotional connotation. Of this character are most of the tabus and proscriptions which are automatically repeated day by day: small, regular sacrifices and prayers and the like.The greater the formalism, the less the accompanying religious excitement.

Rituals are apt to increase in complexity, the larger the number of participants and the stronger their differentiation in regard to specific powers. Their specific forms depend not so much on religious concepts as on their relation to social forms and aesthetic impulses.

The terms animism, mana and other related ones have been avoided here, because their present use seems to obscure the essential point, the difference between the approach to the "supernatural" from the viewpoints of power conceived as anthropomorphic and of power conceived as an inherent quality of objects.

Consult: Spencer, Herbert, *Principles of Sociology*, 3 vols. (London 1876–96; vol. i, 3rd ed. 1885); Tylor, E. B., *Primitive Culture* (7th ed. New York 1924); Lowie, R. H., *Primitive Religion* (New York 1924); Sneath, E. H., *Religion and the Future Life* (New York 1922); Otto, Rudolf, *Das Heilige* (9th ed. Breslau 1922), tr. by J. W. Harvey as *The Idea of the Holy* (London 1923); Söderblom, Nathan, *Das Werden des Gottesglaubens* (Leipsic 1916); Hauer, J. W., *Die Religionen*, vol. i– (Stuttgart 1923–); Marett, R. R., *The Threshold of Religion* (2nd ed. London 1914); Durkheim, E., *Les formes élémentaires de la vie religieuse* (Paris 1912), tr. by J. W. Swain (London 1915).

Ethics. The impression given by the moral behavior of man in different cultures is that of a great variety of standards. The slight valuation of human life, anthropophagy, slavery, torture of captives, suicide, looseness of sexual relations, represent attitudes that seem fundamentally different from our own standards. Notwithstanding these differences in behavior the ethical motivation does not show analogous differences. A sharp distinction is always drawn between the members of the social group and outsiders. The standard of ethical behavior toward members of one's own group is regulated by subordination of the individual to group interests and by recognition of the rights of other members of the group. Mutual helpfulness in the group is demanded; inordinate egotism that overrides the interests of fellow members is resented. The Eskimo shares his game with unsuccessful hunters, the clan of Alaska Indians supports one of its members in his undertakings by gifts or loans of valuables. Property rights in the community are respected. General subordination under the rules which keep the society going is expected. These rules are not binding outside of the closed social unit. Behavior toward the alien depends upon the form of this concept. In most primitive societies the very fact that only members of one's own group are designated as human beings indicates that, at one time at least, a specific difference was felt to exist between them and aliens. With increasing recognition of the similarity of interests between aliens and group-fellows, the utter disregard of the interests of the former has been weakened, although the feeling of difference is an active force even up to the present time.

The social obligations that develop in intimate family life, particularly the instinctive relations between mothers and helpless children, not always only their own, may be observed everywhere. When the social customs interfere with them, as occurs in numerous cases, ethical conflicts arise.

In primitive society the standard of behavior is fixed by a common culture. As in the Homeric *epos* the relations of man and the gods were recognized beyond the possibility of a doubt and the ethics of behavior were regulated according

to a well integrated culture, so it is in primitive society, which does not favor individual freedom of thought. The individual does not seek an ideal, it is given to him. Pressure in regard to conformity in belief is very rare, but individual actions contrary to custom are so often conceived as detrimental to the common weal that they are resented and suppressed.

The most serious offenses within the social group are murder and bodily harm; infraction of property rights, including adultery; witchcraft and transgression of tabus or other regulations that concern the whole community. In cases of individual or group conflict retaliation is felt as an ethical duty. In some cases the feeling of respect for the rights of fellow members turns into jealous envy of every person who is in any way prominent, by wealth, wisdom or skill. This is a characteristic feature, for instance, of African society.

Consult: Westermarck, E. A., *The Origin and Development of the Moral Ideas*, 2 vols. (2nd ed. London 1912–17); Sutherland, A., *The Origin and Growth of the Moral Instinct*, 2 vols. (London 1898); Hobhouse, L. T., *Morals in Evolution* (3rd ed. London 1915).

THE INTEGRATION OF CULTURE. All the various aspects of human life: bodily form, language, culture, as well as the environment in which man is placed, are interrelated, and the form of culture is a result of this integration. In many aspects of culture the mutual influences are strong, in others weak.

Race and culture. No adequate proof has ever been given showing that the different behavior of racial groups is organically determined. The wide range of differences between individuals and family lines constituting a local race, and the occurrence of identical types in related races, have been pointed out before (p. 75). It has also been stated that this overlapping of forms is much more far reaching in physiological and mental functioning than in anatomical form. The apparent differences in mental reaction of races obtained by students of experimental psychology may be ascribed as well to differences in upbringing and in cultural experience as to differences in anatomical structure. The differences in results of tests taken on people of the same descent, but living in different environment, seem to prove the importance of environmental as against organic determination. In groups as much alike as the various types of Europe no anatomical difference can be found that would explain the varying behavior of different social or local groups. The achievements of different races have been adduced as proof of organic differences. The primitive culture of the Australians, contrasted with the high civilization of Europe, is taken as proof of the lower mental status of the Australian. While it is not possible to disprove the argument in this case, it is certainly not applicable in a comparison of north Europeans, central Europeans, south Europeans, Mongols and Malays. In these cases the historic conditions are so different, the organic basis of mental life so similar, that it seems arbitrary to explain differences as due to biological factors. It is possible that the frequency of creative genius may not be the same in all races and that slight differences in the distribution of various forms of functioning occur, but it cannot be shown that any of the existing races is, on account of its hereditary character, unable to participate in any one of the existing civilizations.

Consult: Gobineau, Arthur de, *Essai sur l'inégalité des races humaines*, 2 vols. (2nd ed. Paris 1884), bk. i tr. by Adrian Collins (London 1915). A general survey of the literature relating to mental differences of races has been given by Theophile Simar, *Étude critique sur la formation de la doctrine des races au XVIII^e siècle et son expansion au XIX^e siècle* (Brussels 1922). Unfortunately the author does not discriminate clearly between the theory of racial and cultural characteristics, so that many of his statements are misleading. Among representatives of the theory of lack of correlation between racial descent and cultural life may be mentioned Hertz, Friedrich, *Rasse und Kultur* (3rd ed. Leipsic 1925), tr. by A. S. Levetus and W. Entz (London 1928); Zollschan, I., *Das Rassenproblem* (3rd ed. Vienna 1912); Boas, F., *The Mind of Primitive Man* (New York 1911), and *Anthropology and Modern Life* (New York 1928); Lowie, R. H., *Culture and Ethnology* (New York 1917). A medial position is taken by Hankins, Frank H., *The Racial Basis of Civilization* (New York 1926).

Environment and Culture. Attempts have been made to explain the whole cultural complex as due to environmental influences. This is not possible. In every society the elements that influence the actual course of cultural change are many and varied. We may expect to find an influence of environment upon culture, but the fact that a variety of cultural forms occurs at various periods in the same environment is sufficient indication that the environment alone does not determine specific cultural forms. The American Indian who did not know the use of iron and coal was influenced by his environment differently from his European successor. Increased knowledge changes the relation of man

to his environment. Before horses were introduced, the western prairies played one part in the life of the Indian. After the introduction of horses they played another part, and after the disappearance of the buffalo and the introduction of cattle, still another. Their introduction was determined by historical happenings that had no relation to the environment, but that changed the environment itself. Environment modifies culture, and culture modifies certain aspects of the environment. The limiting effects of environment are clear. The absence of vegetable products limits the culture of the Eskimo, the absence of snow that of the inhabitants of Central Africa. Absence of wood on the steppes, of stone on atoll islands, of fish in the desert are all limiting factors. On the other hand geographical conditions are a creative factor to a very slight degree only. Fertility of the soil does not produce agriculture. It helps in the development of agriculture where the art is known. The presence of large herds of reindeer has not created domestication in America, although Siberian tribes living in an analogous environment have domesticated the reindeer. The presence of iron ores in America has not developed American metallurgy, although in Africa the ores are utilized. The influence of environment is confined to modifications brought about in preexisting cultural forms. The direction which the stimulus takes depends upon cultural factors. The hard snow of the Arctic enabled the Eskimo, but not other Arctic tribes, to invent the vaulted snow hut. The occurrence of clay does not everywhere lead to the development of pottery. When it does occur, the excellence of the technique is not dependent upon the abundance and quality of material but upon the general economic demands and the technical and artistic activities of the people. Given a certain type of culture, the effects of environment may be traced in many important aspects of life, but only in this sense can environment be considered as a determinant. The periodicity of the seasons, the habits of animals, the general configuration of the country all exert their influences. Periods of activity and of leisure, the location of villages, movements of the tribe from one locality to another, the forms of means of transportation and the limits of political units are so affected. Thus the seasonal ripening of fruits followed by periods in which vegetable food supply is not available and the annual movements of spawning fish followed by periods in which the supply of fish is inadequate determine the habits of people dependent upon fruits and fish. The position of villages near streams that abound in fish or on the seacoast; the periodic migrations of tribes that hunt migratory game; the use of the sledge and snowshoe in snow covered countries; the political isolation of communities in secluded valleys, are determined or at least favored by local conditions. The food supply also controls the size of communities that do not import food products and thus exerts an indirect influence over social and political organization. The experiences with which the imagination of the people occupies itself are furnished by the environment in which they live. Hence their traditional tales, their metaphorical expressions and even their religious beliefs require, for a full understanding, a knowledge of the influence of environment upon a preexisting culture and of its importance as furnishing much of the available sense experience.

No less effective is the geographical position of a people that makes possible or hinders cultural contact and the dissemination of ideas and inventions. Attention has also been directed to the stimulating or enervating effect of climate upon the individual, but no direct relation between these conditions and the development of early culture has been proved to exist. Analogous cultural forms exist or existed in tropical Africa and in temperate North America, and advanced cultures flourished in India and in Europe.

Consult: Ratzel, F., *Anthropogeographie*, 2 vols. (2nd ed. Stuttgart 1899–1912); Semple, E. C., *Influences of Geographic Environment* (New York 1911); Vidal de la Blache, P. M. J., *Principes de géographie humaine* (Paris 1922), tr. by M. T. Bingham (New York 1926); Huntington, Ellsworth, *Civilization and Climate* (3rd ed. New York 1924).

Population. The density of population is determined both by cultural achievements and by environment. A population that is entirely self-sustaining, that does not receive food supplies from the outside, is limited by the food supply that can be secured from its habitat. An Eskimo tribe that relies upon sea hunting, or a Californian tribe that lives on acorns, cannot increase permanently beyond the limit that can be sustained in the most unfavorable years. These limits are higher where agriculture or herding occur. When the food supply is ample, the density of a population may increase, provided there are no other checks, like war, infanticide or disease. If at the same time the food supply is seasonal or so easily secured that time for

leisure remains, the total number of individuals who can devote their time to occupations other than the mere obtaining of food and shelter increases, and opportunities for the development of new cultural achievements are given. In general a correlation between density of population and diversity of cultural traits may be observed. Political organization depends upon the size of social units and upon the density of population.

It is possible that the natural limitations of population may have contributed to devices for an artificial retardation of the natural increase, by infanticide, abortion and restrictions of sexual intercourse, although it does not seem likely that these are primary causes.

Consult: Ratzel, F., *Anthropogeographie*, 2 vols. (2nd ed. Stuttgart 1899–1912) vol. ii, p. 95–256; Carr-Saunders, A. M., *The Population Problem* (Oxford 1922).

Language and Culture. The interrelations between language and culture have been touched upon before (p. 78). So far as inventions, institutions, art and religion go, they are not far reaching. Their importance lies in the influence of language upon speculative thought, upon directions followed in attempts to give explanations for customs; still more in the emotional value of words that serve as symbols, like those for supernatural power or sacred objects and acts. This, however, is not a specific characteristic of language. It is common to all symbols.

Interrelations between Other Cultural Phenomena. The relations between geographical environment and fundamental economic conditions are close, and in most cases the environment acts through the intermediary of economic conditions. These, being a part of culture, are much more closely related to other manifestations of cultural life than environment. The occupations by means of which man obtains food and shelter determine the directions in which his discoveries and inventions develop. The sea-hunting Eskimo has developed his boats and weapons because his whole life is based on the procuring of sea mammals for food and for heat; not that the specific forms are determined by the economic occupation, but the concentration of attention upon this occupation gives the opportunity for new achievements. The cattle breeder and agriculturists acquire their experiences and make their technical inventions in those domains of human activity upon which their attention is concentrated.

The amount of leisure depends upon economic conditions. The more easily food and shelter are secured, the more ready is man to devote his time to play with hands, tools and mind. The complexity of cultural activities increases, therefore, with favorable economic conditions.

While it cannot be maintained that social forms are determined by economic conditions, the two aspects of cultural life are indissolubly related. In a region of ample food supply in which the maintenance of life depends solely upon physical skill and in which a sparse population allows everyone to find a productive hunting ground, a differentiation according to rank or wealth is not likely to occur, except in so far as orphans, widows and old people may be thrown upon the mercy of their friends and relatives. When the produce of the country does not allow all to share equally, when specially favored spots are claimed as property, the equality is disturbed and economic and social differentiations are found. Thus the development of property concepts, the organization of the family and of occupations, the occurrence of societies with social or religious functions, are all intimately related to economic conditions. The forms of organization cannot be explained as due to economic necessity, but their development may be favored or hindered by economic needs, while they themselves always influence economic life. Thus property in land may be vested in the whole community. Among hunters and food gatherers all may have equal rights; or the labor bestowed upon a particular locality—like the building of traps, burning over of ground or tilling the soil—may give to an individual or to a group a temporary or permanent right to the use of a particular piece of land. The property rights in these cases depend upon the constitution of the cooperative unit, whether a single person, a family, a sib or a society. In extreme cases, as in some African tribes, all property in land may be vested in a single ruler.

Whenever the transfer of property involves future obligations on the part of the recipient, the transaction is public and gives opportunity to the development of ritualistic behavior. African marriages, the potlatch of northwest America and the elaborate Kula Ring of the Trobriands are examples.

Intertribal relations are strongly influenced by economic considerations. It has been pointed out that war is often a means to the acquisition of necessary or desired property. Peaceful contact

is commonly based on mutual economic interest, on the regulated exchange of produce which may lead to the establishment of regular markets, as in Africa or on the islands in Bering Strait where Asiatic and American tribes meet for barter.

The assumption made by Lewis Morgan and his followers of a close correlation between forms of family organization and other cultural traits is not borne out by the fuller data that are now available. We find the small bilateral family among the Eskimos, unusual complexity of the tribal organization among the Australians. In North America the division of the tribe in a few exogamic sibs is rather characteristic of the agricultural tribes, bilateral families are characteristic of many hunting and fishing tribes.

The terminology of blood relationship and of affinity is only to a small extent an expression of biological relations. It is primarily an expression of social relations. Assuming exogamy as an exceedingly ancient institution, as indicated by its universality, the extension of terms of the incest group beyond the small family will exert an influence over the development of sibs, as indicated before (p. 86). The mutual influence between the early terms of relationship and their application to wider circles may have established larger exogamic groupings and these in turn may have stabilized the linguistic categories.

A close connection may be traced between organization on occupational and political lines and technical progress. The greater the variety of technical processes and the more complex the technique, the more developed is social specialization, as among the Africans where the trade of the blacksmith is often carried on by a separate social class; or in Samoa, where the carpenters are a group by themselves. Specialization in technical pursuits of the two sexes or of individuals of special skill is universal. In the latter group those who are believed to be possessed of supernatural powers form a distinct class. Political organization depends in part upon the type of activity of the tribe, in part upon the size of the population. Recognized leaders who wield authority are found wherever communal undertakings occur that demand leadership for their success. The closer the contact between individuals and families whose interests are liable to come into conflict, the more frequently do we find more elaborate political organization. Its form is not determined by these conditions but by historical relations or other particular conditions.

Religious beliefs pervade the whole domain of cultural life, for technical, economic, legal, social and artistic manifestations are filled with beliefs and actions that have a religious background. Since the success of every action depends upon skill, upon the power of adequate performance, it may be thwarted by hostile or helped by friendly powers. The relation of man to the supernatural pervades, therefore, his whole life. Technical and economic activities are often accompanied by prayers and tabus; and everything pertaining to social organization is sanctified. Customary law is largely occupied with the observances of religious proscriptions.

More essential than these interrelations between various aspects of culture is the unification of culture according to definite patterns. In a number of primitive cultures occur fundamental attitudes that dominate the thoughts and behavior of the society. Thus the Indians of the northwest coast of America are entirely dominated by the desire for rank and social prestige to be attained by lavish distribution of wealth. All the actions of men and women, from childhood on, are dominated by this thought. The methods of social preferment are fixed and may be observed in the procedures connected with social gatherings, shamanism, ceremonies and war. Many Melanesians seem to be under the sway of a similar pattern, in which, however, display of property is more important than distribution. The Indians of the plains are dominated by the idea of advancement of social standing by means of warlike exploits and military glory of a set type, with emphasis upon personal bravery. Their feeling for military prowess as a dominant characteristic of their lives is entirely distinct from that of the headhunting Dyak. In contradistinction to these types of culture that stress social standing, Dr. Bunzel describes the life of the Zuni, Dr. Mead that of the Samoan, who strive to merge individuality in the mass. Dr. Benedict has described in a most instructive manner the distinction between the "Dionysian" orgiastic pattern of the lives of most Indians and the "Apollonian" formal pattern of the Pueblos. In many cases the general cultural pattern is weak and the culture seems to us thin. Nevertheless the strong influence of patterns of thought or behavior may be felt, even in these cases, in more limited aspects of culture. An example is the art style to which every newly invented pattern conforms. The pronounced styles of New Zealand, those of the tribes of the Amazon region, of the basketry of the Indians of

various parts of California or the local character of mythology and folklore are of this kind. The strong influence of the pattern appears also in social organization and religious ritual. When one section of a tribe is designated by a name, all have names; when one believes in a totemic ancestor or protector, all have this belief; if tabus are proscribed for sibs, they are likely to be proscribed for other types of social groupings.

The integration of culture here discussed is not identical with the correlations established by early investigators, like Lewis H. Morgan. It is also distinct from those correlations between language, economic life, social organization and religion which W. Schmidt and W. Koppers derive from a comparative study of cultures. Notwithstanding their attempt to reach historical results by an analysis of cultures based on the occurrences of numerous analogous phenomena, they end with an evolutionary series in which many aspects of culture appear firmly associated on each developmental stage.

Consult: Schmidt, W., and Koppers, W., "Gesellschaft und Wirtschaft der Völker" in Obermaier, H., and others, *Der Mensch aller Zeiten*, 3 vols. (Berlin 1912–24) vol. iii, pt. i; Schmidt, W., "Die Genitivstellung in den nord- und mittel-amerikanischen Sprachen" in International Congress of Americanists, 21st congress, *Proceedings*, pt. i (The Hague 1924) p. 287–304, and "Zur Genitivstellung als Ausdruck der geistigen Einstellung" in Anthropologische Gesellschaft in Wien, *Mitteilungen*, vol. lviii (1928) 234–36.

Education. Children grow into the integrated culture largely by imitation. Their play is based on imitation of the activities of their elders and they participate at an early age, at least partially, in many of the industrial and social activities of the community. Formal education does not occupy much time, but it is not lacking. Behavior according to tribal standards is rigorously exacted and breaches are not passed over lightly. The breach of an important tabu, like intrusion into a secret religious society, may even be punished by death, however innocently committed. All this does not make the development of unruly gangs impossible. They may even be encouraged as a means of developing a domineering and warlike spirit. As soon as children are capable of taking part in the industrial activities of the tribe, they are expected to do so. Girls take charge of their younger brothers and sisters, assist in household duties, and learn the industries carried on by women. Boys participate in the work of the men. At the same time moral instruction is given directly, by explaining those types of behavior that are considered right, respectful behavior before elders and supernatural beings, or arrogance toward inferior classes; the proprieties of behavior in everyday life; liberality or parsimony; craftiness or truthfulness. Often the moral teaching is attached to an entertaining tale which may be pointed toward a moral, or may be merely illustrative. An important part of the education of the young is connected with ceremonies of initiation, for in many cases the secret beliefs and rites are divulged to them at this time. The rites also impose severe hardships upon the young. They develop and test their endurance. The function of most of these rites is to make the young full participants in tribal life. The corresponding ceremonies through which the girl has to pass are generally less educative, but hinge upon the magic power of the first menstruation. Still the educative features are not absent. A special feature of the adolescent rites of boys and girls is the preparation for special activities. A boy may strive for means that make him a successful gambler, shaman or warrior; a girl for skill in an industry or in her home work. Sometimes skill in special activities is secured in childhood. The Eskimo shaman may impart power to a child by holding it in his lap. In New Caledonia the navel string cut on a hard stone makes the child hard like a stone in battle; in Vancouver Island, when fastened to the baton of a good singer, it makes the child a good singer.

Consult: Hambly, W. D., *Origins of Education among Primitive Peoples* (London 1926).

THE STUDY OF CULTURES.—*Evolution and Progress.* The early anthropologists, like Spencer, Tylor, Morgan and Lubbock, who developed their theories under the stimulus of Darwinian evolution, observed correctly the increasing complexity of cultural forms, the progress of knowledge and the elimination of antiquated forms. On this basis the theory of the evolution of culture appeared to them as a continuous process. They erred in assuming a single unilinear evolution which may be discovered by means of the study of examples collected at random from all parts of the world. To give one instance, both Tylor and Spencer, each from a single fundamental idea, tried to develop the whole religious structure, although Tylor at least recognized diversification in later development. It is the picture of biological

development in which diverse life forms spring from the same source. Extreme evolutionists even assumed a unilinear development according to which every existing primitive and advanced culture may be given its proper place in a single ascending line. At present we recognize that cultural phenomena rarely have a single source. Economic life has two fundamentally distinct sources in the occupations of man and woman, from the combination of which agriculture, with the help of domesticated animals, later develops; the graphic and plastic arts develop from virtuosity in technique and from attempted representations which flow together and determine the later course of art; in religion are found the two fundamental ideas of power as an attribute of objects and as one of anthropomorphic beings. Besides this, in the further course of historic development, contact with foreign tribes plays an important part, so that the general picture is one of culture arising from multiple sources that unite, branch out and flow together among themselves and with remote lines.

While the general evolutionary scheme is no longer tenable, the problem of progress remains. Observation proves that the inventions and knowledge of man have extended with ever increasing rapidity, and it is possible to speak of progress in technique, in successful exploitation of natural resources and in knowledge, for every step taken is an addition to previous knowledge. Cases of loss of previous knowledge are comparatively rare and, for mankind as a whole, temporary. It is much more difficult to speak of progress in any other cultural activity, except in so far as those aspects of cultural life that contradict the advances of knowledge gradually disappear. The lack of change in fundamental ethical attitudes has been mentioned (p. 97). Progress in social organization refers generally to a better adaptation to economic conditions and ethical requirements as understood according to the general state of knowledge.

Diffusion and Independent Origin. Discussion of the problem of independent origin or diffusion of cultural traits has played an important part in the history of anthropology. The significance of diffusion is now generally recognized, abundant proof being available through the evidence of prehistoric archaeology, of early history and of the distribution of cultural phenomena. The gradual spread of bronze and iron in Europe, the evidence of mutual influences between Europe, Central Asia and the Far East, the distribution of inventions relating to navigation among the tribes of the Indian and Pacific Oceans, the distribution of Indian corn and its cultivation in the two Americas, are cases in point. There is, however, still much uncertainty in regard to the degree of similarity that constitutes proof of historical identity, and also in regard to the interpretations of locally isolated phenomena for which no historical contact seems likely. Some investigators claim for these independent origin, others historic connection. In many cases conclusive proof seems impossible. A detailed study of continuous distributions gives fairly certain results in regard to late contacts, while in many cases the direction of diffusion is determined with difficulty. Thus the interpretation of the history of the megalithic structures of western Europe depends upon an answer to the question whether they are imperfect forms suggested by a knowledge of Aegean structures or whether the latter are an elaboration of the cruder forms. In a case of this kind prehistoric archaeology may give an ultimate answer, while in the distribution of an art, custom or belief that extends fairly evenly over a wide area, but in varying perfection, a categorical answer based on distribution alone cannot be given. Neither is it possible to claim that the region of the fullest development of a cultural form must be its original home. As animal forms have become extinct in a district where they first appeared and flourish now in other continents, so cultural forms may originate in one area, become extinct and live in a remote district. Only in cases of the occurrence of easily recognized fragments of a cultural trait in discontinuous spots adjoining an area of its continuous distribution may we conclude with some certainty that it is recently introduced. A chronology based on distribution alone will always be full of uncertainties.

Inferences regarding early diffusion must be based on our experience in regard to stability of customs. The assumption of stability extending over exceedingly long periods is the fundamental basis of the *Kulturkreise* constructed by Frobenius, Graebner and Pater Schmidt. The basis of their argument is that wherever a sufficient number of independent analogous forms are found in remote areas, these are definite proof of an early historic connection. When in this manner the disconnected, surviving traits of one of the original culture forms have been isolated, the inference is drawn that all mixed

forms are more recent. The original forms are furthermore assumed to be those that are farthest removed from the original home of man—in South Africa, Australia and South America—and on this basis a time sequence is determined. While we must accept the methodological viewpoint, namely that wherever a sufficient number (quantity) of entirely independent elements of identical form occur, these are likely to be of common historical origin, nevertheless the proof of the permanence of the features compared has not been given. Observations on modern primitive cultures show that cultural traits which according to this theory are assumed to have remained stable since earliest times are undergoing constant changes. Neither inventions nor practises nor ideas remain stable under changing environmental or historical conditions. The theory would have to be substantiated by proof showing that those features for which great antiquity is claimed remain stable under varying conditions and over long periods. Stress is laid, for instance, on the square or round forms of houses. The American Athapascans have not retained their house forms, but these vary from square wooden structures to conical tents. In Polynesia, notwithstanding analogy in structure, the Samoans have round or elliptical houses, while house types of most of the other island groups are square. The social organization of tribes is not stable, but undergoes changes—often rapid changes. This is proved by the diversity of systems of relationship in closely related tribes and by such changes as are evidenced by the present status of the Bella Coola and Kwakiutl of the north Pacific coast of America, or by the contrast between the cattle breeding Bantu of east Africa and those of west Africa who lack cattle.

The theory minimizes the possibility of the independent origin of similar ideas. Graebner, with whose name the theory is particularly associated, denies its existence. A few entirely isolated occurrences seem convincing: the looking glass of obsidian of the Romans and of British Columbia and Mexico; the paddle with swallow-tail point on the coast of Oregon and on the lakes of Mecklenburg in Germany; the enema, by means of a tube with mouth piece, of the Bella Coola and of modern times; the scales of ancient Peru and of the Old World; sun dried bricks in the Orient and in America; the writing of numbers, by giving values to each unit according to its position, in Yucatan and in our method of writing; the small arrows used for bleeding in Africa and in Asia. It is difficult to give historically valid examples of the independent development of inventions, because our civilization has been for a long time richer than that of primitive people and because the popular knowledge of elements on which new inventions are based is not well known. Thus the safety pin seems to have been reinvented after it had been in general use during the bronze period. Still it is mentioned in Germany by Hans Sachs in 1568. The jew's harp was recorded as a new invention in 1673, although there is evidence that it was known in 1535. The winding of twine in Polynesian fashion was reinvented in New York, but a patent was denied on account of the use of the method by the Polynesians. The history of invention and discoveries proves that in a given stage of culture analogous discoveries are bound to occur. This should apply also to primitive people who live under similar conditions and who are confronted by similar problems.

There is also lacking a clear definition of identity. A careful analytical study would justify the rejection of many assumed identities. The development of square and round houses does not need to have followed the same course everywhere. The invention of boards and their use for house building necessitates angular structures. The use of two parallel inclined wind sheds also leads to the construction of angular houses. Totemism is not by any means the same everywhere, either in character or in origin. Australian and American totemism are analogous neither in form nor in concept. In small tribes two class systems may develop through a reduction of multiple divisions. Others are based on the dual organization required in games in which the whole tribe participates and which may have entered deeply into the social structure, or upon the contrast between peace and war functions, between the sacred and the secular. These forms vary so much that comparability must be proved in every case. Shamanism is a generalized term which includes many different concepts of the relation between the shaman and the supernatural world.

Cultural activities in adjoining territories are often similar in form, but differ in their significance. In North America the uniformity of the art of the prairie tribes and its individuality when compared with the art of other districts prove a common historic origin. Nevertheless the types of symbolic meaning given to the same forms are strongly differentiated. The ritual of

the sun dance is essentially the same, but not its meaning. In the explanatory or ritualistic use of the same mythological notion each tribe shows its individuality. Similar observations have been made in regard to the culture of Polynesia, where similar objective features have been retained in distant islands, although their social connotation is not the same. This is true, for instance, in all that pertains to canoe building. It may be inferred from these and other similar observations that, on the one hand, actions are more stable than their significance; on the other hand, that it is easier to adopt a new mode of action than a new system of thought. As among ourselves, a certain institution or other form of behavior may continue for a long time while with changing culture its meaning changes; on the other hand, foreign forms may be copied but filled with a meaning that conforms to the mental habits of the society that adopts it. The explanation of a custom given by a people at any given time must always be considered primarily a psychological one. It is very rare that the psychological explanation actually coincides with the historical development of the custom. All these considerations stand in the way of the acceptance of the *Kulturkreis* theory, which is based on the assumption of the permanence of correlations of supposedly identical cultural traits, the identity of which has not been safely established and which in modern primitive cultures prove to be unstable.

Consult: Ankermann, B., "Kulturkreise und Kulturschichten in Afrika" in *Zeitschrift für Ethnologie*, vol. xxxvii (1905) 54–90; Frobenius, Leo, *Ursprung der Kultur* (Berlin 1898); Graebner, F., *Methode der Ethnologie* (Heidelberg 1911), and "Die melanesische Bogenkultur und ihre Verwandten" in *Anthropos*, vol. iv (1909) 726–80, 998–1032, and "Kulturkreise und Kulturschichten in Ozeanica" in *Zeitschrift für Ethnologie*, vol. xxxvii (1905) 28–53; Schmidt, W., "Kulturkreise und Kulturschichten in Südamerika" in *Zeitschrift für Ethnologie*, vol. xlv (1913) 1014–1124; Schmidt, W., and Koppers, W., "Gesellschaft und Wirtschaft der Völker" in Obermaier, H., and others, *Der Mensch aller Zeiten*, 3 vols. (Berlin 1912–24) vol. iii, pt. i; Rivers, W. H. R., *The History of Melanesian Society*, 2 vols. (Cambridge, Eng. 1914). I have not entered here upon a discussion of the views of G. Elliot Smith (see his "Primitive Man" in British Academy, *Proceedings*, vol. vii, 1915–16, 455–504, and *Migrations of Early Culture*, 2nd ed. Manchester 1929, and *Ancient Egyptians and the Origin of Civilization*, new ed. London 1923; also Perry, W. J., *The Megalithic Culture of Indonesia*, Manchester 1918, and *The Children of the Sun*, London 1923) because the basis of his hypothesis of a pan-Egyptian origin of all cultures is contradicted by all we know about primitive culture.

Culture Areas. The concept of culture areas has been developed as a device for describing the typical common characteristics of culturally related tribes. Such groups are generally found in contiguous areas, although they may also be scattered and interspersed among other cultures, like the Pygmies of Africa or the Pueblos of New Mexico and Arizona. The necessity of such a grouping develops from the bewildering variety of individual cultural forms that fill the continents. It originated in the needs of museum administration and found its first expression in the system of cataloguing introduced by Adolf Bastian in the Ethnographical Museum at Berlin. Ratzel in his *History of Mankind* based his descriptions on this device, and Clark Wissler employed it in his description of the North American Indian. Like every other classificatory device built on a selection of typical traits, the concept of culture areas contains a strong subjective element and varies according to the stress laid upon one or the other traits of culture. To those who see the principal trait of culture in economic conditions and inventions and to those who lay particular stress on psychological attitudes, folkloristic material or social organization, the culture areas will not be the same. To those who have a keen feeling for the varying associations between such elements or who stress more minute differences, large culture areas appear too generalized. The assumption that the generalized characteristics of the culture area are present in any one of the constituent social groups may give an entirely erroneous picture of the integration of cultural values in a particular tribe. Thus the classification of the agricultural tribes east of the Mississippi valley, of the western prairie tribes and of the plateau tribes who were fishermen and buffalo hunters, each into one group in which all their cultural manifestations are thrown together, would give a warped picture of the individualities of their cultural types, although it is a convenience in visualizing certain aspects of their lives. This difficulty is also manifested in the concept of marginal areas which is a necessary complement to that of culture areas, because in intermediate districts the selected typical forms lose their prominence. The marginal cultures are no less complete in themselves than the typical ones, although they do not find an adequate place in the scheme of culture areas. In exceptional cases important contrasts may be found that set off one culture against another, such as Eskimo and Indian, Pueblo and nomadic Athapascan,

Pygmy and Bantu, but much more commonly transitional forms are found. The description of a typical tribe gives a safer insight into an integrated culture than the description of a culture area. On the other hand an analysis of culture areas as defined from various points of view, material culture, social organization and beliefs, gives us an insight into the conditions that helped to shape each individual culture.

Consult: Wissler, Clark, *The American Indian* (2nd ed. New York 1922); Herskovits, M. J., *The Cattle Complex in East Africa* (Menasha, Wis. 1926); Ankermann, B., "Kulturkreise und Kulturschichten in Afrika" in *Zeitschrift für Ethnologie*, vol. xxxvii (1905) 54–90.

Historic Reconstruction. Archaeological research and the analysis of cultural forms are the only approaches by means of which historical reconstructions can be made. In favorable cases the sequence of deposits and fullness of remains may give a clear insight into historical happenings, although there often remain doubts in regard to the direction of cultural movements. European and Oriental prehistory and partly the prehistoric investigations of the Pueblo country, Mexico, Central America and Peru show that considerable parts of local history may be cleared up and that also early relations that extend over continents may be discovered. The analytical study of modern cultures gives us first of all merely a picture of geographical distribution which must be interpreted in historic terms. When adjoining cultures are studied, the fact of diffusion can generally be discovered with satisfactory probability. When the continuity is broken, convincing proof becomes the more problematic, the simpler and the more locally confined the phenomena compared and the greater the distance between the places of occurrence. The direction of dissemination and places of origin are not easily ascertained because the place of highest development and the center of present distribution do not need to coincide with the place of origin. An example of this is the distribution of tattooing, particularly in Polynesia. Most elaborate systems are found in New Zealand and the Marquesas; but these were not the places where the art had its origin. The sledge of the Arctic need not have been invented in Siberia where the most elaborate forms occur; bronze was not invented in Scandinavia where at one period it had a remarkably high development. For these reasons the historical results of an analytical study of culture may be convincing for recent changes in narrow areas and therefore of great value because they illustrate the kind of cultural changes that are occurring. They may even reveal the processes by means of which these changes came about. The more remote the time and the greater the distances between the areas to be compared, the more uncertain will be the results. A systematic chronological history of the sequence of cultural types the world over, although much to be desired, seems at the present time unattainable.

On the other hand negative evidence based on the presence of certain cultural features in one area, their absence in another, may give important evidence of continued separation. Universal distribution of cultural forms, if substantiated by great prehistoric antiquity, may be taken as proof that the form in question was either carried along by man as his habitat spread over the whole world, or invented repeatedly at a very early time. Stone flaking is almost universal. In a few places where hard woods offer a satisfactory substitute it does not occur. Fire is used all over the world. These have also been shown to occur in palaeolithic times. On the other hand, pottery and agriculture are not universal and they appear only in neolithic times. Metal work is restricted to the Old World and a few advanced tribes of Central and South America. Its invention is much more recent. Nevertheless universality of distribution cannot always be taken as proof of age. This can be seen in the history of Indian corn and of tobacco, which have spread all over the agricultural world since the discovery of America.

The contrast between the Old World and America indicates the early separation of the two continents. The plants on which agriculture is based in America are throughout distinct from those of the Old World, where millet was probably cultivated in gardens. Later, with the introduction of the plough, wheat and barley came in. Rice has been cultivated for a long period in eastern Asia. American agriculture is based on Indian corn, beans and squashes, all American plants. If American and Old World agriculture were historically connected we should have to expect that some of the important plants would be common to both. The American pottery area is separated from that of the Old World by one without pottery in the American Northwest. Domestication of large animals, excepting the dog, is confined in America to the Andean plateaus. Among American traps the spike trap (a ring with spikes turned inward) is absent, although it is common

in the Old World. America does not know the wheel. These differences in material culture are accompanied by others in custom and belief. America lacks an organized judicial procedure. The formal taking of evidence, the oath for the purpose of ascertaining guilt, the ordeal, are unknown in America. Even in Mexico no true ordeal is found. The idea of obsession by spirits which enter the body of the obsessed and belief in the evil eye seem foreign to America. In literary form there is an almost complete absence of the riddle and proverb. The few given by Bernadino de Sahagun (*Historia general de las cosas de Nueva España*, ed. by C. M. de Bustamente, 2 vols., Mexico 1829–30; vol. ii, p. 232–37) may be suspected as due to Spanish influence. These disagreements are much more convincing than the agreements which may be ascribed to parallel development, while the complete disappearance of essential parts of culture complexes seems very unlikely.

On the other hand, Europe and the greater part of Asia and of Africa must be considered culturally as a unit in which most of the traits absent in America have been historically disseminated: cultivated plants; animals of Asiatic origin, as the African cattle; judicial procedure with the taking of evidence, the oath and the ordeal; the abundance of riddles and proverbs; in a large portion of the Old World the ancient use of bronze with the typical fibula; the use of milk; of the wheel; of agriculture with the help of the plough drawn by animals; the belief in obsession.

Primitive Mentality. A distinction must be made between three aspects of primitive mentality. One of these relates to the mentality underlying the type of thinking and feeling expressed in primitive culture; another to the mentality of the individual as a member of primitive society; the third to that of the group. Folk psychology, as it is generally understood, deals with the first of these three aspects. Its basis must be found in the mentality of the individual as developing under social and other environmental stresses and in the forms of mental behavior of the community resulting from the joint action of the individualities formed and forming under these social stresses.

The mentality expressed in primitive culture differs from that prevailing in educated, civilized society in so far as fancied relations between the objective world and the fate of man occupy a prominent part. We call these beliefs, in so far as they survive among ourselves, superstitions. Included in these fancied relations are those relating to the effects of man's own objective action, reacting upon human lives through their influence upon the real or imaginary objective world—so-called magical art. Notwithstanding the prominence of this aspect of primitive thought the everyday activities and the range of knowledge of primitive tribes show that under other conditions their thoughts are regulated by a clear recognition of the practical means that are required in order to attain an object. Cause and purpose are clearly recognized, both in practical everyday life and in language. The early discoveries of primitive man illustrate his ability to profit by experience and to retain what is practically useful, and the numerous activities by means of which technical or other practical difficulties are overcome prove that in practical activities he acts and plans as we do. Sometimes his work is accompanied by what we might call extraneous actions that have no immediate relation to the object to be attained, such as prayers and observance of tabus and other ritualistic acts, but psychologically there is no fundamental difference between these customs of primitive life and the customs current in our civilization of invoking church ritual in activities that claim particular social importance, such as marriage, legislative and educational meetings or war. The essential divergence lies in different concepts of helpful or hindering powers that have no true causal relation to the actions that are being performed.

The knowledge of nature possessed by primitive man is essentially practical, not systematized, although beginnings of systematization may be found in methods of measuring time and space. The control of nature is imperfect, and untoward accidents in daily pursuits are more common than in work carried through by the perfected machinery of our times. At the same time much of the labor of primitive man is far more essential, in its direct results for the maintenance of life, than in our civilization, in which this relation is felt only through the intermediary of money values. This is one of the reasons that gives a higher emotional tone to many aspects of primitive labor.

It has been pointed out before (p. 94) that the power of influencing the course of events, conceived either anthropomorphically as a will power or as a quality, is believed to be inherent in the objects of the outer world. It does not seem necessary to assume that these concepts

develop through mental processes different from our own, for the experiences of everyday life teach constantly the existence of forces that cannot be overcome and that lead by the ordinary processes of conceptualization to the opposites of normal and supernormal, that is, supernatural, power. Their influence upon human activities is constantly held in mind. Under these conditions the emotional background of life is strengthened, and similarity of emotional attitude forms an associative bond. Thus it may be understood that the principal food animals and the powers that control them may among some tribes present themselves to the mind together, as a unit and in this sense identified, like the Christian Trinity. In the same way a person may identify himself with an animal when the emotional associative bond is strong enough. The warrior who not only acts a bear, but identifies himself with a bear, does so in the particular aspects of warlike ferocity, while at other times he may identify himself with his ancestor or with his totemic animal. This identification is probably analogous to our identification of music and sound waves. The two are identical from the viewpoint of physics, and yet musical form, auditory impression and vibration of the air are distinct. Owing to lack of clarity of expression the partial identification appears as complete.

While the knowledge of nature is not systematized, it is not rare to find that the beliefs of the tribes are brought into a system, generally the more so the more they are in charge of a few or single individuals. The mythologies of the Polynesians, those of the west Africans and those of the Pueblos of New Mexico may serve as examples. Even where the unifying effect of a single mind does not make itself felt, fundamental thought patterns may be recognized that underlie the views and attitudes of the people. This difference is probably due to the lack of a unity that holds together the many scattering observations of natural phenomena, as against the single notion of supernormal power in its anthropomorphic and qualitative form that is the basis of those beliefs and actions which are not derived from the practical handling of objects.

It does not seem necessary to assume on account of these cultural viewpoints that primitive man has a type of mind different from that of civilized man. His intellect deals with the phenomena of the world in the same way as ours, but with a different knowledge which admits what we should call supernatural interference with the laws of nature.

These considerations are not quite true for the individual in primitive society. In order to understand his way of thinking and feeling, it must be remembered that by education and imitation definite types of mental processes have been established and that a certain traditional content has been transmitted to him. With these he operates. The manner of thinking and feeling and the contents of tradition are normally not subject to critical examination. They form the basis of thought and action. A study of the behavior of primitive man shows that, given his premises, he acts logically. The acceptance of traditional premises is not a proof of a type of thought different from our own, but analogous to our acceptance of traditional theories, right or wrong. The stimulus to criticism contained in our diversified civilization and in the systematic exploration of nature does not manifest itself with equal intensity in other aspects of modern life. It is also not admissible to assume that criticism of tradition and skepticism in regard to traditional dogma never occur. Even the traditional tales of people tell of unbelievers, and individuals are found to whom the supernatural means little or nothing until they are shaken by strong emotions.

The mentality of the group finds expression in the interaction between individuals and in joint action. In so far as interaction between individuals remains in the bounds of individual behavior, it introduces new aspects into the scope of thought and feeling of the individual, but does not introduce other new elements. It is different in cases of joint action, when the close contact among the many releases the reactions of the crowd. The opportunities for expressions of crowd psychology are numerous in all societies in which joint enterprises are common. Joint hunting expeditions, migrations of the tribe from one village to another, group games, war, assemblies with much oratory and singing, group rituals, particularly those combined with dances, evoke the crowd spirit in which the emotional side of the mentality is immensely strengthened, and emphasize the emotionally conditioned associative acts

The intellectual powers and the will power of primitive man appear different from our own when measured by the motivations characteristic of modern life. When measured by their own motivations these differences seem insignificant. In practical everyday life intelligent effort is

evident; the will power demanded in war, hunting expeditions and in the enduring of hardships imposed by custom is no less than what we find in modern life. There is greater emotional instability owing to the stress laid upon supernormal influences controlling human life and the frequency of group activities. The emotional indifference exhibited in other cases that in modern civilization evoke strong emotional reactions—like the death of infants, or cruelty—shows that there is no essential difference in capacity for control, but that the conditions for exciting strong emotions are different.

Consult: Lévy-Bruhl, L., *Les fonctions mentales dans les sociétés inférieures* (Paris 1910), tr. by L. A. Clare as *How Natives Think* (London 1926), *La mentalité primitive* (Paris 1922), tr. by L. A. Clare (New York 1923), and *L'ame primitive* (Paris 1927), tr. by L. A. Clare (New York 1928); Cassirer, Ernst, *Philosophie der symbolischen Formen*, 2 vols. (Berlin 1923–25); Wundt, W., *Völkerpsychologie*, 10 vols. (new ed. Leipsic 1911–20, vols. i–ii and iv–vi published previously 1900–09); Vierkandt, A., *Naturvölker und Kulturvölker* (Leipsic 1896); Tylor, E. B., *Researches into the Early History of Mankind* (Boston 1878), and *Primitive Culture* (7th ed. New York 1924); Spencer, Herbert, *The Principles of Sociology*, 3 vols. (London 1876–96; vol. i, 3rd ed. 1885); Tarde, G., *Les lois de l'imitation* (3rd ed. Paris 1900), tr. by E. C. Parsons (New York 1903); Boas, F., *The Mind of Primitive Man* (New York 1911); Van der Leeuw, G., *La structure de la mentalité primitive* (Paris 1928); Allier, Raoul, *Les non-civilisés et nous* (Paris 1927), tr. by F. Rothwell as *The Mind of the Savage* (London 1929); Preuss, K. Th., *Die geistige Kultur der Naturvölker* (2nd ed. Leipsic 1923), and *Glauben und Mystik im Schatten des höchsten Wesens* (Leipsic 1926); Werner, Heinz, *Einfuhrung in die Entwicklungspsychologie* (Leipsic 1926).

Laws of Cultural Development. The complexity of cultural development is so great, and the conditions that determine the course of historical happenings are logically so entirely unrelated, that the attempt to give an adequate explanation of the history of any individual society in regard to biological type, language and culture seems hopeless. Under favorable conditions certain specific sequences may be discovered and a strongly generalized picture of some of the fundamental facts in the history of mankind may be ascertained, such as refer to the original home of man, his gradual spread over the world, the sequence of inventions in different parts of the world and the special lines of development followed in continental areas.

The earlier hope of the discovery of a necessary sequence of cultural stages which would hold good for all mankind has been dissipated. The question remains how far specific laws may be found that express analogous processes occurring in diverse societies. This question may be asked in regard to the biological, linguistic and cultural aspects of social life.

Universally distributed forms, if not carried by early man all over the world, may be interpreted as determined by human nature. The general anatomical, physiological and psychological traits found in all members of mankind are certainly so determined. They are, so far as they are not shared by animals, the specific characteristics of the human species. Upright position, the form of the foot, the development of the brain, the adjustability to animal and vegetable food, the functioning of nervous system and sense organs belong to this group. The most generalized traits of language are also more easily understood as due to psychological necessity rather than to divergence from an early pattern. The classification of experience and the symbolic representation of each class by articulation; the necessity of bringing these classes into relation in order to convey a meaning from person to person; the distinction between the speaker, the person addressed and the object spoken of, are unavoidable characteristics of language. In the same way general characteristics of human thought may be determined. Adolf Bastian saw the prime object of ethnological study in the discovery of these forms of thought, the *Elementargedanken* which may be discovered in every culture, diversified as *Völkergedanken* according to modifications determined by the "geographical province." The classification of experience, particularly as expressed in the separation of object and attribute and the reobjectivation of the attributes, leads immediately to generalized thought forms which, notwithstanding their diversity of form, are expressions of the same mental processes. In this class are also the universal occurrence of inventions and of the objective knowledge of the world, results of physical work; of metaphysical knowledge, due to methods of classification; of religious knowledge, based on the emotional reaction of man to the powers that control him and that he controls; of the standardization of artistic style, and of ethics. From Bastian's point of view the universality of occurrence has particular importance.

Another set of problems refers to laws

governing changes in bodily form, language and culture. The occurrence of a hereditary modification of bodily form will spread or become extinct in the population according to the laws of genetics. Linguistic forms influence one another by analogy; sounds are assimilated or dissimilated. An established cultural pattern will dominate the cultural behavior. General laws may also be discovered referring to specific relations between various aspects of social life. Here belong, in the domain of biology, those dealing with the phenomena of the influence of environment and selection upon form and function of the human body. The increase of stature under the improved hygienic conditions of modern times may be generalized and said to hold good for all populations. Similar problems present themselves in the study of language. Most of these refer to linguistic changes that occur under the stresses of cultural requirements and relate to semantic changes, or to the formation of new words or forms that meet the new needs; to suppressions and replacements due to tabus; or to the formation of metaphorical expressions.

In the discussion of the integration of culture (p. 98) a few of the phenomena that may be expressed in the form of generalizations have been mentioned. Here belong the relation between density of population and increased social regulation; the limiting effect of environment and of economic conditions; and the molding effect of a pattern developed in one domain of social life over others. These generalizations, unless qualified by an application to specific social conditions, are likely to be so vague that their value for the understanding of definite problems is not great, while the specific cases are so complex that the generalizations are no longer applicable to any considerable number of societies.

Although the doctrine of unilinear evolution can no longer be maintained, it seems possible that laws exist that determine the development of a given culture in a definite direction. The gathering of vegetable food was followed by garden culture; the use of stone by that of copper, both in the Old World and in America. The development of modern science proceeds on the whole in a definite direction. As long as the same principles of thought or action persist, general characteristics of development may be predicted. When the beauty of decorative art is seen in an abundance of lines that cover the whole background, the profuseness of decorative motives will increase, but it can not be predicted either what particular direction decorative motives will follow or when a sudden change in taste may set in. When metaphysical or religious knowledge begins to be systematized the system will be elaborated until a new line of interest turns thought in a new direction. Probably all that can be said is that as long as a certain trend of activity or thought persists it will proceed, on the lines laid down, toward an increasing intensity or complexity. Nothing can be predicted in regard to detailed style of development, the duration of the trend and the new direction that action and thought may take after its termination.

Consult: For Bastian's views: Achelis, T., *Moderne Völkerkunde* (Stuttgart 1896). Also Spencer, Herbert, *Principles of Sociology*, 3 vols. (London 1876–96; vol. i, 3rd ed. 1885); Kroeber, A. L., "The Superorganic" in *American Anthropologist*, n.s., vol. xix (1917) 163–213, and "On the Principle of Order in Civilization as Exemplified by Changes in Fashion" in *American Anthropologist*, n.s., vol. xxi (1919) 235–63.

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See: ARCHAEOLOGY; ANTHROPOMETRY; CULTURAL GEOGRAPHY; HUMAN GEOGRAPHY; PREHISTORY; CULTURE; CIVILIZATION; LANGUAGE; RACE; MAN. See also articles on specific anthropological topics discussed above.

ANTHROPOMETRY

ANTHROPOMETRY may be defined as the measurement of human beings. The term is synonymous with physical anthropology and is an integral part of biometrics, since its data, in large measure, are to be understood only through the use of statistics. The two types of anthropometric measurements gathered are those which are taken on the living and those taken on the skeleton.

Measurements which can be taken on the human form are almost infinite in number, but they have been standardized by anthropologists so that not more than one hundred are utilized. Indeed in actual practise far fewer are considered, and generally too few measurements are taken. Those favored most are head length and breadth, auricular head height, facial height and breadth, nasal height and width, stature, height sitting and bodily proportions, from which various indices are derived. Non-measurable traits such as color of hair, eyes and skin, the form of the hair, the presence or absence of the epicanthic eye-fold, the degree of prognathism, are also noted. In addition traits such as cranial capacity, total height of the head, and measurements of the long bones are usually taken on skeletal material. The most complete

set of measurements is that of Martin's *Beobachtungsblatt*, where provision is made for practically all measurements on the skeleton and the soft tissues, for observations of non-measurable traits and for indices derived from the measurements.

One of the anthropologist's important problems is that of guarding against sources of error. The first is that due to the personal factor present in measuring. Another is that arising from the instrumentarium used. Some instruments, such as the spreading and sliding calipers, are of great accuracy, but others, such as the older radiometer, had large observational error. The third source of error is that of the conditions under which measuring is carried on. Thus, in a study of growth, it is important to realize that there is daily variation in stature which might conceivably affect the results. More serious are the errors entailed in the fact that landmarks used in taking many measurements on the living are obscure, due to the soft tissue over the subcutaneous bony structure. On the other hand there is a tendency on the part of some to insist on what may be termed spurious accuracy in measurements, which goes with a failure to realize that a small error in a large measurement need not be significant and that measurements are not to be regarded as ends in themselves.

The relation of the traits measured to the purposes of the study for which they are measured is a point which has been grievously missed. Tremendous emphasis has been placed on the measurement of head length and breadth, and populations have been placed in racial categories mainly on the basis of these traits, with perhaps a correlated series of observations of skin color, stature and color of hair and eyes. It must be obvious, however, that difference in head form is only one of an almost infinite set of differences which may be found between any two peoples, and it has happened too often that other important traits have been omitted. The problem of racial differences, especially in the differences between the European subtypes, has been considered practically solved when differences in head form and stature and color of skin and hair have been shown to exist, and the further fallacy has occurred of then attributing other characteristics to these "types," such as psychological traits. An example of this is a recent study of the "racial" incidence of cancer in Europe which was attacked by correlating numbers of cases in given districts with cephalic index and stature. The feeling at the present is that the traits which should be measured are those which fit the problem in hand and, as a rule of thumb, that the more numerous the traits measured, the greater the validity of results obtained from the study, other things being equal. Thus, in a study of differences between long headed north and broad headed central Europeans, the form of the head would be of considerable importance, while in a study of the differences between long headed north and long headed south Europeans, head form would be of very little significance. As a matter of fact the classificatory method is being discarded for the more empirical one of studying a given group in an endeavor to describe it as it is and to understand the processes involved in its formation, rather than to make it fit into more or less arbitrary schemes of classifications. Among the earliest work of this type was that of Franz Boas, who studied the influence of change of environment on physical form, and of Eugen Fischer, who studied the south African Bastaards to obtain insight into the processes of human race crossing.

It is only seldom, as in the cases of prehistoric finds, that measurements on one individual are undertaken, but here they are of major significance. The data of anthropometry are generally such that statistical treatment must be given the material gathered. There are certain anthropologists, however, notably Hrdlička, who feel that statistical handling of results befogs them. Students who follow this opinion are for the most part more interested in problems of morphology than in those of a larger social nature which anthropometry may help to solve, and in the United States and England they are in the minority. On the continent most anthropometric work is of this nature, and it is only recently that the importance of statistical handling of mass data has been realized. Statistical analysis of physical measurements characterizes the work of most American anthropologists, such as Boas, Todd, Hooton and others. This group feels that the element of selection is highly important and that only recognition of the laws of chance will tell whether the results of a study are representative.

The most important problem to be studied is the differentiation of human groups, both the larger ones termed races, and the smaller groups which have become dissimilar in physical form. This was the first work done by anthropologists, and today we have not inconsiderable data on the basis of which the races of man and

the subtypes within them can be distinguished. Much attention in earlier times was given also to criminal anthropometry, but interest in this phase of the work has today largely lapsed. Then came the problems involved in racial crossing: problems of great social significance such as the results of race crossing and its desirability or undesirability. The processes of human heredity, to the consideration of which Boas, Davenport, Lundborg, Fischer and others have outstandingly contributed, pose the next large group of problems. Whether Mendelian heredity in its simpler forms is operative among human beings has yet to be solved by the anthropologists, but its social importance for a knowledge of human behavior as influenced by the crossing of different peoples is obvious. The fact that man is a slow breeding animal makes the study of human inheritance a matter for involved statistical treatment, and makes it necessary that material should be gathered from large numbers of parents and their children.

The effect of social conditions on growth is another problem which the anthropometrist is attempting to solve. The work of Baldwin, Boas, Martin, Todd and others stands out in this line. The establishment of criteria of physiological as against chronological age is involved in this, and measurements of the bones of the hand, wrist and forearm in children, as shown on radiographs, constitute one recent method of attacking the problem. Differential rates of growth in different environmental conditions, holding the racial factor constant, involve another type of problem which anthropometrists have attempted to solve, a problem to the understanding of which the research of Martin on the German "famine-children" greatly contributed. Repeated measurements on the same children are also being stressed; the feeling being that we have sufficient mass data on growth to go as far as such material will allow, and that intensive study of the same individuals will yield enlightening information which will again give new leads for further research. The problem of heredity versus environment is the last great problem which faces the anthropometrist. That man is a flexible organism seems established, and the problem resolves itself into determining the limits beyond which adaptation is not possible. Bauer's concepts of idio-variations and para-variations have helped to clarify the problem, and further measurements under what simulates control conditions may in time bring a solution of this puzzling and important question.

MELVILLE J. HERSKOVITS

See: ANTHROPOLOGY; ARCHAEOLOGY; STATISTICS; RACE; ADAPTATION.

Consult: Haddon, A. C., *History of Anthropology* (New York 1910); Hrdlička, A., *Anthropometry* (Philadelphia 1920); Martin, R., *Lehrbuch der Anthropologie in systematischer Darstellung*, 3 vols. (2nd ed. Jena 1928); Boas, F., "The Cephalic Index" in *American Anthropologist*, n. s., vol. i (1899) 438–46, and *Changes in Bodily Form of Descendants of Immigrants* (New York 1912), and "Report of an Anthropometric Investigation of the Population of the United States" in *Journal of the American Statistical Association*, vol. xviii (1922) 181–209; Fischer, Eugen, *Die Rehobother Bastards* (Jena 1913); Bauer, E., Fischer, E., and Lenz, F., *Grundriss der menschlichen Erblichkeitslehre und Rassenhygiene*, 2 vols. (2nd ed. Munich 1923); Statens institut för rasbiologi, Uppsala, *The Racial Characters of the Swedish Nation; Anthropologia Suecica MCMXXVI*, ed. by H. Lundborg and F. J. Linders (Uppsala 1926); Baldwin, B. T., "The Physical Growth of Children from Birth to Maturity" in *University of Iowa Studies in Child Welfare*, vol. i, no. i (1920) 261 *et seq.*; Todd, T. Wingate, and staff, numerous papers appearing principally in *The American Journal of Physical Anthropology*.

ANTICLERICALISM is the term applied to the movement peculiar to Latin Catholic countries that aimed to free politics from intervention by the clergy and to establish the supremacy of the lay state over all religions. Indirectly anticlericalism was a result of the Protestant Revolution which, wherever it succeeded, subordinated the church, in doctrine as well as government, to the control of civil authorities. Even those countries that remained Catholic submitted no longer to the church in civil matters as they had done during the Middle Ages. By a system of agreements, known as "concordats," between the Catholic kings and the pope, the former managed to obtain a definite recognition of their claims to nominate bishops and to regulate church taxes.

In Catholic countries the church had so many privileges, judicial, financial, educational, that it was almost a separate body; the government merely had some rights in its affairs. When absolute monarchy finally managed to establish itself, however, a movement began in these countries to subject the church to royal control. In France it was known as "Gallicanism." It failed because the Catholic masses were "ultramontane" and regarded the pope, not the king, as the supreme ruler of the church.

The French Revolution is as important in religious as in secular history. The *philosophes*

who inspired its ideals were animated by a bitter hatred of Catholicism, and with the revolution a struggle began between church and state that resulted in confiscations, suppressions, proscriptions and finally separation. When Napoleon assumed power he entered into an agreement with the pope, the famous Concordat of 1801, which reestablished the church but completely subordinated it to the government. Gallicanism was now triumphant.

"Clericalism" and "anticlericalism" first appeared during the Restoration, though the terms were not commonly used until the sixties of the nineteenth century. Anticlericalism originated in France, where its ideas were most clearly formulated and its policies most persistently followed. It is therefore the movement in that country that will be considered here. The anticlericalism of Italy, Spain and Portugal was to a large extent inspired by that of France.

In France the restored Bourbons maintained the Concordat because they were loath to lose the control over the church that it provided, but they did everything in their power to encourage the spread of Catholicism. They relied upon the church to counteract the influence of the French Revolution. In parliament the Bourbons were supported by the "clericals," known as the *parti prêtre*, who put through a number of laws in the interest of the church, the most notable being the Sacrilege Law (1826) which punished with death the profanation of holy vessels under certain circumstances. The country was greatly aroused, and an anticlerical sentiment grew up bitterly hostile to the alliance between Bourbonism and Catholicism. The anticlericals proclaimed the doctrine of the lay state (*l'état laïque*), favoring separation of church and state, civil marriage, divorce and secular education. They were generally known as *libres penseurs* because they rejected the authoritarian spirit of Catholic teaching.

Throughout the history of nineteenth century France the opposition to absolutism was animated by the spirit of anticlericalism. It was the one bond of union between constitutional monarchists and republicans during the first half of the century, and between radicals and socialists during the second half. The famous secret societies, the *charbonnerie* (similar to the Carbonari) and the Free Masons, were also active in fomenting opposition to clerical governments. Catholicism was not, however, in the first half of the century considered synonymous with clericalism, and there were Catholic anticlericals, like Royer-Collard and Montlosier, Gallicans in religion and liberals in politics, who bitterly criticized the clerical policies of the Bourbons as a violation of the spirit of the Concordat. More radical in their anticlericalism were those who inherited the deistic traditions of the eighteenth century, like the historians Michelet and Quinet and the philosopher Jules Simon, who sought to isolate the church from all contact with public life. At the extreme left of the movement were those who, like the socialist Blanqui and the anarchist Proudhon, inherited the Jacobin tradition of war to the death against the church; in their view there was a fundamental incompatibility between the Catholic church and the French Revolution, the one authoritarian, the other libertarian, in spirit. The anticlericals of that period seldom advocated the separation of church and state, though in theory they favored it. So influential was the church that they feared to set free the "one power in France which does not emanate from the central government" (Simon).

Anticlericalism found its chief supporters among the bourgeois, who opposed the church as the protagonist of aristocracy and royalism. With the growth of revolutionary socialism among the working class, however, the bourgeois turned to the church as the bulwark of social conservatism. It was believed that the teaching of religion would inspire among the poor a respect for the institution of private property. Thiers, the representative of the freethinking bourgeois, frankly admitted that the priest was "an indispensable rectifier of the ideas of the people." Largely through his influence the *loi Falloux* was passed (1850), which in effect gave to the clergy the control of primary and secondary education.

During the latter half of the nineteenth century anticlericalism underwent a marked change. It became definitely anti-Catholic, which, in France, meant anti-Christian. The papal encyclical, *Quanta cura*, and the *Syllabus of Modern Errors* had the effect of convincing moderate anticlericals that no distinction could be made between Catholicism and clericalism. Another influence was the advent of the Marxian socialists whose materialistic philosophy was opposed to religion. After 1850 the socialists regarded the church as the protector of bourgeois society, and they were consequently its uncompromising enemies.

The greatest battle between clericals and anticlericals occurred during 1871–79, the critical period in the history of the Third French Republic when royalists and republicans struggled for control. The church supported the royalists so ardently that "Catholic" and "royalist" became synonymous terms. In opposition were the republicans led by Gambetta, whose famous cry, "Le cléricalisme, voilà l'ennemi," roused all France. Anticlerical journals appeared, notably *Dix-neuvième siècle*, edited by the brilliant journalists About and Sarcey, that denounced and ridiculed the church in true Voltairean fashion. The Third Republic and the church were soon engaged in bitter conflict. The Ferry laws (1881–82) established a national system of free, secular, primary education which encountered the uncompromising opposition of the church. Divorce was instituted in 1884.

But the anticlerical republicans paused before the more serious step of separating church and state. They had come into power chiefly as a result of division among the royalists, and they feared that a move toward separation might lead to the overthrow of the republic by an aroused Catholic sentiment. The question came to the front several decades later during the Dreyfus affair, when the royalist-clerical combination again menaced the republic. During this crisis the radicals and socialists formed a Republican bloc that put through the most famous anticlerical laws in the history of France, the Association Law of 1901, which resulted in suppressing nearly all the Catholic orders in France, and the Separation Law of 1905, which separated church and state. These laws were the work of the anticlerical ministers Waldeck-Rousseau, Combes, Clemenceau and Briand. In the Chamber they had the powerful support of the socialist statesman-orator Jaurès. Bourgeois radicals and proletarian socialists were now in alliance against the church because they had a common interest in maintaining a democratic republic.

Anticlericalism became an "extinct volcano" after the Separation Law. The radicals were left without their chief issue, and the socialists had cleared the ground of the religious question which had distracted the nation from the more important social question. During the World War Catholics and anticlericals forgot their religious differences in their common hatred of the German invaders. After the war the fear of clericalism had so far subsided that the republic reestablished relations with the Vatican and modified certain clauses in the Separation Law in deference to the wishes of the church. During the Herriot ministry (1924–25), which was supported by a bloc of radicals and socialists, anticlericalism again flamed forth in the attempt to apply the secular education laws to the schools of Alsace-Lorraine. But the attempt failed, as there was no desire to revive an issue that would distract France from post-war problems.

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See: CHURCH; CONCORDAT; CLERGY; PAPACY; SECULARISM; FRENCH REVOLUTION; CARBONARI; FREE MASONS.

Consult: Aulard, F. V. A., *Le christianisme et la révolution française* (Paris 1925), tr. by L. G. Frazer (London 1927); Debidour, A., *Histoire des rapports de l'église et l'état en France de 1897 à 1870* (Paris 1898), and *L'église catholique et l'état sous la troisième république*, 2 vols. (Paris 1906–09); Lecanuet, E., *L'église de France sous la troisième république*, 2 vols. (Paris 1907–10); Waldeck-Rousseau, René, *L'état et la liberté*, 2 vols. (Paris 1906); Seippel, P., *Les deux Frances et leur origines historiques* (Lausanne 1905); Weill, G. J., *Histoire de l'idée laïque en France au XIX^e siècle* (Paris 1925); Bert, P., *Le cléricalisme* (Paris 1900); Faguet, E., *L'anticléricalisme* (Paris 1906); Buisson, F. E., *La foi laïque* (2nd ed. Paris 1913); Ryan, J. A., and Millar, M. F. X., *The State and the Church* (New York 1922).

ANTI-CORN LAW LEAGUE. Long before the formation of the league which brought about the abolition of the Corn Laws there had been steady if not systematic agitation against these statutes. In the course of years absolute import prohibition had been abandoned and later sliding scales of duties had been introduced as palliatives for increasingly intolerable conditions, while in famine time the ports were opened. The league was unique in being the first powerful organization whose efforts were concentrated on repeal, complete and permanent. For some time events had been forcing the government to face a reorientation of fiscal policy. The impetus came chiefly from the continued distress of the laboring class, kept at a low standard of living by the dearness of a staple foodstuff, the periodical dearths which intensified suffering and discontent, the growth of population, the expansion of industry, particularly in the North, and the need for larger foreign markets. What had been lacking hitherto were minds and wills capable of coordinating the forces which were making for reform and using them as weapons in a great offensive movement against land monopolists and their privileges.

The league had been preceded by the Anti-Corn Law Association, formed in London in 1837. That body, however, consisted less of practical men than of theorists, and its policy did not go beyond a reduction of the existing duties. Such a concession could not meet the needs of the industrial North, and accordingly the Manchester Chamber of Commerce took up the question in December, 1838. Richard Cobden, then a manufacturer of the city, stood for complete repeal and obtained the adoption of his plan. So in January, 1839, was formed the National Anti-Corn Law League for promoting the total and immediate abolition of the duties. The league lost no time in setting in motion a powerful mechanism of propaganda, adopting as its organ a sheet called *The Anti-Bread Tax Circular*, which later gave place to *The League*. The effective arena of agitation, however, consisted of the House of Commons, the political platform, the public press and the pamphlet. Of this agitation Cobden was the director, although many able and devoted colleagues joined him, notably John Bright.

The task which the league had to face was not only to convert a nation but to overturn enormously powerful interests which had long controlled both the electorate and the legislature. Branches of the society were formed in all parts of the country. Trained lecturers were poured into the industrial towns, the rural villages and the open countryside, and as many as a million tracts and other publications were distributed in a single year. Money flowed in freely, and on one occasion a fighting fund of £250,000 was raised. Throughout the agitation the men of the "Manchester school" had to encounter gross misrepresentation and obloquy. They were reviled as bagmen and egoists who exploited the toilers of the factory and mine and preached philanthropy for profit. But these tactics failed of their purpose, and the time came (1843) when even the *Times*, the mouthpiece of the classes, which had begun by ignoring and continued by abusing the league, ended by proclaiming that it must be accepted as "a great fact."

Meanwhile Peel had come to power in 1841, the head of a Tory-protectionist ministry and party, and in the following year he introduced a new sliding scale. Nevertheless he was wavering, for at heart he was a Whig and the Whigs were rapidly coming over to repeal. His formal capitulation came in January, 1846. The three traditional allies of reform—famine, distress and disaffection—once again fought on the side of repeal. Something had to be done, and instead of playing any longer with emergency measures he determined to end, instead of mend, a hopelessly unsatisfactory system. Accordingly he introduced a bill for total repeal, to come into operation on February 1, 1849, and a moderate sliding scale to continue until that date. The measure became law without encountering serious opposition. In the House of Commons nearly all the Whigs and over a hundred of the Tories voted with the majority. Simultaneously the duties on many other articles—food, farm produce, raw materials and manufactured goods—were either repealed or reduced, and the Navigation Laws were also abandoned.

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See: CORN LAWS; FREE TRADE; CHARTISM.

Consult: *The League*, organ of the Anti-Corn Law League (September, 1843, to July, 1846); Cobden, R., *Speeches on Questions of Public Policy*, 2 vols. (London 1870); Prentice, A., *History of the Anti-Corn Law League*, 2 vols. (London 1853); Ashworth, Henry, *Recollections of Richard Cobden and the Anti-Corn Law League* (London 1877); Morley, John, *The Life of Richard Cobden*, 2 vols. (London 1896); Dunckley, H., and others, *Richard Cobden and the Jubilee of Free Trade* (London 1896); Jordan, H. D., "The Political Methods of the Anti-Corn Law League" in *Political Science Quarterly*, vol. xlii (1927) 58–76.

ANTIMILITARISM is the theory and practise of the struggle against militarism conceived as a policy of the modern state carried out through the institutions centering around the army and navy. The term has been applied at the one extreme to a mild advocacy of a retardation in the race for armaments and at the other to agitation for a general strike against war. It is therefore not identical with pacifism, although some of the more radical groups of pacifists share views akin to those of outspoken antimilitarists, but is more definitely related to anticapitalism. Antimilitaristic ideas were first openly and clearly discussed at the congresses of the First and Second Internationals, and some socialists, e.g. Karl Liebknecht, carried on an active antimilitarist propaganda before 1914. But as a coherent theory and concerted movement antimilitarism results from the writings and work of the anarchists and of the revolutionary syndicalists. It was the French Confederation of Labor, under the special influence of such anarchists as George Yvetot and Émile Pouget, which after 1900 started in the French army a vigorous campaign for gen-

eral strikes and military insurrections as a means of preventing war. The French Confederation of Labor created the Sou du Soldat, for the purpose of giving economic aid to soldiers in the army and maintaining contacts between trade unions and conscripted trade union members. In 1901 the confederation published an antimilitaristic tract under the title *Manuel du soldat*, which went through many editions.

At present there are three main varieties of the antimilitaristic movement. Socialists and such international labor organizations as the "Amsterdam" International carry on propaganda against war and in favor of immediate steps toward general disarmament. Their point of view is that militarism and war are inevitable results of competitive capitalism and can disappear only with the triumph of socialism. Certain of the organizations under socialist influence, especially the socialist youth societies, encourage their members in some countries to pledge themselves to refuse military service in case of war.

The most outspoken and vigorous opponents of militarism today, as before the World War, are the anarchists and the syndicalists. From their point of view, war is not only a horrible result of capitalism but an inherent element of the state which claims the monopoly of the right to kill. Anarchistic and syndicalistic propaganda today, as before the war, centers around the ideas of the general strike and of military insurrections as means of defeating war. In most countries the followers of these doctrines evade military service and stir up discontent among military recruits. For purposes of propaganda and agitation the syndicalists and anarchists maintain the International Anti-Militarist Commission with headquarters at The Hague, Holland.

An intermediate place between the socialists and anarchists is held by the communists. While agreeing with the anarchists that the ultimate ideal of society is one from which the state and all military organizations have disappeared, the communists emphasize the importance of the transitional stage of the "dictatorship of the proletariat," during which the workers as a ruling class will have to maintain an army for self-defense. For the immediate future the communists elaborate the idea of a "socialist fatherland," which is Russia, and insist upon the necessity of gaining influence in the armies of the "capitalist" countries in order to prepare for the social revolution. Their aim is thus not so much to disorganize existing armies as to "capture" them, and for this purpose communists are exhorted to organize cells and nuclei in the army, navy and all other military institutions. Communist antimilitarist activities are especially widespread at the present time in France and in England.

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See: PACIFISM; PEACE MOVEMENTS; SOCIALIST PARTIES; SYNDICALISM; YOUTH MOVEMENTS; GENERAL STRIKE.

Consult: Levine, Louis (Lorwin, Lewis L.), *Syndicalism in France* (2nd ed. New York 1914); Lorwin, Lewis L., *Labor and Internationalism* (New York 1929).

ANTIRADICALISM. In its most general sense this term covers all sentiment and action aiming at the suppression of agitation or doctrine regarded as subversive of existing institutions. Antiradicalism commonly conceives of itself as allied to the state, but when the latter has been captured by the radicals, as in the case of the French and the Russian revolutions, the antiradicals compose a counter-revolutionary movement seeking to reestablish the institutions overthrown by revolution.

As the institutions subject to radical attack vary with time and place, so also do the objectives of antiradical movements. The specific objective of antiradicalism in early modern times was the defense of the church against heresy; through the eighteenth and the early part of the nineteenth centuries antiradicalism was occupied with the defense of monarchical and aristocratic political institutions. Defense of the institution of private property has been the predominant element in recent antiradicalism. Other elements, however, enter into the complex: defense of the church and religion, of traditional family institutions, of established political and juristic forms, of conventions in morals and manners, even of the traditional canons of art and letters.

In ordinary times antiradicalism is implicit in the attitudes of various social groups, but does not work itself out into a consciously formulated body of principles and rules of action. The heretic or the political or economic "dreamer" is ridiculed, ostracized, occasionally expelled from the community, but no extensive mass emotional disturbances are involved. The situation changes entirely when radicalism develops to the point of becoming a serious challenge to existing institutions, as in times of prolonged economic depression, during or after an exhausting war or in a period of rapid economic

development which effects serious changes in the distribution of wealth. In such circumstances implicit antiradicalism awakens into self-consciousness and may develop into a general panic. In Russia the political radicalism which flourished after the Russo-Japanese War evoked a powerful antiradical reaction which drew into its circle extensive groups of the population, as, for example, the class of small traders and peasants, whose only animating interest was aversion to all change. After the World War and the Russian Revolution economic radicalism became a factor of importance throughout the world. It was attended, naturally, by an equally extensive development of antiradicalism.

At the outset of an antiradicalism movement the issues are usually definite and leadership is in the hands of those whose interests are actually involved. When heresy first became a problem in early modern times its suppression was left to the church; only after a long period of propaganda was the work of suppression taken over by the congregations. The suppression of abolitionist tendencies in the South was at first undertaken by the slave holders; only after decades did they succeed in animating the non-slaveholding townsmen and small farmers with a hatred of the abolitionists as enemies of the existing order. Post-war radicalism, with its attack upon an institution so general as private property, naturally aroused against itself especially those to whom private property bears a quasi-sacred character—the small merchants and manufacturers, the farmers, investors in safe securities, officials and employees enjoying security of tenure. While the dominant capitalist class contributed resources for the attack on radicalism, post-war antiradicalism was essentially a middle class movement.

All antiradicalism movements derive their force ultimately from the classes whose status has been fixed for a time sufficiently long to have lent them a certain moral quality. While the newly enriched or ennobled may fight radicalism out of naked self-interest, those who hold a hereditary property or status have as a rule assimilated it to the body of natural rights; when it is attacked they are capable of developing a high degree of moral energy in its defense. Hence the paradoxical fact that in the struggle against radicalism it is most often the classes of modest fortune—often classes of waning fortune—that are most zealous in the repression of proponents of change. The Fascist movement in Italy, the dictatorships in Spain and Hungary, drew their essential support from the small bourgeoisie, just as antiradicalism in America is strongest among the smaller business men who are struggling to hold their own against the encroachment of the great aggregations of capital in trade and industry.

Post-war antiradicalism has been distinguished by the extensive application of the arts of propaganda developed during the war. By the wide circulation of leaflets and pamphlets, by tendential articles in the magazines and daily press, by conferences and lectures, the menace of radicalism has been brought home to the potentially antiradical masses. Emphasis has been laid upon the alleged relation between economic radicalism and heterodox attitudes in respect to other moral values. A professional leadership has arisen, skilled in creating a sense of panic and exploiting it to the leaders' advantage.

In the end an antiradicalism movement loses its momentum chiefly through the flagging of the moral energy it has evoked. The antiradical masses grow weary of hearing of menaces which are not realized in action. What at first gives force to the movement, the assimilation to radicalism of a wide range of attitudes having no direct bearing on the problem, tends finally to bring on disillusionment. While the recent movement was gathering strength it was no doubt helped along by the propagandist identification of industrial unionism, pacifism, social insurance, agrarianism with economic radicalism. In the later phases of the movement this massing together of unrelated phenomena has operated to break down the credulity of the antiradical rank and file.

Like any social-political movement which draws heavily upon moral energies and avails itself of fears and suspicion, antiradicalism makes frequent application of violent means. Lynching, deportation, flogging are frequently resorted to by antiradicalism in countries without a well established tradition of legality, such as the United States, Italy, China, the Balkan states. Blacklisting and boycotting are freely employed. Often the governments are forced by the fervor of antiradical public opinion to enact laws for the suppression of radical activities which become dead letters when the movement loses force. More frequently the public authorities—especially the local authorities—are drawn into cooperation with unofficial bodies in the lawless suppression of radical or allegedly radical activities.

The chief interest for political science in antiradicalism lies in the evidence it affords of the failure of the modern state to develop into a true polity. Antiradical behavior proves that even those classes which are generally assumed to be most loyal to the state and the institutions which it defends are prepared at any time when their emotions are aroused to abandon the political and legal means supplied by the state and revert to force and violence.

ALVIN JOHNSON

See: RADICALISM; CONSERVATISM; TRADITIONALISM; APOSTASY AND HERESY; ALIEN; ATHEISM; INTOLERANCE; CIVIC EDUCATION; PATRIOTIC SOCIETIES; SECRET SOCIETIES; KU KLUX KLAN; FASCISM; ACTION FRANÇAISE; ESPIONAGE; TERRORISM; LAWLESSNESS; CONFLICT, SOCIAL; CHANGE, SOCIAL; PUBLIC OPINION; CIVIL LIBERTIES; FREEDOM OF SPEECH AND OF THE PRESS.

Consult: Wolfe, A. B., *Conservatism, Radicalism and Scientific Method* (New York 1923) ch. v; Veblen, T., *The Vested Interests* (New York 1919) ch. viii; *Professional Patriots*, ed. by N. Hapgood (New York 1927); Irwin, W., *How Red is America?* (New York 1927) ch. i; Chafee, Z., Jr., *Freedom of Speech* (New York 1920), and *The Inquiring Mind* (New York 1928); Seagle, W., "The Technique of Suppression" in *American Mercury*, vol. vii (1926) 35–42; Post, Louis F., *The Deportation Delirium of 1920* (Chicago 1923); Lyons, E., *The Life and Death of Sacco and Vanzetti* (New York 1927); Salvemini, G., *The Fascist Dictatorship in Italy* (New York 1927); Barbusse, H., *Faits diverses* (Paris 1928), tr. by Brian Rhys as *I Saw It Myself* (New York 1928); Sinclair, Upton, *The Brass Check* (Pasadena, Cal. 1919), and *The Goose Step* (Pasadena, Cal. 1923).

ANTI-SALOON LEAGUE. This organization, "The Church in Action against the Saloon," is a league of churches and temperance societies growing out of the Ohio Anti-Saloon League, which was organized at Oberlin, Ohio, May 24, 1893, under the leadership of the Rev. H. H. Russell, of Berea. The success of the Ohio league led to the establishment of similar organizations in other states, and in December, 1895, at a convention of forty-nine separate temperance and religious groups in Washington, D. C., the Anti-Saloon League of America was formed. The object of the organization, as stated in its constitution, is "the extermination of the beverage liquor traffic," although the name Anti-Saloon League was adopted to direct attention primarily to the evil of the open saloon.

Stated briefly, the distinguishing features of the organization are: active cooperation of the churches, with the individual congregation constituting the basic unit, comparable to the precinct organization of the regular parties; paid professional officers and workers under centralized control; a financial system which is based on monthly subscriptions; a program of widespread education and propaganda; concentration upon the liquor question—refusal to be sidetracked by any other issues; political agitation directed toward the defeat of "wet" and the election of "dry" candidates; legislative lobbying in behalf of restrictive legislation and a constant demand for adequate enforcement.

The Protestant evangelical churches have always constituted the backbone of the league. During its campaign for national prohibition, 1912–1918, upwards of 50,000 churches regularly threw their pulpits open to Anti-Saloon League speakers of which there were at times as many as 20,000 in the field. In Pennsylvania alone more than 5000 churches cooperated.

Theoretically democratic in structure, the organization in fact has always been controlled by the small group of officials comprising the national executive committee and national board of directors, the personnel of which has changed but slightly in twenty years. The national board of directors is composed of two representatives from each state league, with additional members for states with over a million population. The real governing authority resides in an executive committee of nineteen members chosen biennially by the board of directors. A general superintendent appointed by the board of directors nominates state superintendents and has general supervision over both national and state leagues. Within each state there is a board of trustees representing the various churches. State superintendents are appointed by the local boards upon nomination by the general superintendent. Local ad hoc committees are formed from time to time. Each state league and the national organization employs a legislative agent and attorney who aids the state superintendent as political lobbyist.

Funds are secured through an elaborate pledge system. From 1912 to 1923 over $16,000,000 was pledged to the national league alone, and in the years 1915 to 1917 the league, in all its branches, was spending about $2,500,000 annually. Except for a few large contributions, the overwhelming bulk of the income is paid in small sums varying from a few cents to several hundred dollars. The number of contributors in 1922 was estimated at 700,000. Between 80 and 90 percent comes

in as the result of direct appeals to church congregations.

The league is primarily a propagandist agency, and for carrying on this work it maintains a thoroughly modern printing establishment, the American Issue Publishing Company, at Westerville, Ohio. From October, 1909, to January, 1923, this company turned out 157,314,642 copies of temperance papers. In addition a total of 244,782,296 books, pamphlets, leaflets, window cards, etc., were printed and circulated. Literature was distributed through the mails to a regular subscription list of over 500,000 as well as through the churches, schools and temperance societies. Through the cooperation of many large industrial concerns league leaflets were placed in the pay envelopes of the workers.

During the early days the league trained its guns on the saloon, going so far as to disavow any desire for complete prohibition. Its literature, however, made no such distinction but depicted the entire liquor traffic as the enemy of society, the home, the individual, the church, law, order and humanity. During the war it capitalized heavily on the fact that many brewers and liquor dealers bore German names and that large quantities of foodstuffs were being wasted in the manufacture of liquor. Unlike the Prohibition party the Anti-Saloon League rarely places a candidate of its own in the field. The constitution of the organization, moreover, pledges it to "avoid affiliation with any political party as such." Its object has always been to hold the balance of power, throwing its support to the candidate most satisfactorily answering its questionnaire. The league has always been indifferent to other issues and party labels. In the South it has consistently supported dry Democrats and in New England dry Republicans.

League lobbying is of a piece with tactics employed by other political pressure groups. Special legislative agents are employed to appear before committees, cooperate with representatives in drafting legislation, keep the local organizations informed as to the conduct of public officials, and to add that personal touch in matters of law making which experienced lobbyists know to be of incalculable value The national and state leagues organize delegations to wait upon politicians and office holders, from city councils to congresses, from policemen to presidents. When antiliquor legislation is pending, they supervise the sending of memorials, petitions, letters and telegrams appealing for favorable action and threatening political reprisals if the legislator fails to heed. So powerful did the league become in the national Congress that in 1917 President Wilson made a formal request in writing for its support of food control legislation then pending. The legislative program of the league began with local option for college towns, followed successively by demands for county option, state wide prohibition, the regulation of interstate liquor shipments and, finally, national prohibition. The bulk of our temperance laws were not only enacted under pressure from the Anti-Saloon League but, in a considerable number of cases, were actually drafted by league attorneys and agents. The Webb-Kenyon Act, the Eighteenth Amendment and the Volstead Act are instances.

The Anti-Saloon League does not usually take a direct part in the enforcement of liquor laws. Its activities in this connection are confined to recommending for appointment persons friendly to the law, electing public officers pledged to rigorous enforcement, strengthening existing laws, procuring adequate appropriations for enforcement, exposing inefficiency in enforcement, and counteracting agitations for a relaxation of existing laws.

Since 1926 the league has been turning its attention increasingly to the problem of educating the public concerning the evils of alcoholic beverages *per se* and the danger of wholesale disrespect for law. It has recently been given some $500,000 for this purpose, and it has created a department of education to direct the work.

PETER H. ODEGARD

See: LIQUOR TRAFFIC; ALCOHOL; TEMPERANCE MOVEMENTS; PROHIBITION; LOBBY; PARTIES, POLITICAL.

Consult: Odegard, Peter H., *Pressure Politics, The Story of the Anti-Saloon League* (New York 1928); Cherrington, E. H., *A History of the Anti-Saloon League* (Westerville, Ohio 1913); Steuart, T. Justin, *Wayne Wheeler, Dry Boss* (New York 1928).

ANTISEMITISM. In its concrete meaning the word is synonymous with anti-Judaism and denotes social and political agitation, sentiments and acts directed against Jews. The term is only fifty years old, having been put into circulation by Wilhelm Marr in 1879, and has specific reference to a doctrine of race which was intended to be the theoretical justification for modern anti-Judaism. It involves the assumption that the cultural and social group differ-

ences between the Jews and the peoples among whom they reside are to be viewed as an antithesis of Semitic and Aryan racial characters, and that the Aryan peoples form a superior group which needs to protect itself against cultural and racial contamination by the inferior Semitic Jews. Were antisemitism nothing but a doctrine of race it would long ago have been discarded as a scientific superstition. But the doctrine is simply the reflection of an underlying situation which is very important both on its own account and for its bearing on many other political and social problems. Anti-Judaism (to call the phenomenon by its true name) is a reality and a fact even if the racial theory of antisemitism be dismissed as a figment of the imagination.

For an impartial understanding of antisemitism it is of course necessary not only to put aside the antisemitic theory of race (except as part of the phenomenon to be studied) but also to guard against any one-sided approach to the problem. One must, in other words, study not the "Jewish problem" but the joint problem of Jewish-Christian relations.

We are accustomed to regard the Jewish-Christian antithesis as a religious antithesis, and we accept as a matter of fact the mediaeval history of Jewish persecutions and Jewish disabilities. But with the growth of toleration in modern times and the general waning of interest in religious issues one might suppose that the Jewish-Christian problem would gradually disappear. It is on this assumption that the states of western Europe put through the program of the civil emancipation of the Jews during the eighteenth and nineteenth centuries. This assumption continues to guide most of the states of the world, and even today in Germany, a country which is the fountainhead of the antisemitic movement and philosophy, the state as a state does not recognize a Jewish problem or a Jewish-Christian problem. It is only the antisemitic parties and groups which seek to alter the present political status and to repeal, or to mitigate as far as possible, the Jewish emancipation laws.

Correct as may be this political assumption, one must dissociate from it the philosophy of social optimism which generally goes with it. To the thinkers of the seventeenth and eighteenth centuries who fought so nobly for political equality and the rights of the citizen, the emergence of the social and class struggles of the nineteenth century would have appeared as the defeat of all their highest aspirations. Nevertheless the eighteenth century conquest of liberty may be accepted as a sound achievement, even though we now appreciate how formal and abstract in many concrete social situations political liberty really is. So, too, with antisemitism. The recognition of the social reality of a Jewish-Christian problem does not necessarily impugn the validity of the political principles of the emancipation movement.

In the face of the strong revival of anti-Jewish agitation in the second half of the nineteenth century, the purely religious interpretation of the Jewish-Christian group conflict is seen to be manifestly inadequate. Certainly the Jewish-Christian opposition is not an opposition of religion in the same sense in which the opposition between the various Protestant sects, or even between Protestantism and Catholicism, may be regarded as an opposition of religious doctrine. In the examples mentioned the conflict disappears as soon as the religious issue wanes—unless, as is the case with the Catholic situation in certain countries, the religious controversy cloaks or produces a deeper social opposition. Tragically important as has been the role assigned to the Jew in the Christian gospel and the Christian philosophy of history, the underlying sociological factors were even more important in creating the Jewish problem, both before and after the spread of Christianity. In the Roman Empire the Jews were often gravely discriminated against, even persecuted, as aliens whose devotion to their religion and ritual made complete assimilation with Roman culture an impossibility. When Christianity came upon the scene, their peculiar position as an internationally scattered minority was confirmed.

It is not necessary to review the whole mediaeval history of the Jews, but merely to recall a few incidents which produced more or less lasting social effects. Chief among these were the enactment of laws forbidding the Jews to own land and their consequent restriction to mercantile pursuits and the lending of money The Jews were not the only traders or usurers but, as an alien element and as the people who crucified Christ, they were made the target of a peculiar combination of economic class hatred, religious passion and distrust of the stranger which has never been equaled in all history. Add to this the hermetical social isolation of the Jews in the ghetto, and one begins to understand the magnitude of the Jewish-Christian

gulf which the mediaeval period has passed on to modern times.

The moral charges and countercharges exchanged between the Jews and Christians do not concern us here. From a sociological point of view these ethical judgments, which may be true or false when each is considered in and for itself, are all absorbed in the underlying sociological determinism. More significant than these moral economic charges is the blood ritual accusation, which affects the Jews not as an economic class but as an ethnic and religious community. This charge, continuing down to recent times—the most recent examples being the Tisza-Eszlar affair in 1878, the Xanten accusation in 1891 and the Mendel Beiliss case in 1912—most truly reflects the strangeness and ignorance characterizing the mediaeval Christian view of the Jewish community. The ritual murder accusation was first leveled by the Romans against the Christians, and even today in China, whenever a Chinese child disappears, the common people believe that he has been kidnaped by a Christian missionary and his eyes extracted for use in Christian magic. The charge was not made against the Jews until the eleventh century, but from that time on there has been a long and dismal record of such incidents—an amazing example of the persistence of human ignorance and superstition.

If there has been a change in the Jewish-Christian situation since the Middle Ages, it is due to modern economic and political forces. The evolution of the secular state has made it possible to regard Jews as citizens and not as aliens kept alive as witnesses to the historicity of Christianity. On the other hand the passage from an agricultural state regulated by the canonist view of economics to the modern capitalist and industrial state has made it possible to absorb the Jews as ordinary individuals in the economic machine. Many of their presumably capitalistic virtues even came to be admired by their Christian neighbors. Neither the political nor the economic forces have affected all countries equally, and even where they have had fullest play, as in Anglo-Saxon countries, they have not completely broken up the heritage of mediaeval traditions, especially among those groups which themselves represent the survivals of an agricultural-handicraft society in an economy of full blown capitalism.

The norm and archetype of modern antisemitism is to be found in Germany. Further east are to be found more of the physical excesses and legal discriminations characteristic of the Middle Ages. Further west antisemitism becomes a more sporadic and fugitive phenomenon, if it does not disappear entirely. In Germany antisemitism, in its peculiarly modern sense, has been developed as a philosophy and as a political movement; there it was even launched as an international movement with international congresses and representatives from Austria-Hungary and other countries.

It is customary to date modern antisemitism in Germany from the period of 1870. The date is of course significant. It was not until the unification of the German Empire that Jewish emancipation was completed and all existing restrictions on the basis of religion were abolished. These reforms marked the end of religious antisemitism—that is to say, of that antisemitism where religious application formed the basis of legal discrimination. But so little did the abolition of religious disabilities affect the underlying social situation that we find the phenomenon of antisemitism breaking out in a new form and even with increased vigor. In a sense it may be said that the same train of ideas which brought about the Jewish emancipation (and the theoretical abolition of antisemitism) actually promoted the real development of the new antisemitism. Liberalism brought with it the granting of full equality to Jews, but it also facilitated the passage of Germany into the stage of vigorously developing capitalism, the brunt of the transformation falling on the handicraftsmen and peasants, while the Jews appeared to be in the vanguard of the new capitalistic bourgeoisie. The conflict of economic forces thus engendered was but one of the factors fostering anti-Jewish feeling. In addition antisemitism drew sustenance from the repugnance which middle class morality entertained for the financial excesses of capitalism and for advanced radicalism, with both of which the Jews as a group were identified in loose thinking because of the prominence of individual Jews.

In the Germany of the 1870's socialism had not as yet been declared to be Jewish in origin but the public mind had already come to believe that the Jews were responsible for the abuses attributed to capitalism. And when an orgy of financial speculation following the payment of the French indemnity resulted in a disastrous crash, the latent anti-Jewish hatreds flamed up and antisemitism became an organized political and social agitation. The public remembered the

prominence of a certain Jewish capitalist, Bethel Strousberg, in the group of speculators, and forgot that the financial abuses were first denounced in the Reichstag by Edouard Lasker, a Jewish leader of the National Liberals.

In the meantime there had been developing the racial doctrine of antisemitism which soon replaced the outworn religious arguments as the rationale of anti-Jewish agitation. The doctrine developed when the rather innocent literary and philological speculations of Ernest Renan and Max Müller were taken up by strongly nationalistic German agitators and popularizers. In the course of his studies on Semitic languages the French historian had allowed himself to make a number of sweeping generalizations on Semitic race and Semitic traits. Similarly in the writings of Müller, the doctrine of a common Aryan tongue as a basis of all the Indo-European languages was upheld, the writer going so far as to posit a race which spoke the original language, the Aryans (*q.v.*). Although both Renan and Müller denied the significance which was attached to their doctrines, the mischief was done and the precedent was established of discussing Jews and Christians as an antithesis of Semites and Aryans. In the writings of the popular German ethnologist, Friedrich von Hellwald, we see the complete doctrine in action. In an article "Zur Charakteristik des jüdischen Volkes" (in *Das Ausland*, vol. xlv, 1872, p. 901–06 and 951–55) he writes: "In the case of the Jews we have to do with an entirely different ethnic group. . . . This people, scattered and settled in Aryan Europe, is purely Semitic. From an anthropological point of view, the Jew who lives in our midst stands quite as far apart from us as the Arab, and the emphatic contrast between the two, usually indicated by the opposites Christian and Jew, is for the most part exactly the same as the opposition which exists between Aryanism and Semitism. The European feels so to speak instinctively in the Jew who stands over against him the foreigner who has immigrated from Asia. . . . The so-called prejudice is a natural sentiment. Civilization will overcome the antipathy against the Israelite who merely professes another religion, but never against the racially different Jew. . . ." Von Hellwald then goes on to repeat the familiar charges of Jewish business cunning, which he explains as a racial trait and which he puts forward as the reason why the Jew gets the best of the honest Aryan. "We cannot do otherwise," he continues, "than to designate the Jews as the very canker from which the lands of Eastern Europe suffer. No means (provided they are not violent, for everything for which personal courage is demanded is opposed in general to the Semitic and especially to the Jewish character) are too wicked for them to use in order to secure a material advantage."

This pseudo-scientific doctrine was eagerly seized upon by Marr, Glogau and Eugen Dühring, and exploited in a flood of pamphlets. It became a political issue through the interplay of certain forces in German domestic politics. The court preacher Adolf Stöcker had organized a Christian Socialist party with principles paralleling those of Catholic Socialism and with the purpose of appealing to working men on the basis of a moderate program of social reform. All evidence seems to show that the party was not organized originally as an anti-Jewish party. But when Bismarck broke with the National Liberals (a bourgeois democratic party with a number of Jewish leaders), who had supported him in his *Kulturkampf* against the Catholics, circumstances conspired to turn the Christian Socialist party into an antisemitic party. Bismarck spoke of a *Kulturkampf* against the Jews (1879) and immediately a vast storm of anti-Jewish agitation was unloosed. Stöcker put himself at the head of the movement and called for a crusade against the Jews (1880–81). There were riots, and a petition was signed by 300,000 Prussian citizens calling upon Bismarck to exclude Jews from all national schools and universities and from all public offices. In the elections of 1881 the Conservative party was captured by the Christian Socialists and won over to antisemitism.

The political movement soon burned out, the antisemitic parties gradually breaking up into their constituent elements. There was a revival in the period around 1890, when Hermann Ahlwardt headed the movement, and of course a much greater revival after the World War. What is significant, however, is that through all the interchange of parties from 1880 to the present there have always been one or more parties frankly professing antisemitic principles. After the war, as a result of the prominence of Jewish names in the Russian and German revolutions, the identification of Jews with subversive radicalism was more emphasized than their identification with capitalistic abuses. Frequently, however, the two were combined, as in the propaganda of Hitler's National Socialist party. In Austria, where basic conditions have been

similar to those in Germany, there has been a strong Christian Socialist party, with principles sometimes mildly and sometimes violently antisemitic.

The complexity and intensity of German antisemitism are shown by contrast with the situation in France. There antisemitism has had a more theatrical history but less enduring roots. In 1883 Renan congratulated France that the ethnological theories about Semites and Aryans had no practical application in that country. Antisemitism, however, flared up in France as a side issue to the conflict of clericalism and anticlericalism. The political history of France since 1870 had been largely dominated by the struggle to make the Third Republic a lay state with a lay educational system. In this struggle the French Jews were naturally identified with the democratic and advanced parties of secular reform while the conservative, Catholic and royalist factions fought to maintain as far as possible the old order of things. The Jewish issue was introduced by the agitation carried on by a group of journalists with Catholic and clerical sympathies, who identified the Jews both with the abuses of high finance and with the "unpatriotic" socialist and anarchist propaganda. This clerical use of the Jewish issue, first introduced by Drumont in his *La France juive* (2 vols., Paris 1886) and in his newspaper *La libre parole* (1892), gradually gained the attention of more authorized representatives of the clerical parties. Drumont himself was chosen honorary president of the congress of Christian democrats, a group of young priests, journalists and politicians interested in Social Catholicism, which assembled at Lyons in 1895. The author of a work on Social Catholicism, Paul Lapeyre, described the Jews as a "devouring canker" in France and demanded their expulsion and transportation to some fertile but distant country where they would have to "reform their habits or die of want." A direct appeal to religious prejudice was made when he called the modern Jews "the descendants of those who crucified Jesus" (Moon, P. T., *The Social Catholic Movement in France*, New York 1921, p. 207). In the Chamber of Deputies a clerical deputy, Viscount d'Hugues, made the sensational charge (1894) that the Jewish financier Rothschild had given money to anarchist agitators in order to disorganize and corrupt the labor movement.

This clerical flirtation with antisemitism was turned into a boomerang by the Dreyfus case. This isolated incident, willed by no organized party, committed the conservative parties to an official policy of antisemitism while it made pro-Dreyfusism the slogan which united the bourgeois anticlerical parties and the socialists. The victory of the Dreyfusards destroyed antisemitism as a political issue in France and damaged the clerical parties. Antisemitism was left as a social prejudice, exploited occasionally by the royalist Action Française group, and by the obscure periodical *La vieille France*. This agitation was revived to a certain extent after the publication of the Protocols of the Elders of Zion but otherwise it has been quiescent.

Turning to Russia and eastern Europe one beholds a type of antisemitism quite different from those described thus far. Both because of the concentration of the Jewish population and because of the economic and social conditions of these countries, the Jewish problem is mediaeval in character. In the Russia of the old regime the Jews were considered a separate economic and religious class and their status was regulated accordingly. For the most part they were forbidden to reside outside of the territories of the old kingdom of Poland, which thus constituted their Pale of Settlement. The political reaction which followed the assassination of Alexander II (1881) further increased their disabilities. Under the celebrated May Laws (1882) a pale was created within a pale—that is to say, even within the Pale of Settlement the Jews were forbidden to reside outside of the towns—with the object of preventing the Jews from owning land. In addition a *numerus clausus* or fixed quota varying from 3 to 10 percent was enacted to govern the admission of Jews to the universities and schools of higher education. In the meantime there had taken place a series of bloody pogroms, in large part stimulated by the reactionary government in power as a distraction to the political discontent of the masses. These were the forerunners of greater pogroms in 1903 and 1906 when the Black Hundreds were organized by the government as a deliberate method of combating the revolutionary movement.

Aside from physical excess Russian antisemitism under the old regime is chiefly significant for its cold blooded political exploitation of anti-Jewish hatred. This use of anti-Jewish feeling was of course not unknown in the Middle Ages, when more than one king incited the populace against the Jews in order to avoid paying his debts or in order to plunder them for

their money. But it was reserved for the Russians to organize this sort of propaganda as a fine art. Their most notable achievement—and one that had sensational international consequences—was the perpetration of the forgery of the Protocols of the Elders of Zion. This forgery was finally and conclusively exposed by the London *Times* (*The Truth about the Protocols*, London 1921) but not until the story of an extensive conspiracy to bring the world under Jewish dominion had been circulated in all countries and had played an important role in stimulating antisemitic agitation in countries hitherto relatively free from public antisemitism, such as England and the United States.

The protocols first appeared in Russia in 1905, when they were published by Sergey Nilus, who claimed that they were obtained by a woman who stole them from "one of the most influential and most highly initiated leaders of Freemasonry . . . at the close of the secret meeting of the 'initiated' in France, the nest of Jewish conspiracy." In the edition of 1917, which was circulated after the Bolshevist revolution by Russian monarchists in England and the United States, Sergey Nilus added new details. He claimed that the manuscript had been given to him by the Russian official Sukhotin, and that the protocols were notes of a plan submitted to the "Council of Elders" by Theodor Herzl at the First Zionist Congress at Basel in 1897. Like the blood ritual accusation the protocols were seen to be obviously fraudulent by every one acquainted with Jewish life. The motivation of the fraud was evident on its face, and its use in both Russian revolutions was sufficient to make one suspect its origin. Nevertheless the protocols were widely credited and were actively circulated by reactionary groups who either "willed to believe" or willed to make others believe in their truth. By fortunate circumstance the London *Times* correspondent at Constantinople was able to put his finger on the actual origin of the protocols and to demonstrate that not only were they a hoax and forgery in the ordinary sense but in addition a literary plagiarism. The greater part of the text of the so-called protocols was shown to have been taken from a political tract published in 1865 and 1868 by a French republican and aimed at Napoleon III (who had the author imprisoned for his offense). All that the anonymous forger—evidently a Russian secret police official—had done was to change the text here and there and add a Jewish and Marxian flavor.

The episode of the protocols throws into relief the public situation of the Jews after the World War and the Russian Revolution. It also ties together in a curious way the tangled affairs of eastern Europe with the problems of America. The circulation of the protocols in the United States coincided with a wave of feeling against the recent immigrant stocks in which for the first time antisemitism came to the surface as a public phenomenon. The World War had produced, or at least crystallized, a reaction against the "melting pot" policy of welcoming all races, maxims and creeds to the land of freedom, and this reaction was directed against the Jews along with the rest of the so-called "newer immigrants." This reaction was increased by the impact of the Russian Revolution, which was at first welcomed even by the conservative element as a victory of democracy over czarist absolutism but which was soon felt to be a menace to American institutions. The distrust of the foreign born was magnified by a fear of radicalism, and in the latter respect the Jews found themselves singled out even more than other foreign stocks because of the prominence of Jewish names among the Russian Bolshevists.

This is not to say that American antisemitism is altogether the product of post-war conditions. Even before the war antisemitism existed as a basic social-psychological sentiment. This sentiment found its expression in the exclusion of Jews from fashionable hotels and summer resorts and in discrimination against Jews as employees in the business world. Along with these manifestations may also be mentioned a certain discrimination against Jews as students and faculty members in the colleges and universities. But it was not until the period of 1917–25 that people began to talk openly of antisemitism. It was in this period that the agitation against the "international Jew" was carried on by the *Dearborn Independent*, owned by Henry Ford, who later publicly disavowed the attacks on the Jews. It was also in this period that the Ku Klux Klan was revived to function against Negroes, Catholics and Jews. Finally the same period saw the enactment of the new immigration laws which had as one of their purposes the limitation of Jewish immigration from eastern Europe.

For a few years it looked as if America were soon to find itself in a class with Germany and east European countries in respect to its Jewish problem. But these surface indications were belied by the underlying socio-economic conditions. While antisemitism primarily operates

as a psychological sentiment, it must not be forgotten that this psychological sentiment is conditioned in various ways by the physical structure of social life. Despite the discrimination against Jews in the business world, economic opportunities remained wide open, and in the long run it is this freedom of economic opportunity—particularly remarkable in a growing country like the United States—which counts for more than even the most deep rooted psychological sentiment.

People who approach the Jewish problem without a sense of history and without a sense of the whole are prone to erect a metaphysics of race and nationalism which eventually becomes an obstructive factor in the situation. The real but relative state of facts which is behind the system of Jewish-Gentile group sentiments is transformed by such persons into transcendental entities which forever preclude change and development. Jews, they say, are a different race, a different national group, and cannot be assimilated. Now it is one thing to use the categories race, nation and group as concepts describing distinctions in a given social or biological context, but it is quite another thing to extrapolate these categories into the timeless world of logical necessity and to assume thereby that the distinctions of the present will hold and ought to hold in the future.

As a matter of fact the very sociological situation which reveals the distinctness and rigidity of such categories also reveals their interaction and interpenetration. There is no biologically pure race, there is no 100 percent nation to be found anywhere in the world. There is always a crisscrossing and conflict of categories. Here it is religion which cuts across nationalism, there it is biological and cultural kinship; somewhere else it is economic and class loyalty. And finally there is even the spirit of internationalism, which for many men commands a certain loyalty over and above some of the other loyalties.

The conflict of group lines represented by antisemitism is thus in no wise unique. Basically the same social problem is repeated over and over again in other group clashes—some of which are nearer and some of which are even farther away from permanent solution than the Jewish problem. Geographic nationalism and its quota of hatreds seem to us more normal than antisemitism only because the phenomenon is more usual. Color lines too seem to us more rational only because the imagination has something visible and palpable to point to as the cause. In the case of antisemitism the cause of the group distinctions is buried in historical tradition and the ever changing combination of economic and social forces, but the phenomenon is otherwise the same. Perhaps antisemitism will lose its mysteriousness when it is realized that there is nothing specially abnormal or unnatural in the existence of a Jewish group among the various groups which constitute a society.

BENJAMIN GINZBURG

See: JUDAISM; RACE; RACE PREJUDICE; DISCRIMINATION, SOCIAL; INTOLERANCE; ALIEN; ASSIMILATION; SOCIAL; GHETTO; BLOOD ACCUSATION; JEWISH EMANCIPATION; ANTIRADICALISM; CATHOLIC PARTIES; KU KLUX KLAN.

Consult: "Antisemitismus" in *Encyclopaedia judaica*, vols. i–v (Berlin 1928–30) vol. ii, p. 956–1104; Wawrzinek, Kurt, *Die Entstehung der deutschen Antisemitenparteien, 1873–1890* (Berlin 1927); Brunner, Constantin, *Der Judenhass und die Juden* (2nd ed. Berlin 1919); Bloch, Joseph S., *Israel und die Völker* (Berlin 1922); "Antisemitismus und jüdisches Volkstum," Sonderheft 1 (1925) of *Der Jude*; Zweig, Arnold, *Caliban oder Politik und Leidenschaft* (Potsdam 1927); Leroy-Beaulieu, Anatole, *Les juifs et l'antisémitisme* (Paris 1893), tr. by Francis Hellman as *Israel among the Nations* (New York 1895); Lazare, Bernard, *L'antisémitisme; son histoire et ses causes* (Paris 1894), Eng. tr. (New York 1903); Dixon, R. B., Kallen, H. M., Gannett, L. S., Smertenko, J. J., Lowenthal, M., and Hallinan, C. T., articles in *The Nation* (New York) vol. cxvi (1923) 207–08, 240–42, 330–32, 409–11, vol. cxvii (1923) 547–49, and vol. cxviii (1924) 81–82; Levinger, L. J., *The Causes of Antisemitism in the United States* (Philadelphia 1925).

ANTITRUST LAWS. *See* TRUSTS.

ANTON, KARL GOTTLOB VON (1751–1818), German writer on legal and economic subjects. As a young man he engaged in the study of ancient German law, translated Tacitus' *Germania* (Leipsic 1781) and published *Über die Rechte der Herrschaften auf ihre Unterthanen und deren Besitzungen* (Leipsic 1791). He was an ardent German patriot (see his *Geschichte der teutschen Nazion*, Leipsic 1793), and manifested a special interest in the Slavs of his home province and in their national regeneration (see the exchange of letters between Anton and Dobrowsky, reprinted in Oberlausitzische Gesellschaft der Wissenschaften, *Neues Lausitzisches Magazin*, in 1841 and 1843). As a result of this interest Anton published *Erste Linien eines Versuches über der alten Slawen Ursprung, Sitten, Gebräuche* (2 vols., Leipsic 1783–89). His chief work is the *Geschichte der*

teutschen Landwirtschaft von den ältesten Zeiten bis zu Ende des XV. Jahrhunderts (3 vols., Görlitz 1799–1802), a work of cultural history which has furnished valuable material for later students. In it he attempted to present the history of agriculture on the basis of contemporary sources, and it is important to note that he assumed, even at the time of Tacitus, the existence not only of individual property in arable land but also of manorial estates. In the course of preparation of this work he had occasion for philological research also, and this led to his publication of *Über Sprache in Rücksicht auf die Geschichte der Menschheit* (Görlitz 1799).

ALFONS DOPSCH

ANTONINO, SAINT (1389–1459), Florentine churchman and writer on economics and morals. Antonino became prior of Cosimo de' Medici's San Marco in 1439 and archbishop of Florence in 1446. He was canonized in 1522. As archbishop he established the Provveditori dei Poveri Vergognosi (now known as the Buonomi di S. Martino), a society of social workers who provided the needy with medical attention, gave dowries to marriageable girls who would not otherwise have been provided for, paid apprenticeship fees, redeemed pawn tickets and supplied money, food, bedding and clothes to the poor. In laying down the rules for the government of this society Antonino forbade the funding of moneys received, as well as the assumption of the administration by any civil or ecclesiastical authority. He also reorganized the Spedale degli Innocenti for illegitimate children, reestablished the Bigallo orphanage and advocated the establishment of public schools and the construction of public roads and fine buildings.

More important than Antonino's social practises are his social theories. His *Summa moralis* (4 vols., Verona 1740) is a mine of information on matters economic as well as moral. He treats of production, distribution and consumption and views each of these from the general standpoint that everything man does should have a purpose which directs and limits it. All ills of social life come from a neglect of the important principle that man should earn to live and not live to earn. Trade, although marked by many malpractises, is in itself a unifying principle in the *corpus mysticum* of Christendom, since it allows each national unit to contribute its particular wealth to the benefit of all. International commerce, therefore, should be based on the moral principle of cooperation and not on the false principle of competition. In analyzing price Antonino distinguished between value based on inherent, objective properties of a commodity and value resulting from the rarity, utility and pleasurableness of the commodity to the individual using it. It is this latter type of value which is the determining factor of price. In the regulation of prices account must be taken of demand and supply, of the value of the commodity to the purchasers as well as of its cost of production and of social as well as of individual considerations.

Antonino was a realist who passed moral judgments on the basis of close observation of actual conditions. Living in a period of great commercial development he admitted the productivity of capital while denying the productivity of coin and thus justified some form of interest. He analyzed and evaluated the activities of the *montes* and the claim of their shareholders to profits. Because of the distress in Florence he favored the fixation of prices and wages by a government appointed committee of prudent men, which should not include ecclesiastics. While he believed that the inequalities of property are inevitable he insisted that decent living conditions should be provided for all. In return the state should compel men to work, if they would not do so of their own accord.

BEDE JARRETT

Consult: Ilgner, C., *Die volkswirtschaftlichen Anschauungen Antonins von Florenz* (Paderborn 1904); Jarrett, B. S., *Antonino and Mediaeval Economics* (London 1914).

ANTONOVICH, VLADIMIR BONIFATIEVICH (1834–1908), Russian historian, ethnographer and archaeologist. A scion of Polish gentry of the province of Kiev, he renounced as a youth his Polish nationality and joined the Ukrainian nationalist movement. In his opinion the intelligentsia could better serve the masses if it accepted their national tradition as its own (see his "credo" in the St. Petersburg magazine *Osnova*, 1862). After graduating from the faculty of medicine (1855) and from the faculty of history and philology (1860) of Kiev University, he taught history for three years in the secondary schools and in 1863 joined the staff of the Governmental Temporary Commission for the Investigation of Ancient Records. He soon became chief editor of its publications and retained this post until 1880. In 1878 he was appointed

professor of Russian history at the University of Kiev. His publications in *Arkhiv Yugo Zapadnoy Rossii* (Annals of Southwestern Russia), an organ of the commission, include reprints of a large number of historical records and a long series of articles relating largely to the history of the struggles between the native population of the southern and western provinces and Poland from the fifteenth to the eighteenth century. The more important of these are: "The Cossacks," "The Uniat Church," "The Last Days of the Cossacks on the Right Shore of the Dnieper" and "History of the Grand Duchy of Lithuania." A follower of Kostomarov in his interpretation of Ukrainian history, he belonged to the populist school. By encouraging research in the history of separate Russian territories he is responsible for the creation of an entire group of local historians. As a result of his interest in folklore he published "Records on Witchcraft," based on archive material, and, with M. D. Dragomanov, a collection of historic songs of little Russians (*Istoricheskiya pesni malorusskavo naroda*, 2 vols., Kiev 1874–75). The later part of his life was devoted largely to archaeological work. He directed many excavations of graves and town sites in Ukraine and was active in regional and international archaeological congresses. His activity as a nationalist was primarily cultural: he delivered privately historical lectures in Ukrainian, he issued a formal protest against the prohibition of printing in the Ukrainian tongue (1876) and was one of the founders and important collaborators of *Kievskaya Starina* (Kiev Antiquities), a magazine for the study of Ukrainian history. He is also given credit for the reconciliation effected about 1890 between Ukrainian and Polish leaders of Galicia; it made possible the establishment of several Ukrainian chairs at Galician universities.

V. MIAKOTIN

Consult: Dorošenko, D., "Die Entwicklung der ukrainischen Geschichtsidee vom Ende des 18. Jahrhunderts bis zur Gegenwart" in *Jahrbücher für Kultur und Geschichte der Slaven*, n. s., vol. iv (1928) 363–79, and references given there.

ANUCHIN, DMITRY NIKOLAYEVICH (1843–1923), Russian anthropologist and archaeologist. He was graduated from the University of Moscow in 1867. At first he specialized in zoology, but he soon became interested in anthropology, prehistoric archaeology and geography. After several years' study in the universities of England, France, Germany and Italy he was appointed in 1880 professor of anthropology, when the chair of anthropology was founded in the University of Moscow. He lectured also on ethnology and geography in the university and on archaeology in the Moscow Archaeological Institute.

During his long career as a teacher Anuchin trained several generations of well known specialists in various lines of anthropology and related sciences as teachers, writers and field workers. Many of his works are magnificent contributions to the history, palaeoethnology and archaeology of Russia. For about half a century he was president of the Moscow (former Imperial) Society of Friends of Natural Sciences, Anthropology and Ethnography, and chairman of its anthropological and geographical divisions.

Anuchin was not only a prominent scientist but was also actively interested in the political life of his country. For many years he was connected with the outstanding liberal daily paper in Russia, the *Russkiya Vedomosty* (Russian Gazette), as one of its publishers, editors and contributors.

WALDEMAR JOCHELSON

Important works: *Luk i streli* (Bow and arrows) (Moscow 1887); *K istorii oznakomleniya s Sibir'u do Yermaka* (Contributions to the history of relations with Siberia before Yermak) (Moscow 1890), German tr. by H. Michow in Anthropologische Gesellschaft in Wien, *Mitteilungen*, vol. xl (1910) 1–21; *Sani, ladiya i koni, prinadlezhnosti pokhoronnavo obriada* (Sledges, boats and horses as accessories at burial ceremonies) (Moscow 1890), summarized by J. O. Wardrop (London 1892).

ANZANO, TOMÁS DE (died in 1795), Aragonese public official and writer on economic subjects. Using terms he would not have recognized, we may classify Anzano as a pragmatist, relativist, nationalist and mercantilist. Evincing little ability or inclination to reason abstractly, he treated value vaguely, omitted distribution and had no conception of a general price level or of the connection between money and prices. He condemned luxury, forestalling, indiscriminate almsgiving, laissez faire, the corvée, métayage and depreciation of agriculture, and advocated government intervention in economic matters, the use of oxen in plowing, the extension of irrigation, diversified agriculture and the organization of a company to aid agriculture and small manufactures. Some of Anzano's schemes were visionary but others proved practicable.

EARL J. HAMILTON

Works: *Reflexiones económico-políticas sobre las causas*

de la alteración de precios (Saragossa 1768); *Discursos sobre los medios que pueden facilitar la restauración de Aragón* (Saragossa 1768); *Elementos preliminares para poder formar un sistema de gobierno de hospicio general* (Madrid 1778); *Ensayo sobre la policía general de los granos* (anonymous work translated from French with Anzano's commentary and analysis of the grain trade) (Madrid 1795).

Consult: Colmeiro, Manuel, "Biblioteca de los economistas españoles" in Real Academia de Ciencias Morales y Políticas, *Memorias*, vol. i (1861) 73–74; Latasa y Ortin, F. de, *Biblioteca nueva de los escritores aragoneses que florecieron desde el año de 1795 hasta el de 1802*, 6 vols. (Pamplona 1798–1802) vol. vi, p. 5–7; Sempere y Guarinos, Juan, *Biblioteca española económico-política*, 4 vols. (Madrid 1801–21) vol. i, p. 112.

APORTI, FERRANTE (*c.* 1792–1858), Italian educator. After studying at Cremona he was ordained a priest in 1815 and went to Vienna to complete his theological education. There he made the acquaintance of G. Wertheimer, who popularized Wilderspin, and attended the lectures of V. E. Milde, a follower of Pestalozzi. In 1821 he was charged with the direction of the larger elementary schools of Cremona and in that capacity discovered his true vocation—infant education. About 1829 he founded the first real pre-school institution or kindergarten in Italy, which he called an "infant school." This was followed in 1831 by a free infant school for children from three to six years of age, and in fifteen years' time the number of "infant asylums" established by his efforts had grown to one hundred and seventy-eight.

The value of his infant asylums consisted essentially in the idea of play as a formative occupation for the child and in the organization of material for primary instruction in such a form that it could be mastered in informal conversation with the mother. He knew the works of the Englishman Wilderspin, the man who put Owen's educational theories into practise, but his institutions were fundamentally Italian. In Piedmont he had as coworkers Boncompagni and Cavour; in Tuscany, Raffaello Lambruschini. The popular reform movement of the period in Italy included in its program the establishment of infant asylums modeled after Aporti's schools.

In the Revolution of 1848 Aporti ranged himself against Austrian domination. He was banished in 1849 and took refuge in Piedmont, where he continued his educational work.

GIUSEPPE LOMBARDO-RADICE

Important works: *Manuale di educazione ed ammaestramento per le scuole infantili* (Cremona 1833, Lugano 1846, new ed. Turin 1927); *Elementi di pedagogia* (Rome 1847).

Consult: Gambaro, Angiolo, *Discorso su Ferrante Aporti*, with appendix "Bibliografia Aportiana" (Mantua 1928), and "I due apostoli degli asili infantili in Italia" (Aporti and Lambruschini) in *Levana*, vol. vi (1927) 1–194.

APOSTASY AND HERESY. Apostasy in classical Greek was a term signifying a defection or revolt from a military commander. Thus from the beginning it was used in an opprobrious sense. It has been most commonly used to describe the complete renunciation of the Christian faith, although it may also be applied to other religions. In recent times it has been employed abusively as a term of reproach for sudden changes in political opinions. However applied, apostasy has consistently signified a desertion of the standard of the group at some point considered vital to the well-being, if not the actual existence, of the group. Apostasy belongs in the class of serious violations of the mores rather than of variations in the folkways of society.

The idea of apostasy emerges in the literature of the Jews in the period of the Maccabees. The persecution by Syria and the more subtle onslaught by Hellenism were the twin perils of Israel at that time. From the situation of the Jews, apostasy was doubly serious because it involved a desertion of both the religious and the national cause at a time when Israel was in a precarious situation in both respects. The vehemence of the rabbinical language on the subject is therefore easy to understand. The *Jewish Encyclopedia* quotes rabbinical statements of the time which declare that "no sacrifice is accepted from the apostate," and add: "nor have they any respite from eternal doom in Gehenna."

In the early years of the Christian church converts were led by persecution or the fear of violence into denying the faith. Their defection was thus due to the unworthy motive of self-protection, and apostasy struck at the very life of the church. The apostate was the renegade who deserted his brethren in their time of need, signifying his return to paganism by some outward act such as offering incense to a heathen deity.

Heresy, which in latter centuries was identified with apostasy for practical purposes, had a much milder origin, the Greek equivalent signifying free choice. Used for a time to apply

to philosophical schools, it later referred to religious parties such as the Sadducees, Pharisees and Essenes. Christianity was termed by its opponents a heresy. The term formerly had much the same meaning as schism and was applied to theological errors. As organization of the church proceeded, doctrine became more important and heresy was restricted to any departure from the recognized creed. In the ante-Nicene period the Christian church was in serious danger of pollution or destruction by the pagan and Jewish elements which threatened to become blended with the faith. At this time the punishment of heresy was by reproof and excommunication. In the post-Nicene period heresies became less significant differences in interpretation of Christian truth. As long as the church was persecuted by the pagan empire it advocated freedom of conscience, but almost immediately after Christianity was adopted as the religion of the Roman Empire the persecution of men for religious opinions was undertaken by the church. By canon law heresy became not only an error but a crime to be detected and punished. Just as apostasy carried the common conception of unworthy motivation, so heresy came to be associated with wilful and persistent opposition to truth.

Apostasy was the overt act of deserting to the enemy; heresy was the insidious danger which threatened to split the group into warring factions. Apostasy depends upon a conflict of religions; heresy may develop at the center of the religious order. The Emperor Julian deserted Christianity for paganism and became known as "the Apostate"; Martin Luther challenged certain practises of the Catholic church, and the Reformation itself was a heresy from the standpoint of the Roman Catholic. The heretic may deny only one of the doctrines of revealed religion, while the apostate denies the religion itself. As church and state became closely allied, the dangers of severe punishment for minor differences brought heresy and apostasy closer together, since the heretic might find himself driven into the more complete denial of all the practises and beliefs of the group threatening him.

Apostasy was at first included in the class of sins for which the church imposed perpetual penance and excommunication without hope of pardon on this earth. In 251, however, the right of the church was admitted to remit the sin of apostasy. When the Roman Empire became Christian, apostates were punished also by deprivation of all civil rights. They could not give evidence in a court of law and could neither bequeath nor inherit property, while to induce anyone to apostatize was an offense punishable with death. In the Middle Ages civil and canon law classed apostates with heretics, and the same punishments were applied.

As the church grew in power and in the refinement of its canon law, ways multiplied in which Christians could become apostates, and the church became increasingly skilled and zealous in detecting the offense. An elaborate system of tribunals was gradually developed for passing judgment and awarding punishment. The major instrument developed by the Catholic church for dealing with apostates or heretics was the Inquisition. Various plans and practises were used, most of them far milder than the famous Inquisition in Spain. The papal states maintained councils which rarely if ever inflicted the death penalty. In the northern countries houses of bishops were assigned the work of examination. In the thirteenth century, however, the technique and theory of the Inquisition had made such progress that Gregory IV entrusted the Dominicans with the task of running down heretics and handing them over to the civil authorities for execution. The Spanish Inquisition, so fierce that it was tolerated rather than sanctioned by Rome, was directed principally against backsliders among the Jews and Moors who had been ostensibly converted to the Christian faith out of fear for their lives and property. In general the force of the Inquisition and other tribunals for judging and punishing apostates and heretics was spent when the various nations took over all rights of punishment with the exception of such spiritual sentences as excommunication. With the full development of civil judiciary systems the excitement over apostasy rapidly waned.

Not only did apostasy and heresy cease to be clear cut conceptions among non-Catholics following the Reformation, but the churches of all sects found themselves facing larger problems than the disciplining of erring individuals. It is true that nonconformists in England and on the continent and, later on, in New England found themselves victims of sporadic persecutions and Protestant inquisitions, but the back of the movement to compel regularity in religion was broken by the multiplicity of orthodoxies and by the successive revolutions caused by the discoveries, the inventions, and their offspring,

the economic revolution. The period was one of mass apostasies, with no church great enough to stem the movement. The first of these mass apostasies was from the state church, and took place in defiance of the Protestant as well as the Catholic church. Following close on this separation of church and state came the apostasy of the economic world from allegiance to church authority. None protested more loudly than the Lutheran, Calvinist and English clergy against the usurers, merchants and employers who defied the law of God, yet the age passed rapidly into an almost complete separation of the economic from the church world. The loss of the church's political and economic provinces would have seemed to her disastrous enough. But society itself, in its vaguer definition, embarked upon an apostasy from ecclesiastical authority which, with temporary checks by Calvinist or Puritan societies, has progressed to the point where at present only vestigial traces of the old direct church laws remain.

The Roman Catholic church still imposes penalties for heresy, particularly in the case of desertion of a religious order after vows have been taken, but all religious groups have become less eager to hunt out the milder heresies. Desertion of the faith no longer appears as a vital blow against the survival of the group. The development of a new religion, however, with a tight religious organization struggling for existence against a hostile world, would put a new importance upon the apostate, as exemplified in the last century by the terroristic practises of the Mormons. At present the apostate in Protestant circles is subjected to slight discrimination if any, dependent upon the customs of his locality and particular group.

JOHN W. HERRING

See: CONFORMITY: INTOLERANCE; DISCRIMINATION, SOCIAL; PROSELYTISM; CONVERSION, RELIGIOUS; PERSECUTION; INQUISITION; CANON LAW; THEOCRACY; CHURCH; RELIGION.

Consult: Lea, Henry C., *A History of the Inquisition of the Middle Ages*, 3 vols. (2nd ed. New York 1906); Vacandard, Elphège, *L'inquisition: étude historique et critique sur le pouvoir coercitif de l'église* (2nd ed. Paris 1908), tr. by B. L. Conway (New York 1908); Turberville, A. S., *Mediaeval Heresy and the Inquisition* (London 1920); Coulton, G. G., *The Death Penalty for Heresy, from 1184 to 1921 A.D.* (London 1924); Cozens, M. L., *A Handbook of Heresies* (London 1928).

APPANAGE. This term is used to designate the territory in vassal hereditary possession held by a member of a ruling dynasty. The appanage system was of some importance in France and of even greater importance in Russia. With the establishment of primogeniture in the succession to the throne of France there arose the custom of endowing the younger sons of the king with feudal estates, or appanages, and from the time of the testament of Louis VIII in 1225 the system was practised on a large scale. The creation of these appanages tended to diminish the domain of the Capetian kings and to favor the formation of a new feudal aristocracy which stood in the way of royal centralization and which became particularly troublesome during the reign of Louis XI (1461–83). On the other hand the distribution of members of the royal family throughout France resulted in the introduction of language, customs and administration similar to those of central France and thus facilitated the ultimate acceptance of Capetian domination. By successive measures the transfer of appanages by inheritance was restricted and the possibilities for their reversion to the crown so expedited that they became relatively unimportant after the sixteenth century.

In Russian history the appanage system flourished from the end of the twelfth to the end of the fifteenth century, the period of transition from the supremacy of Kiev to the unification of the country under the Moscow princes. Its characteristic feature was extreme division of territory into large and small princely possessions enjoying sovereign rights and claiming independence.

In the Kiev period the dynasty had kept the whole territory in collective undivided possession, every member of it holding a respective part of the territory according to priority of birth. There was thus a correspondence between the genealogical hierarchy and the hierarchy of holdings which were ranked in the order of their comparative revenue yield. The oldest member of the family had the title of grand prince and the residence of Kiev, which after his death passed to his next brother (not son); the other brothers and after them their sons each moved one step nearer to Kiev. This order of succession, founded in 1054 by the Russian Charlemagne, Yaroslav, soon gave way to the system of succession from father to son. Even as early as the conference of princes at Liubech (1097) direct succession was sanctioned as a general principle. However, it took root not in the southwest but in the newly settled regions of northeastern Russia dominated by Suzdal and Vladimir.

In those provinces there soon appeared several local dynasties, each of them establishing within its own territory hereditary appanages which in turn were divided into still smaller ones and which gradually became indistinguishable from mere *seigneuries* (*boyarshchina*). The holder of an appanage exercised the powers of a sovereign in matters of taxation and administration of justice and in addition was free to render military service to whomsoever he pleased. If he served the prince of his own lineage, the older relationship of elder brother or father was preserved. If, however, he chose to transfer his military strength to some outside prince, his property still remained under the sovereignty of the head of his own line.

As time went on, the more powerful among the possessors of appanages acquired complete independence from the principal grand prince and founded their own grand princedoms (e.g. Tver, Riazan). By mutual agreement they forbade the free transfer of allegiance by their vassals. When the grand prince of Moscow annexed other grand princedoms and small princedoms he imposed a similar restriction. With the completion of this process of annexation the only remaining choice was to transfer allegiance to the enemies of the "whole Russia," such as the Polish-Lithuanian state. Finally John IV (1547–84) confiscated the appanages of remaining great and small (*kniazhata*) princes, exchanged them with other properties in the remote parts of the unified Russia and deprived the princes of all rights of their sovereignty. The Middle Ages in Russia, so similar to the period of feudalism in western Europe, thus came to an end.

PAUL MILIUKOV

See: FEUDALISM; PRIMOGENITURE.

Consult: Mignet, F., *Essai sur la formation territoriale et politique de la France* (Paris 1839); Luchaire, A., *Manuel des institutions françaises* (Paris 1892) p. 481–87; Glasson, E., *Histoire du droit et des institutions de la France*, 5 vols. (Paris 1887–93) vol. v, p. 491–519; Kliuchevsky, V. O., *Kurs russkoy istorii*, 4 vols. (Moscow 1906–22), tr. by C. J. Hogarth as *A History of Russia*, 4 vols. (London 1911–26) vol. i, chs. xv–xviii; Pavlov-Silvansky, N. P., *Feodalizm v udielnoy Russi* (Feudalism in appanage Russia) (2nd ed. Moscow 1922).

APPEALS. Appeal in modern law signifies the judicial process whereby error in an inferior tribunal is corrected in a superior one. In its earlier sense, however, "appeal" meant an accusation. The derivation from *appellare* shows that it was first understood as the individual's outcry against injustice. The allowance of appeals is very uncommon in early stages of legal development. Where justice has a popular basis (as in the clan) an appeal would be anomalous. When administrative, legislative and judicial functions begin to be separated, the process is equally unfavorable to appeals. The extreme formalism and rigidity of early legal procedure put the emphasis merely upon the observance of the proper rules. Since in early stages of legal evolution the judge is essentially an arbitrator appointed by the parties to decide a single controversy, it is considered that they have specifically agreed to abide by his decision. When he has rendered it, moreover, his authority is conceived to have been extinguished so completely as to make recourse impossible. When a multiplicity of courts and magistrates does come into existence, they are not related in a hierarchy but represent independent jurisdictions arising from the differentiation of various administrative functions. A consciousness of a difference between "criminal" and "civil" appeals also comes later, although where democratic sentiments have prevailed some form of appeal has been invented in the interest of the life of the individual. Above all, appeals imply a sophistication of outlook with respect to the judicial process and a conception of authority alien to early communities, in which judgment was considered such a solemn act that it must stand even if wrong. At first appeals consisted not in seeking the judgment of a higher court but were rather a personal remedy against the individuals who had abused their office; thus they charged the judge personally with wilfully giving a false judgment, or the witnesses to the facts with perjury.

These tendencies may be observed in the development of Greek and Roman law. In Athens as long as the judicial business was divided among the archons each was supreme in his own field. With the advent of democracy, in which the people claimed to exercise all the functions of government, it was seen to be impossible to allow magistrates to render final judgment. Thus one of the reforms of Solon was to allow a right of appeal from magisterial decisions to the people assembled in the Heliaea, the judicial assembly. But to appeal beyond the assembly would imply a negation of popular sovereignty. In fact, Clisthenes finally made the heliastic courts courts of first resort rather than courts of appeal. While, strictly speaking,

no appeal could be taken from the judgment of a heliastic court, a new trial could be had by the successful prosecution of a witness for perjury which included illegal as well as false evidence. It was not till Pisistratus set up itinerant circuit judges for the Attic townships that some forms of appeal developed. Similarly in Roman law the right of *appellatio* was not recognized until after the establishment of a magisterial hierarchy under the empire. Under the formular procedure great difficulty was experienced in allowing appeals. As far as the magistrate was concerned his *imperium* interposed. The arbitral character of the *iudex*, for the very reason that he was without *imperium*, had the same effect. The way out was found in the contractual nature of the formula. While there could be no mistake in the judge's sentence, actions of restitution might be based on mistakes in the formula. As far as "criminal" cases were concerned in which death or corporal punishment might be inflicted on a Roman citizen, there was developed the right of *provocatio*, which permitted the condemned to appeal from the magistrate's sentence to the people assembled as the Comitia Centuriata.

The development of appeals in early English law is somewhat similar to this course of evolution. Appeal in its modern meaning is probably not older than the end of the thirteenth century, and is derived from ecclesiastical sources. However, for several centuries the common usage of appeal denoted an accusation of felony by aggrieved private individuals as in "appeals of murder," which remained indeed the common way of prosecuting this crime until the end of the fifteenth century and was not formally abolished until 1819. Appeal as a method of correcting error was at first probably inspired as much by a desire to establish the royal prerogative in the period of centralization which witnessed the decay of feudalism as by a desire to prevent injustice to individual suitors. Appeal was implicit in the hierarchy of the feudal system and was bound to be elaborately organized as soon as local and private jurisdictions gave way before the royal claims. There had developed before the end of the fifteenth century a system of royal courts —the Common Pleas, the Kings' Bench and Exchequer on the law side, and Chancery on the equity side. Ancient local courts continued to operate, as did certain ecclesiastical tribunals, although they were of decreasing importance. The royal encouragement of seeking relief in Chancery against unjust although strictly legal judgments of the common law courts was essentially the encouragement of a way of appeal which, without formally invalidating judgments that had been obtained in the common law courts, rendered them unenforceable.

It was inevitable that conflicts of jurisdiction should arise and that dissatisfied litigants should seek a reexamination of their cases. In the common law courts writs were invented to remove litigation from the local to the royal courts and to prevent undue meddling in temporal matters by ecclesiastical courts. Means for reviewing unsatisfactory decisions in the royal courts were devised. The alleged error might lie in the verdict of the jury. If so, the original remedy was by attaint of the jury for its misfeasance. The defeated litigant secured another jury of greater number and higher dignity, to which the original question was submitted. If its finding was contrary to the first verdict, that verdict was invalidated and the jurors who had rendered it were heavily punished. The severity of the penalty inflicted upon the attainted jurors operated to prevent the attaint from developing into a satisfactory device for correcting mistaken verdicts. Although it was not abolished until 1825, it was of little use after the middle of the seventeenth century. The justices from the beginning rejected to set aside verdicts from jurors who had been guilty of misconduct. But they had much greater difficulty in interfering with verdicts as unfounded in fact, since until the early eighteenth century jurors were entitled to rely upon their own private knowledge. It would be a rare case in which the judges could be sure that such facts as indisputably appeared in court might not be counterbalanced by something known privately to the jurors. Yet the failure of the attaint and the competition of equity compelled the common law judges to extend their control over the jury. Consequently from the latter part of the seventeenth century erroneous verdicts have been nullified by granting new trials.

Similarly, unsatisfactory decisions of a local court might be reexamined in a royal court under a writ of false judgment. This writ originally predicated fault on the part of the court, as the attaint did on the part of the jury. By a similar process the judgments of itinerant justices and justices of assize were brought under review. The King's Bench assumed the power to rectify errors of the Common Pleas. Any

error of record in form or substance caused reversal, but rulings respecting evidence and instructions to the jury were not of record until legislation of 1285 and later permitted them to be preserved for review. Subsequent enactments forbade reversal for unsubstantial errors. Until the erection in 1858 of a Separate Court of Exchequer Chamber with jurisdiction in error over the King's Bench, the only tribunal superior to the King's Bench was Parliament. In 1357–58 a Court of Exchequer Chamber had been created to correct the errors of the Exchequer. In 1830 the two courts of Exchequer Chamber became a single court of appeal from the common law courts, and the King's Bench was deprived of appellate jurisdiction. In Chancery, where trial was without jury and all proceedings from an early date were required to be in writing, there was elaborate reexamination within the court. When the Master of the Rolls rendered a decree, it might be reopened before him by a petition for rehearing; it might then be heard and again reheard by the Chancellor, and at each hearing new evidence might be received. Before 1851, when a Court of Chancery Appeals was established, there was no appellate review short of the House of Lords. The House of Lords exercised a jurisdiction in error over the courts of common law, over the law side of Chancery and, after the middle of the seventeenth century, over the equity side. In equity appeals it took no new evidence. In 1873–75 the courts were consolidated by the Judicature Act; law and equity were fused and writs of error were abolished. A Court of Appeal was erected which, following the Chancery practise, entertains appeals by way of rehearing. Final resort is to the House of Lords and in a few categories to the Privy Council.

Thus was evolved the system of review in civil cases; in criminal cases progress was slower. An acquittal was final. There was no attaint. There was no new trial after conviction of felony, although it might follow erroneous conviction of a misdemeanor. For errors of law appearing strictly of record, a writ of error was obtainable. A trial judge might also in case of conviction exercise his discretion to reserve a doubtful point of law for consideration by his brethren and, after 1848, by the judges of the Court of Crown Cases Reserved. If it were resolved in favor of the prisoner, a pardon followed. It was not until 1907 that the Criminal Appeal Act provided for a rehearing by an appellate court. The Court of Criminal Appeals reviews the entire case and may receive new evidence. A final appeal to the House of Lords may be made only when the attorney general certifies that the case "involves a point of law of exceptional public importance and that it is desirable in the public interest that a further appeal should be brought." Since 1875, therefore, in civil cases and since 1907 in criminal cases, England has enjoyed a system of appellate review wherein the scope of the reexamination is not substantially hampered by technical restrictions.

It is apparent that until the reforms of the Judicature Act the appellate jurisdiction of the various English courts was often largely the result of historical accident. The right to review exercised by various courts was based rather on functional than hierarchical considerations. As we approach modern times, however, we find systems of courts more consciously created in a relation of lower and higher degree. This logical hierarchy is based, it is true, on subject matter and the magnitude of controversies, but the exigencies of appeal are also a very determining influence. When, after the separation from England, a hierarchy of courts was created in the United States, the existing English procedural devices were naturally adopted or continued. The appellate courts reviewed the judgments of inferior common law courts by writ of error and the decrees of equity courts by appeal. The appellate jurisdiction of the hierarchy of courts assumed great importance in view of the federal structure of the government.

At present the appellate judicial power of the United States government is vested in the several Circuit Courts of Appeal and in the Supreme Court. For each of the nine judicial circuits and for the District of Columbia there is a Court of Appeals, which has appellate jurisdiction over the respective district courts, save where a direct review by the Supreme Court is authorized, and over certain quasi-judicial boards and commissions. It may, to secure aid for reaching a correct determination, certify to the Supreme Court specific questions of law. It may be required by that court to transmit any pending case for decision or any decided case for review. If it holds any state statute invalid as repugnant to the constitution, treaties or laws of the United States, the defeated litigant may, as of right, resort to the Supreme Court. Besides exercising this supervisory power over these courts of appeal, the

Supreme Court directly reviews, by appeal, the decrees of the district courts in suits to prevent the enforcement of state statutes or orders of certain boards and commissions, and in suits by the United States to enforce the antitrust and interstate commerce laws, and decisions of district courts adverse to the United States in certain criminal cases. If a state court of last resort decides against the validity of a treaty or statute of the United States, or sustains the validity of a state statute against a claim that it is repugnant to the constitution, treaties or laws of the United States, an appeal lies to the United States Supreme Court. In all other cases where a federal question is decided by such a court, the Supreme Court has a discretionary power of review. It exercises appellate jurisdiction also over the Court of Claims, the Court of Customs' Appeals and the Supreme Court of the Philippine Islands. The appellate courts in reexamining decrees in equity cases rehear the case on the record as made in the court of first instance. In reviewing judgments or appealable orders in law cases, they determine questions of law only. When considering a decision of a state court of last resort the Supreme Court confines itself to a determination of the federal question of law presented by the record.

The pertinent state enactments are so variant that it would require volumes to expound them. Generally speaking, three methods of appellate treatment are prescribed. First, the appellate tribunal may have to retry the entire controversy. In such event it handles the case like a court of first instance. This method is often required in appeals from the judgments of justices of the peace to courts of general original jurisdiction. It sometimes obtains also in the reexamination of decisions of probate or surrogate courts. It is rarely, if ever, used in courts of last resort. Second, it may be directed to rehear the cause on the record made in the lower court, either alone or supplemented by new evidence. Here it makes its decision as it would have done had the questions of fact and law been originally presented to it. This is substantially the original English Chancery procedure and is frequently used in the review of decisions in equity. Very rarely, however, is any provision made for taking any substantial testimony in the appellate tribunal. Third, it may be authorized to review every ruling of law made by the trial court, including its decision on the question whether the verdict or finding has any evidence to support it. If reasonable men might draw different conclusions from the testimony, the verdict or finding will stand, even though it be against the preponderance of the evidence. The trial judge may usually grant a new trial because errors of law occurred during the trial or because the verdict is contrary to the great weight of the evidence. In the former case his action is in many states reviewable; in the latter, if reviewable at all, it is reversible only for abuse of discretion. In a few places express authority to reverse is given where on the whole record manifest injustice appears to have been done. This third method is generally provided for the review of cases tried by jury or by a judge where jury has been waived.

The system of appeals now prevailing in continental Europe bears a general resemblance to that of England and America. They also pass through a hierarchy of courts at the bottom of which there is usually a court of limited jurisdiction for the adjudication of comparatively unimportant cases, such as the Juges de Paix in France or the Amtsgericht in Germany. A court of general original jurisdiction, like the Kreisgericht of Austria or the Civil and Penal Tribunals of Italy, is established for the trial of ordinary litigation and is invested with appellate powers over the inferior tribunal. Next in order comes a court of the character of the Oberlandesgericht of Germany or Austria, the jurisdiction of which is chiefly or exclusively appellate. At the summit, with powers restricted to the correction of errors of law, is a supreme court, of which the Reichsgericht of Germany and the Court of Cassation of France and of Italy are types.

All final judgments and certain interlocutory orders and judgments of courts of inferior instance are everywhere subject to review by some superior tribunal. In criminal cases the review is usually confined to matters of law, as in Germany, Austria and Italy; only rarely, as in Switzerland, are the facts reexamined on appeal. Provision is ordinarily made for setting aside a conviction, on the showing of specified facts such as a later conviction of another for the same act which is irreconcilable with the first conviction, or conviction of a material prosecuting witness of perjury against the prisoner, or discovery of new evidence of a character to demonstrate the innocence of the prisoner, or, in a homicide case, the continued life of the alleged victim. Application therefor is

made in some places to the trial court; in others to the court of last resort.

The final judgment in a civil cause resulting from a trial in a court of first instance is reviewable on appeal. In most countries on such appeal both the law and the facts are tried: the parties are not confined either to the allegations or the proof offered or considered below, though generally no new claim or demand may be introduced. In Austria, however, the appellate court will not receive new matter except in explanation or refutation of the points of appeal. It may nevertheless cause the proof taken below to be amplified, and it may receive evidence offered and rejected below. No judgment rendered on appeal is subject to reexamination on the facts by a higher court. For instance, if the Landgericht of Germany renders a judgment on appeal from the Amtsgericht, its decision on the facts is final. All such judgments, however, as well as other non-appealable judgments, are subject to review for errors of law in the highest court of the land. In France and Italy the Court of Cassation, when quashing a judgment, cannot order final disposition but must send the case for retrial, not to the court which rendered the questioned judgment, but to another court of equivalent rank. This court is not bound to follow the decision of the Court of Cassation. If it refuses to do so, and the case again comes before the Court of Cassation for revision, it is heard by the full bench. If the full bench adheres to the decision on original revision, it remands the case to a third court of proper grade, which is required to make final disposition in accord with the opinion of the Court of Cassation.

As in former times, appeals still have administrative values quite apart from the necessity of securing justice to individual suitors. The first requisite of judicial social engineering is that the same factual situation shall uniformly create the same legal relations. The second is that this principle be effectually applied to litigation with a minimum of expense and delay and without discrimination. To effectuate these results there must be, for the formulation of non-legislative rules and the interpretation of legislative rules, a single authoritative tribunal which shall also either apply them or supervise their application to individual cases. For any such tribunal of manageable size to try all litigated questions of fact and law in a modern state would be a physical impossibility. Its function must be supervisory; the task of trial must be assigned to inferior courts whose action shall be subject to correction.

The methods of appellate review current in the United States adequately secure the recognition of all rules thus established by the superior tribunal and their application both to the method of determining the facts and to the facts as found in the trial court. Uniformity and impartiality are to this extent attained. Delay and expense in the process have, however, not been reduced to a minimum. Though the general tendency is to disregard non-prejudicial errors, in some states there remains a disposition to reverse for mistakes the effect of which upon the merits is merely speculative and which allow an astute lawyer defending a bad case to exert himself in jockeying for points on appeal with which he can secure reversal in the appellate court and wear out the opposition. And constitutional provisions sometimes prevent desired expedition. The Federal Courts, under the Seventh Amendment, must order a new trial in reversing a judgment based upon a jury's verdict, even though the record clearly indicates which party must finally prevail. Still, as to matters of law the existing system is capable of functioning with reasonable efficiency.

As to matters of fact the appellate court necessarily has less control. On the one hand it may prevent the trial tribunal from avoiding the application of pertinent rules by making merely colorable or fictitious findings. A verdict or finding based on mere conjecture cannot stand. On the other hand it is impracticable for the court of last resort to retry cases de novo. Wherever such a plan has obtained, it has been vigorously condemned. It makes the first trial a pure economic waste, and results in a practical denial of justice to impecunious litigants. The original equity procedure, when applied to current practise, has at least two serious defects. First, it puts too great a burden upon the appellate court. A reexamination of all the evidence in every appealed case would overwhelm the justices. Second, it overlooks the impossibility of evaluating oral testimony by an examination of the printed page. And today much of the testimony in equity, like most of it at law, is presented orally. The present tendency is not to disturb the decree or order except where the original finding is rather obviously against the weight of the evidence. This furnishes a practicable means of counteracting local prejudice and idiosyncracies of particular judges.

But it cannot be used in those numerous cases where there is a constitutional right to trial by jury. Because of the accident of its composition or because of peculiar temporary local conditions, a jury may go badly astray on the facts. The prevailing corrective, a new trial granted in the discretion of the trial judge, is not sufficient, for he may himself be prejudiced or otherwise improperly motivated. The rule which makes his action non-reviewable, or reversible only for abuse of discretion, leaves open the door for fatal partiality and discrimination in the application of recognized legal rules. It is true that appellate courts have an uncanny way of finding errors of law on which to base a reversal when convinced that the result below is obviously wrong on the facts. But it should be unnecessary for them to resort to subterfuge. They have, and possibly should have, no power finally to determine the facts in such cases. But they should have the unquestioned right to require a new trial whenever for any reason they are convinced from the record on appeal that substantial justice has not been done.

E. M. MORGAN

See: COURTS; JUDICIARY; PROCEDURE, LEGAL; WRITS, LEGAL; EQUITY; CRIMINAL LAW; JUDICIAL REVIEW; JURY; PARDON.

Consult: Bonner, Robert J., *Lawyers and Litigants in Ancient Athens* (Chicago 1927); Schisas, P. M., *Offences against the State in Roman Law* (London 1926); Engelmann, Arthur, and others, *A History of Continental Civil Procedure*, tr. and ed. by R. W. Millar, Continental Legal History series, vol. vii (Boston 1927); Pollock, F., and Maitland, F. W., *The History of English Law*, 2 vols. (2nd ed. Cambridge, Eng. 1899) vol. ii, ch. ix; Thayer, J. B., *Preliminary Treatise on Evidence* (Boston 1898) ch. iv; Levy, J. H., *The Necessity for Criminal Appeal* (London 1899); Frankfurter, Felix, and Landis, James M., *The Business of the Supreme Court* (New York 1927).

APPLEGARTH, ROBERT (1834–1924), English trade union leader. By trade a carpenter, he was appointed (1862) general secretary of the Amalgamated Society of Carpenters and Joiners, which he rapidly developed into a union of foremost importance. He led the movement for full legalization of unions, and the evidence which he and other leaders produced of the efficient administration and moderation of the larger unions broke down public opposition. This opened the way for the act (1871) by which unions were legalized and their funds protected. He had a much wider conception of the scope of trade unionism than his fellow unionists and was foremost in inducing the unions to take the important step of entering politics as a principal means of improving the workers' status. He supported legislation extending the franchise to the town artisan (1867) and providing a national system of elementary education (1870). In 1871 he resigned his general secretaryship as a protest against a too narrow interpretation of his duties by his executive. He entered commerce but continued his active interest in the workers' movement and lived to see trade unionism make great progress along the road which, in critical years, he had pioneered.

J. H. RICHARDSON

Consult: Humphrey, A. W., *Robert Applegarth* (Manchester 1913).

APPLETON, NATHAN (1779–1861), merchant and capitalist, the business genius of the American industrial revolution. His recognition of the necessity of systematic, double entry bookkeeping, his insistence on maintaining at least a third of a company's capital in liquid form for running expenses and his organization for mass distribution were largely responsible for the success of America's first large scale industry. He perceived and exercised the function of the promoter in assisting in the organization of most of the major Massachusetts textile corporations (*Introduction of the Power Loom and Origin of Lowell*, Lowell 1858).

Efficiency and sound policy formed the basis for his frequently expressed views on public questions. Regarding business as purely private, he opposed such government interference as the taxing of insurance companies and bank capital and the regulation of manufacturing corporations. He supported the tariff, however, as a constructive aid to industry, representing the Boston protective interests in Congress in 1831 and again in 1842 and defending the tariff of 1832, of which he was a principal author, in a famous speech against McDuffie of South Carolina (*Speech . . . in reply to Mr. McDuffie*, Washington 1832). He entered conspicuously into banking controversies, leading an attack in 1808 on the unsound Massachusetts country banks, supporting the Suffolk Bank system, advocating the monopolization of note issue by large banks and its limitation to a small proportion of their capital and insisting that specie payment be maintained at all costs (*Examination of the Banking System of Mas-*

sachusetts, Boston 1831). After striving to counteract the ill effects of Biddle's manipulation of the second United States Bank currency, he came to the conclusion that such a bank placed too much power in the hands of one man and should not be rechartered (*Remarks on Currency and Banking*, Boston 1841, 3rd ed. 1857).

In business methods and attitudes he was the prototype of the modern American capitalist promoter, but in his own mind he never ceased to be a merchant, proud of the liberal traditions of that ancient New England calling. In fact he combined in himself these two types, bringing the merchant's point of view to manufactures which had previously attracted only craftsmen and establishing business methods so modern that the textile industry has taken a hundred years to outgrow them.

CAROLINE F. WARE

Consult: Winthrop, R. C., "Memoir of Hon. Nathan Appleton" in Massachusetts Historical Society, *Proceedings*, vol. v (1861) 249–308, which contains Appleton's autobiographical memoir, lists his printed writings and mentions his chief contributions to the periodical press.

APPOINTMENTS. With the expansion of governmental activities, the importance of the appointing power has naturally increased. An ever enlarging number of official relationships must somehow be established and appointment is the normal mode. In the United States the "more democracy" movement of the two middle quarters of the nineteenth century had spread the blighting and decentralizing influence of extensive popular election in state and local governments, but under the slogan of the "short ballot" reaction ultimately set in with the result that in some states and many cities the number of elected officers has been diminished in recent years. Fortunately the national constitution has from the beginning required that all officers beneath the president shall be appointed, and the difficulty of amending that instrument saved the executive branch of the federal government from the misguided fate that overtook the lesser units.

The power to appoint, coupled with the power to remove, is the quintessence of executive responsibility, but since it is peculiarly liable to misuse, checks are sought. The most important and the most far reaching of these is the merit system, with which we are not here concerned (*see* CIVIL SERVICE). In no country has that system been applied to all officers, and especially have the directive officials of the upper grades been excepted. Even as to these, however, there are some checks on the executive power. For example, the United States Senate must ratify most presidential appointments. A somewhat analogous system spread generally, though not universally, in the state governments as the power of appointment passed from legislatures to governors, and a similar system was introduced at one time in many American cities. However occasionally valuable as a check on executive indiscretion, such a system has, generally speaking, produced more evil than good. It scatters and conceals responsibility; it promotes backstairs politics; it fosters unhealthy relations, sometimes amounting to bitter discord, between the executive and the legislative body. As applied to federal officers having local jurisdiction in the states, it amounts almost to a devolution of the executive power of appointment to individual senators or other politicians. Politics, operating through the medium of what is generally but not altogether accurately described as "senatorial courtesy," makes appointments a matter of local patronage. Although this system might be abolished root and branch by mere act of Congress (except as to judges of the Supreme Court, diplomatic and consular officers and heads of departments) there is small possibility of any such event. In no European country is anything comparable found.

In the states centralization of local appointments was not infrequent in the earlier days of the republic. But the spread of a thin population over a vast territory, apart from the individualistic spirit that indispensably accompanied the "rugged pioneer," led to decentralization. There have been recrudescences of central appointment since, prompted sometimes by local inefficiencies and scandals but quite as frequently by politics. A few states have eliminated senatorial confirmation of gubernatorial nominations, while a goodly number of cities vest the power of appointment exclusively in an elected mayor or in a city manager chosen by the council. Certainty of concentrated responsibility is preferred despite the risk of abuse.

Another restriction upon the appointing authority is the imposition of statutory qualifications for various offices. Such restrictions are by no means universal but they are sufficiently numerous, both in Europe and in America, to seem worth noting. They do not of course necessarily result in installing competent offi-

cers, but they often assist in preventing outrageously unfit appointments. A plumber cannot be made a legal adviser or prosecuting attorney; a butcher cannot be put in charge of engineering construction.

In the United States the qualification of residence in the state or local unit of jurisdiction —a qualification that is attached to many appointive offices—has been a serious handicap not only to the development of administrative efficiency but also to the development of careers in the public service. A large city may not take over at higher compensation an experienced and competent official in some smaller city. Nor may the states compete with one another for public servants. Even where the law does not expressly require residence, politics and custom often do. In the national postal service, for example, postmasters are never promoted from city to city. For many, if not for most, branches of the public service this requirement of residence is absurd. It prevails to a much smaller extent in European countries than in the United States, where there are, however, signs of its waning, especially noticeable in the fields of educational administration and city managership.

Another scheme for holding the appointive authority in leash is to place administrative services in charge of boards or commissions the members of which are appointed for relatively long and overlapping terms with varying degrees of protection against removal. The object is not only to secure cor tinuity of policy but more especially to prevent the too active play of politics in appointing and removing officials. Although there has been some drift away from the board plan of organization toward the single headed office, this type of organization still prevails on a wide scale in many American states and in a considerable number of cities. In the national government it is found chiefly, although not exclusively, in those branches of administration that are vested with quasi-judicial powers. With the ostensible purpose of further lessening the force of party politics, membership in these boards is not infrequently required to be divided between the two major parties. The purpose is seldom realized. Bipartisanship does not often result in nonpartisanship. This is not surprising; for the requirement of party membership manifestly exalts party fealty and regularity above all other qualifications.

There are many critics of this board plan of organization. Like the scheme of senatorial confirmation it obscures and weakens the responsibility of the appointing authority. Practise seems to justify its existence only when the functional nature of the administrative work to be done calls for collective rather than individual judgment and action.

Most of the countries of continental Europe stand in contrast to England and the United States in the matter of centralized control over appointments to offices of local jurisdiction. The highly centralized administrative systems of the Latin European countries place large political power in the hands of the central appointing authorities. Centralization of authority in the officials of Prussia and the lesser German states is almost as complete. In England there is relatively little appointment of local officers from London except in so far as strictly national services are concerned. In the United States every appointment in the national services is in theory centrally controlled; but such services are largely divorced from the spheres of action that are locally reserved. But even where appointments are made to the federal service, the process of appointment by "senatorial courtesy" sees to it that the appointees to local jurisdictional spheres are not merely parts of an inexorably pyramided hierarchy.

HOWARD LEE MCBAIN

See: PUBLIC OFFICE; CIVIL SERVICE; SPOILS SYSTEM; ELECTIONS; PARTIES, POLITICAL; ADMINISTRATION, PUBLIC; SEPARATION OF POWERS; BOARDS, ADMINISTRATIVE; SHORT BALLOT MOVEMENT; COMMISSION SYSTEM OF GOVERNMENT; CITY MANAGER.

Consult: Salmon, Lucy M., "History of the Appointing Power of the President" in American Historical Association, *Papers*, vol. i (1886) no. 5; Myers *v.* United States, 272 (1926) U. S. 52; Springer *v.* Philippines, 277 (1927) U. S. 189; Corwin, E. S., "Tenure of Office and the Removal Power" in *Columbia Law Review*, vol. xxvii (1927) 353–99; Beard, Charles A., *American Government and Politics* (4th ed. New York 1924) p. 195–200, 508–11; Holcombe, Arthur, *State Government in the United States* (2nd ed. New York 1926) p. 297–306, 395–404; Mathews, John M., *Principles of American State Administration* (New York 1917) ch. viii; Anderson, William, *American City Government* (New York 1925); Sait, E. M., *Government and Politics of France* (New York 1920); Blachly, F. F., and Oatman, M. E., *Government and Administration of Germany*, Institute for Government Research, Studies in Administration (Baltimore 1928) p. 377–80.

APPORTIONMENT, as now generally understood, particularly in American constitutional law, is a process of allotting representatives or

taxes on the basis of population. However, in the earlier stages of democratic government, representatives were usually apportioned on the basis of political units or corporate entities, or property considerations were allowed to count, as in the older European monarchies. Apportionment, too, was more occasional and less methodical than it is now.

The Constitution of the United States originally provided in Article 1 that representatives and direct taxes should be apportioned among the several states according to their respective numbers except that only three fifths of the slave population was to be counted. The "three-fifths" clause, which represented a compromise of the interests of the slave and free states, was abrogated, however, by the Fourteenth Amendment. But the further provision of the amendment for the proportional reduction of the basis of representation where the right of citizens might be in any way abridged has not been enforced against the southern states. The Sixteenth Amendment further abrogated the necessity of apportioning income taxes among the several states according to population. The other provisions of Article 1 have remained unchanged. Thus representatives and direct taxes, with the exception of income taxes, are apportioned among the states according to their respective populations. A census of the population must be taken every tenth year for use as a basis of reapportionment in the House of Representatives. The number of representatives cannot exceed one for every thirty thousand, but each state must have at least one representative. This provision has been based on the theory that the representative body should be a reflex of opinion throughout the country. The well known sectional problem prevented the application of the same principle to the Senate.

In the earlier state governments, representation in the lower houses was based largely upon geographical areas, such as the county, except in New England where it has been the town. In the upper houses, the basis of large single member districts formed by grouping or dividing counties has prevailed. This was not grossly unfair, because great inequalities in their populations did not exist. But the growth of urban centers has since changed the situation. The lower houses of Connecticut, New Hampshire and Vermont, and both houses in Rhode Island, are based upon town representation, and with the growth of cities this basis has become highly unequal. In New Jersey the provision giving to the counties equal representation in the senate discriminates greatly against the larger cities of the state. The more common plan today is to provide for the periodical reapportionment of membership in the two houses upon the basis of population.

The first House of Representatives in the United States consisted of sixty-five members chosen from districts of approximately 30,000 inhabitants. Following the census of 1790, the number of representatives rose to 105 chosen from districts of approximately 33,000 inhabitants. Thereafter until 1920, following each decennial census, Congress undertook a reapportionment of the representation, increasing the number of members of the House of Representatives to 435 and the average size of the districts to 211,877. The constituencies are thus much larger than in England, where the ratio of representatives to population is one to 71,045, and in Germany, where the ratio is one to 126,854 inhabitants.

The actual districting of the states after a reapportionment is vested in the state legislatures. Until 1842, Congress left the states to their own devices in election methods, and representatives were often elected in the state at large; but the Apportionment Act passed in that year provided that the legislatures in each state should divide the state's territory into as many districts as there were representatives to be elected. These congressional districts were to be of "contiguous and compact territory containing as nearly as practicable an equal number of inhabitants," each district electing one representative. If, however, the state legislature failed to carry out this provision, some or all of the members might be elected at large on a general ticket. The practise of districting by the state legislatures has not been without evils, leading often to gerrymandering.

While it is easy to define apportionment as a process of allotment based on population, the application of the principle raises many difficulties of a mathematical nature in cases where the size of a legislative body for constitutional or practical reasons cannot be increased; this is true particularly in federal governments. If fractional voting were permitted in the legislative body, the exact number of representatives with whole votes, and the size of the fractional vote for an additional representative to which each state would be entitled in a theoretically perfect apportionment, could be readily cal-

culated. It would be necessary only to work out the following proportion: the number of votes for any particular state is to the total number of votes for all states as the population of the particular state is to the total population of all states.

If, however, this simple proportion were calculated, the result in nearly all cases would be that the number of representatives for each particular state would consist of a whole number and a fraction. Fractional voting, however, is not permitted. Therefore it is necessary to reach a solution of the apportionment problem in whole numbers. This fact alters fundamentally the mathematical nature of the problem. Even when the exact number of votes, including fractions, belonging theoretically to a state is precisely known, this knowledge is not of itself sufficient to determine the proper number of representatives to be apportioned to that state. The proper apportionment of integral numbers of representatives to a particular state may differ by several units from the number obtained by simple proportion. This is true no matter which of several known methods of apportionment is adopted.

There are five methods of apportionment which lead to a workable solution: method of smallest divisors, method of the harmonic mean, method of equal proportions, method of major fractions and method of greatest divisors. The first two methods tend to favor states having small populations and the last two methods tend to favor states having large populations. Political factors usually lead to considerable debate when a choice among these alternatives is involved. Apportionment may mean the abolition of the offices of some members. The desire to maintain sectional influences may also cause trouble.

The failure of Congress to follow the census of 1920 by a reapportionment, which caused much criticism, perfectly illustrates these considerations. Since the taking of the decennial census is mandatory, it was argued that Congress could neither postpone nor refuse a reapportionment. But population movements in the United States during the decade prior to 1920 created a difficult situation for Congress. The growth of population was very unequal. The steady flow of population from rural to urban districts was complicated by the removal of the textile industry from northern New England to the Piedmont sections of the South and the concentration of the automotive industries in Michigan with the consequent migrations of workers. The growth of New York City as a business center increased the population of New Jersey and Connecticut, where the rise of suburban towns was rapid. Likewise the migration from the Mississippi valley to southern California disturbed still further the equal growth of population.

Congress was confronted with a choice between two alternatives. Additional members could be granted to the House of Representatives, making that body more unwieldy and increasing the cost of government, or the House could continue with a membership of 435 and the seats be redistributed so that the representation would be equalized. The first alternative seemed undesirable because it would increase the unwieldiness of the House, and the second proved difficult of accomplishment. While eleven states would lose and eight states gain in representation, the reapportionment would for some members mean political retirement. In this delicate situation Congress refused to act. Members argued that the condition disclosed by the 1920 census was temporary, that the increasing concentration of population was due to the war, that this tendency would soon reverse itself, and that it would be unfair to the agricultural districts to carry out a reapportionment on the 1920 basis. It was even alleged that since the census of 1920 was taken during the winter months, when many country districts were difficult of access, it was not a proper enumeration. These purely rhetorical reasons for the failure to reapportion are insignificant beside the substantial fact that Congress was willing to apportion, provided that every state retain the number of members then sitting in the body, and that increases be provided in other states. In short, the real obstacle to reapportionment was the necessity of reducing the existing representation in some of the states, which made it impossible to agree upon the method of apportionment to be pursued, although the method of equal proportions was endorsed by the advisory committee to the director of the census and by a specially appointed committee of the National Academy of Sciences. Sectional feeling also intruded in a proposal aimed at the eastern states which represents an interesting addition to the Negro problem in apportionment: the exclusion of unnaturalized aliens from the number to be used as a basis of representation.

The agitation for reapportionment continued until in the special session of Congress called by President Hoover to meet April 15, 1929, a law was passed providing for the taking of the fifteenth census and subsequent decennial censuses and the apportionment of the membership of the House of Representatives according to those censuses. Reapportionment under this law will follow automatically on the census, with the number of members of the House fixed at 435. The president is directed to report to the short session of Congress, following the count, what the reapportionment would be according to two methods; one the method known as major fractions and the other the method of equal proportions. The first was the one employed in the last reapportionment. If Congress fails in the short session to enact legislation for reapportionment, the representation reported by the president automatically goes into effect in the election of the next Congress.

In European countries, historic associations have played a greater part in the creation of election districts. The distribution of seats is not always made periodically, and often only approximate mathematical equality prevails. European governments have also tended to adopt the principle of population as the basis of representative districts, but the wider adoption of proportional representation has complicated matters. Periodic apportionment is not required in England, but since 1865 representation in the House of Commons has on the whole tended to be apportioned in accordance with population densities. Constituencies of approximately equal size have replaced the former notoriously over-represented boroughs. In France a periodic redistribution takes place every five years. After experimenting with a system of geographical distribution upon which was superimposed a form of proportional representation France has since 1927 reverted to the old *scrutin d'arrondissement*. Germany follows the principle of population in fixing the number of votes in the Reichsrat and in determining the number of districts from which members of the Reichstag shall be chosen by a scheme of proportional representation. Most of the constitutions in the new states of central Europe, having adopted systems of proportional representation, provide for the distribution of seats to the several parties within each electoral area so that each party obtains one representative for every quota of voters which it can rally to its support. All fractions of quotas are disregarded, but in the matter of establishing the electoral districts of constituencies it is uniformly the practise to consider the principle of population.

WILLIAM SEAL CARPENTER

See: CENSUS; ROTTEN BOROUGHS; GERRYMANDER; PROPORTIONAL REPRESENTATION; FUNCTIONAL REPRESENTATION; REPRESENTATION; ELECTIONS.

Consult: For state apportionment: Reed, Alfred Z., *Territorial Basis of Government under the State Constitutions* (New York 1911). For the history of federal apportionment, see various congressional hearings, speeches, debates and reports on apportionment in the different Congresses and also United States, Library of Congress, Division of Bibliography, *Apportionment of Members of the House of Representatives*, Select List of References, no. 1072 (mimeographed, Washington 1928). For the distribution of seats in European countries, see Ogg, F. A., *The Governments of Europe* (revised ed. New York 1920) and authorities there cited.

APPRECIATION is used in a variety of senses to refer to any increase in the value of a right, commodity or service. Variations of the concept seem to turn on two points—the time element and value meaning. Loosely and popularly it is used to describe price increases of relatively short duration, notably in the case of securities. Defined more strictly, the term denotes relatively permanent or enduring price increases of particular items or classes of property. It must be admitted, however, that the exact shade of meaning is variable and a matter of convenience to the user. The term is seldom used by theoretical economists, but it is found appropriate by many who deal with practical phases of the science. On the whole, however, it denotes price movements that outlast the business cycle or run counter to the downward swings of the price cycle. Or, more precisely, appreciation is an upward swing of the prices of particular rights, goods or services, after eliminating the effects of seasonal and cyclical factors and of the depreciation of the monetary standard.

At least two concepts of value—use value and exchange value—have been read into appreciation. Professor John D. Black, in analyzing the process of production, describes as appreciation an increase in the want-satisfying utilities of a commodity or an increase in the dexterity and experience of a human agent. His usage seems to be in harmony with that of wine makers whose product ripens with age or with that of engineers when they refer

to the seasoning and adaptation of a railway roadbed.

In contrast with this physical concept, the majority of writers identify appreciation with a concept of value derived from the market place. To the accountant appreciation of assets means the converse or offset to depreciation, in the economic not the physical sense. Likewise economists generally in referring to increments in the values of land, capital goods, money, securities or other economic goods contemplate potential or actual marketability at higher prices.

From the standpoint of an owner of property appreciation is based upon an increase in net earnings from use of property beyond the potential earnings discounted in the purchase price. In acquiring the right to appreciation when, as, and if it occurs, the purchaser ordinarily pays to the former owner some of the potential appreciation, in so far as the sale price exceeds an amount upon which current net earnings afford a competitive return. In other words, accrued appreciation and also a certain amount of unrealized and unaccrued but anticipated appreciation are normally discounted in the price of the property. Appreciation, therefore, is often conjunctural in nature; it may be accrued but not realized, and anticipated but not accrued.

The accrual of appreciation depends upon a reduction of costs, income remaining constant; or an increase in revenues, costs remaining the same; a more rapid turnover, the margin of net income remaining the same; or a decline in the rate of capitalization, net income remaining the same. Sometimes, however, the owner is not able to realize the accruing appreciation owing to use of the property at its existing capacity, or he may forego realization until sale of the property to another. The admission of non-owners to a share of prospective appreciation, as in the split of stock hitherto closely held, is customarily on such terms as will assure to current owners the realization of accrued appreciation and a certain proportion of the anticipated appreciation.

The distinctions between anticipated, accrued and realized appreciation direct attention to the limitations of the accrual of appreciation. In general these limitations are of three types, physical, legal and economic, and in any one item of property they may be combined and interrelated. For example, some commodities are more likely to appreciate than are others, owing to peculiarities of the commodity itself. The durability of the good, the degree of mobility or immobility with respect to other goods or activities of men, are such factors. The degree of uniqueness, illustrated by pictures, rare books and personal services, is influenced by the physical composition of the good or nature of the service as well as their market position. Thus a great work of art may not be physically reproducible, but the possibility of appreciation is affected by the rise and fall of schools of art in popular favor. Expressed differently, appreciation is less likely to occur when goods or services are subject to competition with duplicates, easily and quickly made, or substitutes. Similarly when appreciation has been made possible by legal protection of certain privileges, the withdrawal or lessening of such protection, illustrated by the expiration of patents, tends to check appreciation. Moreover, effective public regulation of prices, as in public utility services, tends to curtail appreciation by limiting the net earnings which are its base.

The economic limits of appreciation may come from either or both sides of the old supply and demand formula. The popularity of an author or artist may decline; closely held stock may be split up and distributed to a wider public; sites in one locality may fall in value as new transportation facilities open up new territory. As Professor Black points out, "at any given time a piece of land may be either appreciating or depreciating; or it may be appreciating from one cause and depreciating from another."

Among the most important economic limits of appreciation is cost. This is frequently overlooked in the common statement that in a growing country the increase of population causes increased land values. Technological improvements check this tendency through their effects upon costs. Though averaging land values over a considerable area or comparison of widely separated years may disclose price advances in response to population growth, appreciation thus measured is apt to prove fictitious when costs are taken into account. Moreover, when the movement of land values is traced for smaller areas and intervening years, the price tendencies appear wavelike in both territorial and time dimensions, suggesting other influences than mere growth of population.

These influences are more apparent in con-

sidering particular tracts of land under single ownership. Whatever may be the course of land values generally, there is no assurance that a particular site will appreciate or depreciate synchronously. The accrual of appreciation of the particular site depends not only on the uses to which it can be put and the demand for those services but also upon the costs of putting the land to a given or new use and upon the cost of holding the land in present use until a new, more profitable use ripens. Generally speaking, the costs limiting appreciation may be described as the operating expenses incident to the existing use of the property and "ripening costs." The latter type of costs especially tends to rise as the demand for a site improves, with the result that these costs may drastically curtail the accrual of anticipated appreciation.

In considering the effects of appreciation, much depends on the point of view—whether that of owner, lessee, prospective investor, etc. —and on the uses of the appreciating property. If a commodity necessary to production appreciates, the effect is likely to be, to prospective investors or lessees, an increased cost of doing business, unless appreciation can be offset by economies in other directions; but existing owners or lessees may benefit from the appreciation. Similarly appreciation of consumers' goods, residential land, for example, tends to increase the cost of living, but the owner of such property may eventually benefit if he can realize the appreciation. Taking the price structure as a whole, if we eliminate business cycle and money standard appreciation, the effect of appreciation of some items of property ordinarily tends to be offset by declining prices of others.

One would suppose that appreciation would induce more efficient use of property. This indeed may be the result, but not necessarily so. A site may ripen to a higher use, commanding a higher price, if sold, but the more intensive or profitable use may be postponed because of inertia or because the site is encumbered with a structure that must be replaced at a cost which will wipe out the greater profits in the immediate future from the more efficient new use. In short, the more efficient use may not be economical when full consideration is given to costs.

This situation is more clearly seen in considering the effects of appreciation upon the problem of maintaining the investment. Many owners of real estate adopt the rule-of-thumb principle of relying on the accrual of appreciation of the site to offset depreciation of the structures. That this is a perilous method of using appreciation is evident, for the appreciation of a particular site is uncertain in both amount and time of accrual; the rate of appreciation is variable; "the higher the ratio of improvement value to site value, the greater must be appreciation if it is to offset depreciation" and the smaller is the opportunity for appreciation; and the appreciation may be unrealizable, "unearning," owing to the cost of scrapping existing improvements of the site. Despite these uncertainties, the hope or the prospect of appreciation is an impelling factor in the distribution of investment funds.

Appreciation has also markedly influenced tax policies and tax programs. At the present time in the United States, accrued appreciation of land is taxed by the federal government as a capital gain at a rate of 12½ percent in the year in which it is realized. Moreover the general property tax based on assessed sales values frequently takes part of the appreciation as it accrues but before it is realized. Finally the taxation of bare-land values, as sponsored by Henry George and his followers, is a proposal to take all appreciation of that form of property, or at least more than is taken by existing taxation.

Appreciation complicates the problems of cost analysis, especially in price regulated industries. The value at which land should be included in a rate base illustrates the problem, though similar difficulties are met in treating appreciated securities in a rate base, as in Massachusetts. Considerable areas of land for, or adjoining, railroad rights of way have been acquired by gift or sale at low prices and have risen greatly in value, partly as a result of the utility's services in developing the community. Should such land be carried in the rate base at its original cost to the utility, at its present appreciated value or at some figure between the two extremes? The general practise is to allow the utility owners to retain at least some of the appreciation, recognizing, however, that first, not all the appreciation is attributable to the utility's efforts, and second, appreciation of the right of way measured by the values of adjoining tracts is partly unrealizable and "unearning," even if permission to sell the right of way were granted. Strict adherence to the cost basis of land valuation, omitting all appreciation, is confiscatory under the federal

constitution as interpreted by the Supreme Court in the *Minnesota Rate Cases*, 230 U. S. 352 (1913).

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See: PRICES; BUSINESS CYCLES; INFLATION AND DEFLATION; VALUE; PRICE; COST; ACCOUNTING; DEPRECIATION; VALUATION; CAPITALIZATION; SPECULATION; LAND SPECULATION; LAND VALUATION; LAND TAXATION; SINGLE TAX; ASSESSMENT OF TAXES; UNEARNED INCREMENT.

Consult: Fisher, Irving, *Elementary Principles of Economics* (3rd ed. New York 1913) ch. vii; Black, John D., *Introduction to Production Economics* (New York 1926) p. 421–28; Ely, R. T., and others, *Outlines of Land Economics*, 3 vols. (Ann Arbor 1922) vol. ii, chs. iii–v; Ely, R. T., "Land Income" in *Political Science Quarterly*, vol. xliii (1928) 408–27; Dorau, H. B., and Hinman, A. G., *Urban Land Economics* (New York 1928) chs. xiv, xxx; Arner, G. B. L., "Land Values in New York" in *Quarterly Journal of Economics*, vol. xxxvi (1921–22) 545–80; Loucks, W. N., "Increments in Land Values in Philadelphia" in *Journal of Land and Public Utility Economics*, vol. i (1925) 469–77; Shannon, H. L., and Bodfish, H. M., "Increments in Subdivided Land Values in Twenty Chicago Properties" in *Journal of Land and Public Utility Economics*, vol. v (1929) 29–47.

APPRENTICES, STATUTES OF. *See* LABORERS, STATUTES OF.

APPRENTICESHIP

APPRENTICESHIP is a method of passing on acquired trade skills and of maintaining a supply of craftsmen. It is a mutual relationship under which a novice, who is generally a minor, is taught the art of a trade by one who is engaged in it. The apprentice in return pays either in whole or in part for this instruction by work on objects destined for consumption or sale by the master.

Contrary to the usual impression, apprenticeship did not originate in the Middle Ages. The Babylonian Code of Hammurabi makes explicit provision that artisans shall teach their handicrafts to those sons whom they may adopt, and that if this is not done the boys may return to their fathers' houses. Not only was apprenticeship thus legally regulated at this early date but the relationship between master and apprentice was modeled upon that of father and son. The records of Egypt, Greece and Rome show that apprenticeship was an integral part of the industrial systems of those cultures. Nor has apprenticeship been confined to the Occident. It is still the predominant means of learning a handicraft in the Orient, and is there regulated by the guilds in much the same manner as by the European guilds during the mediaeval period. Such a system is in fact an inevitable feature of handicraft production since the growth of industry very frequently exceeds the ability of a craftsman's family to man it. Other boys must be taught the trade in order to provide a sufficient supply of skilled craftsmen and to insure continuity of management.

The respective rights of apprentice and master were generally stated in an indenture signed not only by these two parties but also by the parent or guardian of the apprentice. The period of time prescribed for apprenticeship by the mediaeval guilds and provided for in the indentures varied quite widely. In France it usually ranged from three to five years, but in England seven years was the more common term.

In addition to training, the masters generally furnished board and lodging to the apprentices and agreed to supervise their morals and habits. The apprentices on their part agreed faithfully to serve the masters, and in some cases their families agreed to give payments in cash or in kind as an added compensation for the training furnished. The master was given the power to discipline the apprentices, but the guilds and the civil authorities were empowered to supervise the relations between them and to protect the apprentices from abuse.

As long as handicraft production was carried on in small units, the relationship between apprentices and masters was intimate and promotion into the ranks of the masters was fairly certain after the service of an intermediate period as journeyman or *compagnon*. The number of apprentices who could be trained was limited by the guilds in order to protect the masters from the severe competition which would necessarily result from the presence of large numbers of trained craftsmen. The period of apprenticeship was also probably longer than was required to master the trades of the time; by these methods something of an artificial monopoly was maintained by the town workers which enabled them to raise the value of their goods in comparison with those of the countryside and thus obtain a differential advantage over the agricultural population.

As the size of the producing unit increased, the lot and prospects of the apprentices became much less favorable. The masters were more likely to be merchants, capitalists and employers than fellow craftsmen. Not only was personal contact between the two groups lessened but entrance into the ranks of the masters was made

increasingly difficult for the rank and file of the apprentices. This was caused in part by the increasing amount of capital needed to purchase the raw materials and to set up a shop and in part by the policy of the more well-to-do masters, and of the guilds which they had come increasingly to dominate, to erect artificial barriers. Although sons of masters were quite generally admitted to the upper ranks without having served the full term of apprenticeship, others were required to pay large fees in addition, and the actual numbers who were thus taken in came to be more and more restricted. All these factors increased the ratio of journeymen to masters. It had then become advantageous for the masters to increase the number of the apprentices, since a large supply of the latter could be used to lower the wages of the journeymen and thus to increase the employers' profits. The journeymen in self-protection frequently shirked teaching the apprentices the full secrets of the trade. With the increasing splitting up of crafts the apprentices suffered further hardships, since they were compelled to serve the same length of time as before, although less time was actually required to learn the processes.

Although the regulation of apprenticeship originated in the guilds, with some municipal supervision, France and England developed also a system of national regulation. The Statute of Artificers, enacted by Elizabeth in 1562, nationalized the provisions of the London craft guilds which permitted only householders to take apprentices, required a minimum period of seven years and fixed twenty-four years as the minimum age at which the apprentice could come out of his service. In order to check the drift of labor to the towns, to preserve the privileges of the townsmen and to insure a plentiful supply of agricultural labor for the landlords, it was provided that only the sons of townsmen might be apprenticed to craftsmen within a particular town. Some of the more lucrative trades, such as those of merchants and goldsmiths, were reserved for the children of propertied persons. The enforcement of this statute was in the main entrusted to the guilds and municipalities, and with the decay of the guild system, due to the increased practise of trades by non-members, and with the rise of new industries, it gradually became obsolete.

Apprenticeship was, however, also used in both England and America as a means of poor relief for children who were charges upon the community, although the poor law authorities were in general more concerned with getting the children off their hands and having them maintained than in making sure that they were adequately taught a trade. While the apprenticeship system, as a method of caring for children who were a state charge, produced flagrant evils, it was a step in advance of herding them in general mixed workhouses with paupers of all ages and classes.

With the advent of the factory system, involving still further subdivision of labor and the development of automatic machinery, the amount of technical skill required of the artisans was appreciably reduced, and youthful and untrained workers were brought into the crafts in increased numbers. The hand workers, in order to protect themselves against this new competition, sought to have the law enforced and extended to the new trades, but instead the House of Commons in 1814 repealed the act. In France the guilds had been legally abolished during the revolution (1791), and although a law regulating apprenticeship was passed in 1851 it was virtually ineffective. Germany, Austria and a number of other European countries instituted a more thorough legal regulation of apprenticeship; but despite these efforts, as the factory system continued to replace the handicrafts and as large scale production became more general, apprenticeship necessarily declined. The principal reason for this decline was the reduction in the amount of skill required of the great mass of the workers, rendering a prolonged period of training unnecessary for all save a small proportion of engineers, designers and similar highly skilled persons. But while this latter group needed much greater skill than the craftsmen of former times, their work became so complicated and technical that it could not be mastered by the old method of learning on the job. Schools of engineering and of other applied arts and trades were established to furnish that basic training in mathematics, chemistry, physics, etc., upon which so much of modern production rests.

In occupations which remain on a primarily handicraft basis, particularly in the building trades and in machine repairing, or in industries where production is unstandardized and varies appreciably from unit to unit, as in custom tailoring, pattern making and some molding and printing work, or where the responsibility for machines and lives is great, as is the case in engineering, a considerable period of practical preparation is needed at the job itself. Here

apprenticeship remains, although in a diminished form from that which formerly prevailed. But the custom of domiciling apprentices with the employers disappeared in western Europe and America during the nineteenth century because of the increasing size and the increasing impersonality of industry. The former provision of board and lodging was then commuted by the employers to the payment of a small monetary wage which was generally graduated according to the length of time which an apprentice had served.

In some of the trades there has been actual difficulty in securing an adequate number of apprentices. This has been caused in part by the restrictive policies of a few of the trade unions of skilled workers in the United States and Great Britain, where a rather rigid limitation of the number of apprentices and a prolongation of the period of apprenticeship beyond that required to attain competence have served to reduce the numbers below what they would have been had free competition prevailed. This has in turn maintained the wages in these trades at a higher level than would otherwise have been the case. But that these restrictions have seldom been the main cause for the paucity of apprentices in these trades is demonstrated by the fact that the employers have almost universally not availed themselves of the privilege of accepting as many apprentices as has been permitted by the union rules and that this failure to absorb the union maximum is almost as characteristic of non-union as of union establishments. There are several more fundamental factors which limit the effectiveness of apprenticeship in these trades. First, there is the reluctance of the employer to go to the expense of moving the apprentice about from job to job when there is no surety that he rather than another employer will be able to reap the benefit of an apprentice's skill once the latter has become a journeyman. The freedom of an apprentice to transfer his services to another employer when he has completed his term of apprenticeship therefore causes employers to depend more on hiring apprentices away from other employers than on training them, but this policy when generally pursued obviously defeats itself. A second factor is the common reluctance of journeymen to train the apprentices adequately since they do not wish to raise too many competitors for themselves. Finally, because the apprentice's wages during most of the period of his apprenticeship are lower than those which he could receive as an unskilled worker, there is a strong temptation for children to avoid the apprenticeship openings in order to obtain the immediately higher earnings.

In recent years efforts have been made in the United States, most notably in the printing and building trades, to put apprenticeship training on a firmer footing, and joint committees of employers and unionists have been formed in a number of cities, notably New York, Chicago, Cleveland and Niagara Falls. Indentures are drawn up specifying the types of training to be given and the length of time to be devoted to each, an interchange of apprentices is provided if full or adequate training cannot be furnished by a given employer, the apprentices are given instruction in special classes, and in some cases special supervisors have been appointed to stimulate the system and to inspect the work done and training offered, while diplomas are granted to those who satisfactorily complete their work. The International Typographical Union also has prepared an excellent set of correspondence courses which are widely used by apprentices in union printing shops. The state of Wisconsin also has created a position of supervisor of apprentices, who works under the state's Industrial Commission and whose duties are similar to those outlined above.

During the last half century efforts have been made to provide for the vast majority of juvenile workers who are employed at unskilled jobs and who are not apprenticed some form of public instruction and supervision analogous to that afforded by the apprenticeship system in its more favorable aspects. The most important development along this line has been that of part time continuation schools where employed juveniles are given training a few hours each week, out of their working time, not only in the work in which they are engaged at the time but also in work which they hope to do and in general preparation for citizenship and life. There has also been an appreciable extension of vocational guidance to enable children to select the lines of work which they will enter with a better knowledge of the opportunities that are open to them than was formerly the case.

PAUL H. DOUGLAS

See: INDUSTRIAL EDUCATION; POOR RELIEF; HANDICRAFT; JOURNEYMEN'S SOCIETIES; INDENTURED LABOR; LABORERS, STATUTES OF; TRADE UNIONS; PROFESSIONS; CHILD LABOR; CONTINUATION SCHOOLS; VOCATIONAL EDUCATION; PERSONNEL MANAGEMENT.

Consult: Dunlop, O. J., and Denman, R. D., *English*

Apprenticeship and Child Labour (London 1912); Seybolt, R. F., *Apprenticeship and Apprenticeship Education in Colonial New England and New York* (New York 1917); Scott, J. F., *Historical Essays on Apprenticeship and Vocational Education* (Ann Arbor 1914); Douglas, P. H., *American Apprenticeship and Industrial Education* (New York 1921); Hauser, Henri, *Ouvriers du temps passé* (Paris 1899); Renard, G. F., *Syndicats, trade-unions et corporations* (Paris 1909), tr. in part by D. Terry as *Guilds in the Middle Ages* (London 1919); France, Conseil Supérieur du Travail, *L'apprentissage* (Paris 1902); Motley, J. M., *Apprenticeship in American Trade Unions* (Baltimore 1907); Ashworth, J. H., *The Helper and American Trade Unions* (Baltimore 1915); Bray, R. A., *Boy Labour and Apprenticeship* (London 1911); Kerschensteiner, G. M. A., *Three Lectures on Vocational Training* (Chicago 1911).

APPROPRIATIONS. *See* BUDGET; PUBLIC FINANCE.

AQUINAS, THOMAS (*c.* 1226–74), scholastic philosopher. He was born near Aquino, in the territory of Naples, of a distinguished noble family, entered the Dominican order at sixteen and studied at Cologne under Albertus Magnus, subsequently following his master to Paris. He taught philosophy and theology at Cologne, Paris and various places in Italy.

The political, economic and social doctrines of St. Thomas exemplify two general characteristics of his writings: acceptance, so far as it was consistent with Christianity, of the philosophy of Aristotle, and systematic presentation of the traditional Catholic teaching. Following Aristotle, St. Thomas held that men are impelled to live in society by their needs of life and development. Although it is not the earliest nor the most spontaneous form of association, the state is nevertheless universally necessary. Civil authority derives ultimately from God and ordinarily becomes lodged in particular persons through the consent of the people. Although the subjects owe loyalty and obedience to the legitimate ruler they have the right to resist, both passively and actively, a government that has become gravely and incorrigibly oppressive. The ideal form of government is a combination of monarchy, aristocracy and democracy. The monarch should preferably be elected, the aristocracy should consist of picked men chosen by and from the people, and all the citizens should have some share in the government.

Civil society functions primarily through legislation. Law in the true sense is an ordinance of reason for the common good. Hence civil statutes have no moral validity when they are contrary to the natural law. The common good means not only the public welfare, as a whole, but the well-being of all classes and even of all individuals, in due proportion. Welfare comprises goods of the mind and soul, goods of the body and goods of fortune. Peace, health, natural beauty, labor, commerce, education and virtue are all proper objects of civil legislation. However, the state cannot wisely attempt to suppress all sin, but only those grave offenses which injuriously affect society. When the ordinary sources of public revenue do not provide sufficient funds, the rulers are justified in levying taxes upon their subjects, but not for their own avarice nor in greater amount than is required by the common welfare.

The state exists for the individual, and not vice versa, and for all individuals, since all are persons and are equally endowed with certain natural rights. According to Aquinas, however, slavery is in accord with the natural law because it is better for some men, and for society, that they should be under economic domination. It is uncertain whether St. Thomas meant to apply this principle without qualification to the serfs of his own time in Europe. At any rate he declared that since all persons are by nature equal, the slave has certain natural rights which the master may not violate; for example, the right to life, sustenance and normal family relations.

In his economic as in his political doctrines St. Thomas is representative of mediaeval thought. While private property is in accord with, it is not absolutely required by, the natural law. Nevertheless it has been proved necessary by the experience of all peoples. Ownership should be private, but the use of goods should be common so that they may be readily shared with the needy. Trading is morally lawful if directed to lawful objects; for example, when the trader seeks moderate gain as a means of livelihood or in order to assist the poor or for the public good, and when he regards the gain not as an end in itself but as the reward of labor. In the second place, merchandising should be honest in its methods. The just price can be established through public regulation, custom or the judgment of upright men. Taking interest on loans is unjust because it is an attempt to sell the same thing twice, that is, to exact payment for a use which is inseparable from the thing used. Since it passes from the borrower at its first use, money loaned is

in reality money sold. Any gain made by the borrower is the fruit not of the loan but of his own industry. The only recognized titles to income are labor and risk. The sole specific reference which Aquinas makes to wages is that they are subject to the same rule of justice as prices. And it may be assumed that he accepted the current principle of his time, that the just price of goods would always enable the producer to live in conformity with the customary standard of his class.

An important social conclusion which Aquinas drew from the principle of common use was that a man's superfluous goods or income are due by natural law to the needy. Poverty is undesirable because it is the occasion of many sins. Both state and church should strive to provide such conditions of family life that children will be born with sound bodies. Education is essential to the welfare of the individual and of the state. It comprises training of all the faculties in due proportion, which means that greater attention should be given to the soul than to the body. So far as necessary it should be fostered by legislation. Birth control is against nature and therefore morally wrong, and divorce is wrong because it is harmful to the children and to society and forbidden by the words of Christ. Woman should be subject to man because the latter possesses "greater discretion of reason."

The authority of the works of St. Thomas among Catholics is far greater than that enjoyed by the social teachings of any other writer, especially since they were commended by Pope Leo XIII in his encyclical *Aeterni patris*, August 4, 1879. Recently there has been an active revival of interest in his philosophy—a neo-Thomist movement—which has had some currency throughout Europe and especially in the French speaking countries, where the works of Cardinal Mercier, Étienne Gilson and Jacques Maritain are representative of it. A growing dissatisfaction with the dominance of empiricism, a desire for the fixity and clearness of scholastic philosophy and a hope that in it will be found a guide for the vexing problems of modern life have been among the factors contributing to this revival.

JOHN A. RYAN

Works: *Opera omnia*, ed. by S. E. Frette and Pauli Maré, 34 vols. (Paris 1871–80), and the most authoritative edition, the Leonine, not yet complete, vols. i–xiv (Rome 1888–1926). See especially *Summa theologica* (Eng. tr. by the English Dominican Fathers, 3 pts. in 20 vols., London 1911–25); also *Summa contra gentiles* (Eng. tr. by the English Dominican Fathers, 3 vols., London 1923–28), *De regimine principum, De regimine judaeorum, Commentaria in politica* and *Commentaria in ethica*. Excerpts in German translation of *De regimine principum* and *De regimine judaeorum* are found in *Ausgewählte Schriften zur Staats- und Wirtschaftslehre des Thomas von Aquino*, ed. by F. Schreyvogl, Herdflamme series, no. 3 (Jena 1923).

Consult: Grabmann, Martin, *Thomas von Aquin* (Munich 1926), tr. by V. Michel (London 1928); Schilling, Otto, *Die Staats- und Soziallehre des heiligen Thomas von Aquin* (Paderborn 1923); Gosselin, A., *La doctrine politique de Saint Thomas d'Aquin* (Paris 1928); Murphy, E. F., *St. Thomas' Political Doctrine and Democracy* (Washington 1921); Hearnshaw, F. J. C., *The Social and Political Ideas of Some Great Mediaeval Thinkers* (London 1923) ch. iv; Jarrett, Bede, *Social Theories of the Middle Ages* (Boston 1926); O'Brien, George, *An Essay on Mediaeval Economic Teaching* (London 1920). For neo-Thomism see bibliography for SCHOLASTICISM.

ARABI, AHMED (1841–1911), Egyptian nationalist leader. He was the son of a village sheikh in the Nile delta. He received a smattering of education at El Azhar University in Cairo, was conscripted into the army and soon became an officer. He was not a very capable soldier but he made his mark as an orator and a "barrack-room lawyer." In the troublous times at the end of the seventies he voiced the discontent of the army and especially of the native Egyptian officers, who were bitterly hostile to the Turkish ruling caste. In 1881 he openly and successfully defied the khedive, and before long was made minister of war. In June, 1882, the general disorder and agitation led to a massacre by the mob in Alexandria and the bombardment of the city by British warships. The khedive was now a mere pawn and Arabi, at the head of the army, appeared to be the master of Egypt, menacing the foreigners as well as his enemies at home. Within a month or two, however, a British force under Wolseley completely routed the Egyptians at the battle of Tel-el-Kebir, and Arabi was taken prisoner. He was tried by court martial and condemned to death, but at the instigation of the British government the sentence was commuted to perpetual exile in Ceylon. He was allowed to return to Egypt in 1901 and remained there until his death in 1911.

Arabi was not the stuff of which great leaders are made. He was a simple minded and ignorant man, an honest and zealous patriot, but weak in judgment and action. His revolt was not, as it was generally regarded at the time, a mere military rebellion. It was a genuine, though

premature and abortive, movement of nationalism, and was widely supported by the Egyptian people. Modern opinion criticizes Gladstone's government for misreading the situation in Egypt and the motives of the "rebels." A more far sighted statesmanship might well have backed Arabi and made him a partner with Great Britain in the rehabilitation of Egypt.

C. M. LLOYD

Consult: Blunt, W. S., *Secret History of the English Occupation of Egypt, being a Personal Narrative of Events* (London 1907); Broadley, A. M., *How We Defended Arabi* (London 1884); Sabry, M., *La genèse de l'ésprit national égyptien (1863–82)* (Paris 1924) with an appendix, "Mémoire d'Arabi Pacha à ses avocats."

ARAI HAKUSEKI (pseudonym of Kimiyoshi) (1657–1725), Japanese scholar and statesman. Hakuseki was a product of the era of Genroku (1688–1704), the heyday of art and culture of old Japan. He was born of a *samurai* father, impoverished and obscure, but distinguished himself as a Confucian scholar and was appointed tutor to the lord of the province of Kōfu, who in 1709 became the sixth shogun under the name of Iyenobu. Invited to accompany his illustrious pupil to Yedo (Tokyo), the seat of the shogunate, and as official lecturer and trusted counselor to the new ruler of Japan, Hakuseki came to occupy a position of high honor and commanding influence, which he continued to hold during the brief rule of the seventh and infant shogun, Iyetsugu (1713–16), son of Iyenobu. During these few years under the two shoguns Hakuseki carried out a number of reforms. It was his sound practical sense that enabled him to combat successfully a proposal to debase the currency, or to regulate the foreign trade at Nagasaki so as to curtail the outflow of gold and silver. But, on the other hand, his punctilious notions of Confucian propriety led to unnecessary elaborations of etiquette and ceremony which were not relished by the seventh shogun. Arai retired and wrote in 1716 his memoir, *Oritaku Shiba No Ki* (In the Hour of Burning Faggots), a unique piece of autobiography in Japanese literature.

Hakuseki was a voluminous writer with more than 170 works to his credit, of which *Hankan Fu* (Annals of Feudal Houses, 30 vols., written 1701), *Koshi Tsu* (Through Ancient History) and *Tokushi Yoron* (Gleanings from History, written 1712) constitute his lasting achievements from both scholarly and literary viewpoints. He has left a few books, including *Seiyo Kibun*, on western countries and civilization, of which he learned from a Jesuit missionary, Father Sidotti, brought to Yedo as prisoner.

SHIGEYOSHI OBATA

Works: *Oritaku Shiba No Ki*, tr. by G. W. Knox in Asiatic Society of Japan, *Transactions*, vol. xxx (1902) pt. ii, containing also an introductory biographical sketch; *Seiyo Kibun*, tr. by S. R. Brown in Royal Asiatic Society, North China branch, *Journal*, n. s., vol. ii (1865) 53–84, and vol. iii (1866) 40–62.

Consult: Aston, W. G., *A History of Japanese Literature* (New York 1899) p. 244–57; Florenz, K., *Geschichte der japanischen Literatur* (Leipsic 1906) p. 427–29; Lönholm, L., "Arai Hakuseki und Pater Sidotti" in Deutsche Gesellschaft für Natur- und Völkerkunde Ostasiens, *Mitteilungen*, vol. vi (1894) 149–89.

ARANDA, PEDRO PABLO ABARCA DE BOLEA, CONDE DE (1718–99), Spanish soldier, diplomat and statesman. For a time he served his country in the office of ambassador at the court of King Augustus III of Poland. On his appointment by Charles III of Spain as president of the Council of Castile—then the supreme consultative body of the monarchy—he began his career as head of the government. He was an enthusiastic admirer of the *encyclopédistes* and of their doctrines, and promulgated the famous decree of February 27, 1767, expelling the Jesuits. Aranda's anti-English policy impelled him to favor actively immediate recognition of the independence of the United States. As Spanish ambassador at Paris (1773–87) he was a partisan of the revolution; and when he became president of the Council of Castile for a second time in 1792, his prorevolutionary sentiments incurred the enmity of Godoy, the favorite of Charles IV, and resulted in his removal from office in the same year.

Aranda's views on internal colonization are of great interest to students of the social sciences. His principal measures in this regard are the royal decrees of May 26, 1773, and of May, 1793, which may be summarized as follows: national, municipal and uncultivated lands were made subject to colonization and distribution (this ruling, however, not to apply to certain portions of municipal land set aside as a commons for all the inhabitants); lands were granted in emphyteusis (perpetual lease) on condition that they be maintained in cultivation and that the canon fee be paid, and were distributed on the basis of the number of yoke of oxen at the holder's disposal; the decree of 1793 declared

that uncultivated land belonged to him who cleared it; colonized lands were to remain exempt from all taxation, even the church tithe, for ten years, and from the canon fee for fifteen; sublease or transfer to foreigners was prohibited. While these laws had little effect on the actual situation of land tenures in Spain itself, the ideas involved have played an important part in the development of conceptions of land tenure in Spanish America, notably in Mexico.

FERNANDO DE LOS RÍOS

Consult: Konetzke, R., *Die Politik des Grafen Aranda* (Berlin 1929); Leonhard, R., *Agrarpolitik und Agrarreform in Spanien unter Carl III* (Munich 1909); Costa, Joaquín, *El colectivismo agrario en España* (Madrid 1898).

ARBEITSGEMEINSCHAFT has been used in German speaking countries to designate various forms of association among people working for a common end. In the recent and technical sense *Arbeitsgemeinschaften* are voluntary joint associations of employers and employees for regulating industrial conditions. Such associations appeared before the war, but the industrial truce which followed the outbreak of hostilities gave a great impetus to their spread. By 1915 there were nineteen local associations in various industries. On November 15, 1918, an agreement was concluded by the national centers of the trade unions and of employers' associations which provided for the establishment of the Zentralarbeitsgemeinschaft in order to facilitate "joint dealings with all the economic and socio-political questions concerning German industry as well as with all legislative and administrative matters pertaining thereto." The organization was not actually set up until late in 1919; associations of the same type were organized later in various regions and industries. At the time great hopes centered in these organizations, but in spite of some achievements they were not justified. Contributing causes for failure may have been that German industry was already largely organized in other directions, that the bureaucracies of the older organizations were often not favorably disposed toward the *Arbeitsgemeinschaften* and that the introduction of radical and political aims necessarily limited their possible effectiveness. Moreover the splitting up of the German trade unions into groups that were oriented on the basis of their social philosophy interfered with the *Arbeitsgemeinschaften*. The Zentralarbeitsgemeinschaft was dissolved by the withdrawal of the central trade union executive in 1924, and the local associations followed suit.

The organization of *Arbeitsgemeinschaften* was the expression of a tendency to mitigate opposition between capital and labor and to bring about their collaboration for common ends. These organizations were not the sole manifestation of this tendency, nor was the latter limited to Germany. It is interesting, however, that the term *Arbeitsgemeinschaft*, when related to Tönnies' distinction between *Gesellschaft* and *Gemeinschaft*, implies an inner organic union, far beyond mere association. In a sense the use of this term suggests a reversion from the Marxian insistence on the reality of class divisions, a recognition of organic ties between the various elements of the industrial structure.

In contemporary Germany *Arbeitsgemeinschaft* has become a very popular name for loose associations with the most varied aims in all possible spheres of social life. When people unite for specific purposes, without regard to party or religious divisions, an *Arbeitsgemeinschaft* is now founded in preference to a *Verein*. The word is used for professional associations and suggests a guaranty that the organization will include only those trained in the field. Even the German and Austrian associations founded to work for the union of the two countries call themselves the German-Austrian *Arbeitsgemeinschaft*.

ADOLF GÜNTHER

See: INDUSTRIAL RELATIONS COUNCILS; LABOR-CAPITAL COOPERATION; TRADE UNIONS; CHRISTIAN LABOR UNIONS.

Consult: Lederer, E., and Marschak, J., in *Grundriss der Sozialökonomik*, vols. i–ix (Tübingen 1914–29) vol. ix, pt. ii, p. 237–40, and bibliography given there, p. 232–33.

ARBITRAGE may be defined as the practise of buying a given security or commodity in one market and almost simultaneously selling it in another market with a view to profiting by the difference between the purchase and sale prices. It has its basis in the fact that at a given time securities and commodities often happen to be selling at different prices in various markets. The practise exists in many markets, such as stock and bond, organized produce, marine insurance, money and foreign exchange markets. Most commonly, however, arbitrage refers to the practise in the security, produce and foreign exchange markets.

In the security and produce markets arbi-

traging may be either "domestic" or "foreign." With respect to the former the process is relatively simple. Assuming the necessary equipment for the speedy transmission of orders and their prompt execution in both markets, the arbitrager simply buys in the low market and sells (often in the form of a short sale) the same amount in the high market. Settlement may be made either by shipping the security or commodity purchased, or by reversing the purchase and sale should the quotations in the two markets at some later time stand in a different relation to each other than was the case when the two original transactions were entered into.

In foreign arbitrage the process is more complicated, as may be illustrated by arbitraging between the New York and London stock exchanges. Here speedy communication is not the only requisite. Numerous factors must be taken into account, such as stamp taxes, interest charges, cable tolls, insurance and shipping expenses, foreign settlement systems as contrasted with our own daily settlement, rates of foreign exchange and different methods of quoting prices. The last two factors are especially vital (foreign exchange rates fluctuating continually and London security quotations being given on the arbitrary basis of $5.00, instead of $4.8665, to the pound sterling) and compel the speedy reduction of London and American quotations to a mathematical parity in order to justify opposite transactions, as the margin of profit is usually small. To close the transactions the securities may be shipped from one market to another, but this is avoided, if possible, because of the expense involved.

The pressure of buying in the low market and selling in the high soon tends to level prices in all the markets the world over. A security is thus said to have approximately one price everywhere. The action of numerous arbitragers also tends to make the market more continuous for other buyers and sellers than would otherwise be the case. As between foreign countries arbitraging also facilitates the settlement of international debts, most foreign arbitragers resorting to the practise for this special purpose. In the commodity markets, besides leveling prices and rendering the markets more continuous, arbitraging directs the flow of grain, cotton, etc., from places where the supply is too plentiful to those where the demand is greater, thus assuring an adequate distribution of our staple commodities among all communities.

Through arbitraging, foreign exchange dealers also bring the rates for cables in different markets (as, for example, sterling cables in New York and dollar cables in London) into proper harmony whenever they may diverge from their equivalent quotations. The business is conducted by two parties, each in a different market, with a view to having their transactions offset each other. Both will buy cables should the two market rates appear too low. Each will thus receive a cable transfer from the other and thereby obtain the funds necessary to meet his expenditure for the purchase. The gross profit of the two arbitragers, cooperating for a mutual profit, represents the amount by which the cables diverged from their equivalent quotations. Should the cable rates appear too high, each of the arbitragers will sell a cable drawn on the other, and will then satisfy the other's order with the proceeds obtained from his own sale. As in this illustration of two markets, so quotations in three (or more) markets have a point of equivalence. Thus a foreign exchange dealer with business connections in all the markets under consideration may, with sterling rates higher in New York and lower in Paris, derive a profit by selling a sterling cable in New York and covering the same in London through the purchase of another sterling cable in Paris.

S. S. HUEBNER

See: FOREIGN EXCHANGE; STOCK EXCHANGE; COMMODITY EXCHANGES; MARKET; SPECULATION; EQUILIBRIUM, ECONOMIC.

Consult: Huebner, S. S., *The Stock Market* (New York 1922) ch. vii; Furniss, E. S., *Foreign Exchange* (Boston 1922) ch. iv; Phillips, H. W., *Modern Foreign Exchange and Foreign Banking* (London 1926) ch. xv; Walter, H. C., *Modern Foreign Exchange* (New York 1924) p. 60–64; Deutsch, H., *Arbitrage in Bullion, Coins, Bills, Stocks, Shares and Options* (2nd ed. London 1910); Smith, J. G., *Organized Produce Markets* (London 1922) ch. v.

ARBITRATION, COMMERCIAL, is the process by which business men submit disputes which arise out of their business transactions to one or more persons whom the parties select to decide their particular case. It is a substitute for court litigation. The process is based either upon a clause inserted in a more general contract whereby the parties thereto agree to arbitrate disputes which may arise between them in the future in connection with the general

contract, or upon a contract to submit an existing controversy to one or more arbitrators. The first type of arbitration agreement is called a future-disputes clause; the second type is known as a submission agreement.

The modern development of commercial arbitration in the United States relates chiefly to its use by trade associations and chambers of commerce. Since about 1920 these organizations have incorporated future-disputes clauses into their articles of membership, by-laws or standard contract forms. Their members thereby agree in advance to arbitrate disputes which may thereafter arise between them in their mutual dealings. On January 1, 1928, more than one hundred and fifty national or interstate trade associations had adopted this policy. Similar development has taken place in chambers of commerce and local business men's organizations. This use of future-disputes clauses distinguishes the modern practise of commercial arbitration from its earlier use. Formerly parties ordinarily entered into an agreement to arbitrate only after a controversy had arisen between them. The modern practise of commercial arbitration by American associated business has its precedent in the practise of the trade associations and chambers of commerce of England and the continent. It is correlated with the practise of those countries through the United States Chamber of Commerce, the International Chamber of Commerce, and trade associations with American and foreign members who are engaged in foreign commerce.

The rapid and extensive development of this modern practise is largely due to conditions which surround court litigation. Congestion of trial court calendars has been a factor. Capital is thereby unduly tied up, bankruptcies intervene and witnesses forget, die or move away before the case is tried. The records of a case are promiscuously published, to the prejudice of the credit and trade reputation of the parties. When the date for trial finally arrives, there is frequently delay in proceeding with the case, even if one or more continuances are not granted. The jurymen have often had little experience and no training in the business out of which the particular case arises. Judges are likewise frequently unqualified to try the highly technical matters involved in modern business controversies. Trial court practise seems technical and treacherous, and tends to involve unnecessary bickering. Complex rules of procedure and of the law of evidence, as well as the practise of opposing attorneys to assume no common responsibility with the trial judge to keep the case free from legal errors, often enable the losing party to appeal the case and to procure a reversal and a new trial, with delays and expenses repeated.

Commercial arbitration, on the other hand, contemplates that the parties to a dispute shall choose one or more persons specially qualified to decide their particular case. There are no pleadings. Each party may tell his side of the case and present his testimony and other evidence informally. An arbitral hearing is held in private and at such time and place as meet the convenience of the parties and arbitrators. Experience teaches that an arbitral adjustment of a business dispute leaves the parties susceptible to further business dealings. What is more significant, the use of future-disputes clauses often induces the parties to resolve their own misunderstandings before they require a formal arbitration.

Commercial arbitration in its modern phases has called for legislation which will give new legal effect to arbitration agreements. Common law rules give little effect to such agreements. The courts have held that future-disputes clauses and submission agreements are revocable; that is, that a party to either type of arbitration can maintain an action in court although he has agreed to arbitrate the dispute upon which the action is based, and that either party has the power to revoke his agreement by notice, even after arbitrators have been appointed, provided it is given before an award is rendered. Courts of equity have the same rules of revocability. Furthermore, they will neither decree specific performance of arbitration agreements nor appoint arbitrators when a party refuses to nominate them. Under common law rules an award can be enforced only by an action in court based upon the award.

In 1920 the New York Legislature enacted a new arbitration law which abrogates these common law rules of revocability of written agreements to arbitrate. It provides a summary procedure to enforce specifically those agreements, including appointment of arbitrators by a court in default of action by one of the parties. Awards can be enforced summarily by motion to a court. New Jersey, Massachusetts, the Territory of Hawaii, Oregon, Pennsylvania, California and Louisiana have enacted similar statutes since that time. The United States Arbitration

Act also has like provisions with respect to agreements to arbitrate disputes arising out of transactions in foreign and interstate commerce. A more limited statute has been submitted to the legislatures by the National Conference of Commissioners on Uniform State Laws. This new legislation has received the support of leading American lawyers as well as business men. The United States act was drafted by the Committee on Commerce, Trade and Commercial Law of the American Bar Association and was approved by that association. The Commercial Law League of America, another national organization of lawyers, has formally resolved to aid in procuring the enactment in each state of an arbitration statute patterned after the United States act. The State Bar Associations of New York, New Jersey and Louisiana were also especially active in procuring the adoption of the new arbitration laws in their respective states.

WESLEY A. STURGES

See: COMMERCIAL LAW; COURTS, COMMERCIAL; COURTS; REMEDIES, LEGAL; PROCEDURE, LEGAL; CHAMBERS OF COMMERCE; TRADE ASSOCIATIONS; BUSINESS ETHICS.

Consult: *Selected Articles on Commercial Arbitration*, ed. by Daniel Bloomfield (New York 1927); American Arbitration Association, *Year Book on Commercial Arbitration in the United States*, vol. i (New York 1927); *Internationales Jahrbuch für Schiedsgerichtswesen in Zivil- und Handelssachen*, vols. i–ii (Berlin 1926–28); Sturges, W. A., "Arbitration Under the New Pennsylvania Arbitration Statute" in *University of Pennsylvania Law Review*, vol. lxxvi (1928) 345–93, 498–547, and "Arbitration Under the New North Carolina Arbitration Statute—The Uniform Arbitration Act" in *North Carolina Law Review*, vol. vi (1928) 363–427; Bacon, Roger S., *Commercial Arbitration as Governed by the Law of England* (London 1925); Birdseye, Clarence F., *Arbitration and Business Ethics* (New York 1926).

ARBITRATION, INDUSTRIAL, is the process of referring disputes between employers and employees to the decision of "impartial" adjudicators. It differs from ordinary collective bargaining (sometimes called conciliation) by its use of outsiders not parties to the dispute. It differs from mediation (also frequently called conciliation) in that these outsiders are called upon to make the actual decisions instead of merely using their good offices to bring the contestants to an agreement.

Arbitration is of two main types and owes its growth to two lines of development. In the one case, voluntary arbitration, the parties directly concerned decide to appeal to an arbitrator's judgment as a supplement to their ordinary bargaining practises. In the other case, compulsory arbitration, the movement typically begins outside industry, and the contestants are, if necessary, forced to arbitration by the power of the state. The former practise is of long standing and has been widely used in many countries. Very frequently arbitration is the tactical plea of the weaker party, but time and again it has appeared to be a real convenience to both contestants as a way of ending or averting costly strikes and lockouts. In a number of cases, moreover, it is used not merely as an occasional recourse but as a permanent part of the bargaining machinery. It has particular advantages in the interpretation and application of a collective agreement already in force. More rarely it is employed, as under the present plan for the settlement of American railway disputes, for the much more difficult problem of the terms of a new agreement. The methods of choosing arbitrators show somewhat similar variations. They may be public men—judges, lawyers, clergymen, professors—either chosen for particular controversies or named as permanent arbitrators in the agreement. They may be officials appointed for such purposes by the government, as under the British Industrial Courts Act. In extreme cases, such as that of the Chicago clothing trade, they may be men devoting their full time to service as "judges of common pleas" within the industry. A recent variant of voluntary arbitration has arisen in the provisions introduced in a number of non-union plans of employee representation for the reference of disputed points to outside authorities. The attempt is to answer the objection that the decisions of "company unions" rest ultimately on the balance of power between a powerful corporation and an unsupported group of workers; but so far there is little evidence that these provisions have been used in practise. The older methods of voluntary arbitration, however, represent an admittedly valuable contribution to the technique of collective relationships. Their most obvious shortcomings lie in the fact that they rest entirely upon consent—consent to arbitrate and consent to abide by the decisions—and that they are quite unlikely to cover either the whole of industry or its most embittered sections.

Voluntary arbitration arises within industry. Compulsory arbitration arises by pressure from outside, when voluntary methods fail or when there is other reason for public dissatisfaction.

When workers and employers fail to agree, the "general public" suffers, and this "party of the third part" may intervene to protect its own interest in industrial peace. Or, on the other hand, sympathetic observers may wish the government to intervene in favor of wages and conditions better than unorganized workers are likely to secure by their own efforts. This latter motive has often led to minimum wage and trades boards legislation, whose working sometimes approximates that of arbitrarion proper; and it played a large part in the agitation for compulsory arbitration, at least in Australia and New Zealand. Yet there can be no doubt that the demand for industrial peace has been the chief driving force in the movement. Compulsory arbitration is an expedient that is not likely to be seriously urged until unionism is strong enough to threaten interruptions of the production of necessary services. It has, however, not only been urged but tried, as either a temporary or permanent measure, in a number of countries. In the nation of its first adoption, New Zealand, the system has been in operation since 1894. South Australia also passed a law in the same year, but the serious use of arbitration in Australia did not begin until the first years of the present century. Now, however, four of the six states have complete arbitration systems; the two others have wages boards that with the increasing unionization of the workers tend more and more to approach arbitration in practise; and the most famous of all arbitration tribunals, the Commonwealth Court of Conciliation and Arbitration (established 1904), has become the chief agency of wage determination under a steadily broadening definition of "interstate" disputes. In these two countries the conditions under which the overwhelming majority of wage earners work are set by these bodies; and, in spite of constant criticism on points of detail and occasional sectional attempts to secure their abolition, as for example by New Zealand workers in 1911 and New Zealand farmers in 1928, the broad principles of arbitration are quite generally accepted.

Before the war these experiments stood almost alone. Canada, to be sure, has had its Industrial Disputes Act in force since 1907, and an adverse legal decision in 1924 has limited rather than ended its operation. Yet this law, which was later imitated in Colorado and South Africa, provides for compulsory investigation rather than arbitration proper. Boards are to issue "recommendations" rather than awards, and the parties are at liberty to reject them. Strikes are illegal only during the investigation, and even this modicum of compulsion has in practise been used much less than the conciliatory provisions of the act. During the war, on the other hand, many nations turned to compulsory arbitration. The emergency intensified the demand for uninterrupted production and was felt to justify and make possible the use of unprecedented compulsion. As a result a large number of temporary tribunals were established, among them the American National War Labor Boardand the British Committee on Production. In most cases these bodies were disbanded or lost their compulsory powers shortly after the Armistice, but perhaps an effect of the widespread familiarity with the method has been seen in the number of post-war experiments. In 1920 the state of Kansas created an industrial court with extensive powers over employers and workers in industries of public importance, but its functioning was ended by a series of decisions by the United States Supreme Court (1922, 1924) declaring essential features of the act unconstitutional. In European countries, however, more extensive use has been made of the principle. Norway from 1916 to 1923 employed compulsory arbitration in disputes which the government considered dangerous to the public interest; since that time compulsion has been employed only in the so-called "justiciable" cases of the interpretation of existing agreements. Germany began similar experiments at about the same time, and has retained the principle of compulsion for both types of controversies, though the emphasis is placed on the encouragement of voluntary agreements, and the power to make new and binding awards is severely limited and rarely used. Soviet Russia has naturally emphasized the part of the state in wage regulation and in some cases by forms approximating arbitration in the western countries. At the other end of the political scale, moreover, Fascist Italy has shown itself one of the latest and perhaps the most thoroughgoing of converts to the principle by a 1926 law, which, according to its advocates, "forbids the autodefense of classes" and provides the alternative of a "complete and organic" system of industrial law.

The tribunals established under these diverse laws are often courts presided over by judges drawn from the regular judiciary or with similar qualifications and privileges. They are sometimes assisted, however, by assessors represent-

ing employers and employees respectively; and procedures are frequently simplified and rules of evidence relaxed to fit the somewhat inchoate matters of controversy. In form, then, compulsory arbitration is at least a semi-judicial process. Is it judicial also in the sense of proceeding to its judgments on the basis of precedent and established principle? The claim is made for the more regular forms of voluntary arbitration, and a fortiori for the compulsory type, that they are creating "a common law for industry" and taking over "a new province for law and order." Certainly it is true that argument frequently takes the form of reference to previous decisions, and that particular boards or courts have built up something like common bodies of practise covering a wide range of subjects. Recognized rights and procedures grow up around such matters as discipline and discharge, and a number of "principles" of wage settlement have been enunciated by thoughtful arbitrators or by students interpreting their decisions. Certain of these are admittedly useful but admittedly partial. Wage adjustment with relation to changes in the cost of living of course offers no complete solution, since no one would accept the principle of the permanent stabilization of real wages at the status quo; yet its use, as in the automatic variation of wage rates under Commonwealth awards in accordance with quarterly fluctuations in an index of living costs, may be of real value in eliminating the many disputes that arise simply out of price movements. Similarly the doctrine of standardization, or the equalization of pay for similar work within or between industries, throws no light on the question of how high the general level should be.

A far more ambitious principle is that of the living wage. Wages must be enough to live on: they must make possible the satisfaction of "the normal needs of the average employee regarded as a human being living in a civilized community." A "basic wage" so established must be "sacrosanct" whatever the difficulties of industry. This doctrine has had great influence upon arbitral decisions. Attempts to define how much is "enough" have led to elaborate budgetary studies, and in two of the Australian states special bodies have been established with "the declaration of the living wage" as their principal function. But enough for how many? Living wages for men have commonly been calculated on the "family-of-five" basis, but critics have pointed out that this means paying bachelors and men with small families for "phantom" dependents and at the same time leaving unsupported many "flesh-and-blood" children in larger families. It is therefore not surprising that the first two governments to adopt general plans of family endowment have been those of New Zealand and New South Wales, whose courts have long attempted to apply the living wage doctrine. This principle, moreover, offers no guidance for the payment of the workers above the basic wage; and for them the courts rely largely on customary differentials for skill, training, etc. But if the living wage is thought of as setting a lower limit for wage determination, certainly an upper limit is set by industry's "capacity to pay." In one form or another, perhaps only tacitly in basic wage cases but explicitly in all others, this criterion has appeared in all arguments. Yet on the questions of how this capacity is to be measured, whether by the rough test of unemployment after the fact, or by an elaborate index of national productivity, past and prospective, as suggested by a Queensland economic commission, or by some other means, and as to how far particular businesses or industries may be sacrificed without loss to production as a whole, both arbitrators and theorists are very far indeed from agreement. These doctrines, then, are useful generalizations but hardly a body of established principle. Arbitration is still largely legislation and compromise. The choice among rival and conflicting doctrines leaves ample room not only for the "equity and good conscience" which the Commonwealth act commends to its judges but also for expediency and good policy.

In enforcement, also, compulsory arbitration falls somewhat short of the full force and character of law. It is true that its awards are supposed to be binding; and although in certain jurisdictions "legal strikes" may take place under specified conditions, it is typically of the essence of the system that strikes and lockouts are prohibited. Moreover, violations have been punishable by substantial fines upon both individuals and organizations, and in Kansas and elsewhere even by imprisonment, as well as by certain penalties, oftentimes more effective, that consist of depriving the offending union of some of its privileges under the system. Yet the enforcement of these provisions, as against the workers and their organizations, has rarely been complete. Prosecutions are far less frequent than flagrant violations. It is hardly possible to put the entire body of striking workers in jail, and the imprisonment of their leaders is often felt to be

an undesirable way of making martyrs. Even fines, moreover, are frequently remitted for the sake of future good will. It is this laxity in the earlier systems which the authors of the Italian law were most anxious to avoid, yet it has often been defended as essential to the conciliation which is a vital part of most arbitration systems. "The extent to which compulsion has actually been applied has been insignificant in comparison with the degree of settlement through voluntary processes." Agreements reached directly between the parties, sometimes under the tactful encouragement of the judge, frequently have the force of law; and elaborate awards handed down by the courts are often, save for one or two contentious clauses, entirely the work of the contestants. Rigor of enforcement has often been deliberately sacrificed to the encouragement of this spirit of conciliation.

What, then, have been the results of these experiments on the border line between law and persuasion? Common effects could hardly be expected of such diverse methods, nor is there a consensus of opinion among students in the field. Yet certain suggestions, largely negative, may be ventured. The most obvious is that the system has nowhere brought about complete industrial peace. Even New Zealand is no longer "the land without strikes," though it still appears to be the least strike ridden of modern nations. Australia has many stoppages, although few outside the three turbulent groups of miners, dockers and seamen. It may be significant that Australian workmen strike somewhat more often than those of non-arbitration but largely non-union America, but that Australia loses far less time per worker than non-arbitration but largely union Great Britain. The two arbitration countries, moreover, have had the fewest strikes, in proportion to union membership, in the world. Yet this statement involves some circularity, since arbitration typically encourages the growth of unionism. Its technique rests on the representation of workers by their organizations. In practise it protects and stimulates union membership among the less skilled and less courageous workers. At the same time it involves some degree of public control over the unions—in the Italian case a very stringent one—and there can be no question that its tendency has been to turn them from "militant" to "litigious" and perhaps to political organizations. But what has it done to the wages and working conditions which unions attempt to improve? There is no evidence that it has greatly affected their general level, and trends of wages have been much alike in arbitration and non-arbitration countries. Very likely it has somewhat stabilized wage rates, acting as a brake in times of both rising and falling prices. On the whole it appears to have had a more powerful influence in altering the distribution of income within the working class than between classes. Its most marked effect, both in war time cases and in the longer experience of Australia and New Zealand, seems to have been to reduce the differences between the different grades of labor through its greater emphasis upon the living wage than upon the importance of differentials. As a consequence the rates of pay for skilled and unskilled labor run remarkably close together in the older arbitration countries, with great advantages in the lessening of primary poverty but with danger to the provision of skilled labor. For this last and for other reasons critics charge that the system impedes the proper distribution of the working force between occupations and lessens the incentives to efficiency. Moreover there are many complaints that its lengthy awards fetter industry with innumerable harassing restrictions and that its very structure accentuates the dichotomy of employers and employees. Yet it is by no means clear that either of these objections would apply more forcibly to arbitration than to the strong unregulated unionism which would in many countries seem its most probable alternative.

Current discussion, indeed, appears to recognize that both the merits and defects of compulsory arbitration have in the past been greatly overstated. Conservative critics are now far more likely to attack the system for "rigidity" than for "confiscation," and its radical opponents more often oppose it because of its effect on the morale of the labor movement than because they believe that it robs the workers of much they could otherwise win for themselves today. Similarly very few of its advocates would claim that arbitration can abolish either poverty or industrial conflict, but many would agree that it contributes a useful technique of industrial adjustment.

CARTER GOODRICH

See: CONCILIATION, INDUSTRIAL; COURTS, INDUSTRIAL; COLLECTIVE BARGAINING; TRADE AGREEMENTS; STRIKE; MINIMUM WAGE; COST OF LIVING; FAMILY ENDOWMENT.

Consult: Webb, S. and B., *Industrial Democracy* (London 1920) pt. ii, ch. iii; Burns, E. M., *Wages and*

the State (London 1926); Feis, H., *The Settlement of Wage Disputes* (New York 1921), and *A Collection of Decisions Presenting Principles of Wage Settlement* (New York 1924); Soule, George, *Wage Arbitration: Selected Cases 1920 to 1924* (New York 1928); Heaton, H., *Modern Economic History* (3rd ed. Adelaide 1925) ch. xvii; Higgins, H. B., *A New Province for Law and Order* (London 1922); Reeves, W. P., *State Experiments in Australia and New Zealand*, 2 vols. (London 1923) vol. ii, ch. i; Anderson, George, *Fixation of Wages in Australia* (Melbourne 1929); Queensland, Economic Commission on the Queensland Basic Wage, *Industrial Arbitration* (Brisbane 1925); National Industrial Conference 1928, *Report of Proceedings* (Wellington 1928); articles in *International Labour Review*, especially "Conciliation and Arbitration of Industrial Disputes," vol. xiv (1926) 640–59, 833–60, vol. xv (1927) 78–97; and decisions of various tribunals.

ARBITRATION, INTERNATIONAL. Arbitration marks an advanced stage in social organization. The settlement of private disputes by that method rather than by force is essential to any organized society. In private affairs the arbitral process is exemplified in early stages of Greek and Roman law in the obligatory resort to private arbitrators and later to established courts. In the public field arbitration was employed from time to time by the Greek city-states, and it played a considerable part throughout the Midde Ages in the solution of interstate disputes. It is not surprising, therefore, that with the growth of the modern state and with the increasing complexity of international relations the resort to arbitration has within certain limits become institutionalized.

International arbitration was defined by the Hague Convention of 1907 as "the settlement of disputes between states by judges of their own choice and on the basis of respect for law." This definition seems too narrow, for arbitration includes every submission of a dispute to final decision by an impartial judge or court. The method of appointing the arbitrators or judges, whether ad hoc by the parties or by election by some independent body, and whether these judges hold temporary or permanent tenure, is less important than the actual judicial process which determines the issue. Its judicial character is the distinguishing mark of arbitration—a factor which has been deemed to limit the scope of arbitration to only certain types of disputes.

The fact that arbitration before the establishment of the Permanent Court of International Justice in 1920 usually involved the selection of judges by the parties has led to the belief that decision by a fixed tribunal such as the Permanent Court of International Justice constitutes a different process, which has been called "judicial settlement," and that arbitration is not judicial settlement. This is an error. No distinction should be made between arbitration and judicial settlement—for a difference in the method of obtaining judges implies no differentiation in the process of submission and determination. Both may be said to constitute arbitration and both are judicial.

Its judicial character and the finality of the award rendered differentiate arbitration from such diplomatic measures as the offer of mediation and good offices and from such processes as conciliation, inquiry undertaken by international commissions for the investigation of disputed facts, the procedure of making recommendations or the reconciliation of differences without binding finality. The political conclusions of such a body as the Council of the League of Nations, reached not on a basis of law without formal hearing but by independent consideration on a basis of political expediency, must also be distinguished from arbitration.

The Jay Treaty between the United States and Great Britain (1794) marks the beginning of the modern period of international arbitration. Under that treaty three important arbitrations were held. The nineteenth century is replete with arbitrations, involving mainly boundary disputes and pecuniary claims arising out of injuries to aliens. Among the most notable arbitration cases have been those between the United States and Great Britain, including the *Alabama* Arbitration, the Venezuela-Guiana Boundary, the San Juan Water Boundary, the Alaska Boundary Arbitrations and later the Bering Sea Arbitration. Moore's collection of international arbitrations is a repository of the history and awards of the principal arbitrations of the nineteenth century.

The movement for institutionalized arbitration may be said to have begun with the Hague Conference of 1899, from which issued the Hague Convention for the Pacific Settlement of International Disputes (amended in 1907). That convention provided not only for arbitration among the signatory powers of such disputes as they voluntarily agreed to submit, without the exception of any class of cases, but also provided for mediation and international commissions of inquiry. It established the Permanent Court of Arbitration, to be selected by the parties ad hoc from a panel of

some 120 judges nominated by the various countries. To that tribunal, which still exists, some twenty important cases have come. A special agreement (*compromis*) is required in each case, defining the subject matter of the dispute and the powers of the arbitrators. The effort to make arbitration obligatory, a proposal which was voted down at the Hague Conference, has nevertheless been renewed in various forms. The Franco-British Treaty of 1903 was the model for the obligatory arbitration treaties which it was hoped would be adopted, although the obligation was very slight. By this treaty the parties agreed to submit "differences which may arise of a legal nature or relating to the interpretation of treaties . . . provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting states and do not concern the interests of third parties."

The United States took an active part in sponsoring the movement for obligatory arbitration in a series of treaties beginning with the Root treaties of 1908. These too, however, excepted disputes involving "vital interests," "independence" and "national honor." The commitment in fact was far behind the actual practise of the United States and Great Britain, for those countries had submitted to arbitration important political questions such as the *Alabama* and Venezuela cases, in the former of which Great Britain had first contended that it affected her "honor" and in the latter that it was "political." However, the United States, in an effort to meet the wishes of persons vaguely desirous of promoting peace, signed similar treaties with Great Britain and six other countries. The Senate amended the treaties so as to require its approval for any special agreement to submit specific questions. President Roosevelt first declined to present the treaties to foreign countries in their altered form; but in 1908, when Elihu Root became secretary of state, they were submitted and ratified. The result is that it is now more difficult for the United States to arbitrate a case than it was in 1794, for special treaties are now usually required as a preliminary to arbitration, whereas formerly an executive agreement sufficed. In the Taft-Knox treaties of 1911 with France and Great Britain respectively, provision was made for the submission of "justiciable" controversies and for a joint commission to pass on the question of justiciability in each case. Justiciability is an alternative term for questions of a "legal nature." The Senate struck out the provision for the joint commission and made numerous reservations concerning so-called "domestic questions," such as the admission of aliens, debts owed by any state, and the Monroe Doctrine. President Taft thereupon abandoned the treaties. In 1913 the so-called Bryan treaties were negotiated with various powers, providing for the submission of all disputes to an international commission for investigation and report. They were known as "cooling-off" treaties, for pending the report war was not to be declared or hostilities begun. Additional treaties of this type have been concluded in recent years, and there are now some thirty treaties in force between the United States and other powers. They have never been actually applied, and as they are practically limited to the determination of disputed questions of fact, they are, contrary to the views of their author, of very limited utility.

After 1919 the United States concluded two treaties on the Root model of 1908 with Sweden and Liberia. The Bryan treaties still remain in force, and in 1928 Secretary of State Kellogg negotiated new arbitration treaties designed to take the place of the Root treaties. The treaty with France, already ratified, has been the model. It provides for the submission of justiciable disputes to arbitration but excepts any dispute which "(a) is within the domestic jurisdiction of either of the High Contracting Parties, (b) involves the interests of third parties, (c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine, (d) depends upon or involves the observance of the obligations of France in accordance with the Covenant of the League of Nations."

The old exceptions of "vital interest, independence, or honor" are thus replaced by new ones believed to be narrower and more precise in scope. The defect of treaties providing for arbitration of legal questions yet excepting from the obligation broad types of issues perhaps not legal in character at all—the existence of the exception to be determined by either of the parties—is that actually they constitute no agreements to submit anything, or at best, agreements to submit everything but that which is important. It is far better for the institution of arbitration to make a positive committal to submit given specific questions without exception.

The effort to make arbitration obligatory was accompanied by an attempt to establish a court with a fixed personnel. The so-called "Court of Arbitral Justice," projected at the Second Hague Conference, failed of establishment because of inability to agree on the selection of a limited number of judges from many states; but that obstacle was overcome in 1920 by the foundation, through a Commission of Jurists acting at the request of the Council of the League of Nations, of the Permanent Court of International Justice. A provision for obligatory arbitration, when recommended by the Committee of Jurists, was modified by the Council of the League on the ground that it involved a departure from the Covenant. The Council provided, instead, that states could *elect* to make arbitration between them obligatory, unconditionally or on condition of reciprocity or for a specified time. Some thirty-five states have signed the so-called "optional" clause (Article 36 of the Statute of the Court), and of these some twenty have ratified. Several of the Great Powers have signed, and Germany has ratified, the clause. Under that clause the signatories agree to permit themselves to be arraigned unilaterally upon the demand of another signatory on any question involving: the interpretation of a treaty; any question of international law; the existence of any fact which, if established, would constitute a breach of an international obligation; or the nature and extent of the reparation to be made for the breach of an international obligation. These are the topics mentioned in Article 13 of the Covenant of the League as "generally suitable for submission to arbitration or judicial settlement." No special agreement is required, and the court determines whether the issue is of a type included in the article. A number of bipartite treaties of obligatory arbitration have been concluded independently. The peace treaties provide that certain types of cases shall automatically go to the Permanent Court; and the court has been given obligatory jurisdiction over certain questions involving aerial navigation, the protection of minorities, the African liquor traffic, communication, the arms traffic convention and the Barcelona waterways convention. Practically none of these provisions has yet been tested, although Belgium has invoked the court's compulsory jurisdiction in its dispute with China arising out of China's denunciation of the treaty of 1865.

Attempts at introducing the principle of arbitration since the war have been made whenever possible in all countries. The Protocol for the Pacific Settlement of International Disputes, drafted at Geneva in 1924, which set up an elaborate scheme for outlawing all aggressive war, with an obligation to submit practically all disputes to obligatory arbitration, may be regarded as dead. On the other hand the European signatories of the Locarno treaties of 1925 have by those treaties agreed to submit to an arbitral tribunal or to the Permanent Court of International Justice any legal question, particularly of the type mentioned in Article 13 of the Convenant of the League, namely: the interpretation of a treaty; a question of international law; a fact which would constitute a breach of an international obligation; and the nature and extent of reparation for such breach. In 1928, with the intention of supplementing the Locarno treaties, the Committee on Arbitration and Security of the League of Nations submitted to the Assembly of the League three "model" arbitration and concilation conventions which attempt to differentiate between "legal" and "non-legal" disputes, the former to be submitted to arbitration, the latter to conciliation; but thus far no state has accepted the model conventions.

The Latin American states have been especially devoted adherents to the principle and practise of arbitration. Their similarity of origin, culture, legal tradition and political experience facilitated the resort to arbitration. Boundary disputes among them have been frequent, but with minor exceptions they have been settled by arbitration. During the nineteenth century these countries have been parties to eighty-four arbitrations.

The First Pan-American Conference in 1889 declared arbitration to be a principle of "American International Law." The second conference in 1901 and the third conference in 1906 similarly expressed adherence to arbitration in principle, but inability to agree on the scope of arbitration arising from the conflict of interest between the United States and Latin American countries prevented the ratification of the actual treaties proposed. The later conferences have been attended by greater success. At the fourth conference in 1910 a General Claims Convention was adopted for the submission to the Permanent Court of Arbitration at The Hague of all claims for pecuniary losses and was ratified by the United States and by eleven Latin American countries. At the Fifth Pan-American Confer-

ence in 1923 the Gondra Treaty was adopted providing for the submission of all except constitutional disputes to commissions of inquiry.

At the sixth conference at Havana, 1928, it was agreed to call a special conference in Washington in December, 1928, for the purpose of adopting a multilateral treaty for the solution of differences of a "juridical character." By the treaty, adopted in January, 1929, the twenty republics agreed to submit to arbitration "differences" arising "by virtue of a claim of right . . . which are juridical in their nature by reason of being susceptible of decision by application of the principles of law." It then specifies these questions as the four contained in Article 13 of the Covenant of the League and Article 36 of the Statute of the Permanent Court, namely: the interpretation of a treaty; a question of international law; a fact which would constitute a breach of an international obligation; and the nature and extent of reparation for such breach. The treaty excepts questions which are within the "domestic jurisdiction" of a state and which international law does not control, as well as those which affect the interest or refer to the action of third states—an exception deemed broad enough to include the Monroe Doctrine, which was not mentioned. Seven states—Brazil, Cuba, Haiti, Nicaragua, Panama, Peru and the United States—signed the Pan-American Treaty of Arbitration without reservations. The other thirteen states made reservations of a somewhat limited character, for the most part simply declaratory of international law.

In 1907 the Central American republics had set up a permanent arbitral tribunal—the Central American Court. After deciding several cases the court was abandoned in 1917 as a result of the rejection by Nicaragua of the court's award regarding the Bryan-Chamorro Treaty. The Central American Conference of 1923 established a new Central American Court, which is to draw its judges ad hoc from a panel of judges appointed by the several states, and which excludes questions affecting sovereignty, independence, honor and vital interests from its jurisdiction.

In the progress of international arbitration some fundamental principles of procedure have been developed which have greatly facilitated the settlement of disputes. Under the Hague Convention of 1907 the two parties must agree upon a *compromis*, which defines the issue in dispute, the mode of appointing arbitrators, the scope of their powers, the language to be employed, the place of meeting and in general the conditions upon which the parties submit the case. Within limits the tribunal may be called upon by the parties to settle details upon which they cannot agree. The duties of arbitrator may be conferred upon one or several persons. If the arbitrator is the head of a state, he is to settle the procedure. Each party may appoint one of its own nationals, in which event there must be an umpire. The parties may appoint agents and counsel to present their cases to the court. The proceedings are in writing, with the submission of cases, counter-cases and, if necessary, of replies, to which exhibits may be attached. Oral argument may supplement the written submission. The tribunal may make rules of procedure for the conduct of the case, deciding the form, order and time in which each party must conduct and conclude its arguments, and may arrange formalities for dealing with questions of evidence. In general the tribunal has broad discretionary powers to determine the procedure for the submission of the case. It may determine its own competence in interpreting the *compromis* and the evidence and in applying the principles of law. The decision is made by majority and is final and without appeal. Any dispute as to the interpretation and execution of the award is to be submitted to the tribunal. The Hague Convention also makes provision for summary procedure, which differs from the regular procedure only in the fact that each party in dispute appoints an arbitrator, and the two thus selected choose an umpire. If they do not agree, each arbitrator nominates two non-national candidates from the general panel of the court, and from these the umpire is determined by lot.

The procedure before the Permanent Court of International Justice, except as to Article 36, providing for obligatory arbitration, does not differ materially except that the parties have nothing to do with the selection of judges; they have only the privilege of nominating a national judge on the court ad hoc, if there is not already a national judge on the court. Proceedings are initiated by the filing of a written "application" addressed to the registrar of the court indicating the subject of the dispute and the names of the contesting parties. The registrar communicates the application to all parties concerned and to the secretary general of the League of Nations. Procedure before the court is both written and oral, as in the case of the Permanent Court of Arbitration. The hearing in

court is public unless the court, at the request of one of the parties, decides otherwise. The court determines the rules for the conduct of the case and makes all arrangements connected with the taking of evidence. The court may call upon the agents to produce documents and furnish explanations before the hearing begins and witnesses may be called. The court may entrust to any individual, commission or bureau it may select the task of conducting an inquiry or giving an expert opinion. Decisions by default are possible, provided the court is satisfied that it has jurisdiction and that the claim is supported by substantial evidence and is well founded in fact and law. The judgment is final and without appeal and must express the reasons for the conclusion reached. At the request of either party the court must construe its judgment, if uncertain. A special chamber of five judges, aided by four technical assessors, may deal with labor, transit and communication cases.

The plan of the Pan-American Treaty of Arbitration, 1929, limits the opportunity for disagreement on the terms of a *compromis*. Such special agreement concerns mere details. Definite provision is made for the setting up of a tribunal if the parties cannot agree, although the parties may select any arbitrator or tribunal they desire. If the parties do not agree upon a tribunal, each party must nominate two arbitrators, of whom one only may be its national. These four in turn select a fifth arbitrator, who is to be president of the court. If the four arbitrators do not agree, an alternative provision is made for the designation by each party of a non-American member of the Permanent Court of Arbitration; and the two persons so designated select the fifth arbitrator. Instead of leaving the final choice of the fifth arbitrator, who may be all important, to the drawing of lots, the choice is made by designated jurists—a provision designed to secure the selection of an impartial and well qualified person. The parties are required to formulate a *compromis* defining the subject in issue, the seat of the court, the rules of procedure and other conditions on which they may agree. If the parties do not reach an accord on these questions within three months from the date of the establishment of the court, the agreement must be formulated by the court itself. The award is final and without appeal.

This machinery makes it more possible to extend the scope of international arbitration. It must not be overlooked that any modern attempt at arbitration, whether through permanent courts or ad hoc commissions, is carried on in a constantly more favorable atmosphere as the peace movement gains in momentum. It is not merely that the principle of arbitration has received a more widespread acceptance. The whole complex of modern life organized upon an international scale is beginning to make imperative the extension of orderly processes to international disputes. There are also more tangible indications of the future place of arbitration in international relations. The provision for obligatory jurisdiction by the Permanent Court of International Justice is a hopeful sign. Though limited in application to legal questions —questions which have rarely caused armed conflicts—it nevertheless should remove from the field of controversy and automatically submit to judicial determination a group of questions always likely to cause irritation. The convention for the Pan-American Court of Arbitration, if ratified by the signatories, should advance obligatory arbitration on the American continent, though it must be recalled that ultimately reliance in such matters must be placed on the good faith of the nations involved. For under the Pan-American Treaty the parties may refuse to nominate arbitrators and thus frustrate the arbitration contemplated. Should the American countries refuse to cooperate in nominating arbitrators, however, it would constitute a breach of the convention, which no nation would lightly undertake. The provisions enabling the court to draw up the details of the *compromis* are a manifest advance over the provisions governing the Permanent Court of Arbitration at The Hague. In defining subject matter the court would be limited by the scope of the treaty.

The problem of the execution of an award is not a serious one. Out of thousands of cases execution of awards has been refused in less than ten, and then always on some plausible ground. The difficulty is not in executing awards but in persuading parties to arbitrate; and the improved modern machinery for inducing submission to arbitration must be welcomed. Nor has experience proved that arbitration is ineffective because arbitrators do not act under a sense of judicial responsibility as impartial judges but as "negotiators," effecting settlements of the questions brought before them in accordance with the traditions and usages and subject to all the considerations and influences which affect dip-

lomatic agents—the method of compromise. It may be doubted whether arbitration results in compromise and in the process of diplomatic negotiation rather than in a decision according to law. An endeavor to find or interpret legal principles, rules and precedents marks the deliberations and decisions of practically all the important arbitrations. If national judges occasionally lean toward sympathy for their own nations this is not true of umpires, even when they are nationals of one of the litigants, or of neutral commissioners. It is not improbable that the cause of arbitration has been unnecessarily harmed by the frequent reiteration during the past twenty years of the allegation that arbitration is not a strictly judicial process and is governed by considerations that an international tribunal with a fixed personnel would escape or avoid. Justice never works automatically for it uses human instrumentalities. These instrumentalities, whether on municipal courts or on international courts, are influenced by a variety of considerations, some of which defy analysis. That the element of compromise plays some part in the application of legal principles to facts need also not be denied; but this is believed to be as important a factor in municipal litigation as it is in international arbitration.

Nevertheless the process of international arbitration could not but be affected by a more definite formulation of principles and rules of international law. Not only would the acceptance of specific doctrines provide a more definite basis for arbitral decisions; but the extension of the rule of law and the consequent limitation of the scope of controversy in the international sphere would make inevitable further resort to the methods and machinery of arbitration. The tendency to formulate general principles must be more marked nowadays when international arbitrations are not as occasional as they were in earlier centuries, and international arbitrators are impartial jurists and not, as formerly, the crown heads of sovereign states who were likely to avoid the statement of general principles which might arise again in the future to embarrass them. However, should the principles of international law remain very much in doubt, the mere availability of the process of arbitration should remove the dangers to international peace which lie in their obscurity. Arbitration will probably and most usefully be limited to issues susceptible of formulation and decision according to principles of law in the broadest sense. Nevertheless, if there is a will to arbitrate, it is probable that political questions might often be formulated in terms susceptible of decision by principles of law or equity. This was true of the *Alabama* Arbitration, in which the parties agreed upon certain rules to be applied; and it was true of the Venezuela-Guiana Arbitration. There is no such fundamental and categorical distinction between legal and political questions as is sometimes assumed, although it may be admitted that the economic and political controversies between nations are not generally susceptible of decision by courts unless a preliminary agreement upon the precise terms of the issue is reached. It is probably true, however, that controversies may be determined either by arbitrators acting judicially or by conciliators and mediators acting politically. Yet it also remains true that the greatest conflicts have not been caused by stated controversies or disputes, but by unexpressed divergence and conflicts of interest, treaties of alliance and similar antagonisms and resentments not formulated in terms of a specific controversy. What controversy or dispute did Germany have with England in 1914? Or Italy and Rumania with Germany? Or most of the Allies with Bulgaria and Turkey? More is needed, therefore, than treaties of arbitration and conciliation. Possibly Article 11 of the Covenant recognizes the deficiency. A more common interest is needed in peaceful adjustments, accompanied by wider possibilities of mediation and good offices at the incipient stage of difference, before controversy arises.

EDWIN M. BORCHARD

See: MEDIATION; INTERVENTION; AGREEMENTS, INTERNATIONAL; TREATIES; EXECUTIVE AGREEMENTS; INTERNATIONAL LEGISLATION; INTERNATIONAL LAW; INTERNATIONALISM; AGGRESSION, INTERNATIONAL; OUTLAWRY OF WAR; PEACE MOVEMENTS; HAGUE TRIBUNAL; INTERNATIONAL ORGANIZATION; LEAGUE OF NATIONS; PERMANENT COURT OF INTERNATIONAL JUSTICE; ADVISORY OPINIONS, INTERNATIONAL.

Consult: Darby, W. E., *International Arbitration; International Tribunals* (4th ed. London 1904); Ralston, J. H., *The Law and Procedure of International Tribunals* (Stanford University 1929); Moore, J. B., *International Disputes and Their Adjudication* (New York 1929); Ralston, J. H., *International Arbitration from Athens to Locarno* (Stanford University 1929); Moore, J. B., *History and Digest of the International Arbitrations to Which the United States Has Been a Party*, 6 vols. (Washington 1898); *Arbitration Treaties among the American Nations to the Close of the Year 1910*, ed. by W. R. Manning (New York 1924); Toro, G., *Notas sobre arbitraje internacional en las repúblicas latino-americanas* (Santiago de Chile 1898); Hughes, Charles E., *Pan-American Peace Plans* (New Haven 1929).

ARCH, JOSEPH (1826–1919), English agricultural workers' leader and politician. He was the son of a farm laborer and his fearless opposition to the tyranny of squirearchy and his fervor and eloquence developed as a Primitive Methodist local preacher gave him great influence among his fellow laborers. In 1872 he undertook to arouse the agricultural laborers from their apathy and, deprecating violence, advocated organization to secure emancipation and reasonable working conditions. The movement spread with unprecedented rapidity. Within a few months the National Agricultural Labourers' Union was founded, with Arch as its president, and, by demonstrations and strikes, wage increases and improvements in status were obtained. Subsequently the union declined greatly and, encountering bitter opposition from the landed interests, the laborers temporarily lost many of their gains. Arch's campaign, however, had created public interest in rural reforms. To urge these he entered Parliament (1885–86 and 1892–1900) as a Liberal, being one of the first workers elected. He advocated land law reform, allotment holdings, state aided emigration and extension of the franchise to the agricultural laborer. For improved conditions English rural workers owe much to Joseph Arch.

J. H. RICHARDSON

Consult: *Joseph Arch: the Story of his Life, told by Himself* (London 1898).

ARCHAEOLOGY, by etymology the study of beginnings, has historical reconstruction for its objective. It differs from history in its materials. These are artifacts, or objects actually made and used in the past, generally buried or lost subsequently and more recently recovered. Mostly they are not written documents: or if so, they have been transmitted to us not continuously but in the same manner as the artifacts. The ultimate purpose of archaeology is, however, the same as that of history, the authenticated presentation of a series of human events. By the nature of its materials it stresses the daily life of populations, their manufactures and art, religion and customs, in brief, their general culture. It is therefore more nearly related to culture history than to "history" in the current or popular sense; and it may be defined as that part of culture history for which both documents and ethnographic descriptions are lacking.

Some beginnings of archaeology date back to the Renaissance, but they scarcely involved more than the interest of discovery of ancient buildings and works of art. By the eighteenth century stone and bronze implements were finding their way into "cabinets," and antiquarians were hunting artifacts as well as inscriptions. The first general scheme of interpreting inscriptionless ancient material evolved in Scandinavia in 1836, when Thomsen distinguished the stone, bronze and iron ages, for which there was precedent in Lucretius and the legendary knowledge of the ancients. The first half of the nineteenth century witnessed a great interest in archaeology. Pompeii began to be excavated, Champollion deciphered the hieroglyphs in 1822 and therewith launched Egyptology on its career of authenticity. Grotefend as early as 1802 had begun to interpret Achaemenian, and by 1850 Rawlinson was reading the Babylonian as well as the Persian text of the Behistun inscription. The interests involved, however, so far as they were not sheer desire of discovery, were still those of the student of ancient history and art. Hence in the Greek field what was not Greek seemed meaningless and was neglected. It remained for Schliemann, a romantic amateur, to uncover Troy and Mycenae, and thereby "verify Homer." It was thirty years after Schliemann that Evans began to work at Knossos and the frame of pre-Greek Minoan-Mycenaean culture history commenced to take shape.

European prehistoric archaeology as a whole, after its first start in Scandinavia, where the palaeolithic does not occur, had its beginning in France. From 1838 on, Boucher de Perthes preached that rude flint implements of "antediluvian" age were to be found in association with fossils of mammoths and other extinct fauna. He encountered only skeptics until 1855, but a few years later began to make converts among scholars of standing, at first chiefly from England. His case for the palaeolithic was definitely established by G. de Mortillet about 1869. De Mortillet set up four stages or periods of the extreme prehistory of France, all characterized by styles of chipped implements as well as other cultural traits, including depictive art, and more or less correlating with faunal, climatic and geological data. These four periods were the Chellean (until 1878 called Acheulean), Mousterian, Solutrean and Magdalenian. Subsequently the original de Mortillet scheme was extended by recognition of the Acheulean and Aurignacian periods respectively before and after the Mousterian; and of late an initial and a

terminal phase have generally been included in the series: the pre-Chellean and the Azilian.

Definition and classification of the neolithic were slower and are even today less clear. This later stone age is wholly post-glacial and its fauna and flora essentially modern. Its understanding could therefore be little advanced by striking associations of the archaeological with geological and palaeontological evidence. It was not until 1865 that Lubbock (later Lord Avebury) coined the terms palaeolithic and neolithic, or old and new stone ages, the criterion of distinction being chipped versus "polished" (ground) stone implements. These terms are now well established; but their original definition is faulty, in that a period of several thousand years is thought by most authorities to have intervened between the close of the palaeolithic and the first grinding of stone. This gap is by some authorities bridged with a "mesolithic" (Azilian, Maglemosian, Campignian, Tardenoisian). Others call the period pre-neolithic or early neolithic, in distinction from the full neolithic in which stone was ground. The best criterion is pottery. The palaeolithic is pre-ceramic, in Lowie's phrase. The term neolithic is satisfactory as soon as it is understood to denote the ceramic age.

A pre-palaeolithic or eolithic, characterized by very rude chipping of natural flint fragments, began to be advocated soon after the palaeolithic was accepted, but is still not recognized as certain by some authorities. Besides the crudeness of the alleged artifacts, their geological age is an obstacle. Undoubted palaeoliths all fall into the Pleistocene; eoliths occur in the Pleistocene, Pliocene and Miocene, when man can hardly have existed, and have even been asserted for the Oligocene and Eocene—the early part of the age of mammals. There is some tendency among archaeologists of repute to accept the later eoliths as "natural tools," used but not manufactured by early human forms. Still dubious are the recently discovered "rostro-carinate" flints of Red Crag, Foxhall, England, which would also carry human culture back into the Tertiary.

In the gross, the archaeology of the palaeolithic rests on geological and faunal associations. The basis of Pleistocene chronology is the recognition of four glacial and three interglacial periods in Europe and North America; but the highest authorities are not agreed whether the Chellean falls into the second or third interglacial—a difference of perhaps 100,000 years. Nor is the palaeontological scheme wholly clear. Climatic conditions varied locally, and the fauna with them. Lately there has even been an attempt to reduce the four ice ages to two. On the whole, perhaps, the artifact evidence is the most consistent, as far back as the Chellean; and for the later Pleistocene geologists and palaeontologists have come to rely as much on the archaeologist as the reverse. The basis of European prehistoric archaeology is literally millions of artifacts found at many thousands of sites. For the Magdalenian in France alone more than five hundred sites have been discovered. The integration of this vast mass of data has been a long, specialized and gradual labor, analogous to that of stratigraphy in geology, whose ramified extent the non-archaeologist, hungry only for results, rarely appreciates. These results have been predominantly west European, because only there, until recently, have search and comparison been intensive.

Essentially the method of prehistoric archaeology consists of the recognition and correlation of two things: cultural styles and the physical association of these with one another in the ground. Sequence is inferred from the degree of association or non-association of styles with each other and with skeletal, faunal and geological data. Stratification or superimposition of remains is only a particular and most convincing form of associational proof. Even stratifications may lead to error where layers have been disturbed subsequent to deposit.

Roughly the first half of the Pleistocene, in Europe, is pre-palaeolithic. There may or may not have been an eolithic stage at this time. Heidelberg man, already of the human genus and of this time, and the still earlier Pithecanthropus of Java, were found unassociated with artifacts. The first palaeolithic period, the pre-Chellean, probably goes back to the second interglacial. The next, Chellean, in the second or third, had large, rough hewn, but well formed almond-shaped implements (fist-hatchets, *coups-de-poing*), which grade into those of the following period, the Acheulean. Chellean and Acheulean were west European (and African) culture phases. Contemporary with them in east Europe (and probably north Asia) was the pre-Mousterian culture, with smaller implements. There follows, in both west and east Europe, the Mousterian, with small tools "retouched," that is, finely chipped, on one side along one edge. Skeletal remains become fairly

abundant in the Mousterian and are all of the Neandertal species (finds at Gibraltar, Neandertal, Spy, Chapelle-aux-Saints, etc.). They show in some cases burial and grave offerings, suggesting a dawn of religion or at least soul beliefs. From the Chellean and Acheulean there are only fragmentary human bones (Ehringsdorf, Krapina) which, however, seem Neandertaloid.

So far we have the lower palaeolithic, lasting perhaps, with its four stages, from 100,000 to 25,000 years ago. There follows the upper palaeolithic, in which men were of the modern species. This is the reindeer age of the French and also comprises four periods: Aurignacian, Solutrean, Magdalenian, Azilian, falling into several fluctuation phases of the last glaciation, and computed to have ended about 8000 to 9000 years ago. The real cultural differentiation of the upper palaeolithic from the lower lies in the appearance of a series of new cultural activities —bonework, developed bodily ornamentation, art. Bone and horn involve a new technique —rubbing or grinding. The Aurignacian had awls; the Solutrean added needles; the Magdalenian, harpoon points, spear throwers, flutes. Art began in the Aurignacian and culminated in the superb productions of the Magdalenian, both plastic and graphic. The Azilian, a terminal or epi-palaeolithic phase, shows regression, especially in art. The upper palaeolithic culture bearers in western Europe were prevailingly members of the Cro-Magnon race, probably proto-Caucasian. The Grimaldi race (Aurignacian) is generally thought to have Negroid affinities. In central Europe, about Solutrean times, lived the Brünn race, with resemblances to both Neandertal and Cro-Magnon.

The early neolithic is represented by shell mounds in Denmark and Spain and camp sites elsewhere. Pottery is its diagnostic criterion, along with the bow and arrow and semi-domesticated dog. Stone tools were still chipped; bone and horn were much used; decoration was crudely geometric. The full neolithic may have begun in Europe by 5000 B.C. or, according to some recent estimates, only shortly before the bronze age. Now at last axes, etc., begin to be ground and polished—partly in imitation of metal forms cast in the Orient. The important innovation, however, is the introduction of domesticated animals and plants: cow, pig, goat, sheep, wheat, barley, flax for woven cloth. As these are represented in the famous Swiss lake dwelling remains and elsewhere, they are clearly importations from the south and east. Full neolithic pottery is normally decorated, most often by incision.

The bronze age in central, western and northern Europe begins either about 2500 or 1900 B.C., according as one includes a transition period of sporadic copper and gold (and megalithic monuments) or thinks specifically of the time when true bronze was cast. Several subdivisions are recognized, but the entire period in Europe depends on and is influenced by the higher civilizations of the Near East. Still more is this so in the iron age, as the dates of its inception show: western Asia, soon after 1500; Greece, 1250; Italy, 1100; western Europe, 900; Britain, 700; Scandinavia, 500 B.C.

In other continents evidence is far more scattered for the wholly prehistoric period, but some of it is beginning to tie into the European scheme. North and east Africa, Egypt and India contained Chellean-Acheulean implements presumptively coeval with those of western Europe. The north African equivalent of the upper palaeolithic of Europe is the Capsian, with upper, lower and terminal phases. It is marked by a microlithic industry and a distinctive semi-realistic art. The Capsian culture included most of Spain, and during the Azilian and early neolithic its influences invaded Europe, perhaps as far as Scandinavia. Central and south Africa are only beginning to be explored archaeologically, but show stone industries which will probably correlate with those of Europe. There are polished axes or celts in Africa, but no bronze age outside of Egypt, iron appearing to have followed directly on stone. Egypt shows only disputed traces of upper palaeolithic and early neolithic cultures, their remains perhaps being buried deep under Nile mud. Early correlation with Europe is difficult, unless the Nile terraces correspond to glacial epochs. About 5000 B.C. in the early pre-dynastic period, Egypt was already in the full swing of advanced neolithic culture, with thorough dependence on domesticated animals and plants, most of which Europe derived from it or western Asia. Crete contains a well marked neolithic culture lying back of 3000 B.C.

Syrian and Palestinian records go back to the Chellean and Mousterian and include a Neandertal skull. Mesopotamian research, for the pre-writing period, to date very sporadic, has hardly penetrated beyond the neolithic-copper transition (Susa). Anau in southwest Turkestan has yielded an important agricultural inventory. India is a chaos and has not yet been securely

correlated at any point. It has many copper implements but few of bronze. Siberian remains of the Yenisei area show partial resemblances to certain European palaeolithic and bronze horizons, without positive chronological correlation, and the same may be said for the recently made discoveries in China of Mousterian-Aurignacian, Azilian and neolithic implement types. Indo-China and parts of Indonesia are beginning to yield stone implements, especially of full neolithic quality. Australian conditions are difficult, owing to the recent native culture having advanced only little and irregularly beyond the middle palaeolithic level in its stone industry.

It is apparent that there is rich promise of the whole of the Old World integrating into a unified prehistoric scheme. This scheme is likely to be much more complex than the European one, which must accordingly be regarded as a small sample or variant of the larger whole.

The New World shows as yet not a single piece of generally credited evidence of the presence of Pleistocene man. The best evidences of Pleistocene or palaeolithic culture in America are the rude chipped argillite implements in the supposedly glacial Trenton gravels; some very well chipped knives or spear points at Folsom, New Mexico, in association with a bison that became extinct at an unknown period; and, in Patagonian caves, artifacts associated with glyptodon remains. Certainly the great bulk of American prehistoric data seems to be of general neolithic type and level.

The most scientifically explored area in America is the southwestern United States, where under the leadership of Kidder and Nelson a school of students, working essentially by the methods of European prehistoric archaeology, has gradually determined a reliable sequence of two pre-Pueblo (basket maker) and five Pueblo (cliff dweller) periods, with local variants. New York shows an Algonquin, mound builder and Iroquois sequence. The great mounds of the central United States have been dug into for nearly a century, systematically in Ohio, but have hardly yet provided a clear story, probably through inadequate conception of the problems involved. California shell mounds indicate relative stability of culture for a long time past.

Mexico is one of the richest archaeological fields in the world, but little understood, because of the lack of scientific objective and critical method in the work done. Archaic, Toltec or Teotihuacan, and Aztec horizons are accepted for the vicinity of Mexico valley, but in spite of the obvious existence of subphases of these, no sure series is yet determined, and important cultures like the Zapotec and Tarascan remain unplaced in time. For Yucatan-Guatemala, conditions are better, as a result of the decipherment of the Mayan date inscriptions, which have yielded a sure relative chronology, and an absolute one that is correct, with an error not above two and a half centuries, back to about 100 B.C. The story of Maya art and architecture is therefore fairly clear for some 1600 years, but their antecedents remain wholly unknown. Late Maya culture cross-ties at several points with a phase of Toltec, presumably also late. In Peru Uhle laid the foundations of scientific archaeology, and, aided by the presence of two pan-Peruvian horizons, has been able to classify the variant local cultures into pre-Tiahuanaco, Tiahuanaco, pre-Inca and Inca time levels. The earliest of these, however, like Nazca, Chimu, Chavin, appear suddenly, without traceable antecedents, probably not far from the beginning of the Christian era. Considerable exploration has been carried on in Argentina and in the mounds of Brazil, without as yet yielding results that can be safely correlated with those elsewhere. There is no reason to believe that, with the exception of the contested palaeolithic possibilities mentioned, any prehistoric American culture yet known can with conservatism be carried back further than 1000 or 2000 B.C. at the most—a scant record compared with the Old World.

It is evident that the promise of prehistoric archaeology is almost boundless, provided that scientific purpose and rigidly critical use of evidence continue to hold their own against the natural human impulse toward overhasty and romantic speculation. In view of the solid progress of the last twenty-five years, the results due from the next twenty-five, not to say hundred, are practically inconceivable today.

A. L. KROEBER

See: RECORDS, HISTORICAL; HISTORY; PREHISTORY; ANTHROPOLOGY; ART, PRIMITIVE; AGRICULTURE, PRIMITIVE; RACE; CULTURE.

Consult: Keller, F., *Lake Dwellings of Switzerland* (2nd ed. London 1878); Montelius, O., *Sur la chronologie de l'âge du bronze* (Lyons 1885), and subsequent works; Munro, R., *The Lake Dwellings of Europe* (London 1890); Müller, Sophus, *Urgeschichte Europas* (Strasbourg 1905); Dechelette, J., *Manuel d'archéologie* (Mâcon 1908); Pumpelly, R., *Explorations in Turkestan*, 2 vols. (Washington 1908); Hoernes, M.,

Natur- und Urgeschichte des Menschen, 2 vols. (Vienna 1909); Obermaier, H., *Mensch der Vorzeit* (Munich 1912), and *El hombre fosil* (Madrid 1916); Joyce, T. A., *South American Archaeology* (New York 1912), *Mexican Archaeology* (New York 1914), and *Central American and West Indian Archaeology* (New York 1916); Osborn, H. F., *Men of the Old Stone Age* (3rd ed. New York 1918); Peet, T. E., *The Stone and Bronze Ages in Italy and Sicily* (2nd ed. Oxford 1920); Burkitt, M. C., *Prehistory* (London 1921); Macalister, R. A. S., *A Textbook of European Archaeology* (Cambridge, Eng. 1921); Spinden, H. J., *Ancient Civilizations of Mexico and Central America* (2nd ed. New York 1922); Boule, M., *Les hommes fossiles* (2nd ed. Paris 1923), tr. by J. E. and J. Ritchie (Edinburgh 1923); Kidder, A. V., *Introduction to the Study of Southwestern Archaeology* (New Haven 1924); Morgan, J. de, *L'humanité préhistorique* (Paris 1921), tr. by J. H. Paxton and V. C. C. Collum (London 1924); Sollas, W. J., *Ancient Hunters* (3rd ed. London 1924); MacCurdy, G. G., *Human Origins*, 2 vols. (New York 1924); Childe, V. G., *The Dawn of European Civilization* (London 1925); Keith, A., *The Antiquity of Man*, 2 vols. (2nd ed. London 1925); Moir, J. R., *The Antiquity of Man in East Anglia* (Cambridge, Eng. 1928). The data on Siberia and China are reviewed by G. von Merhart, "The Palaeolithic Period in Siberia" in *American Anthropologist*, n. s., vol. xxv (1923) 21–55, and N. C. Nelson, "Archaeological Research in North China" in *American Anthropologist*, n. s., vol. xxix (1927) 177–201.

ARCHITECTURE.

THROUGH THE RENAISSANCE. The word "architecture" is best explained as meaning the art of building. If an attempt is made to set up any distinction between architecture and building many difficulties arise. Only big and ornate erections will claim the grander word. Or if we try to make beauty the test, it might lead to the discovery that architecture was the work of old builders but not of modern architects. In attempts to isolate architecture we are likely to be told that it is obviously more than *mere* building, but this qualifying word will not be explained. The arts of ship building and car building do not limit themselves to mere momentary convenience, and they hold due regard for soundness, shapeliness, precision and workmanlike finish. We should profit greatly if we could substitute the thought of an intelligible developing art of building for the mystery of architectural styles. Other activities are discussed in terms of fact and substance, but unhappily we speak of architecture in terms of style.

Histories of the building art usually exhibit this misplaced emphasis, and are for the greater part chronological descriptions of appearances and effects. For modern use we require histories of building of several varieties. One should be rigidly confined to structural problems, an account of what has been accomplished by walls, vaults and windows. Another should attempt to reveal the minds of the builders and explain the deep religious, magical and political elements in ancient art.

Some beginnings of building imagination may be traced back to the time when man had his dwellings in caves and his sacred places on the peaks of the mountains. The art of building itself had its origins in dealing with such humble materials as mud, timber and reeds. That most primary element, the wall, was probably first formed of mud; the arch, vault and dome certainly were. The rounded top to an opening was first of all a hole in a mud wall. Then when the mud was broken up into sections forming crude bricks, the same rounded form was taken over and constructed in several ways until finally the arch of wedge shaped units was found in the ways of workmanship. The arch has been called a great invention, but it is difficult to see at what point in the process we should put the invention. The vault and the dome were evolved in exactly the same way. The combination of wood and reeds with mud was the basis for many further developments. Dörpfeld long ago showed that the mature Greek temple retained vestiges of primitive mud and timber structures. Eastern domes rising to a point found their beautiful forms in a framework of bent reeds or sticks. Columns began as stems of trees and bundles of reeds, and from the latter are derived the fluting and reeding of masonry shafts. Roofs were commonly flat terraces formed of poles overlaid with clay. The projecting edges or eaves were the prototypes of cornices; dentils were the ends of the poles; in early examples these dentils are round and close together. Such were the material origins of architecture.

The art of building not only satisfied the needs of the body but it had also to minister to the mind. What we call monumental architecture emerged in the age of kings and priests. It was concerned with the building of temples and the tombs and palaces of god-kings. The sacred and magical character of this old architecture has not been sufficiently understood. Not only was it employed for sacred buildings but it was called out, formed and stimulated in these offices. Without the magic priestly demand the art as we know it would not have existed. Building itself was a magical procedure associated with many rites; the stability of

structures depended on certain observances, and what we call ornament protected them from evil spirits. Early sacred building was a work of wonder, and decoration was a sort of magical tattooing. Gorgons, sphinxes, griffins, the palm tree and the lotus were all protective and emblems of good luck.

In seeking sacred rightness sympathetic relations were set up between the building and the universe, conceived as a larger structure. The most recognized example of this way of thinking is the custom of orientation common to the earliest pyramids and our latest churches. The sacredness of mountains and "peak sanctuaries" seems to have led to their imitation by man in the *ziggurats*, or stepped pyramids of Chaldea. Temples of Egypt, Babylonia and Greece had ceilings representing the sky, and every temple was a localization of some paradise or sacred place.

It has long been supposed that architecture first attained what may be called city consciousness in Egypt, but many recent discoveries in western Asia are putting this in doubt. The Sumerians had a forward place in the advance, and some royal graves at Ur which were covered by vaults may, it is said, be dated far back in the fourth millennium. Whatever may have been the exact relations of Egypt and Asia, it still seems certain that the architecture of wrought stone was first largely practised in the valley of the Nile, where various fine stones might readily be obtained. When once the use of wrought masonry became customary in building, stone became the subject of a special enthusiasm and fine masonry a cult. Great blocks were quarried, and they were more and more accurately fitted together; then hard materials were searched out and they were finished with polished faces. Again there was something of magic in all this. Sacred works to be perfectly in relation to the universe had to be very exactly built and finished. The great pyramids, which seem to be artificial mountains (perhaps the paradise mountains), were adjusted to the four cardinal points with great precision, and their faces were as nearly as possible perfect planes finished to a polished surface. The casing of the great pyramid is a fair white limestone and when it was newly built it must have shone like an Alp.

The materials used in building were not only conditioning and limiting factors; they were inspirations as well. The magnifying of an interest in materials and a worship of workmanship have been constant elements in the evolution of architecture. In Egypt mighty pillars, colossal polished granite statues and obelisks over a hundred feet high witness the significance of these factors mixed with the magic instinct and a grandeur "complex."

Architecture, as we know it, in a very large degree came out of Egypt. The methods of working hard stone by means of tubular drills and emery saws observed in the monuments of Crete and Mycenae show that Egyptian traditions of work were followed. Testing of flat surfaces by contact with a reddened plane as practised in Greece was an Egyptian custom. The practise of setting out the sizes of buildings by a large unit, such as ten or twenty feet or cubits, was common to both Egypt and Greece. Even our modern standard of measurements, the foot, we probably owe to Egypt. On a great unfinished obelisk which still lies in its quarry bed, lines are marked averaging 11.77 inches apart. This is so very close to the old Greek foot and Roman foot that it seems there must have been continuity of use.

The importance of Minoan art in the second millennium B.C. as the foundation of Greek art has hardly been recognized except by specialists. It was an art of considerable power and refinement, deriving from both Egypt and the Orient. In the artistic sphere Crete was indeed, as it has been called, "the forerunner of Greece." There was some interruption in development, or rather interference, for continuity in arts and traditions was never lost. Greek art was, however, in a large degree the working out of the Minoan mind impulse. The Greek temple building which seems to us the perfection of culture was in fact the result of a quick smoothing and refining of a matter full of primitive survivals. In Minoan art the pillar had been a symbol of power and stability, and some memory of this must have remained in the thought of a people who so magnified and multiplied their columns. The peristyle of a Greek temple had in its origin a structural justification as wooden posts supporting an overhanging roof and thus protecting the mud brick walls of the sanctuary; but multiplication of great marble columns, so that some temples had five score and more of them, must have been the working out of a columnar impulse of the mind, a pillar psychology. And this achieved such a hold that when architecture reached a period of decadence and passed into the ostentation phase it was customary to build many great

pillars merely for display. The roots of the pillars were nevertheless in Minoan and oriental cults, and the Ionic variety of the column, which was developed in Asia Minor, seems certainly to derive from Hittite and Babylonian representations of sacred palm trees.

The special grandeur of the Greek temple portico had an affinity with the aggrandizement of Egyptian pylons. The temple door was the gate of heaven. A late Greek writer describes the temple of Zeus at Olympia as "imitating the sky." Doubtless as usual the ceiling was set with gilt stars on a bright blue ground; and the square area of black marble in front of the amazing gold and ivory image of the god may have represented the spring of waters above the firmament. Noble sculptures in the pediments of Greek temples were outgrowths of such early imagery as the lions of the gate of Mycenae, and the gorgons of archaic Greek work were protective before they were "decorative." Acroteria on the pediments were frequently representations of apotropaic creatures, griffins, sphinxes, gorgons. The great central acroterion of the Parthenon so closely resembled the horns of consecration set on Aegean buildings that it may not be doubted that it descended from them. The minor decorations of palmette patterns and "egg and tongue" were at bottom protective signs of good luck. "Eggs and tongues" were lotus petals.

One of the impulses underlying Greek architecture was delight in accurate stone cutting. The stones used in temple buildings were not only large, hard and fair but they were polished on the surface. Perfection in jointing was called *harmonia*, and it was so much desired that it may have given that word its extended meaning. Such thoughts were already embodied in Minoan buildings. The great doorway of the treasury at Atreus in Mycenae was cased with hard marble of two or more colors very accurately worked and highly polished, while small discs of glittering glass were inlaid in the red marble slabs carved with delicate spiral patterns. It has not been generally recognized how far the finishing of the marble surfaces of Greek temples was carried. Parts of the Parthenon sculptures still retain a reflecting polish. As it seems clear from the records and other evidence that the Erechtheum was wholly polished, it is probable that the greater temple was also treated in that way. The fair and shining surfaces were further embellished by delicate details added in gilding and bright color.

Greek builders in setting out the exact dimensions of their sacred buildings followed certain schemes of related measurements which we call proportion. Much has been written on this subject, but what can be demonstrated and by many believed is very little. It appears that the Greeks, like the Hebrews, Egyptians and Hindus, regarded number itself as a mystery, and it is certain that even to us simple measures in round numbers give an idea of rightness and completion that odd inches will not. Thus we are told that the ark of Noah was 300 x 30 x 50 cubits. The court of the tabernacle was 100 x 50 cubits, and Solomon's temple had a sanctuary 20 x 20 x 20 cubits, a "house" 40 x 20 and a portico 20 x 20. Egyptian builders in a similar way dealt with simple multiples of as large a unit as possible. The great pyramid is 11 x 40 cubits on the side and 7 x 40 cubits high. According to Pliny the Mausoleum at Halicarnassus was 140 feet high and 440 feet round about, a dimension that probably represents sides of 120 and 100 feet. The old Indian book, the *Mansara*, shows that similar thoughts obtained in India. The platform of the Parthenon in Greece was as 9 to 4. The ancient temple on the Acropolis was called the Hekatempedon from its length of 100 feet, and modern investigation has shown the frequent occurrence in Greek work of dimensions like 10, 12 and 100 feet. It is clear that large simple relations such as twice as long as broad were desired. Any elaborate schemes of proportions worked out by triangulation would obviously have been incompatible with such a system. The basis of all this was a desire for definition and order, a dislike of the accidental and unknown; it was of the mind philosophical, not of the eye aesthetic.

Number had a great place in Greek thought; everything had a perfect type and even representations of the human body were made to conform to a scheme of dimensions. Of course there is a truth in these notions; man does not vary much from a norm, and a boat or car conforms more or less to types of proportion. In the old way of thinking, however, there was magic in it. A column, a doorway, a temple, were definite things which had been found out.

The mysterious orders of Greek architecture, the Doric and Ionic, were not whims of art design but customary and sacred forms; they appeared as naturally as different kinds of wagons may have been evolved in England and America. Their very natures depended on their

conforming more or less to type. Columns built in courses of hard stone tended to become more and more slender according to what seems to be a general law of development, but their variation was within narrow limits, and it is easy to see how "proportions" giving a height of from say 7 to 10 diameters should come to be considered as normal or right constructively. Just as in old Hebrew thought the name was the essence of a thing, so measures were a part of its very definition. That which was sought to be defined, however, was found experimentally and practically and was in no wise the consequence of aesthetic doctrine. Having elaborated a modern notion of aesthetics we have confused ourselves into supposing that there is some mystery in Greek proportions not depending on structural rightness, so that columns of wood or plastered brick should be of "classic proportions."

It is generally agreed that the Latins had not the artistic gifts of the Greeks. It is doubtless true that there is diversity of gifts; but at the same time it must be remembered that Rome came to its age of maturity at a later time than Athens. Roman art was a branch of the late Hellenistic art of which Alexandria was probably the chief center. To Vitruvius architecture was a mysterious scholarship understood by the Greeks. The outlook on architecture of the Roman builders is as clearly expressed by their works as by their writers. An observation of Spengler's regarding their comparative failure in science applies equally to art. "It needs to be considered in general relation to Roman psychology, and is not improbably related to the Roman obsession for Rhetoric." We are indebted to Roman artists for naturalizing in Europe the vaulting systems of the East, for several engineering developments or departures, for amazing skill in planning complex structures and for an inclination toward the study of plant life and landscape. However, to quote again, "the growing estrangement of East and West deprived Roman art of a source of inspiration, but most of all the exclusively literary character of education in the late empire was to blame." The obsession for rhetoric clogged and dulled all their architectural efforts; nothing smiled. This rhetoric indeed is the easily besetting sin of architecture throughout the ages. In all great works power, pride and grandeur are necessarily present, but it is only when they are subordinated to some higher purpose and clear science that they are not repellent. In times of deadness architecture easily becomes an art of mere ostentation, and the Romans in this respect have provided their successors with an evil inheritance. This question of rhetoric in art is one of our pressing problems.

In consequence of the wide extension of Hellenism in the time of Alexander and his followers, the arts of the West become changed by absorbing much from the East. In the early Christian age Alexandria seems to have been the chief center of the transformation of late Hellenistic art into what we call Byzantine, but which might better have been named Hellenesque or some such word. In the West and North the provincial Roman manners of building also changed but in different ways from the art in the East, and this modified western Christian art is well named Romanesque. In Hellenesque or Byzantine architecture the scholastic bonds which pedants like Vitruvius sought to impose on a living art were not accepted, and building practise became flexible and inventive once more. In the return to vital construction as the center of the art, much use was made of the brick vault and dome. The culminating monument of this theory of building was the great church of S. Sophia at Constantinople built in the sixth century, a very daring and noble structure. In the West offshoots of Hellenesque art appeared here and there, largely in consequence of monastic expansion, and there were remarkable minor schools of art in Britain and Ireland about the seventh century.

In the culture fostered by Charlemagne all these sources were drawn upon and a new general ferment was introduced into the building art of the West. In the eleventh century the change in western Romanesque art quickened and it began to be more adventurous and organic. Toward the end of the century ribbed vaults, an important type of construction, were built at Durham Cathedral. This method of vaulting has been taken as one of the differentia of what we call Gothic architecture, but the first buildings to which that name is generally applied appeared in northwest France about the middle of the twelfth century. As Salomon Reinach says, "Gothic art is essentially northern and Franco-German," but like every expanding school it gathered from many sources. The word Gothic as first used in Italy by the scholars of the Renaissance was intended to describe the art which was not Roman but bar-

baric and Germanic. In our more modern use of the term Gothic, the earlier phases have been separated from it and named Romanesque.

The essential nature of what we now call Gothic architecture has at times been attributed to some one characteristic, such as the development of the ribbed vault, or to oriental influences during the crusading period, but it was, of course, the product of many conditions. These include the folk mind or native energy of the people; the influences of place, time and available materials; the new contacts with the East; the art inheritance, including Roman monuments and Romanesque traditions; religion, economics, feudalism. The folk mind—itself composed of many elements, Celtic, Teutonic, Latin—is mentioned first for in it is found the living principle which transformed many elements into a coherent and organic product. The aspiring heights, branching forms, intricate interlacing apertures and bursting foliage of Gothic architecture may best be explained as an outcome, parallel to the forest romances in literature, of the quality and mind of the people, the folk psychology of the time. There was no intention of imitating forest glades as some old (and observant) students have thought, but unconsciously the forest mind was there and it had to reveal itself, for the forest was what the people loved. The influence of oriental art in the formation of Gothic has long been perceived, and Wren called it the Saracen style. In the high Gothic of France there appears a consciously orientalizing strain. Centuries before the time of the crusades, the science, philosophy and literature of the Arab schools had been deeply affecting the West. There is little wonder that the art also made a great impression, for it was energetic, refined, civilized, while the arts of the north were rude. The western expansion of Saracenic art proceeded mainly from Spain. Changes in the complexion of the native Romanesque art in the century preceding the springtime of Gothic may be traced in the south of France, by the river Loire and in Normandy and England. It is rather obvious that Gothic architecture, the product of northern mind and southern art, had to be formed on some such frontier line as the Marne and the Seine. The religious and economic background of the Middle Ages made it natural that building energy and skill should find their greatest expression in cathedrals and castles. The cathedrals have been described hundreds of times, and here we may only call back a general impression of how they lifted themselves above the little groups of humble houses which formed mediaeval towns, their spires, pinnacles and traceried gables telling sharp against the sky and their long avenue-like interiors of branching rib work lighted by windows of brightly colored glass in interlacing stone bars. As we see them now they are worn, broken and gray, but as built they were sharp and shining, white picked out with gilding and color.

Although mediaeval builders were thus employed in the service of the church and chivalry, the accounts that they gave of their own art were singularly unecclesiastical and unromantic. The inspiring idea of the artists, so far as we may gather from writings left by the masons themselves, was no exquisite refinement of theory, but just the exploration of the structural possibilities of working and rearing stone work. What Villars de Honnecourt, the thirteenth century master, was interested in was "the powers of masonry." He recorded a scheme of planning a vaulted chamber, which he devised in conference with another mason, as if it were a solution in chess.

The Renaissance had several roots, but the chief factor in its early growth was restimulation of Italian nationalism—reaction against Germanic domination and a casting back to the might of old Rome. Dante's choice of Virgil as his leader in an exploration of the Christian universe is significant. Already in the middle of the thirteenth century members of a school or guild of marble masons signed their works in a particular way. For example, the master who wrought the marble and mosaic basis of the shrine of Edward the Confessor in Westminster Abbey named himself, in the inscription which it bears, *Petrus Civis Romanus*. Consciousness of ancient Rome and its monuments had again appeared. Although the work of this group was largely only a variation of current Byzantine traditions, the materials were marble and mosaic and it was anti-Germanic in spirit.

Out of this psychological state arose the thoughts about northern art which led to its being designated Gothic or barbaric by Raphael and others. The builders of the Duomo of Florence and its campanile followed and extended the customs of the Roman marble workers, and gradually more and more was drawn into the body of building practise by imitation

of ancient Roman monuments. The great typical buildings which were erected during the early Renaissance period in Italy, as the result of an aristocratic movement, were palaces, and the more self-conscious architecture thus became associated with the assertion of the princes. The old book of Vitruvius with its talk of orders and proportions existed and was greedily adopted as a guide, a sort of Bible of architecture. An argument was worked out that the temple of Herod was in the antique style, which was thus sacred and therefore the "only true architecture."

All this is easy to understand while the phenomenon remained an Italian revival. In Italy itself even the humblest workers must have understood what was happening and have entered more or less into the spirit of the thing. It was quite different, however, when the prelates and princes of other countries, seeing how imposing and proper to rulers were works in the grand style, began to impose them on the working artists of northern lands. It was at this time and thus that a difference was set up between correct "architecture" and traditional building. Men of taste who traveled, sketched, lived in offices and called themselves architects were now sundered from the old exponents and executants of a living building art. One interesting little evidence of how the new fashions were regarded by the people of England is furnished by the word "antique" which became our "antic."

The natural sacredness and mystery of reality passed away from building and a sham mysteriousness was introduced in its place. In its theory architecture became an art of ostentation and arrogance rather than of service and friendliness. Leonardo, Wren and possibly others saw that experiment was more essential than imitation of antiquity with dogmas about styles, orders, proportions. On the whole, however, architects after the Renaissance conformed to the type of the priest rather than to that of the worker—the experimenting artist.

In speaking of the successive phases of historical architecture it is usual and almost inevitable to make use of the word "styles," but this term is unfortunately misdirecting and indeed treacherous. It leads us in a hidden and dangerous manner to think of the essence of architecture as outward appearance rather than inner reality; as a matter of choice, even caprice, instead of law.

W. R. LETHABY

SINCE THE RENAISSANCE. The architectural servility of the later Renaissance, abetted by its archaeological interests, spelled the death of vernacular building. Customary architecture remained in the country districts of Europe to the end of the eighteenth century, and in America until much later, so that it is impossible in England to fix a date when genuine mediaeval building had disappeared and the Gothic revival had begun; but the mark of the disruption is the appearance of the gentleman architect, with his knowledge of fashions, precedents, styles, divorced from technical and social problems. The classical revival century and the neo-Gothic are one; they represent the desire to lend contemporary building an extraneous harmony and order or an equally extraneous picturesqueness. In the breakup of the old culture during the industrial revolution the ghost of past forms was almost all that remained of form in building.

While these surface changes claimed the attention of aesthetic theorists and practitioners, more profound alterations were under way. In the eighteenth century the mediaeval guild system disappeared, a fact witnessed in 1717 by the break between "operative" and "speculative" masonry. Unlike the mediaeval builder, the architect was paid, not daily wages and a bonus, but a percentage of the total cost of the structure; hence the growth of the fixed contract system of building, with highly complicated and detailed specifications all embodied in a legal contract. Another significant change was the institution of the modern habit of fabricating the parts in outside plants. This took place first with Georgian plaster ornaments and finally extended itself in our own day to almost every detail of equipment. If considerations of "style" and formal dignity chiefly occupied the architect's attention in the construction of a Madeleine or a national capitol, more utilitarian concerns assumed a central place in domestic building.

With the cheaper fabrication of glass, as early as Elizabethan times windows began to increase in size; with improvements in the drafts of chimneys, fine wall papers and delicate colors in fabrics and walls were introduced into the houses of the middle classes, replacing the more somber and expensive wood paneling. Living quarters became more commodious and, in the disposition of the rooms, more private; the hall, once the common gathering place of the family, was narrowed into a

mere passage between private chambers, and the individual bedroom became the possession, first of the head of the family, then finally of all the inmates—except in the remoter country districts or in the slums of the industrial cities. This tendency toward privacy has resulted today in the common acceptance of one toilet for each family as a minimum sanitary provision and in a multiplication of toilets and bathrooms in the dwellings of the well-to-do.

The reinvention of central heating in America, early in the nineteenth century, and the succeeding introduction of the cooking stove, running water, the indoor toilet, the bathroom, gas light, artificial refrigeration and electric light has changed the whole character of building. Whereas in 1800 the structure represented the chief cost of house building, today the structure represents only 44 to 60 percent of the total cost, of which approximately half goes to fixtures and utilities, an item that, with electric refrigeration, radio outlets and garages, is still expanding. The same tendency exists in business structures; the visible shell represents but a part of the cost, while the expenditure on deep foundations, high speed elevators, heating and refrigeration systems and fireproof construction necessitates stringent economies in other parts of the program.

In actual construction modern building remains largely a handicraft operation, performed under minute regulations of numerous separate craft unions, but the parts that are put together have been steadily assimilated to the factory system. Window frames, windows, doors, cupboards, washstands, kitchen cabinets, are now built in the factory in standard units. The same is true of steel beams and columns and stone aud terra cotta ornament. The architect, as architect, has lost control over the elements of his design, unless the wealth of his client enables him completely to disregard expense; and the vast amount of building in America not supervised by architects comes almost entirely within the realm of industrial production. Mixed results have followed. The design of kitchen and bathroom equipment, particularly in America, has achieved a high level of competence and beauty; but in such fixtures and furnishings as are produced under a decorative canon, the outcome has more frequently been the manufacture of stereotyped patterns unrelated to modern needs and feelings.

Not merely have the "physiological" functions of buildings changed steadily during the last two hundred years; new types of building have come into existence. The factory, the railroad station, the savings bank, the office building, the garage, the hospital, present to the architect problems not hitherto faced in any existing form of building. At first he conceived these structures, in typical Renaissance fashion, in terms of existing forms: railroad stations as Pompeian baths, banks as temples. Modern architecture, properly so-called, begins with the effort to conceive the architectural forms directly in terms of the new materials and methods of construction, and of the new functions to be performed. Here it has taken two separate roads, which during the last thirty years have gradually drawn more closely together. One has been the experimental use of new materials and construction methods: the use of the glass and steel enclosure in the Crystal Palace, London (1851) and the Halles Centrales, Paris (1854), the use of the steel frame construction, first in a factory at Noisiel, France, in 1872 and then in the eighties in Chicago and New York for high office buildings. The other path has been the attempt to express in new forms the functions of the building, as in Root's Monadnock Building in Chicago, Sullivan's Wainwright Building in St. Louis, Richardson's Boston and Albany stations in Massachusetts, Berlage's Bourse at Amsterdam (1904) and Frank Lloyd Wright's country houses in the Middle West and California from 1901 onward.

As these conceptions of modern architecture draw together, certain unified characteristics emerge: first, the abandonment or the relegation to a minor place of older systems of construction; second, the use of steel and iron in all large buildings, either in the skeleton or the main supporting members, and the progressive disuse of stone except as sheathing; third, an increased use of factory fabricated materials for roofing, insulation, flooring, wall covering; and, finally, the elaboration of the plan and elevation of a building with respect to function and without sacrificing to formalism in design a fine and effective adaptation to human needs. Some of the conditions dictating this change in America have been the increased cost of wood, the expense of hauling bulky and heavy materials long distances, the necessity to use fireproof construction in closely built cities and the advantage of using materials whose performance has been tested and standardized. Such innovations as steel frame construction,

moreover, have increased the speed in building, a fact necessitated by the difficulty of carrying the charges for land and money over a long period, and have facilitated demolition and replacement.

With all these innovations in material, construction and function, the requirements of modern building have become so complicated and their economic solution so important that in big cities architects tend to specialize on certain types—skyscrapers, hospitals, schools—and by repetition have refined the design of these units down to the last possible degree of business efficiency, if not always of functional design. A large architectural office is an assemblage of specialists, draftsmen, engineers, designers and even legal experts on building codes, in which the nominal architect acts more and more as an intermediary and interpreter between the client and the specialist. So small is the province left to pure design in modern buildings that large structures have been frequently, though not always happily, designed by engineers with no specific architectural competence whatever.

Different types of building have been affected in various ways by current economic conditions. The skyscraper, for example, owes its origin to the high ground rents prevalent in the relatively constricted and stable financial district of a big city. Its construction was made possible by the invention of the elevator (1854), cheap fireproofing (iron floor beams in 1854 and hollow tile in 1871) and the cheapening of structural steel through the introduction of the Bessemer process into America in the eighties. The building itself has been reproduced on land of low value and in small, uncongested cities as a symbol of municipal progress and an advertisement of the product or service so housed. Attempts to meet the inordinate difficulties in transportation and street circulation caused by skyscraper congestion, which also blocks air and sunlight from adjacent buildings, have resulted in various ordinances, patterned after those first passed in New York in 1916, to set back the upper stories and to limit height in relation to street width. Such regulations have sometimes effected an improvement in the silhouettes of these buildings, but so generous is the allowance made for congestion, as the result of pressure by the realty interests, that they have not in general effected a closer adaptation to site and function nor appreciably decreased congestion.

In domestic architecture two opposing tendencies have been at work. The upper middle classes in the well-to-do suburbs, and the rich, have usually conceived architecture romantically, as a shell in which to escape the harsher realities of finance and industry. Such romantic designs exhibit a maximum of handicraft, either as antiques or as contemporary reproductions and designs. While the poorer classes perhaps share the same impulse, as residual clichés like fake gables and half-timber work on the façades of cheap apartment houses show, just the opposite process has gone on here. Every element in the house has been mechanized and cheapened by mass production, sometimes with a serious loss in quality. The necessity for simplifying housekeeping and for economizing on mechanical utilities has resulted in America and Europe in the development of the multifamily unit and the apartment house. Where costs have been sufficiently lowered by economic site planning, as in the English war housing projects and garden suburbs and cities, the individual house still survives in row units; otherwise, the house itself is reduced to a small, flimsy shack, low in original cost but outrageously extravagant in upkeep—as in the outlying areas of New York, Detroit, Chicago and many smaller industrial towns.

In Europe since 1920, as a result of economic pressure and partly through a complete revaluation of architectural aims, decisive advances have been made in domestic building which compare favorably with the advances made in America in industrial and commercial structures. Using mass production methods, simplifying design to the last detail, the architects have produced houses and apartments as efficient as a rationalized factory, as fitted to modern production as an automobile, and aesthetically comparable to the comprehensive designs of the eighteenth century London or Edinburgh squares. In America the chief evidence of the same spirit is to be found in various government war housing experiments, notably the Black Rock development at Bridgeport, Connecticut, and Sunnyside Gardens, an urban housing development in Long Island City, carried out by a limited dividend company.

Modern architecture, in sum, has developed around the conception of function, as opposed to the architectural stylicism introduced in the Renaissance which centered around interest in the decorative elements and in formal design. New functions demand a new disposition of

parts, new methods of construction and the use of new materials, because of either their special fitness or their economy; new knowledge or new aims of living—our modern concern for hygiene, sanitation, comfort, sunlight, fresh air, abolition of menial services, interest in the individual personality apart from the background of office or institution—demands new expressions in form. A certain cleanness and precision are an inevitable mark of the new architecture; if ornament enters the design it becomes itself part of the functional organization of the building, completing a structural element, making more visible the building's purpose or creating an appropriate feeling in the user and spectator.

The resultant forms depart completely from the precedents of earlier periods, and since their chief virtues are economy and efficiency and mechanical rigor they are at odds with the standards of pecuniary waste that have hitherto governed the ostentatious productions of the courtier, the banker, the merchant. Despite the undoubted triumph of modern architecture in more utilitarian buildings like the Medical Center in New York, it is only with reluctance that similar methods have been applied to churches, dwelling houses, college buildings. Nevertheless the work of Louis Sullivan, Frank Lloyd Wright and their followers in America and of numerous architects in Europe shows that fresh aesthetic results come about in every department where this spirit is permitted to work.

Today the architect has a multiple role. First, as industrial designer, he has begun to control the designs of fabricated parts, hitherto left to the chance improvements of the factory, meeting the demands of a blind market; second, he must orchestrate into a comprehensive unity the twenty or thirty different crafts, industries and services that enter into the construction of a modern building. His work now involves more than the design of the isolated building; it includes planning and coordination, touching factory production at one end and community planning at the other. Only by this double control can the stereotyped ugliness of commercial jerrybuilding, past and current, be avoided. This step has already been taken in Europe, and the reports of the Committee on Community Planning of the American Institute of Architects, 1924, 1925, partly recognize this need. The individual building becomes a unit in the community design and the modern architect recovers as community planner some of the aesthetic freedom he has lost as a creator of individual buildings.

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See: ART; INDUSTRIAL ARTS; HOUSING; CONSTRUCTION INDUSTRY; GUILDS; RENAISSANCE; ENGINEERING; URBANIZATION; REAL ESTATE; CITY AND TOWN PLANNING; ZONING; BUILDING REGULATIONS; CIVIC ART; CIVIC CENTERS; CLASSICISM; MEDIAEVALISM; TRADITIONALISM; MODERNISM.

Consult: GENERAL: Sturgis, R., *A Dictionary of Architecture and Building*, 3 vols. (New York 1901–02); Rathbun, S. H., *A Background to Architecture* (New Haven 1926); Briggs, M. S., *The Architect in History* (Oxford 1927), and *A Short History of the Building Crafts* (Oxford 1925); Postgate, R. W., *The Builder's History* (London 1923); Porter, A. K., *Beyond Architecture* (2nd ed. Boston 1928); Fergusson, James, *A History of Architecture in All Countries*, 5 vols. (London 1891–99).

HISTORICAL: Breasted, J. H., *Ancient Times* (New York 1916); Reinach, S., *Apollo* (New York 1924); Perrot, G., and Chipiez, C., *Histoire de l'art dans l'antiquité*, 10 vols. (Paris 1882–1914); Warren, H., *The Foundations of Classic Architecture* (New York 1919); Anderson, W. J., and Spiers, R. P., *The Architecture of Greece and Rome*, 2 vols. (New York 1927); Robertson, D. S., *A Handbook of Greek and Roman Architecture* (New York 1929); Rivoira, G. T., *Roman Architecture* (Oxford 1925); Dalton, O. M., *East Christian Art* (Oxford 1925); Porter, A. K., *Lombard Architecture*, 4 vols. (New Haven 1915–17); Strzygowski, J., *Origin of Christian Church Art* (Oxford 1923); Viollet-le-Duc, E. E., *Dictionnaire raisonné*, 11 vols. (Paris 1861–89); Enlart, C., *Manuel d'archéologie français*, vols. i–iii (Paris 1902–16, vol. i, 2nd ed. Paris 1919); Moore, C. H., *Development and Character of Gothic Architecture* (2nd ed. New York 1906); Adams, Henry, *Mont-Saint-Michel and Chartres* (Washington 1904); Lethaby, W. R., *Mediaeval Art* (London 1904); Cram, R. A., *The Substance of Gothic* (2nd ed. Boston 1925); Mâle, É., *L'art religieux de la fin du moyen âge en France* (3rd ed. Paris 1908), tr. by D. Nussey (London 1913); Prior, E. S., *History of Gothic Art in England*, 2 vols. (New York 1900); Anderson, W. J., *Architecture of the Renaissance in Italy* (5th ed. New York 1927); Venturi, A., *Storia dell' arte italiana*, vols. i–ix (Milan 1901–29); Ward, W. H., *The Architecture of the Renaissance in France*, 2 vols. (2nd ed. New York 1926); Blomfield, R. T., *A History of Renaissance Architecture in England, 1500–1800*, 2 vols. (London 1897).

MODERN: Platz, G. A., *Die Baukunst der neuesten Zeit* (Berlin 1927); Yerbury, F. R., *Modern European Buildings* (New York 1929); Behne, A. B., *Der moderne Zweckbau* (Munich 1926); Rasch, H. and B., *Wie bauen?* (Stuttgart 1927); Jeanneret-Gris, C. E. (Le Corbusier), *Urbanisme* (10th ed. Paris 1927), tr. from 8th ed. by F. Etchells as *The City of To-morrow and its Planning* (London 1929); Hamlin, T. F., *The American Spirit in Architecture*, Pageant of America series (New Haven 1926); Mumford, Lewis, *Sticks and Stones* (New York 1924); Kimball, S. F., *American Architecture* (Indianapolis 1928); Edgell, G. H., *American Architecture of To-day* (New York 1928); Starrett, W. A., *Skyscrapers* (New York 1928).

ARCHIVES.

HISTORY AND ADMINISTRATION. The word archives is derived from the Greek ἀρχεῖον meaning first a seat of government or administration, then a place in which the documents accumulated in the course of administrative work are stored, and finally the documents themselves. Of the exact modern significance of the word many definitions have been given, but most authorities now agree, at least in theory, that unbroken connection between the archives and the men who compiled them, or their successors in title, is essential if the quality of the archive is to be maintained; and further that the name may properly be applied to the accumulations not only of public but also of private business, however humble. From the first of these considerations flow many inferences highly important to the archivist—a designation given correctly to the curator only, not to the frequenter of archives; from the second it follows that archives of one sort or another, if they have survived, may be reasonably expected to touch and illustrate, in response to adequate research, every side of human activity.

The history of archives follows certain general stages; these are admirably illustrated by the progress of English public archives from their first dignified position as part of the royal treasure, through the organization of the fourteenth century and the succeeding centuries of neglect, their rediscovery by historians and antiquaries in the seventeenth and eighteenth centuries, their slow official recognition by parliamentary committees and commissions in the eighteenth and early nineteenth, their good and bad handling by the record commissioners of 1801 to 1837, to their present established position as a government department. Similar happenings reproduce themselves elsewhere, not being confined to any particular administration, period or country.

The development of archive science came as a reaction to a period of misguided enthusiasms and unfortunate methodizing in France with de Wailly's ministerial circular of 1841 as its Magna Carta. The one great principle there established is that of *le respect pour les fonds*, the *fonds* being the group of archives which results from the work of any single autonomous administrative body. This principle governs, or should govern, every aspect of archive work—storing, sorting, repair, even publication. Since the publication of this circular each of these aspects of archive administration has been the subject of special treatises in one country or another, and a few general works have endeavored to cover archive economy as a whole.

The materials of which archives have been composed were, until modern times, few: we have papyrus, paper (generally of rag), parchment, vellum; ink of gall and iron with, at worst, an admixture of gum and carbon; linen thread or silk, leather of vegetable tannage, wood or rope boards; beeswax and resin, and later shellac, in the seals. All these and most of the occasional less normal materials have proved in practise extremely durable. Varieties of makeup are likewise few—the roll, the file, the bound volume, loose sheets. Repair is generally necessary only where (it is true the cases are very numerous) excessive use or more commonly excessive negligence (esp[illegible]y that resulting in dampness) have caused [illegible]rioration; and can usually be conducted [illegible] basis of restoring what has been lost w[illegible] modification—resewing, for i[illegible] the original holes or replaci[illegible] has perished out of paper. [illegible] the use of any essentially mo[illegible] as celluloid, is avoided in r[illegible]

The main enemies of archives, although they vary in detail with countries and climates, remain much as Agarde defined them in 1611—rats, fire, water and misplacing. Against these systematic numeration and the ordinary architectural and other safeguards are employed. But a new problem, raised by modern materials, is very serious, many of these being known to be impermanent. Much attention has been given to this of late and most experts, as appears from reports published in America, England, Germany and elsewhere, including that of a recent committee (1928) of the League of Nations, are agreed as to the materials suitable for archives; the difficulty is to insure their general usage where requisite. Several countries are seriously considering the establishment of official testing bureaus to encourage such use.

Archive organization varies in every country; but the accepted form is that of France, where central archives conserve most of the muniments of the central ministries and also act as a controlling body over the archives of other public institutions from departments down to communes. At the other extreme is England, where, although recent legislation has put the head of the central archives (the Master of the

Rolls) in control of the huge mass of the *Court Rolls* (which are essentially private in origin), and although public opinion is doing much in other fields, there is in theory no central control over public archives as a whole.

Archive arrangement varies greatly, although it has been the subject of considerable study. The standard treatise is a Dutch work, which lays down one hundred sound rules based on the principle of *le respect pour les fonds*. What this comes to in practise is that the archivist must never add to the archives, as they come to his hands, anything which was not there (morally or physically) nor take away anything which was. A too logical application of this principle is of course possible in particular cases. Thus for their own sake it may be proper to remove maps from a volume in which they were immured, or for the convenience of the student it may be desirable to range together all the documents of a given kind found in different *fonds*. Most conscientious archivists probably feel that infraction of the principle for the sake of the student should be on paper only, not in specie; and that in other cases imperishable dated and identified notes should be left by the archivist to show what he has done.

The study of the subject of the writing of archives has at present been treated too much as a negligible corollary to ordinary palaeography, which has generally confined itself almost entirely to the book or text hands used formerly for producing what would now be printed books. Actually in all countries business hands, suited for rapid writing, developed on quite separate lines. They varied little among themselves all over western Europe as long as writing remained largely a monopoly of the clerical class; but later, in spite of the wide spread of the Italian Renaissance hands, the old forms of calligraphy persisted (as they have done in German countries to the present day) and developed striking national characteristics. In many countries these still await thorough investigation, although there has been some calligraphic study based on the writing masters' books of the sixteenth and seventeenth centuries.

The future of archives is a matter for interesting speculation. Unfortunately recognition of their value is undoubtedly tending to render modern archive makers self-conscious; the honest man is influenced in his writing by the reflection that his office work may be the raw material of future historians, and the politician is tempted more than formerly to select, suppress, garble or appropriate. Every year produces examples of this tendency in volumes of memoirs over well known names; and the quality of archives suffers. In addition to this and to the difficulty of maintaining standard in the materials employed there are the questions raised by the use of new forms of unwritten communication. It is possible that in the future written archives may dwindle to unimportance and some new form of record be demanded as a result of fresh inventions in telephony and television.

HILARY JENKINSON

NATIONAL ARCHIVES. The distinction often made between public and private records, proper enough in theory, has by no means always been observed in practise. Often matters which are the subject of the most secret and delicate diplomatic negotiations are not fully revealed in the official correspondence of a foreign secretary with his ambassadors abroad, but are dealt with in private letters running parallel to the official correspondence. Thus for an adequate understanding of many diplomatic negotiations the private as well as the public archives must be consulted. Herr von Holstein, for instance, one of the most influential men in the German Foreign Office during the thirty years before the World War, is said to have carried on a considerable private correspondence with German ambassadors abroad, which is said to be preserved in his own private trunks and is not to be found in the great German collection of official diplomatic correspondence for the period 1871 to 1914 known as *Die grosse Politik der europäischen Kabinette, 1871–1914* (40 vols., Berlin 1922–27). In Russia Izvolski complained that Witte as finance minister maintained a network of agents who supplied him with diplomatic as well as financial private information which was not kept with the public records but with Witte's private papers, and which was therefore not under governmental control or generally accessible. In England, on the contrary, Sir Edward Grey set a laudable example in leaving at the British Foreign Office all that part of his private correspondence which was in any way connected with his activity as secretary of state for foreign affairs. As a result G. P. Gooch and Harold Temperley, in editing the invaluable *British Documents on the Origins of the War*,

1898–1914 (vols. i–v, xi, London 1926–29) have been able to draw freely from the Grey papers, consisting of some eighty manuscript volumes (see introduction to vol. xi).

Usually, however, and especially the farther one goes back into the past, government officials, instead of following Grey's praiseworthy example, have adopted the contrary and vicious practise of keeping among their private papers, or even of abstracting from government repositories, originals or copies of many important official documents which should have remained in the public archives. Lord Salisbury, for instance, conducted much of his correspondence as foreign secretary from his country home instead of from Downing Street; as a consequence much of the information concerning British foreign policy in the later decades of the nineteenth century is to be found at Hatfield House—where it is being used by Lady Gwendolen Cecil in her life of Lord Salisbury —instead of being preserved for the use of students at the British Foreign Office. So also Admiral von Tirpitz, upon retirement from office, took from the German Admiralty files many papers which he later published in his *Politische Dokumente* (2 vols., Stuttgart 1924–26), although, as the editors of *Die grosse Politik* complain, these documents properly belong to the German Admiralty and Foreign Offices. Similarly the Austrian chief of staff, Conrad von Hötzendorf, apparently kept among his private papers a mass of official public documents which contribute the bulk of his so-called autobiography, *Aus meiner Dienstzeit, 1906–18* (5 vols., Vienna 1921–25).

It is this lack of distinction in actual practise between public and private archives which partly justifies Bismarck's greatly exaggerated boast: "As for using the diplomatic reports some day as material for history, nothing of any value will be found in them. . . . It is easier to find out something from the newspapers, of which, indeed, governments also make use and in which they frequently say much more clearly what they want. But that also requires a knowledge of the circumstances. The most important points, however, are always dealt with in private letters and confidential communications, also verbal ones, and these are not included in the archives" (Moritz Busch, *Bismarck*, Eng. tr., 2 vols., New York 1898, vol. i, p. 419–20).

Archives under governmental control, until quite recently, have usually been preserved very rigidly under seven seals of secrecy, partly to prevent the revealing of diplomatic secrets and partly to spare the reputations or susceptibilities of officials still living, as well as to insure the safety of the documents. Until toward the close of the World War, governments commonly forbade any access to unpublished diplomatic papers until the events with which they dealt had receded half a century or more into the past and until all their authors were in their graves. In England in 1914 it was the rule that no Foreign Office archive material subsequent to the year 1860 could be consulted by historians; in 1925 Sir Austen Chamberlain cautiously advanced the deadline to the year 1878. In Russia the restrictive date in 1914 was 1854, but soon after 1914 it was advanced for some persons and some subjects to 1870. In France, Germany and other countries much the same or even greater restrictions were in force until toward the close of the World War. It is much to be desired that foreign offices should be persuaded to set a fairly short period of years during which their archives shall remain secret, and then allow them automatically to become open to use by the public, so that each year the records of another year will become available. A resolution to this effect was voted by the Anglo-American Conference of Professors of History which was held at Richmond, Virginia, in December, 1924 (see *American Historical Review*, vol. xxx, p. 463).

The reasons for preserving the secrecy of diplomatic archives are further suggested in an order approved by Secretary of State Frank B. Kellogg, March 26, 1925, for the guidance of the editors of *Papers relating to the Foreign Relations of the United States, Supplement, World War* (Washington 1928, p. iii): "Omissions of the following kind are recognized as legitimate and necessary: (a) matters which if published at the time would tend to embarrass negotiations or other business; . . . (c) to preserve the confidence reposed in the Department [of State] by other governments and by individuals; (d) to avoid needless offense to other nationalities or individuals by excising invidious comments not relevant or essential to the subject; and (e) to suppress personal opinions presented in despatches and not adopted by the Department."

In the case of all wars prior to the World War, therefore, the public has had to wait half a century or more before access to the archives enabled historians or others to write tolerably satisfactory accounts of the causes of the wars.

But the World War, in this matter as in so many others, wrought a revolutionary change. It is safe to say that at present (1929), less than fifteen years after the murder of Archduke Franz Ferdinand at Sarajevo, we know more about the origins of the World War than was ever known for fifty years or more about the origins of any other great war. This is because the archives have recently been so widely opened to the public and their contents so fully published. There are several reasons for this new concession to demands for access to, and publication of, archive material.

One form of pressure for the publication of secret archives comes from the disrepute into which "secret diplomacy" sank as a result of the World War. It was felt by socialists, business men and an awakened public generally that one of the causes of the great conflagration of 1914 was the system of secret alliances, and the fears, suspicions and deceptions inherent in the old practise of secret diplomacy. The English public was suddenly and rudely awakened to the fact that Sir Edward Grey, by very secret "conversations" with France, had virtually involved England in a moral obligation to fight by the side of France in case of a German attack. Sir Edward, who was generally regarded as a model of uprightness and honesty, had done this in spite of the English constitutional tradition that diplomatic obligations of this kind were not to be undertaken except with the full knowledge and approval of the whole cabinet and of Parliament. There arose, therefore, a demand for the abolition of secret diplomacy and for democratic control of foreign policy; a league was formed to bring this about, headed by E. D. Morel, who had exposed some of the secret clauses of the Anglo-French Moroccan Agreement of 1904. More decisive steps were taken in Russia. In 1917 and 1918 the Bolshevists, anathematizing the "capitalist" war and its secret methods of selfish diplomacy, began to publish from the Russian archives in their newspapers the secret treaties by which the old czarist diplomats sought to gain Russian control over Constantinople and the Straits and to extend Russian imperialism in other directions (republished in abbreviated French translation by E. Laloy, *Les documents secrets des archives du ministère des affaires étrangères de Russie, publiés par les bolcheviks*, Paris 1919).

A second form of pressure for publication came from the desire to fix responsibility for the war. This motive was naturally especially strong in the defeated countries, where the socialists, newly established in power, wished to place the blame on individuals in the former imperialist governments. This motive was further strengthened by the fact that the victorious powers held Germany and her allies responsible for the war. Germans denied their sole responsibility and asserted that all the Great Powers were more or less jointly responsible or "guilty." In support of their assertion the German government authorized in 1919 the publication of the complete diplomatic correspondence of the German Foreign Office for July, 1914—the so-called "Kautsky documents" (*Die deutschen Dokumente zum Kriegsausbruch, 1914*, 4 vols., Charlottenburg 1919). This was later supplemented by *Die grosse Politik*, containing the most important diplomatic papers and most secret marginalia of chancellors and emperors for the period from 1871 to 1914. The Austrian socialists, following the example of Berlin, published the complete Vienna diplomatic correspondence for July, 1914, and allowed Professor Přibram to publish his epoch making edition of *The Secret Treaties of Austria-Hungary, 1879–1914* (2 vols., Cambridge, Mass. 1920). The Bolshevists continued to divulge former state secrets in their historical journal (*Krasny Arkhiv*, published in Moscow since 1922), in *Materiali po istorii franko-russkikh otnosheniy za 1910–1914* (Materials on the history of Franco-Russian relations for the years 1910–1914, 2 vols., Moscow 1922) and in other documentary publications.

All these revelations of secret diplomacy offered such good anti-imperialist propaganda and gave so many interpretations of history unfavorable to the Triple Entente powers that a third form of pressure for publication was raised in England, France and elsewhere by historical scholars who urged that in the interests of historical truth the archives of their own countries should be opened. In consequence Sir Austen Chamberlain consented to allow Gooch and Temperley to edit the work mentioned above. The French similarly have appointed a commission of some fifty historians, officials and ex-diplomats, who propose to begin publishing simultaneously three series of diplomatic correspondence covering respectively the periods 1871–1911, 1911–14 and July, 1914.

This unprecedented publication of archive material now affords, as never before in history, the opportunity for a wide, and at the same time a minute, scrutiny of secret diplomacy, with all its efforts and errors in the decades prior to the

World War. Scholars may now have in their own homes these fairly complete and admirably edited printed collections, and can examine them more quickly and more extensively than was hitherto the case, instead of having always to journey to the different archives of Europe and to toil through hundreds of thousands of more or less illegible documents during the short hours when archives are open, if open at all. It is thus possible to envisage as never before the "international anarchy" of the old system of pre-war diplomacy, and by observing its mistakes and weaknesses to contribute to a better education of the public in regard to international relations, and perhaps even to the building of a better international order.

SIDNEY B. FAY

UNITED STATES ARCHIVES. The archives of the federal government embrace in theory all the papers made or received by any branch of the present government since its establishment in 1789—office copies of outgoing and originals of incoming correspondence, accounts, reports and similar papers. No unified collection or general administration of federal archives exists. Each of the several executive departments which have existed (at present ten) and each of the independent governmental establishments (at present not less than fifty) and indeed, in most cases, each separate bureau of the executive departments has kept its papers in its own manner and in its own place or places. The federal archives are therefore at present dispersed in more than a hundred different repositories in Washington, besides many outside Washington or outside the country, as in the case of our embassies, legations and consulates abroad. The Department of State contains the diplomatic archives (more than 3000 volumes), the consular archives (more than 4000 volumes) and the volumes of domestic and miscellaneous letters (more than 1500); the Treasury Department possesses the greatest mass of all and the most widely scattered. In the War Department most of the archive material is concentrated, as to control though not as to place, under the authority of the adjutant general; the Department of Justice has the papers of the attorney general's office from 1817; in the Navy Department the most important collection is the correspondence between naval officers and the department (more than 3000 volumes); in the Interior Department are the files of the Indian Office and the General Land Office; in the Department of Commerce, the schedules and other papers of the successive censuses. The Senate, the House of Representatives and the Supreme Court also have extensive files. At the White House there are none but those of the president, for the convention is that all the papers of a presidential term belong to the incumbent, who may take them away with him at the expiration of his term.

Many of the places in which the federal archives are kept are grossly unfit, exposing them to danger or deterioration from fire, damp, dirt and rot. Serious losses have also occurred, and the processes for the authorized destruction of useless papers are crude. Ever since 1879 sporadic efforts toward the creation of a proper archive building and establishment have been made. Since 1908 a committee of the American Historical Association has actively pressed the matter. Acts of March 3, 1913, and June 28, 1916, authorized the erection of a suitable building. Appropriations for it are included in recent lump sum provisions for additional public buildings in Washington. A recent bill before Congress provides for a national archive establishment to be administered by an Archivist of the United States appointed by the president with an archive council representing the individual departments, and a commission on publications.

The Library of Congress possesses the papers of the United States government previous to 1789 (Continental Congress), of Washington and nearly all other presidents, of Franklin and Hamilton, etc. and most of those of the Confederate government.

J. F. JAMESON

See: RECORDS, HISTORICAL; HISTORY; DIPLOMACY; WORLD WAR; WAR GUILT; RUSSIAN REVOLUTION.

Consult: FOR HISTORY AND ADMINISTRATION: Giry, A., *Manuel de diplomatique* (Paris 1894); Langlois, C. V., and Stein, H., *Les archives de l'histoire de France* (Paris 1891); Hall, Hubert, *Repertory of British Archives*, vol. i– (London 1920–) p. ix–xxxiii; Loewe, V., *Das deutsche Archivwesen: seine Geschichte und Organisation* (Breslau 1921); Muller, S., Feith, J. A., and Fruin, R., *Handleiding voor het ordenen en beschrÿven van archieven* (2nd ed. Groningen 1920; tr. into French, The Hague 1910); American Historical Association, Public Archives Commission, *Reports* for 1913 and 1914 (Washington 1915–16); Jenkinson, H., *Manual of Archive Administration*, Carnegie Endowment for International Peace, Division of Economics and History, Economic and Social History of the World War, British series (Oxford 1922), and *Later Court Hands* (Cambridge, Eng. 1927); Casanova, E., *Archivistica* (Siena 1928).

FOR THE RELATION OF NATIONAL ARCHIVES TO

DIPLOMACY AND HISTORIOGRAPHY: Gooch, G. P., *Recent Revelations of European Diplomacy* (3rd impression, London 1928); Fay, S. B., *Origins of the World War*, 2 vols. (New York 1928), especially vol. i, ch. i; Webster, C. K., "The Study of British Foreign Policy (Nineteenth Century)" in *American Historical Review*, vol. xxx (1924–25) 728–37.

FOR AMERICAN ARCHIVES: Van Tyne, C. H., and Leland, W. G., *Guide to the Archives of the Government of the United States* (2nd ed. Washington 1907); Report of the Library of Congress, "Archives of Government outside of the City of Washington" in 62nd Cong., 3rd sess., *House of Representatives Documents*, vol. cxxxv, no. 1443; Leland, W. G., and Mereness, N. D., *Introduction to the American Official Sources for the Economic and Social History of the World War*, Carnegie Endowment for International Peace, Division of Economics and History, Economic and Social History of the World War, American series (New Haven 1926); Leland, W. G., "The National Archives; a Programme" in *American Historical Review*, vol. xviii (1912–13) 1–28, reprinted in 63rd Cong., 3rd sess., *Senate Documents*, vol. xv, no. 717; Paullin, C. O., "History of the Movement for a National Archives Building in Washington, D. C." in 62nd Cong., 2nd sess., *Senate Documents*, vol. xxvi, no. 297.

ARDASHEV, PAVEL NIKOLAYEVICH (1865–1924), Russian historian, professor at the universities of Dorpat and Kiev. Ardashev is best known as the author of a monumental work on the provincial intendants of France in the last period of the *ancien régime*. His conclusions are completely at variance with the view of the intendants which has prevailed since de Tocqueville. His work is of undoubted value in revising and increasing our information about the intendants but his appreciation of their historical role has been seriously contested. In Ardashev's description the intendant was an enlightened and public spirited official, a member of the nobility or of the new class of higher officialdom, no stranger in his province, not very young, well situated financially, not bent upon promotion and practically not removable, and thus in a position to carry on his highly expensive office in a spirit of independence; far from being a tool of the central authorities, he often initiated measures which they enacted and sometimes acted contrary to their specific directions. His relationship with the provincial *parlements* and with the lower courts was on the whole one of cooperation. In the municipalities he championed the masses against the corrupt municipal oligarchies and was the leader of the movement for urban regeneration and sound financial administration.

Ardashev's conservative views were expressed even more clearly in a pamphlet which he issued in defense of Taine on the occasion of Aulard's attack upon Taine's scholarship and in a course of lectures on European history since 1792, which were published in Russian in 1910.

ALEXANDER GOURVITCH

Works: *Provintsialnaya administratsia vo Frantsii v poslednuyu poru starovo poriadka, 1774–89. Provintsialnie intendanti* (Provincial administration in France in the latter part of the *ancien régime* 1774–89. The provincial intendants), 3 vols. (St. Petersburg 1900–03); vol. i summarized by Ardashev as "Les intendants de province à la fin de l'ancien régime" in *Revue d'histoire moderne et contemporaine*, vol. v (1903) 5–38; vol. ii tr. into French by Louis Jousserandot as *Les intendants de province sous Louis XVI* (Paris 1909); vol. iii contains documentary evidence in French.

Consult: Kareyev, N., "La révolution française dans la science historique russe" in *La révolution française*, vol. xlii (1902) 321–45. Also reviews of Ardashev's work in *English Historical Review* (1901) 597–99; in *Journal des savants* (1901) 401–10; in *La révolution française*, vol. xl (1901) 557–64, vol. xlvi (1904) 463–68, vol. lvi (1909) 551–60; and in *Annales révolutionnaires*, vol. ii (1909) 266–68.

ARDIGÒ, ROBERTO (1828–1920), Italian philosopher. He started his career as a Catholic priest, but because of his conversion to positivism he abandoned the priesthood in 1871 and became professor at the University of Padua (1881–1909). He was the leader of Italian positivism and was a significant figure in its development. Ardigò ascribed great importance to psychology, differing in this respect from Comte, and envisaged all of reality as passing from the less to the more distinct, like mental phenomena. He considered the universe as a progressive series of natural formations ascending to the human spirit and its manifestations.

The distinctive characteristic of Ardigò's sociology, which may be termed a juristic philosophy, consists in its theory of justice as a force peculiar to society. Independently of Fouillée's doctrine of *idées-forces*, Ardigò taught that social ideals arise naturally from social life and its struggles, that they first inform the juristic, then the ethical, order through their acquired impulsion on the human will. To the extent to which they authorize a certain course of conduct, these ideals become rights; they become duties to the extent to which they make it imperative. Accordingly responsibility is regarded as correlative with autonomy or self-control. Ardigò's sociological doctrines have influenced the Italian positivistic school of

criminology and have also influenced certain currents of contemporary Italian juristic philosophy.

ALESSANDRO LEVI

Works: *Opere filosofiche*, 11 vols. (Padua 1882–1918), especially vol. iii, *Morale dei positivisti*, and vol. iv, *Sociologia*.

Consult: Marchesini, Giovanni, *Roberto Ardigò, l'uomo e l'umanista* (Florence 1922); Höffding, Harold, *Moderne Philosophen* (Leipsic 1905), tr. by A. C. Mason (London 1915) ch. ii; *Roberto Ardigò, scritti commemorativi nel 1. centenario della sua nascita* (Milan 1929), with an adequate bibliography.

ARENAL, CONCEPCIÓN (1820–93), Spanish feminist and social reformer. Family environment, personal taste and her marriage to a lawyer and journalist who shared her social ideals and encouraged her, led Concepción Arenal to the study of social science and to active work in philanthropy. She advocated the emancipation of women, a stand remarkable in those days, especially in Spain, and took a leading part in the movement for public education. She was particularly famous in Europe for her work in criminology. The Spanish government appointed her inspector general of the prisons in 1864, and the Academy of Moral and Political Science awarded her a prize.

Concepción Arenal is a curious combination, an eighteenth century rationalist believing in human progress and equalitarian ideals, and a nineteenth century philanthropist. Jovellanos, Madame de Staël, Guizot, Lacordaire and Herbert Spencer influenced her appreciably. In her scheme of thought social equilibrium depends on the harmony of the three elements of human nature, physical, moral and intellectual. Progress toward social equality would bring us nearer to this harmony. The forces which hamper this evolution she distinguished as individual (routine, indifference, injustice), economic (unemployment, old age, sickness) and moral (disappearance of the spirit of abnegation, religious decay). To counteract these forces we must resort to private and cooperative initiative. In connection with the former she outlined a personal method of approach of which modern psychologists would not disapprove. As to the latter, she held that associations should be federated and should act as a link between the state and the individual.

RENÉ E. G. VAILLANT

Important works: *La beneficencia, la filantropía y la caridad* (Madrid 1861); *Cartas à los delincuentes* (Coruña 1865); *Estudios penitenciarios* (Madrid 1877); *El visitador del preso* (Madrid 1896); *El pauperismo*, 2 vols. (Madrid 1897); *El visitador del pobre* (Madrid 1913).

Consult: Vaillant, R., *Concepción Arenal* (in French) (New York 1926).

ARETINO, LEONARDO. *See* BRUNI, LEONARDO.

ARGENSON, RENÉ LOUIS DE VOYER DE PAULMY, MARQUIS D' (1694–1757), French writer on economic and political subjects. The main principle in d'Argenson's philosophy was universal liberalism—"not too much government" (*pas trop gouverner*). In politics the "democracy" which he wished to "admit into the monarchic state" depended primarily on the abolition of inherited distinctions between the estates and on the decentralization of administration. In the economic sphere he demanded the cessation of all interference with the production and circulation of goods—"let liberty have sway," at least as long as it is "allied to justice." D'Argenson, the *grand seigneur*, was a partisan of the people, and he went almost so far as to talk of equality as a natural right. He was also a *rustique*, one for whom agriculture is the main basis of the state. Finally he was one of the first advocates of international arbitration.

G. WEULERSSE

Important works: *Considérations sur le gouvernement ancien et présent de la France* (written about 1737, published in Amsterdam 1764); *Journal et mémoires*, 9 vols. (Paris 1859–67).

Consult: Alem, A., *Le Marquis d'Argenson et l'économie politique au début du XVIIIe siècle* (Paris 1900).

ARGENTRÉ, BERTRAND D' (1519–90), French jurist, historian and man of affairs. He succeeded his father as seneschal of Rennes in 1548 and later became president of the presidial court. He wrote an important *Histoire de Bretagne* (Rennes 1582, 3rd ed. Paris 1618). Argentré is best known, however, for his work as one of the commissioners to restate the custom of Brittany (finished 1580) and for his treatise *Commentarii in patrias Britonum leges* (Paris 1608, 6th ed. Paris 1646), a part of which appeared as *Commentaires sur les quatres premiers titres de l'ancienne coutume de Bretagne* (Rennes 1568).

Argentré's service to the law may be traced directly to his provincial patriotism and to his

long experience as head of the provincial court. He succeeded in retaining the strong individual tone of the custom of Brittany in its restatement, which was principally his work. His best and most enduring work was in the conflict of laws, where he is conspicuously the precursor of the modern doctrine. His theory that the Breton custom was, to use a later phrase, "the law of the land" is contrary to that of the *statuta* of the Italian school. It led him to refuse recognition to any foreign law, except to the extent that it had created a personal status. Any local transaction in which a foreigner took part was within his novel category of "mixed statute" and was governed by the local law. This doctrine, strongly opposed in France by Dumoulin, Coquille and their successors, was adopted by the Dutch jurists of the seventeenth century and through them deeply influenced Story, Dicey and most common law scholars.

JOSEPH H. BEALE

Consult: La Lande de Colan, Charles de, *Bertrand d'Argentré, ses doctrines juridiques et leur influence* (Saint-Amand 1892), containing a full bibliography; Lainé, Armand, *Introduction au droit international privé*, 2 vols. (Paris 1888–92) vol. i, p. 309–425; Meili, F., *Argentraeus und Molinaeus und ihre Bedeutung im internationalen Privat- und Strafrecht* (Leipsic 1896).

ARISTOCRACY. Etymologically aristocracy means the rule of the best, a system which at first blush commends itself to common sense as the most rational form of government, but on second thought raises the questions: Who are the best, and how are they distinguished? Plato, who introduced the term into social theory, made their selection and education for the purposes of directing personal and social life the main thesis of his great treatise, but was very well aware of the difficulties of setting the mechanism in motion.

Perhaps the most delicate operation that the best and wisest can be called upon to perform is that of selecting the best and wisest for their coadjutors and successors. In any case, when translated into practise, the rule of the best must mean the rule of those who are thought the best, whether by themselves or by others. In this sense we may say that both monarchy and democracy normally pay attention, well or ill directed as may happen, to the aristocratic principle. It is in the interest of democracy to choose the best available men for every sort of function, and its frequent failures in this respect are more due to the lack of means of judgment than of good intention. The career open to talents has always been a part of the democratic principle. The same maxim is accepted by any enlightened monarch in relation to every position, except that of the monarch himself, and even in this regard there have been monarchies in which merit and experience have been taken into account in the choice of a successor. Paradoxically enough, it is just the historic aristocracies which are on principle opposed to the rule, for they are rooted in the view that the function of government belongs to a defined class, recruited by heredity, and though an intelligent aristocrat would doubtless agree that the best should rule, he would subjoin: "And the best are those of our blood." He may be liberal enough to make some reservations in favor of breeding, whereby the man of plebeian origin may be sufficiently dyed with the aristocratic tincture to be admitted as a "new man" to the charmed circle. But the regular passport is birth, and even the personal honors which please the aristocrat most are those which have "no damned nonsense about merit."

Thus there is a marked contrast between aristocracy as a rational system which functions wherever the principle obtains of choosing the man deemed best for a post, and aristocracies as historic systems in which fitness is determined primarily by birth and all questions of capacity and character are secondary. It must, however, be understood that the true aristocracy thoroughly believes in itself, and unless the belief is largely shared by other classes its power is precarious. Aristocracy is the rule of a class which is deemed, certainly by itself and in greater or less degree by others, to monopolize fitness for government.

Both in idea and in history aristocracy is generally opposed to monarchy as well as to democracy, but it is to be remarked that within its own circle aristocracy generally guards one democratic principle with solicitude. Its members are all of the one caste; they are each other's peers; they are the ὅμοιοι, generically alike and different from all others. In dueling societies, they and they alone have the dueler's right. The duke must not refuse the commoner satisfaction if the commoner is "born," but must refuse it to anyone not "born." The proudest aristocracies, like the English, think or thought little of titles which could be conferred for mere merit, and Squire Western of the eighteenth century is at one with Squire Hamley of the

early nineteenth in a certain dislike of a lord, often a member of a new family, yet claiming precedence over a family which has ruled its own acres since the Conquest. This remarkable exception to the too general rule that every Englishman loves a lord has not been sufficiently noted as a mark of the inner essence of the aristocratic spirit. At the same time titles in the modern as contrasted with the ancient world have served to mark our aristocracies, and the English custom of primogeniture by restricting the succession has helped to merge the descendants of a great family in the general community and thus blur the edges of distinction, since, after all, birth is socially nothing unless it is generally known.

Aristocracies have been often hostile to monarchy, or at least jealous and suspicious of it. In many cases, as in the early Greek states, they managed to throw off its supremacy or reduce it to a shadow for the performance of certain religious rites, or to a position of tutelage like that of the Spartan kings. Monarchy on its side has in consequence frequently leaned on the third estate for support, and in contesting feudal privilege has stood for both a more equal justice and a wider national unity. There is much in monarchy that may favor any kind of equality, as long as it does not touch the throne and is opposed to every privilege except that of one family. On the other side of the account, aristocracy involves government by discussion and the rule of a responsible senate, as against the arbitrary decision of a single man who, even if constrained by custom to take counsel with the nobles, is himself solely and wholly responsible for the final choice. In archaic societies the relation is likely to be closer. Those of royal blood are sufficiently numerous to constitute an aristocracy of themselves, and to be royal means not necessarily to be an actual king, but a potential king, one of those fitted by descent for kingship, and hence a possible claimant of any throne that is vacant or weakly occupied.

Royalties in general tend to form an endogamous caste, as is shown by the pervasive intermarriages of the royalties of Europe, who from this point of view may be regarded as having formed the supreme aristocratic circle. For to monarchy, too, birth is the one really stable qualification. The early Roman Empire, indeed, used the law of adoption to overcome the manifest risks of such a system, and used it with effect, particularly in the second century A.D. But it is characteristic of the weakness of such a device that the palmy days of the Antonines ended abruptly with the choice of a worthless son as his successor by the noblest of the emperors. Moreover, unless not only blood but strict primogeniture is the rule, there is always the possibility of civil war among surviving sons, and the history of the Mogul Empire shows how fatal the results may be. The one-man ruler is of course more dependent on the general acceptance of his position than a group of peers who, though a small minority, may be sufficiently well organized to defend their position. Success, particularly military success, has often made monarchs, from Napoleon downwards, but it is belief in birth that has engendered dynasties and a fear of revolution that has supported them and even preserved them in form while a mayor of the palace or a shogun has actually exercised power.

What is common to aristocracy and monarchy is of course that government is the privilege of the one or the few, and is external to the governed. If we confine ourselves to stable or "legitimate" monarchies, we may add that the privilege in both cases depends primarily on birth. This is no doubt the basis of an alliance which is deeper than the occasional hostility. Historically aristocracies have more often been associated with monarchy than entirely independent. Nobles formed the king's court, looked to him for advancement and sinecures for poor relations, monopolized the military commands in his army and in return gave his rule support in their own territories. In a feudal system a balance is struck in which at each grade the inferior holds his position on terms of service to the superior, who in turn protects and assures him in his position. The balance is insecure, and great nobles in particular watch for opportunities to make their position independent and hereditary, but unless in the rare event that the noble is great enough to set up a king on his own account he will recognize his overlord as the keystone of the arch. The historic instances of aristocratic rule without dependence on monarchy have been relatively few. They would include most of the Greek city-states before the rise of the tyrannies and democracies, Sparta, notwithstanding the preservation of the dual kingship, being reckoned among them. They would include the commercial republics of the Phoenicians, Carthage, the Philistine city-states, probably, though little seems to be known of them, the

tribal republics of early India and above all the Roman Republic, tinctured and certainly invigorated as this might be by some democratic elements. One cannot add the spiritual supremacy of the Brahmans, though perhaps more deeply rooted and more widely extended than any of these, because they never regarded direct temporal sovereignty as within their sphere. In mediaeval and modern Europe the association of aristocracy with monarchy has been the rule, though with some brilliant exceptions. On the whole it is in this association that aristocracy has had its widest reach. Apart from some brilliant, but not long lived, democratic impulses in classical antiquity, the normal government of civilized states, down to quite modern times, has been in the hands of privileged classes, whether royal or aristocratic or both in cooperation.

What are the origin and basis of this distinction between ruler and ruled? In the simplest known societies, which though probably not primitive are nearer to the primitive than any others that we know, no such distinction is found. The little groups which constitute the nucleus of social life present no inequalities of rank, and while many of these groups are associated in larger aggregates which may be called tribes, there is hardly ever any gradation of power among them, or indeed any common authority. As to sex, women are often the full equals of men and in general are at least far nearer to equality than they are under more advanced conditions of material culture. As to age, there are cases, particularly among the Australian aborigines, where the power is exercised by the elders, and sometimes oppressively, but there is no question of a governing class restricted by birth. The little groups have in general leaders or headmen, but their power is more often a matter of personality than of any rigid rule. Beyond the group there is still less authority, and a chief of a whole tribe is a rarity. What is most important, access to the soil and its products is available to all members of the community, and the products of the chase or the search are generally shared among those present. Private rights in these things are not unknown, but are quite subordinate. In personal things private property is recognized and is more effective, but possessions are too insignificant to lead to accumulation, and goods are in fact often destroyed at death.

When we pass to peoples of rather more advanced material culture we find changes which are accentuated as we move upwards. The tribe becomes a definite unity. It has a chief or a governing council, often with considerable powers, and the chief is frequently hereditary. Fighting becomes more organized and fills a larger place, while the position of women sinks. We hear not only of family feuds but of tribal wars, and as war requires a leader we have war chiefs as well as peace chiefs. A successful war chief gets prestige and a position which no headman of a group possessed, and how his success may grow, how then he will get a group of *comites* about him and how the position tends to be hereditary hardly need to be said. But, it should be remarked, women and children are taken in the tribal wars, while adult male captives may be adopted to fill the gaps in the victorious community, so that alien elements begin to enter it. Such elements do not necessarily fall into a lower status, but they may do so. The captive women, for instance, will often be secondary wives, reenforcing the growing tendency to polygamy.

A more decisive step, however, is taken with the development of agriculture and industry. A tribe that has developed warlike organization out of mere tribal quarrels may begin to turn it to more utilitarian ends. It may even be more to its taste to continue the hunter's life, to raid agricultural tribes for their produce, as the Guaycuru do, or to subject them to a regular tribute. If agriculture is practised at home, a demand for labor arises which may be met by taking slaves. Thus, on the one hand, we have the rise of a warrior class, and, on the other, alien elements of lower status, slaves or serfs, or perhaps tributary peoples. Finally, encouraged by success, the tribe begins deliberately to enlarge its borders, and sends out streams of migrants to settle down as lords in the territories of milder, more industrious and perhaps more civilized peoples. It is not of course suggested that such a bare outline repeats itself in every case. The intention is only to indicate the connection of a series of differentiations which we find still within the limits of the simpler peoples as we pass from the lower to the higher hunters, and from them to the successive stages of agriculture and the breeding of animals. As we pass up the scale of material culture we find more social differentiation, larger units with more effective government, more evidences of slavery and serfdom, on the one side, and of a noble class, on the other, more insistence on the

restriction of landed property to nobles and chiefs. Here and there, as in some oceanic islands, we have a definite upper caste of property owners and a lower order of landless laborers.

Thus the comparative study of the simpler societies prepares us for the history of the earlier civilizations in which the growth of larger states, their frequent expansion into vast and insecure empires, the exaltation and even deification of the monarch, the elevation of military and sacerdotal orders and the subjection in greater or less degree of the masses, play their well known part. To attempt to characterize these developments in their complex and endlessly varying detail would be to write a history of civilization, but something must be said of the basis of differentiation. We have followed militarism as the main clue, but there are other influences entangled with it. One is sacral. In many simpler societies the shaman has an influence equal, perhaps superior, to the chief's, and in many case. shaman and chief are one. In early civilization the priestly order is often supreme. The Sumerian city-state was ruled by the *patesi* as the local god's direct representative. In Egyptian history the priestly order reveals itself as dominant, and in India the Brahmans through long contests vindicated their position as the superiors of the warrior classes and the secular prince. But there is more even than this. Militarism is blind force, and society is not stable until blind force is recognized as authority. The transforming agency is religion. The king is a god or the representative of a god, or at least the Lord's anointed whom the church has consecrated. Rebellion therefore is as the sin of witchcraft. The nobles perhaps hold from him at the outset, but in addition many of them are of royal descent, and others, like many of the great Greek families, might find for themselves a descent from heroes and demigods. Under higher religions, which exclude such conceptions, the respect for ancestry still has a mystical authority going far beyond any scientific justification. If the English nobleman's ancestor was not a god, he at least came over with the Conqueror. The power that is long established raises no heartburnings. It does not injure self-feeling as the elevation of a rival may do, but is generally accepted as above competition, always provided that it does not attempt innovations.

Another influence to be considered is economic. Throughout, the main basis of aristocracy is territorial possession. Quite apart from any special rights and privileges, the ownership of a great estate involves a kind of petty sovereignty over its population which no other property confers. In a feudal nobility it is indeed the administrative functions that take the first place, and when economic development has gone far enough to engender manufacture, commerce and a money economy, it is rather hostile than otherwise to the rule of an exclusive aristocracy, for the tendency is to buy out feudal obligations and transform the fief into hereditary property. Again, if we look to the origin of aristocratic estates, we find that grants from the crown, the results of wars, conquest, rebellions and attainders, spoliation of church lands and so forth, lay the foundation of many of them. But underneath all this the economic factor must operate. One family prospers by good management and advantageous marriages while another fails. Riches themselves are respected as the basis of success and the signs of capacity, and sheer wealth from early stages is social power and can be translated at lowest into political influence.

There is thirdly the biological factor in which many see the real determinant. The ruling section, be it race or class, entering from without or rising from within, is in this view the superior type, best fitted to rule and proving its fitness by success. This is the scientific justification alike of hereditary monarchy and aristocracy, which for the purpose of this discussion need not be differentiated. Some thinkers indeed, going beyond the basis of biology, think of common human nature as something essentially weak, poor and incapable of self-government. It needs direction from above. Unfortunately there are only human beings to be its directors. But it seems to be thought that there is a small section of human beings which superior hereditary endowment, developed by family tradition and lifelong habit, equips for the superhuman task of ruling not only themselves but others, and in this natural aristocracy is the hope of human society. This is the aristocratic ideal proper, and must command a certain respect since its ultimate origin is in Plato. Against it must be set the democratic conception that human nature, however weak and defective, has in it the possibility of higher things which are developed by responsibility and the common life, that the better training lies in self-discipline rather than

subjection, in cooperation rather than subservience, and that the society resting on wide acceptance of a common well-being has a broader basis than that of the prestige of a superexcellent but narrow class.

Leaving these two ideals to speak for themselves, we return to the more distinctly biological issue which is entangled in the extremely involved questions of race, class and caste, of the effects of inbreeding on the one side, and miscegenation on the other, and of actual ascendancy as a test of permanent merit. We will assume with the biologist that the psychological factors making for success, whatever they may be, are as hereditable as any physical factors on the same terms, that is, that they are germinal or innate and not acquired. What we know of the conflicts of peoples seems to indicate that in numerous cases physically stronger and more vigorous, perhaps harder and less scrupulous, races have come into contact with weaker ones and established what may be a durable ascendancy. How far this admission would carry us we might determine if we knew better what is meant by race. Using the term in a wide sense, however, and granting the possibility of a definite racial superiority in the aristocracy that is founded directly on conquest, the fact remains that these conquests represent military superiority alone, which is compatible with inferiority in other respects. The pastoral tribes, which have so often overrun settled peoples, were supreme in the assemblage of military qualities and pretty clearly inferior in others. The most successful barbarian rulers recognized the disparity, as did the Gothic rulers who recognized the superiority in the Roman culture, just as the Romans in earlier days had bowed to the cultural eminence of the Greeks. Conquest does found aristocracies, but does not substantiate their claim to all round superiority.

The question then arises whether the conqueror is to preserve his aloofness. If so, he will have to live in an armed camp like the Spartiates and maintain an exclusiveness which is likely to have unfavorable results. Socially it requires a fatal division of society into opposed camps wherein the rulers are compelled by their situation to make their own preservation the foremost consideration in government. Biologically it involves the difficult question of inbreeding. Will the caste prosper in isolation and therefore in endogamy? Here it must be said that contemporary genetics does not altogether justify the popular opinion of inbreeding as a necessary cause of degeneration. On the "factorial" hypothesis the danger lies merely in the increased chance of a union of factors bearing the same defect, and if the stock were sound throughout, this danger would not exist. Some writers evidently think the risk of importation of defects from outside marriages the more serious of the two. On this view, however, two comments must be made. First, if the choice of partners is narrow, persons of unknown defects will find mates when they had much better remained unmarried. That this is a real danger in monarchical and close aristocratic castes, and particularly in cases where wealth is sought to replenish aristocratic poverty, is fairly well known. Second, if there is a possible deterioration through intermarriage, there is also the opportunity of new combinations uniting perhaps for the first time in evolution the best elements in two strains, and so marking a distinct step forward in racial life. This is strictly comparable to the results aimed at by practical geneticists in the vegetable world, and though we have no means of measuring its social importance, the frequent appearance of vigor and originality among mixed races suggests that it is a real factor to be reckoned with.

In all this we are assuming an original "racial" difference. Where this does not exist the biological considerations must be quite different. Here ascendancy must be due to some superiority of power, either in the present or the past, and how far such superiorities would be permanent would depend for modern genetics on the question whether they rested upon a definite mutation or on a quantitative variation of a common character or perchance on the exceptional mating of two factors which could not be counted upon for recurrence. It is thus easily explicable that the inheritance of eminent ability is the rarity which we actually find it to be. We can by no means count upon it, whereas with equality of opportunity it is reasonable to count on the power of the superior faculty to find its way to the front. Hereditary privilege therefore seems in these cases to be superfluous and rather dangerous, and these considerations will apply to all cases in which aristocracy has ceased to be endogamous.

If we ask why, then, the privilege of birth has played so large a part in civilization, the answer is probably neither sacral nor economic nor biological, but rather the need and the difficulty of government. The need and the

difficulty grow as society enlarges its borders and comes to embrace numerous peoples of diverse character and traditions, varying forms of industry, grades of wealth and poverty. As this process advances, government becomes a special art and mystery, remote from the ordinary man, and the mystery of mysteries is how to secure obedience. The first necessity is loyalty to the leader, who offers himself and proves successful. What more natural than to follow his son as successor, brought up by him and already invested with secondary power? What more disastrous than contests for the succession? It is not likely that sacral theories are deliberately invented to enforce loyalty, but where they arise at this stage of development states are more likely to flourish. The quasi-divine monarchs will be the survivors. This reason applies most cogently to the monarchical principle, but we have seen how at bottom the aristocracies are linked up with their superiors. Social order will require local and departmental rulers, and for them too, so far as they do not hold directly from the crown, against which their own feelings rebel, a sanction is needed. Thus it seems at bottom to be the need of a stable government which maintains the authority of the superior. Only with the spread of education and communication does self-government on the large scale become a possibility (and even now self-government has hardly passed beyond the experimental stage).

The decline of aristocracy in modern times has been due not merely to the rise of democratic ideas but to economic changes. Territorial ascendancy was undermined by the growth of industry; urban communities arose which resented territorial jurisdiction and obtained charters and liberties of their own. The most prominent burgesses, matching the nobles in wealth, began to establish a plutocracy frankly regardless of aristocratic tradition. About their wealth there is no halo of antiquity; men see it growing before their eyes. The successful ones are positive, matter-of-fact, measure values in terms of hard cash, and reck little of antiquity, but believe that the future is with them, and are resentful not only of the political privileges and social preeminence of the aristocracy but more deeply of its repudiation of money as a standard and the too easy contempt for the money making for which it has never had any need. What attitude will the aristocracy take to this new power? It may stand proudly aloof, refusing intercourse, jealously adhering to fiscal and personal privileges, but for the rest content to decline in wealth as its rival advances. Or it may make terms, and take its toll of the new wealth by marrying its daughters. The former has been on the whole the method of the continental aristocracies; the latter that of the British, probably because with them commercialism developed earlier and its prizes were more tempting. But even in England the breaking down of the caste feeling was very slow before the middle of the nineteenth century. It took time to make a "gentleman." Mr. Weston in *Emma* "was born of a respectable family which for the last two or three generations had been rising into gentility and property." He himself was now thought a good match for Emma's governess, and associated on equal terms with country gentlemen like the Knightleys and Woodhouses, but was held in contempt by the aristocratic family of his first wife. In Thackeray's time the Lady Annes and Lady Claras were deliberately married by their families to bankers or brewers. In the last generation or two this particular form of the marriage problem has been falling into the background in our literature. Money, as Vespasian said, does not smell of its origin.

Intermarriage in the end governs all social intercourse, and social intercourse interacts closely with political cooperation. In France there was no question but that the prosperous burgess belonged to the third estate, and the bourgeoisie, with the lesser clergy and a few idealists among the *noblesse*, took the lead in the first revolution, until frightened away by disorder, insecurity and some hints of socialism. In England there was a time, now difficult to imagine, when the city of London took the lead in liberal movements. Commercial men headed the democratic assault after the Napoleonic wars, and won their victory in the first Reform Act (1832) and the abolition of the protectionist duties on corn (1846). But the rising tide of democracy bore reconciliation on its breast, and cooperated powerfully with the social influences that have been mentioned, so that from 1886 onward "property" in England, landed or other, presented a very solid front. The disappearance of the old liberal parties on the continent tells the same tale in a different language. Aristocracy, like hereditary absolutism, is dead. The issue for Europe is between democracy and dictature, an issue which depends in the end on the question whether the

economic problem can be solved by good sense or must be kept unsolved by violence.

Aristocracy would hardly have been submerged in plutocracy if its ideal had not been disintegrated by democratic criticism. Aristocracy held a high standard of honor and fortitude, of public duty and personal courtesy, of inner character as against outward show. Yet in so far as it believed itself to have a monopoly of such virtues its exclusiveness was neither compatible with ethical requirements nor based on scientific facts. Nature has not parted men into sheep and goats. In all classes, all colors and all creeds there are good men and less good, wise and unwise, competent and incapable. Of any collection of men—a nation, or a class, or even a group of nations like a world of white men—the most that we can scientifically venture is that their average is higher in some one or more of these respects than that of others. Yet it will remain that the good man or the capable man of the class with the lower average will hold his own among the higher. Why should he be excluded from their circle or from any of their functions if personally he is capable of performing them? Even the average superiority may hold only in respect of one quality and fail in others, as the white man with his superiority in practical organization is inferior to the Japanese in artistic sense or to the Indian in fineness of spiritual perception. A mere sense of humor should prevent a nation or a class from vaunting an all round superiority which is hardly ever real. Ethically the traditional *noblesse oblige* might itself have taught that the greatest duty of the superior, if such he is, is not to wrap himself up in his superiority but to share his best with all the world, and for this purpose he must feel himself at one with the world—a man, not a demigod, among men.

Men are very far from being equal but, abnormalities apart, their differences are those of degree and lie as it were on the surface of that deep seated identity which is common human nature. The great poet and, more than that, the great statesman is he who does not stick in the differences, but can work down to these deeper forces and trust the results to the broader basis which they provide. From whatever point any race or class is truly superior, it needs nothing but equality of opportunity to prove its merit.

By defenders of the hereditary principle much is made of the high capacity of the founder of the family, but no general assumption of outstanding merit is warranted. What may be assumed is that some ancestor, recent or remote, had a capacity of some kind sufficient to enable him to found a family. Enough is known to assure us that such capacity is often of doubtful character, including, e.g., skill in court intrigue or doubtful political services. The more distinctive mark of the ancient family is that, whatever the causes of its rise, it has in fact held on. It has kept its estates while others have squandered theirs. It is morally more conservative than progressive or aggressive. It cares for its tradition. To hold its head high for two or three hundred years, while others rose or fell, pushed and scrambled, won dizzy success and ruin, is after all no mean feat, and implies the persistence of a certain tradition and perhaps a hereditary type of character.

It is this type, rather than any unusual ability, which expresses itself in the aristocratic code, and more broadly in the aristocratic manners at their best. The note of these manners is a security in the inner and the outer life which is too deep and untroubled to be called a conscious assurance. A certain code is inbred from birth and as a matter of course governs each man's own actions and those of his kind. He is aware of a coarser kind, but it serves only as a foil to teach him what to avoid. He knows without formulating it what he has to do, and that is what he will do, and what all his peers will do, and it includes the knowledge of dealing with those whose code is different. Moreover he is born free from worry about material necessities, with the sense that he has enough and needs no more. Men outside his class are appointed to serve him, and this too he takes for granted. This last point is the element in that repose stamping the caste of Vere de Vere which galls the outsider. It is the basis of the quiet voice, the even tones and easy manner which carry so much further than passion, vehemence and shouting.

If we except this power of command, the other features of the aristocratic manner may be found in cases where there is no question of class ascendancy. It is a feature, for example, of those religious households in which piety is not emotionally acquired but inbred. There too is untroubled confidence and a moral security in the possession of real values, not touched by the needs of this world, regardless of advancement, competition and criticism. Observers of the working class have noted a similar dignity

and repose among humble craftsmen possessed of some skill which gives them security in their modest position, but does not point the way to any great advancement. Thus the essential secret is not that of a class but of a standard held with conviction—what one may call a valuation. In the old families this valuation has become a settled tradition, and will survive a break of fortune, as has often been seen in revolutions. But in the aristocratic valuation there is a *per contra* account. Its exclusiveness limits its imagination. Other men are God's creatures, but so is the beetle which one avoids wantonly crushing; and in the traditional training there are for the circle itself elements of hardness derived from the militarist conceptions and the ideal of command and obedience in which aristocracy had its historic function. The self-control which is expressed in the untroubled exterior in the presence of suffering, danger and death, and of which the aristocratic tradition makes so strong a point, insisting on its cultivation from the days of infancy upward, may too easily be turned to hardness. The capacity to endure, which is perhaps the finest of human possessions, may pass into willingness to inflict, or at least into indifference to infliction, which is the most dangerous of human vices. The attachment to field sports, doubtless a natural expression of high vitality, skill and courage, must yet seem a very strange form of pleasure to an oriental, to whom, all life being sacred, searching questions must present themselves when he is bidden to have regard to our superior morality and religion. It must be added that a certain lack of intellectual and artistic interest, even a certain repression of originality, too often constitute another aspect of that unquestioning acquiescence in things as they are which detracts from the value of the aristocratic ideal. Yet that ideal has played its historic part. It has contributed something vital to human experience, and if it has perished only to give way to unqualified materialism and the uncharted adventures of the wealth seekers, it has perished before its time.

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See: CLASS; CASTE; NOBILITY; MOBILITY, SOCIAL; EQUALITY; AUTHORITY; FEUDALISM; PRIMOGENITURE; PRIESTHOOD; GOVERNMENT; GERONTOCRACY; OLIGARCHY; THEOCRACY; MONARCHY; DEMOCRACY; PLUTOCRACY; CULTURE; ASSIMILATION, SOCIAL.

Consult: Gobineau, Arthur de, *Essai sur l'inégalité des races humaines*, 2 vols. (2nd ed. Paris 1884), bk. i tr. by Adrian Collins (London 1915); Gumplowicz, Ludwig, *Grundriss der Soziologie* (Vienna 1885), tr. by F. W. Moore (Philadelphia 1899); Oppenheimer, Franz, *Der Staat* (Frankfort 1912), tr. by J. M. Gitterman (Indianapolis 1914); Fahlbeck, P. E. A., *Der Adel Schwedens (und Finnlands)* (Jena 1903), and *Die Klassen und die Gesellschaft* (Jena 1922); Veblen, Thorstein, *The Theory of the Leisure Class* (New York 1899); Sorokin, P. A., *Social Mobility* (New York 1927); Hobhouse, L. T., Wheeler, G. C., and Ginsberg, M., *Material Culture and Social Institutions of the Simpler Peoples* (London 1915); Gelzer, M., *Die Nobilität der römischen Republik* (Leipsic 1912); Guilhiermoz, P., *Essai sur l'origine de la noblesse en France au moyen âge* (Paris 1902); Eberbach, Otto, *Die deutsche Reichsritterschaft in ihrer staatsrechtlich-politischen Entwicklung von den Anfängen bis zum Jahre 1495* (Leipsic 1913); Brinkmann, Carl, "Die Aristokratie im kapitalistischen Zeitalter" in *Grundriss der Sozialökonomik*, vols. i–ix (Tübingen 1914–29) vol. ix, pt. i, p. 22–34; Ponsonby, A. W. H, *Decline of Aristocracy* (London 1912); Coudenhove-Kalergi, R. N., *Adel* (Leipsic 1923).

ARISTOPHANES (*c.* 445–385 B.C.), Athenian comic poet of the "Old Comedy." Eleven of his forty plays have survived, of which the following are most significant in the development of his thought: *The Acharnians* (425); *The Clouds* (423); *The Birds* (414); *Lysistrata* (411); *The Frogs* (405); *Plutus* (388). In the work of Aristophanes there reverberates the epic century which had changed a second class Ionian seaport into the mistress of the seas and isles and the spiritual guide of Greece. His literary qualities are of the highest—verve, gayety, exuberant invention, irresistible *fougue*, exquisite lyricism—qualities scarcely marred by his equally evident violence, coarseness and partisanship. Some of his obscenity was traditional and apotropaic, but much of it was the lusty ribaldry of uninhibited high animal spirits.

His social and political point of view was that of a complete Tory. His Toryism, however, was less the deliberate selection of a policy than the desire of a gentleman to live comfortably a life from which he derived satisfaction. Democracy in Athens was militaristic and imperialistic. Aristophanes heartily opposed both tendencies because they interfered with the kind of life he deemed worth while. But it is an error to make him the uncompromising foe of political innovation. He played the part of caricaturist in a world without newspapers, and he flouted eccentricity quite as unmeasuredly as he attacked dangerous radicalism. Euripides and Socrates were his victims no less than popular leaders like Cleon and Hyperbolus.

He had no imitators. Aristotle ignored him—

and rightly, for his influence was slight compared to that of Philemon and Menander of the "New Comedy," whom he foreshadowed in his latest plays. His survival is due to the fact that he embodies so well the great age in which he lived and to which later men looked back so fondly. He is frequently cited by the literary reactionaries of today, although by a curious paradox Toryism at the present time has just those militaristic and imperialistic associations which he so vigorously combated.

MAX RADIN

Consult: Müller-Strübing, Hermann, *Aristophanes und die historische Kritik* (Leipsic 1873); Deschanel, E. A. E. M., *Études sur Aristophane* (3rd ed. Paris 1892); Croiset, Maurice, *Aristophane et les partis à Athènes* (Paris 1906), tr. by James Loeb (London 1909).

ARISTOTLE (384–322 B.C.). He was born at Stagira, a Greek colonial town on the coast of Macedonia. His father was a doctor, and this may help to explain the interest which he showed in physiological and zoological studies; his family was of Ionian descent and the passion of the old Ionian philosophers for a thorough investigation of all the phenomena of nature characterizes his work. His life falls into three periods—those of the pupil, the wandering scholar and teacher and the settled master of a school. He became the pupil of Plato in the Academy of Athens at the age of seventeen, and he pursued his studies during a period of twenty years until Plato's death in 347. The years of his wanderings, which extend from 347 to 335 B.C., were partly spent in the eastern Aegean (in the south of the Troad and in the adjoining island of Lesbos) and partly at the Macedonian court at Pella. In the eastern Aegean Aristotle was associated, apparently as its master and teacher, with a small Platonic circle in which the "tyrant" Hermias (whose adopted daughter he married) was one of the most conspicuous figures; at Pella he acted as tutor to Alexander, the son of King Philip (who was connected by ties of policy with Hermias), and he may also have worked with a little group of disciples and colleagues in the general field of scientific inquiry. After the succession of Alexander to his father's throne Aristotle returned to Athens, where he spent the third and last period of his life (335–322) as the head of a school which he set up in the Lyceum. This school, according to tradition, was known as the "peripatetic," from the ambulatory (in Greek *peripatos*) in which he walked and talked with his pupils. Here, in the last dozen years of his life, he repeated, expanded and modified the courses which he had given before in the eastern Aegean and possibly at Pella; and here he also delivered a number of new courses of lectures. The body of Aristotelian writings which we possess represents almost entirely these different courses, either in the form in which he left them or as they were edited after his death by his disciples.

Aristotle's studies and lectures covered the field of general knowledge. The body of his writings thus forms an encyclopaedia—the first of encyclopaedias, but an encyclopaedia proceeding from a single mind and informed by a single general philosophy. We may divide this general body under eight heads: first, logic (represented by the *Organon*); second, physics, or the general study of inorganic nature (represented mainly by the *Physics*); third, biology, to which he especially devoted his attention, writing a treatise on the *Historia animalium* and delivering courses of lectures on various branches of the subject; fourth, psychology, a study which he founded by his *De anima*; fifth, metaphysics, or pure philosophy, which is represented by the *Metaphysics*; sixth, moral philosophy, a study to which he devoted two different courses, the earlier or *Eudemian*, and the later or *Nicomachean*, *Ethics*; seventh, political philosophy, as it appears in the *Politics*; and eighth, aesthetics or literary criticism, a field to which belong the *Rhetoric* and the *Poetics*. One of Aristotle's greatest contributions to knowledge was his classification of the sciences. He was the first to recognize the various branches of knowledge as separate sciences and to assign to each a particular method and content.

His philosophy continued to be studied and developed in the Aristotelian schools until 529 A.D., when, as tradition has it, they were closed by order of the Emperor Justinian. It was Platonic thought which dominated Christian Europe throughout the early Middle Ages; but after the twelfth century, partly through translations made from Arabic versions and partly (after 1250 A.D.) through translations made directly from the Greek, Aristotle's works became generally known and he became recognized as "the philosopher" par excellence. His ideas permeated mediaeval thought with a completeness which has rarely been attained by a single system of ideas in any other culture. Every department of intellectual activity came under his influence—politics, education, science, philosophy. The Arab Averroes, the Jew Maimon-

ides and the Christian Aquinas strove equally to harmonize their own religious systems with the ideas of Aristotle. For centuries his influence was an educative force, but as crystallized in scholasticism it eventually became an obstacle in the path of further intellectual development. When the reaction against scholasticism began with Bacon and Descartes, Aristotle's dominance began to wane.

His work in the sphere of the social sciences is to be found in his writings on moral and political philosophy. Here as elsewhere he combined a gift of theory with a mastery and accumulation of detail. The *Politics*, for example, may be compared with Adam Smith's *Wealth of Nations* for its union of analytic theory with knowledge of historical and contemporary data. Aristotle had prepared descriptions of one hundred and fifty-eight "polities" or constitutions (all now lost except one, the *Constitution of Athens*, which was discovered some forty years ago); and he had also compiled works (now lost) on "the customs of barbarians" and "cases of constitutional law." He interested himself also in contemporary politics, and he wrote (perhaps when he was tutor to Alexander) a treatise, *On Monarchy*, and another, *Alexander, or on Colonies*, which may belong to the period when his pupil was founding new cities during his eastern conquests. These also are lost, and we can form an opinion about his knowledge or his views in the field of the social sciences only from the two treatises on *Ethics*, the *Politics* and the *Constitution of Athens*.

In the specific subject of economics Aristotle delivered no separate course and left no separate treatise. The *Oeconomica* ascribed to him is a composite treatise of a later date; the first book may be a production of the peripatetic school soon after his death; the second is a collection of stories; and the third, while partly peripatetic, is also partly stoic in origin. There are, however, some remarkable germs of economic theory in Aristotle's own writings. One of these appears in a passage in the fifth book of the *Nicomachean Ethics*, where he deals with that species of justice which relates to exchange (commercial justice) and attempts a theory of value and price. Further examples of Aristotle's economic theory are to be found in some chapters in the first book of the *Politics*. Here he is concerned with "matters of the household" (the literal meaning of the Greek word *oikonomika*) such as the provision of labor, which raises the question of slavery, the exchange of goods, the nature of money and the problems of usury. We may also note the passage in the second book of the *Politics* in which he discusses the Platonic scheme of communism and gives his own justification of private property. We have to remember that Aristotle was dealing only—and then incidentally—with the economic problems of small quasi-rural city-states, in which economic development was still rude and simple ("Greece and poverty have always been foster sisters," said Herodotus); but the simplicity of the facts perhaps made generalization the more readily possible. Aristotle's generalizations about justice in exchange and the nature of interest affected the theory of price and of usury in canon law; his remarks on the nature of money were the basis of Nicholas of Oresme's remarkable treatise *De mutatione monetarum* in the fourteenth century; and his scattered hints on economics exercised sway over men's minds for many generations.

In the field of political philosophy his *Politics* has been a textbook ever since his time and is still used as a text in modern universities. His lectures on the subject must have been put together at different times, and they contain different and sometimes inconsistent elements. He may have begun to give instruction in politics as early as 347, when he joined Hermias and his circle in the eastern Aegean; he may have continued such instruction at Pella; and the final form of his notes on the subject would naturally have been attained when he was lecturing at Athens in the days of Macedonian supremacy after 335. Possibly the two books on the ideal state (vii–viii) belong to the earliest phase, when his memories of Plato were still vivid and he was still interested in political ideals. Possibly again the three books (iv–vi) which deal with the detailed problems of the structure of government, and more particularly (in v) with defects of structure and the methods by which they can be remedied, belong to the latest phase, when Aristotle had accumulated his descriptions of constitutions and studied thoroughly the facts they disclosed. The early books of the *Politics* (i–iii), which deal with general principles of politics, may belong, like the last two books, to an early stage: certainly book ii, which deals with proposed ideal states and the most admired of actually existing states, links itself naturally to Aristotle's description of his own ideal state.

Like his economic principles (but on a far greater scale, just as they are far more developed in his own writings) Aristotle's political principles have entered into the subsequent course

of social thought. He taught that the state was natural and that man was naturally a political being. He taught that law was sovereign and that the magistrates were servants of the laws; he distinguished "normal" forms of states from "perverted" forms and taught succeeding ages the difference between monarchy and tyranny; he investigated the deserts and capacities of the people, and while he criticized democracy he argued none the less that the people, especially because of their capacity for collective judgment, should elect their officers and call them to account. These were not ignoble lessons; and the whole history of political theory to the close of the Middle Ages shows how steadily they were conned. St. Thomas Aquinas, Dante and Marsiglio of Padua were all pupils of Aristotle in politics; and if the school of natural rights and social contract introduced a new line of approach in the seventeenth century, it did not in all respects improve upon Aristotle and in some it simply continued his teaching.

ERNEST BARKER

Consult: Ross, W. D., *Aristotle* (New York 1924) p. 7–19, 291–95, which contains a bibliography of Aristotle's writings and of editions, commentaries and general works bearing on them; Jaeger, W. W., *Aristoteles* (Berlin 1923); Barker, Ernest, *The Political Thought of Plato and Aristotle* (London 1906); Gelesnoff, W., "Die ökonomische Gedankenwelt des Aristoteles" in *Archiv für Sozialwissenschaft und Sozialpolitik*, vol. 1 (1923) 1–33; Stocks, John L., *Aristotelianism*, Our Debt to Greece and Rome series, vol. xx (Boston 1925).

ARKWRIGHT, RICHARD (1732–92), English inventor of textile machinery. He had no knowledge of mechanics or practical experience with industrial processes, but his natural gifts compensated for the lack of technical training. His greatest achievement, the pivot of all his subsequent ones, was the invention of a machine for spinning by rollers (the "water-frame"). He was not the original inventor of this mode of spinning, for in 1738 a patent for spinning by rollers was taken out by Lewis Paul (son of a Huguenot refugee), who was assisted by John Wyatt. Arkwright may have discovered the secret of Paul's invention, or he may have conceived the idea independently; in any case his machine was superior in point of construction, and he was the first to make a success of it. The "water-frame," patented in 1769, was adapted only for the final process of spinning—converting the rovings into yarn. In 1775 Arkwright patented other inventions which enabled all the preliminary operations connected with spinning to be done by machinery. In addition he constructed a machine for carding by revolving cylinders instead of by hand cards, in which also he was anticipated by Lewis Paul.

Arkwright achieved both fame and fortune. He was knighted (1786) and made high sheriff of Derbyshire (1787). He possessed a remarkable faculty for organization and, although he was not an inventor of the first rank, his work marks the founding of the modern factory system.

E. LIPSON

Consult: Espinasse, F., *Lancashire Worthies*, 2 vols. (London 1874–77); Baines, E., *History of the Cotton Manufacture in Great Britain* (London 1835); Lipson, E., *History of the Woolen and Worsted Industries* (London 1921); Unwin, George, *Samuel Oldknow and the Arkwrights; the Industrial Revolution at Stockport and Marple* (London 1924).

ARMAMENTS. In its early sense the word armaments had a relatively restricted meaning. It was applied only to offensive and defensive weapons, ships of war, man power, supply and transport, especially as these were organized and coordinated by the state. In the earliest times armaments were not clearly distinguishable from the technical instrumentalities of ordinary life. Archaeology suggests that the tool and the weapon were at first interchangeable. The stone ax, when used to bring down a tree or to hollow out a canoe, was a thoroughly pacific tool, but the same ax, when used in combat, was a weapon. Similarly the spear or arrow by which the hunter supplied food for his family ceased to be a tool and became a weapon when the hunter went to war. Even before society had emerged from the hunting stage, however, this identity of tool and weapon had begun to disappear. As the use of weapons developed, defensive weapons—chiefly shields and armor—were added to offensive, although throughout history the latter have been more varied and abundant.

The evolution of naval armaments has closely followed the general development in the means of water communication. From the primitive war canoe emerged the galley, which was propelled partly by sails and partly by oars and which varied in type from the classic trireme to the dragon boat of the Viking raiders. The sail was first used together with oars and then gradually superseded them, later to be supplemented itself by steam power and finally superseded.

As society passed out of its earlier stages and states began to grow up, armaments became more thoroughly organized. They ceased to be individual and became tribal, feudal or national. The distinction between the fighting man and the civilian was almost as difficult to draw then as it is today, except that women and children—although usually regarded as legitimate booty—were not then considered part of the armed establishment, since they did not, as today, play an important part in the production of munitions. The entire male population was, in theory at least, liable to military service; but as there was no way of transporting large masses of troops to the front, and as communications were inadequate to control them, relatively few men could actually be called into service.

In ancient, mediaeval and even early modern times the term armaments could be restricted to the articles—armor, uniforms, shock and ballistic weapons, ships of war, munitions and strictly military and naval supplies—necessary to equip relatively small standing armies. With the growing complexity of society and the corresponding complexity of warfare the meaning of the term has gradually broadened. In modern war, armaments are regarded as including every element in the national life that can in an emergency be employed either defensively or offensively. This wide interpretation of the term is due specifically to the rise of the industrial system and the application of science to warfare. Many machines and implements not previously considered as such were brought within the category of armaments by the introduction of the railroad and electric telegraph in the nineteenth century and of motor transport and wireless communication in the twentieth. These inventions made it possible to bring troops into the battle line, control them and keep them supplied in numbers inconceivable under the older methods of transport and communication. The modern conscription system followed, and the conception of an entire "nation in arms" became a reality. The distinction between weapons and implements, like that between combatant and non-combatant, tended to disappear and during the World War vanished almost entirely.

The armament value of heavy industry has long been obvious, but in recent years the increasing application of science to war has had the result that many other factors in the military situation which would in previous years have been regarded as matters of purely civilian concern are now supervised by general staffs and regarded as integral parts of the national armament. The most obvious example of the change that has taken place is to be found in dye and other chemical factories. Before the introduction of chemical warfare these factories were never thought of as having military significance, but today they are recognized as a swift, easy and secret means of providing a formidable defensive and offensive weapon. Research laboratories also and many ordinary factories can in time of war be turned from peaceful industrial purposes to the production of uniforms, artillery, small arms, transport and medical supplies and all the other innumerable articles required to maintain an army in the field. In other words the entire economic fabric is today a part of the national armament.

Thus the temptation becomes very strong to regard the enemy's entire territory as part of the theater of war and everything that he possesses as part of his armament and therefore a legitimate target. The increased range of modern artillery has to some extent assisted in this process. The development was particularly brought about, however, by the adaptation of the airplane to offensive operations. Before the World War the airplane had been regarded as primarily a means of reconnaissance, but during the war an air attack on the national capital or vital manufacturing centers became an important means in achieving the true object of war, which has always been to paralyze the enemy's will to resist. If successful, such an attack rendered the army itself helpless because it could no longer be supported by the stream of military supplies flowing from the civilian population behind the firing lines.

The existence of armaments introduces numerous difficulties in international relations. The political results which followed the appearance of the modern armored and steam propelled navy are an example. A modern steam vessel is an immensely complex machine and like any other machine it may need repairs at any moment. It must never be out of reach of a base equipped with adequate docks, machine shops and fuel depots. Since all trade is world trade under modern conditions, a fleet, to be of any use for commerce defense, must be able to operate freely anywhere on the globe. To make such operation possible a state must not only have bases and fueling stations but these stations must be distributed in all navigable waters, where they necessarily threaten either the coasts

or the communications of other states. The British bases at Gibraltar and Singapore, the American bases at the Gulf of Fonseca and Guantánamo Bay, the Japanese base at the Bonin Islands, are examples. The scramble for suitable bases has resulted in international friction in every part of the world and a still further increase in the difficulties of peaceful diplomacy.

Of wider significance in international relations is the fact that governments maintain armaments as much for purposes of impressive display to support national policy in time of peace as for actual use in war. It is a recognized fact that in the present state of civilization the policies of sovereign states depend in the last analysis either upon force or upon the threat of force, whether that threat is actual or implied. This is true even in the friendliest negotiations; every diplomat has always in mind, consciously or unconsciously, the possible military strength of the government with which he is dealing, and where fundamental disagreements with regard to international policy develop, the strength or lack of strength of a diplomatic opponent becomes an important consideration. This is clear enough when one considers the different policies that the powers have pursued toward the tariffs of China and of the United States, the one a weak country, the other a strong one; or the change in the attitude of the European states toward Japan as soon as she had built armaments and learned how to use them. It is equally clear when one compares Italy's appeal to force against Greece in the Corfu incident with her very mild diplomatic protest when the United States by the new immigration law shut off one of the most important outlets for the surplus Italian population. The policy of "showing the flag" exists among naval powers solely as a means of demonstrating their strength. The British fleet, merely by the fact of its existence, has again and again supported the Foreign Office without the firing of a gun or the movement of a vessel. The cruise of the American fleet around the world in 1911, although entirely peaceful, was a demonstration of naval strength which was not lost upon foreign offices. The pre-war German policy of "rattling the sabre" is another obvious illustration of the use of armaments to support diplomacy by threat of war.

Threats of force, even when they remain wholly silent and even when they are completely successful, lead directly into the race for armaments, which is one of the chief dangers to the peace of the world. Statesmen who have once been compelled to abandon a policy under threat of superior force are very likely to make up their minds to be prepared next time. Another important factor stimulating armament races is the practical impossibility of distinguishing between offensive and defensive armaments. It is impossible to organize an army or a navy so that it can be used solely for defensive purposes, for it is a strategic maxim that the best defense is a vigorous offensive and therefore every staff thinks itself compelled to plan attack even when instructed merely to defend.

It would, it is true, be possible to construct a navy which is suitable only for defense. The pre-war German navy, for example, though not solely defensive in intention, was at least so constructed that it could operate at maximum efficiency only in the North Sea and could therefore be used only for defense or for aggression against a limited number of opponents—the Scandinavian countries and the powers of the Triple Entente. It would also be possible, by confining naval armaments to monitors, small submarines and other vessels of limited cruising radius, to establish a fleet that would be useful solely for coast defense. This is especially true of nations like the United States which are separated by many thousands of miles of sea from any possible opponent. But the rapid increase of economic interdependence among the nations of the world has reached such a degree that merely to hold the enemy at a distance from the coast is no true defense. Such action provides no protection for sea borne commerce. Furthermore, as was shown by the blockade of the Central Powers during the World War, a country can be starved even though its army may be proof against defeat by the enemy. Commerce protection therefore becomes necessary, but since the light cruisers used to defend a nation's own merchant shipping are also useful for raiding the enemy's, their construction by one country is immediately construed as a threat by every other.

No matter how pacific a government's intentions it thus always has at hand a weapon suited to aggression; and modern ministries are so unstable that no state ever knows when its neighbor's ministry may fall and its national policy may change. Even when they are honestly intended primarily for defensive purposes, military or naval preparations of any kind are likely to be construed by neighboring powers as a possible future danger. When they themselves

begin to arm—again with the honest intention of providing defense only—the first power, in turn, immediately construes these preparations as a menace and itself speeds up or increases its armament program. The most spectacular and obvious illustrations are to be found in the Anglo-German naval race which began in the early twentieth century and in the Anglo-French competition in aviation which followed the war. In the first instance Germany's protestations that the new fleet was required solely to defend her rapidly increasing merchant marine were in themselves logical enough. But they could not possibly be accepted by the British Admiralty, charged as it was with the duty of providing absolute assurance that the supply of raw materials and foodstuffs for the British Isles should never in any circumstances be interrupted. In the second instance the tremendous development of aviation by the French was probably originally due to their desire to insure air superiority against Germany and not to any desire to assail their late allies across the channel. But the existence within a short distance of London of an air fleet capable of reducing the imperial capital to ruins in a few hours was too dangerous for the British to accept with complacency, and an Anglo-French race for air supremacy immediately began. Although the airplane is still so new a weapon as to make prediction difficult, it is probable that an aerial armament race of this sort will prove more menacing to peace than the competition in land and naval armaments with which the world is already familiar. Sir John Fisher is known to have urged King Edward VII to "Copenhagen" the German fleet while it was still small enough to be easily destroyed. Since aircraft can strike far deadlier blows than warships and with far greater swiftness, the temptation to deal similarly with a diplomatic rival's growing air fleet will be proportionately stronger.

The armament "races" produced by this state of affairs have two especially evil effects on international relations. In the first place they encourage the heaping up of national armaments on a scale out of all proportion to reasonable defensive needs. A recent example is the race in battleship construction which was ended by the Washington Conference of 1921–22. After the announcement of the American naval program of 1916—an outgrowth of the World War and therefore, though very indirectly, a result of Anglo-German naval rivalry—the Japanese took immediate steps to counter the construction proposed by the United States. Between 1917 and 1921 Japanese naval expenditure increased from about $85,000,000 per annum to $245,000,000. If the building program which Japan inaugurated then had continued, it would have reached $400,000,000 by 1927, unless the sheer hopelessness of competing with the superior economic resources of the United States had precipitated a conflict while there was still a possibility of Japanese success. American naval expenditures, which were $136,858,301 in 1914, increased to $433,279,574 in 1921 and would undoubtedly have risen higher had the conference failed to reach an agreement.

In the second place the very strength of the armaments creates a state of international distrust which hinders the peaceable settlement of disputes and facilitates the outbreak of war. Military and naval staffs have a natural professional desire to use the huge machines they have built up. Responsible civilian leaders are tempted to take the position that since war is inevitable it is better to precipitate the conflict while their own armaments are still ahead of their rivals, in accordance with von der Goltz' principle that "the statesman who, knowing his instrument to be ready and seeing war inevitable, hesitates to strike first is guilty of a crime against his country."

Armaments constitute a social as well as an international danger because of the heavy drain on the national wealth which they represent. The Brussels international financial conference in 1920 estimated that on the average all powers are devoting "some 20 percent of the national expenditure" to the maintenance of armaments and to preparation for war. Sir Josiah Stamp has estimated that before 1914 Great Britain, France and the United States were spending from 34 to 38 percent of their budgets for military purposes. Italy, Japan and Sweden were at the same time spending between 25 and 30 percent, while Argentina, Belgium and Spain were spending between 15 and 20 percent. In 1920 Japan's peacetime expenditures for military and naval purposes reached 48 percent. The total naval budgets for 1921–22 of the five powers which met at the Washington Conference amounted to $1,300,000,000. This sum is three times that required to build the Panama Canal and double the endowments of all American universities, colleges and professional schools. The total military budget of the United States, which maintains one of the smallest standing armies in proportion to population, was $361,-

987,000 in 1927, while the naval budget was $322,621,000. These figures do not include pre-war pensions, which amounted to $230,556,000.

Moreover the costs of military and naval establishments are constantly rising as science supplies new and more elaborate equipment. The pre-war and post-war budgets of the leading powers offer an instructive comparison. The following figures, which include both military and naval expenditures, are calculated in millions of dollars according to the exchange rates prevailing at the time:

	1913–14	1922
British Empire	661	1073
France	349	461
Italy	181	123
Japan	96	367

It should be pointed out, however, that budgetary figures do not represent a trustworthy means of comparing national armaments, since powers like the United States and Great Britain which have volunteer armies are compelled to spend a great deal more per soldier than powers whose armies are on a conscription basis, and which are therefore able to fix their rate of pay at a bare pittance. Moreover only the direct costs of peacetime armaments have been taken into account. The cost of raising, equipping and keeping in the field or at sea the forces required in time of war, when the entire strength of the belligerent nation is brought to bear on the enemy, is of course vastly greater—without counting the tremendous permanent loss of capital and man power which modern warfare involves.

But enormous budgets, although they indicate clearly that armaments represent a huge waste, do not completely reveal its true extent. Even in time of peace the diversion of capital and energy from productive pursuits, which is necessitated by the existence of large armaments, greatly exceeds the apparent and direct cost represented by the military or naval budget. Where conscription exists, all able bodied young men are withdrawn from productive work during a period ranging from one to three years. Since the World War there has been a tendency to make these training periods short but more frequent. Much ingenuity and scientific ability which might otherwise be turned to productive industrial or to purely scientific purposes are devoted to a refinement of the means of destruction and their auxiliary devices—high powered artillery, sound ranging instruments, deadly gases, sights for artillery and bomb droppers and the like.

A. C. Pigou estimates the cost of armaments in Great Britain to be from 3 to 4 percent of the "national dividend," or aggregate income. This, he says, is equal to "about a fortnight's work of the brain workers, hand workers, and mechanical equipment of the country every year." In countries having conscript armies the figures are much higher; Sir Josiah Stamp, basing his conclusions on post-war figures, would double these amounts. He thinks that "the release of the whole armament expenditure alone would be, in some cases, equal to 5, up to 8 or even 10 percent in others, of the national income, and a much larger percentage of the 'free' income"—that is, the portion of the national income above that needed for bare subsistence.

The speed with which the implements of modern war grow obsolete adds greatly to the cost of maintaining armaments. A battleship worth $40,000,000 has a life of only twenty years, and at any time during that period an unexpected advance in naval construction may make it practically useless. The most striking pre-war example of depreciation of this sort was provided in 1909 after the first all big gun battleship, H.M.S. *Dreadnought*, had been built and tested. Instantly all other battleships in the world became obsolete. During the war the lessons learned at the battle of Jutland again threw out of date all existing battleships and battle cruisers. It is quite possible that the launching of Germany's 10,000 ton war vessel, the *Ersatz Preussen*, in 1930 may prove to be another turning point in naval architecture, since none of the 10,000 ton "treaty cruisers" of other powers will be able to stand against her.

The equipment of land armies becomes obsolete with equal speed. An entire stock of gas masks may be rendered useless by the discovery of a new gas with penetrating powers not possessed by those gases against which the mask in question was designed. Sudden advances and improvements in the military or naval equipment of one state may render its rivals suddenly helpless. The World War, which saw the introduction of such novelties as combat airplanes, forty-two centimeter siege artillery, submarine blockade, gas warfare and tanks has served to emphasize this fact, but earlier evidence is also abundant. In 1866, for example, the Austrian infantry, armed with muzzle loading muskets, found itself helpless against the breech loaders of the Prussian infantry.

In such a situation nothing short of complete reequipment can restore an army or a navy to its original effectiveness. Private manufacturers of armaments are therefore under constant temptation to make new fortunes by discovering new types of equipment which will throw out of date the one they have already sold. Although the army contractor was a familiar figure early in the history of warfare, it was only with the growth of armaments on the huge modern scale that an armament industry developed which was capable of undertaking to sway the decisions of statesmen. The armament works of Krupp in Germany, Vickers-Maxim and Armstrong in England, Skoda in Austria, Schneider-Creusot in France, Putiloff in Russia, made enormous fortunes for their stockholders, who were in many cases high state officials or their relatives.

In general these armament firms kept the armorer's faith as declared by Undershaft in Bernard Shaw's *Major Barbara*: "To give arms to all men who offer an honest price for them, without respect of persons or principles." Since the war, sales of arms to backward peoples have been frowned upon, although by no means ended. Except for this limitation modern arms are still sold freely to all comers, precisely as the famous swords of Toledo, Damascus and Sheffield were once sold. If this should mean—as it meant, for example, in the Balkan wars and in the World War—that arms from the same foundry are to be turned against each other, that is no concern of the manufacturer. As is natural where rival firms are competing for enormous orders from the same nation, bribery of state officials was in pre-war days by no means uncommon, and presumably still persists. The press was "sweetened" by advertisements and subsidies and when these methods failed the armament makers bought newspapers, in their own or other countries, in order to stir up war scares and increase their orders. It was not necessary to incite to war. Anything that would arouse uneasiness sufficed. The most convenient means of doing this was—and still is—to point to the growing armaments of other states. The armaments trade is thus, commercially speaking, in a peculiarly happy position, for its markets are not easily glutted. To sell a new field gun or a cruiser to one state means that presently its rivals will also be in the market for the same goods. Hence the willingness of privately owned armaments firms to sell to their countries' prospective enemies. The immediate effect is profit from the foreign trade; the ultimate effect is larger domestic orders.

The armaments industry thus became a standing peril to international peace because it created a powerful financial group having a vested interest in war, or at least having a vested interest in promoting the armaments race, which leads to war. Moreover, as their businesses increased, the armaments firms tended to become international. Frenchmen, Italians, Germans and Englishmen sat together on the same board of directors, and British, French and Austrian firms were all cooperating with the Putiloff firm in Russia before the World War. The British firm of Vickers had branches in Spain, Italy, Russia and Japan, and even went so far as to associate itself with the German firm of Ludwig Loewe and Company. The latter also had Austrian, Italian, Chinese and Japanese connections.

Theoretically it should be possible to do away with this strong vested interest of private individuals in promoting the war system by permitting only governments to manufacture arms. As a matter of political practise, however, this plan becomes an actual stimulus to the armament industry. Under existing conditions only five or six among the sixty-odd nations have an armament industry of any considerable proportions. The smaller powers buy from these. If, however, this source of supply is cut off, each of the smaller nations is compelled to set up a munitions factory of its own, and the number of armaments works is not diminished but increased. There seems to be no means of stopping the armaments trade short of the abolition of war itself. The abuses of the traffic are not so glaring today as before the war, but they still exist. Even the Krupps, although forbidden to carry on their old trade on German soil, are still able to cooperate with Swedish manufacturers, who have taken over Krupp designs.

As modern warfare has grown in scale, its enormous cost, both in armaments and in losses, has lent a very practical aspect to the movement for its abolition. The accumulated shortage of the world's export trade during the fourteen-year period after 1914, estimated at $200,000,000,000, suggests a very obvious reason why powerful business interests regard the peace movement benevolently. The various movements for world peace or for disarmament, which were originally rooted in purely humanitarian motives, have thus taken on new life, for in appealing to the self-interest of the commer-

cial classes they touch one of the most powerful of human motives. Cooperation in disarmament has also been facilitated by the increasing need for international cooperation in ordinary commercial life.

JOHN BAKELESS

See: DISARMAMENT; ARMY; NAVY; WAR; WARFARE; ARMS AND MUNITIONS TRAFFIC; MUNITIONS INDUSTRIES; MOBILIZATION, INDUSTRIAL; ARMED FORCES, CONTROL OF; PEACE MOVEMENTS; INTERNATIONALISM.

Consult: Gibson, C. R., *The War Inventions* (London 1917); Liddell Hart, B. H., *Remaking of Modern Armies* (Boston 1928); Bliokh (Bloch), I. S., *The Future of War in its Technical, Economic and Political Relations*, translation by R. C. Long of the last volume of the Russian work under a similar title (new ed. Boston 1914); Newbold, J. T. W., *How Europe Armed for War (1871–1914)* (London 1916); Morel, E. D., *Military Preparations for the Great War* (London 1922); Perris, G. H., *The War Traders* (London 1914); Murray, H. Robertson, *Krupp's and the International Armament Ring* (London 1915); Lewinsohn, R., *The Man Behind the Scenes: The Career of Sir Basil Zaharoff* (London 1919); Brailsford, H. N., *War of Steel and Gold* (3rd ed. New York 1915); Enock, A. G., *The Problem of Armaments* (New York 1923); Mahan, A. T., *Armaments and Arbitration* (New York 1912); Bakeless, John, *Origin of the Next War* (New York 1926) ch. xii; Hirst, F. W., *Political Economy of War* (London 1915) pt. i, chs. iv–v; Pigou, A. C., *Political Economy of War* (London 1921); Stamp, Josiah C., *Studies in Current Problems in Finance and Government* (London 1924) ch. iv; World Peace Foundation, "The Staggering Burden of Armaments" in *A League of Nations*, vol. iv (1921) 209–72, 297–364; League of Nations, *Armaments Year Book*, vols. i–v (Geneva 1924–29); League of Nations, Preparatory Commission for the Disarmament Conference, *Reports*, ser. A, vol. i, and ser. B, vols. i–iii (Geneva 1926–27).

ARMED FORCES, CONTROL OF. The control of armed forces implies the possession of power of no mean magnitude even in times of formal peace and is therefore customarily found in the hands of persons or institutions dominant in a given society. Hence the social incidence of the existence of armed forces is a strengthening of the tendency toward the maintenance of the status quo. This influence is important, but the extent of it varies widely both with the character of the armed forces and with the presence or absence of counteracting social factors.

Notably in times of transition or instability the normal role of armed forces is likely to be greatly altered, augmented or even reversed. The apparent possessor of power is at such times imperiled. The seat of power is disputed between rival institutions, parties, social groups. Under these circumstances, as in time of war, armed forces may play a determining part in immediate decisions. And if their action or power to act contributes to the restoration of equilibrium it is likely to have durable consequences.

On numerous occasions armed forces have been actively instrumental in preventing the overthrow of established modes of control. The events of the Russian Revolution of 1905 provide a recent important illustration. The revolt of the Jacquerie (1358), Monmouth's Rebellion (1685), the rising in the Vendée (1793), the Polish uprising (1863), the Paris Commune (1871) and the Spartacist revolt at Berlin (1919) are other examples taken at random. The use of the army by Frederick William IV of Prussia to overthrow the liberal National Assembly in November, 1848, is typical of many similar episodes.

On the other hand there have been many times when armed forces, although available, have not prevented a change of regime. The Revolution of 1688 in England and the French Revolution of 1789 are notable cases. In the French revolutions of the nineteenth century the political opinions of the army affected its morale on important occasions. In 1830 the garrison of Paris broke down in face of the revolutionaries. In 1848 the national guard of Paris determined the abdication of Louis Philippe by its unwillingness to fight. Indeed it would appear that most successful revolutions during the past century have been tolerated or even actively supported by important sections of the armed forces. This was true of the Spanish and Neapolitan revolutions of 1820, of the Piedmontese revolution of 1821, of the Arabi revolt in Egypt (1881–82) and of the Young Turks revolution of 1908. The political history of Spain from 1832 to 1876 was a continuous succession of *pronunciamentos* heralding military movements by which more or less sweeping changes were made in the nominal control of affairs.

When the authority nominally in control of the army does not or cannot actually exercise its power, such control may lapse into other hands and the army may play the part of an independent and often deciding political factor. The role of the praetorian guard in making and unmaking Roman emperors from Pertinax to Constantine, of the thematic forces in the Byzantine Empire which dominated the political situation from the latter part of the seventh

century to the early part of the tenth, and of the Janizaries who deposed six Turkish sultans before the dissolution of their organization in 1826 will be recalled as illustrating this relation. And quite apart from these extreme cases of praetorianism the chronicles of Rome and Byzantium, outstanding cases of unstable monarchical succession, are full of situations in which military leaders as such exerted a decisive influence in the transit of executive power.

The control of armed forces in a period of struggle for social control is accordingly a matter of considerable moment and from feudal times has been in Europe the object of sharp constitutional conflicts. That process which marked the transformation of feudal levies into the modern national army also marked the constitutional changes which made for the rise of the modern state. The issue of royal supremacy was fought in terms of centralized military control which was impossible as long as the fighting class was organized upon a local territorial basis. The substitution of taxes to support a royal army for the personal levy was the essential method whereby the transition toward absolutism was accomplished.

The Anglo-Saxon tradition of the incompatibility of extensive military forces with popular government arose out of the tangled incidents of English history from the Hundred Years' War to the civil wars which ended with the domination of Parliament by Cromwell and the army. Torn between the desire to stabilize the regime established by the Whig revolution and the fear of despotism Parliament in 1689 began that custom of enacting yearly a Mutiny Act (Army Act since 1881) by which the crown was granted authority to remunerate and discipline a stipulated number of troops only for the ensuing year. In Burke's phrase "an armed disciplined body is in its essence dangerous to Liberty; undisciplined, it is ruinous to Society." In the United States the same tradition has prompted much jealousy of a military establishment, especially on the part of the states, which conceded an army and navy to the federal government only after Shays' rebellion. Even under the constitution the states continued to play an important role in the raising and commissioning of volunteer troops in war time down to the World War.

In many other countries controversy as to control of the armed forces has attended constitutional transitions. The Constituent Assembly in France sought in the constitution of 1791 to divide control between the king and the Legislative Assembly. In subsequent constitutions down to 1848 control remained, however, with the successive executives who had relatively slight responsibility to the legislative power. In the constitution of 1848 an attempt was made to introduce responsible control by requiring the acts of the president to be countersigned by a minister. Nevertheless Louis Napoleon Bonaparte was able to secure a control of the army which made possible his coup d'état of December 2, 1851. In the constitution of the Third Republic the chief of state is nominally in command of the armed forces and his actions must be countersigned by a minister closely responsible to the legislative chambers. The history of the Third Republic during its first quarter century, however, reveals no such certainty as to the supremacy of the civil over the military power or as to the unquestioned fidelity of the armed forces to the established order. Not until the Dreyfus case brought an assertion of the supremacy of civil tribunals over the military (1906) did ardent republicans feel that monarchical restoration with support of the army leaders had ceased to be a serious possibility.

However, no constitutional or legislative provisions could instantly diminish the social prestige which attaches to high positions in the army and navy and immediately render armed forces a pliable tool in the hands of the civil authority. The age long existence in the West of military rank as the special prerogative of non-industrial aristocracies has made army and gentry allies in the struggle for survival. In pre-war Germany, Austria, Hungary and Russia, in Spain and Portugal and their emancipated American colonies the armed forces retained social prestige as the stronghold of classes which competed for political preeminence with commercial and industrial interests. Although apparent political power had passed in many cases to the latter, the harmony of interest between the higher ranks of the armed forces and former governing classes was a factor in salvaging much real power for both. Thus even in Great Britain the vaunted supremacy of the civil power left much to be desired when political proposals impinged upon the Admiralty; or when as in 1914 it was proposed to employ the army to carry out a solution of the Irish question dictated by a popular majority. In many countries besides Great Britain and Austria-Hungary in the nineteenth century the services were able to stave off for decades efforts of other govern-

mental authorities to reorganize them in the interest of their own efficiency. Pre-war Germany is the classic instance of a systematic psychological overvaluation of the military power; the survival protest of the Prussian Junkertum was at least one of many factors in this situation.

Nevertheless it is the theory of most modern constitutions that the military power is at all times subordinate to the civil. The army, navy, gendarmerie are mere instrumentalities through which the government accomplishes assigned purposes under limitations of law. Either through control of appropriations or through some device of administrative responsibility, representative legislative assemblies generally share control of these forces with the chief of state, who nominally commands them. The developments of modern war have made for unified central control, replacing such limited state and provincial controls as were permitted even in pre-war Germany and Austria-Hungary. Belgium, Czechoslovakia, Denmark, Esthonia, Germany, Greece, Italy, Portugal, Spain and Switzerland are among the countries where substantially these arrangements theoretically prevail. Recent constitutions of Austria and Turkey have gone even farther in reposing control of the army entirely with the legislature.

In other countries, as in Japan, Hungary, Norway, Sweden, Finland and Poland, although the executive is not theoretically absolute it is not completely responsible for its administration of the armed forces, and elsewhere the theoretical relations have been seriously distorted in practise. In Fascist Italy, for instance, the chief of the government has not only secured the power to dispose of the standing army and reserves without reference either to a popular legislature or to the nominal chief of the state but commands a special armed militia of sworn partisans whose activity is an important factor in the maintenance of Fascist control. The governments actually in power (1929) in Albania, Greece, Jugoslavia, Lithuania, Poland, Portugal and Spain arrived by means of military coups and have not in all cases given constitutional regularity to their position. In many Latin American countries such as Cuba, Mexico, Guatemala, Peru and Chile the army is of decisive importance in maintaining governments in power and in directing the succession of administrations. External control of armed forces by foreign officers, as in Egypt, Morocco, Haiti and other protectorates, forms another type of departure from modern constitutional theory. In China continuous disorganization has left independent power in the hands of provincial military governors, who fight for their own purposes in the midst of attempts to reestablish a supreme civil authority in the country.

LELAND H. JENKS

See: ARMY; NAVY; POLICE; GOVERNMENT; EXECUTIVE; CIVIL WAR; BRIGANDAGE; COUP D'ÉTAT; REVOLUTION; CONSTITUTIONALISM; CONSTITUTIONS; MILITARISM.

Consult: Clode, C. M., *The Military Forces of the Crown*, 2 vols. (London 1869); Iwasaki, Uichi, *The Working Forces in Japanese Politics* (New York 1921) p. 64–76; Jaurès, Jean, *L'organisation socialiste de la France: l'armée nouvelle* (Paris 1915), abr. tr. ed. by G. G. Coulton as *Democracy and Military Service* (London 1916); Coulton, G. G., *The Case for Compulsory Military Service* (London 1917); MacDonald, J. Ramsay, *National Defense* (London 1917); Firth, C. H., *Cromwell's Army* (London 1902) p. 349–85; Maurice, F., *Governments and War* (London 1926); Smith, Munroe, *Militarism and Statecraft* (New York 1918); Bloch, J. de, "Militarism in Politics" in *Contemporary Review*, vol. lxxx (1901) 761–93; Vinacké, H. M., "Military Power and Constitutional Development in China" in *American Political Science Review*, vol. xv (1921) 233–52.

ARMED MERCHANTMEN. When a state embarks upon war it may arm its merchantmen for defense without violating any prohibition of international law. This practise, although an old one, almost fell into disuse during the course of the nineteenth century because, with the general decline of piracy and privateering, the only hostile ships likely to be encountered by a merchantman were those belonging to the navy of the enemy; and as it became too dangerous for the merchantmen to combat a naval vessel, the reason for carrying guns lost much of its strength. Nevertheless some naval codes, such as that of the United States of 1900, continued to keep alive the assertion that a belligerent might without impropriety arm its merchant fleet for defensive purposes. The *Manuel des lois de la guerre maritime*, emanating from the Institut de Droit International in 1913, expressed acquiescence in the face of some German opinion to the contrary.

The lack of general agreement forbidding the conversion on the high seas of belligerent merchantmen into public naval vessels, together with the expectation that some maritime states would, upon becoming belligerents, attempt such conversion, caused Great Britain in 1913 to make preparation for arming defensively many of its merchantmen. The submarine operations of their enemies during the World

War also encouraged the Allied and Associated Powers to arm their merchant vessels for purposes of defense.

Offensive operations by private ships under private control are not sanctioned by international law. Under present conditions, however, a belligerent merchantman armed with a six-inch gun becomes a formidable instrumentality for offense. Its master is encouraged to, and may in fact, engage any enemy ship of inferior defensive strength, whether a surface or submarine craft. The advisory committee to aid the American delegation at the Washington Conference on the Limitation of Armament of 1921–22, declared that in the World War "the merchant ship sank the submarine if it came near enough; the submarine sought and destroyed the merchant ship without even a knowledge of nationality or guilt. . . . When merchant ships met a belligerent submarine, with a strong probability of being sunk by that submarine, the law of self-preservation operated, and the merchant ship resisted by every means in its power. Defensive armament was almost sure to be used offensively in an attempt to strike a first blow. The next step was for each to endeavor to sink the other on sight." It was accordingly recommended that laws should be made prohibiting the offensive arming of merchant vessels as well as their use of false flags.

Due to the difficulty in establishing practical tests by which particular acts on the part of an armed merchantman may be judged as defensive or offensive, many problems have arisen concerning the treatment which such a vessel and its occupants should receive at the hands of the enemy. One of the more important is whether the armed merchantman is entitled to immunity from attack without warning. The assertion that a naval vessel of any type is obliged to give warning to an enemy ship, which through armament is made capable of doing it injury, deals harshly with the equities of the former. It is exceedingly doubtful if in the course of maritime wars belligerent states ever generally acknowledged that a merchantman so armed as to be capable of destroying a vessel of war should enjoy immunity from attack at sight when encountered by an enemy naval vessel of inferior defensive strength. They were not disposed to admit any antecedent obligation to visit and search an enemy ship known to be armed. There were indeed solid reasons for the growth of the humane practise which heeded the equities of an unarmed enemy vessel incapable of taking the offensive; but those reasons were obviously lacking when the disability was removed.

In a confidential and informal note to the British ambassador at Washington, Secretary of State Lansing, on January 18, 1916, made sound application of the principles underlying the situation then existing. The Department of State, however, in a memorandum dated March 25, 1916, sustained a somewhat different view. It maintained in substance that the right to attack an armed enemy merchantman at sight depended upon conclusive evidence of a purpose to use the armament for an aggressive end. Thus proof of the design of those controlling the ship, rather than its power to take the offensive, was made the basis for deciding what treatment should be accorded it. The reasonableness and sufficiency of that test may, however, be questioned. It should be noted that a treaty signed at the Washington Conference on the Limitation of Armament, February 6, 1922, to protect neutrals and non-combatants at sea in time of war imposed an antecedent obligation to visit and search merchantmen without differentiating between the armed and unarmed ship. The treaty has not as yet received the approval necessary to make it operative.

No duty of non-resistance is believed to be imposed upon the belligerent merchantman, armed or unarmed, which falls in with an enemy warship. The former may generally exercise the right of self-protection either by flight or resistance. If such conduct is unsuccessful and the merchantman is captured, the officers and crew are entitled to treatment as prisoners of war. The situation is, however, different when capture results from an unsuccessful effort on the part of the merchantman to engage offensively a hostile warship. The reasonableness of the claim of those individuals to treatment as prisoners of war would therefore depend upon the nature of the engagement in which they were participants.

The view of the United States, when itself a neutral in 1916, was that a belligerent merchantman, armed only for purposes of protection against the enemy, may in the course of legitimate trade enter and leave naval ports without hindrance; and the conclusions of many other maritime powers were substantially in harmony with this position. The Netherlands government, however, in 1914 regarded armed merchantmen as assimilated to belligerent warships and declined to admit them into its ports.

The expedient of arming belligerent merchantmen in order to safeguard them against submarine attack proved a failure in the World War. This may lead to the growth of a common sentiment among maritime nations for abandoning this practise.

CHARLES CHENEY HYDE

See: MARITIME LAW; MERCHANTMEN, STATUS OF; PIRACY; PRIVATEERING; CONTRABAND; SUBMARINE WARFARE; ARMED NEUTRALITY.

Consult: FOR DOCUMENTS: United States, State Department, *European War*, 4 vols. (Washington 1915–18) vol. ii, p. 37–46, vol. iii, p. 159–95 and vol. iv, p. 63–65; "Armed Merchantmen" in United States Senate, 64th Cong., 1st sess., *Senate Documents*, vol. xlii, no. 332; "Conference on the Limitation of Armament" in United States Senate, 67th Cong., 2nd sess., *Senate Documents*, vol x; United States Naval War College, *International Law Situations, 1926* (Washington 1928) p. 39–64; " The *Nereide*," 9 Cranch 388–455; "The *Panama*," 176 U. S. 535–50; "Oxford Manual of Naval Law, Article 12" in Institute of International Law, *Annuaire*, vol. xxvi (1913) 641–44; Opinion of Parker, Umpire, "The Steamship *Rockingham*, Case No. 127" in Mixed Claims Commission, United States and Germany, *Administrative Decisions and Opinions* (Washington 1925) p. 86–88.

FOR GENERAL DISCUSSIONS: Fauchille, Paul, *Traité de droit international public*, 4 vols. (8th edition of Bonfils' *Manuel*, Paris 1921–26) vol. ii, p. 383–93; Garner, J. W., *International Law and the World War*, 2 vols. (London 1920) vol. 1, §§ 244–60; Higgins, A. P., *Studies in International Law and Relations* (Cambridge, Eng. 1928) chs. xiii, xiv; Oppenheim, L., "Die Stellung der feindlichen Kauffahrteischiffe im Seekrieg" in *Zeitschrift für Völkerrecht*, vol. viii (1914) 154–69; Triepel, Heinrich, "Der Widerstand feindlicher Handelsschiffe" in *Zeitschrift für Völkerrecht*, vol. viii (1914) 378–406; Scott, J. B., "Armed Merchantmen" in *American Journal of International Law*, vol. x (1916) 113–16.

ARMED NEUTRALITY. The phrase was first employed in connection with the international situation resulting from the proclamation of Empress Catherine II of Russia in 1780. Less accurately the term has been generally used to describe the arming of neutral merchantmen in time of war.

Desiring to free neutral trade from interference by belligerents during the American Revolution, Catherine II issued a declaration which sought to overturn the "Rule of 1756" by restricting the category of contraband to munitions and essential instruments of war and thus to secure for neutrals the freedom of navigation even to the ports and upon the coasts of belligerents. This declaration asserted as an established rule of international law the principle that "free ships make free goods," and set forth a new theory of blockade. The treaties of Utrecht, 1713, had proclaimed the maxims, "free ships make free goods" and "enemy's ships make enemy's goods"; Christian powers had never accepted the first of these principles except in conjunction with the second. The proposition that "free ships make free goods" had already been urged in some quarters, apart from conventional agreements, and had been extended to neutrals as a privilege by France in 1778. What Catherine II claimed as a right of neutrals under international law, however, the prize courts of Great Britain and the American states had denied in favor of the older principle of the Consolato del Mare that enemy's goods in neutral vessels might be seized while neutral goods on board vessels of the enemy should go free.

In response to the proclamation of the empress, Denmark, Sweden, Holland, Prussia, Austria, France and Spain formed the League of Armed Neutrality of 1780, mutually agreeing to defend their rights as neutrals. Great Britain alone determined to follow the rule of the Consolato del Mare. The twin maxims of the treaties of Utrecht were acceptable to the United States and were included by Congress in its draft of a plan for treaties with neutral powers, becoming Articles XIV and XXIII of the treaty of amity and commerce with France in 1778, and six months later proposed to Holland. The attitude of Great Britain, however, prevented the adoption of the less rigorous principle, except through conventional agreements. In the decisions of the prize courts in the United States, neutrals continued to receive the same treatment accorded them in the admiralty courts of Great Britain.

After the alliance between France and the United States was formed, however, this diversity could not be supported in practise, and in 1780 Vergennes, foreign minister of Louis XVI, induced Congress to make its instructions to the commanders of armed vessels conform to the principles of the Armed Neutrality. Congress, however, did not become a party to the league which was to enforce them. This was impossible while the United States remained a belligerent, and although the treaties of peace in 1783 altered the situation Congress decided that it would be "unwise to become a party to a confederacy which might thereafter complicate the interests of the United States with the politics of Europe." It was therefore resolved that while the United States should seek to include the principle that "free ships make free

goods" in treaties, it should "avoid accompanying them by any engagements which shall oblige the contracting parties to support those stipulations by arms."

The wisdom of this step was soon demonstrated. All the members of the Armed Neutrality of 1780 abandoned upon the very next occasion of becoming belligerents the creed they had sought to enforce by arms when neutrals. In 1800 a second armed neutrality was formed, to which Russia, the Scandinavian powers and Prussia were parties. The platform of this alliance embraced many of the principles found in that of 1780 together with new claims concerning convoy. Nothing was gained by it, however, save some trifling concessions from Great Britain.

Depredations upon American commerce by France led the United States in 1798 to adopt retaliatory measures accurately described by its attorney general as "an actual maritime war between France and the United States." It was this precedent which President Wilson had in mind when he told Congress in 1917 that there might be no recourse but to armed neutrality to protect American commerce against German submarine attacks, and authorized the arming of merchantmen. In his war message to Congress he said that he believed the course he had just followed constituted armed neutrality.

WILLIAM SEAL CARPENTER

See: MERCHANTMEN, STATUS OF; ARMED MERCHANTMEN; FREEDOM OF THE SEAS; NEUTRALITY; BLOCKADE; CONTRABAND.

Consult: Kleen, Richard, *Lois et usages de la neutralité*, 2 vols. (Paris 1890) vol. i, p. 21–28, 120; Lampredi, G. M., *Del commercio dei popoli neutrali in tempo di guerra* (Florence 1788); Barton, William, *A Dissertation on the Freedom of Navigation* (Philadelphia 1802); Ward, R. P., *A Treatise of the Relative Rights and Duties of Belligerent and Neutral Powers, in Maritime Affairs*, 2 vols. (London 1801, reprinted London 1875); Bergbohm, Carl, *Die bewaffnete Neutralität 1780–1783* (Berlin 1884); Fauchille, Paul, *La diplomatie française et la ligue des neutres de 1780* (Paris 1893); Carpenter, W. S., "The United States and the League of Neutrals of 1780" in *American Journal of International Law*, vol. xv (1921) 511–22.

ARMISTICE. An armistice or truce refers either to an agreement between belligerents suspending active hostilities or to the condition existing during the period of such agreement. In its broadest sense it includes not only general armistices which suspend active hostilities everywhere for a considerable time or indefinitely with a view to peace negotiations, but also suspensions of arms for limited areas and durations and purely military purposes such as collection of the wounded, burial of the dead or negotiation of cartels. The distinction is important because of the understanding that general armistices, which often include provisions of political importance, can be made only by the highest authorities of the belligerent states and may be repudiated if made by military commanders, as was that between Sir William Sidney Smith and General Kléber at El Arish in 1800 and that between Generals Sherman and Johnston in 1865.

An armistice is distinguished from a capitulation or surrender by being "essentially bilateral, giving mutual concessions and imposing mutual restrictions." Sometimes, however, as in the cases of the so-called armistices between France and Prussia on January 28, 1871, and between the allied powers and Bulgaria, Turkey, Austria-Hungary and Germany on September 29, October 30, November 3 and November 11, 1918, one belligerent is actually rendered *hors de combat*.

An armistice does not end the legal state of war and so is to be distinguished from a treaty of peace. It is also primarily of a military character and thus distinguished from preliminaries of peace. The latter may be concluded before the armistice, as by the Allies and Germany on November 5, 1918, or after the armistice, as on February 1, 1856, January 8, 1871 and January 31, 1878. Sometimes preliminaries of peace provide also for suspension of arms, as did the protocol of August 12, 1898, between the United States and Spain. Sometimes armistices include political provisions to guide the peace negotiations, as did that of November 11, 1918, with respect to Alsace-Lorraine and reparations.

Wars have occasionally been ended without any armistice at all, in which case the signature of the peace treaty suspends hostilities as soon as it is notified. The existence of active hostilities, however, adds to the difficulty of peace negotiations, and armistices have been customary in the past century, though none was concluded between Japan and Russia in 1905 until peace negotiations had been completed. There was no armistice during the peace negotiations at Ghent in 1814, and the battle of New Orleans was fought two weeks after peace had been signed.

Present practise permits belligerents to move troops, transport supplies, construct forts or to do anything else short of engaging in active hostilities during an armistice, unless expressly

forbidden by the agreement. The armies must be notified of the armistice and unless otherwise specified it goes into effect at that moment. If no duration is specified, hostilities may be renewed by either side on giving due notice. Usually a period of time is agreed upon at the expiration of which hostilities may be renewed without notice.

Violations of armistice by individuals or soldiers on their own responsibility merely occasion demands for punishment or claims for compensation, but serious violations give the other belligerent the right of denouncing the armistice or, in case of urgency, even of resuming hostilities immediately.

QUINCY WRIGHT

See: WAR; WARFARE; BELLIGERENCY; TREATIES.

Consult: Carnegie Endowment for International Peace, Division of International Law, *Hague Conventions and Declarations of 1899 and 1907* (2nd ed. New York 1915), Convention iv of 1907, arts. xxxv–xli; United States, War Department, Adjutant General's Office, *General Order 100* (Lieber's *Code*) (New York 1863, Washington 1898) arts. cxxxv-cxlvii; United States General Staff, *Rules of Land Warfare* (Washington 1917) arts. cclvi–cclxxv; United States Naval War College, *International Law Documents, 1918* (Washington 1919), reprinting text of World War armistices; Phillipson, Coleman, *Termination of War and Treaties of Peace* (London 1916) p. 55–75; Spaight, J. M., *War Rights on Land* (London 1911) ch. viii; Hall, W. E., *A Treatise on International Law* (8th ed. Oxford 1924) p. 658–64; Hyde, C. C., *International Law Chiefly as Interpreted and Applied by the United States*, 2 vols. (Boston 1922) vol. ii, p. 278–89.

ARMOUR FAMILY. The history of the Armour family and of the packing firm to which they gave their name typifies much that was characteristic of American business in the last half century. The firm dates from the late fifties, when Philip D. Armour used the money he had made selling provisions in California during the gold rush to buy into a Milwaukee packing firm. Shrewd transactions during the Civil War netted Armour at least $2,000,000, and removal to Chicago in 1875 proved fortunate. With the aid of his brothers, five of whom eventually entered the packing and allied industries, P. D. Armour built up his firm until the name "Armour" came to epitomize the packing industry (*see* MEAT PACKING AND SLAUGHTERING). He was perhaps the most active of the packers in initiating those changes which made a new industry out of packing—the creation of livestock markets in the packing centers, division of labor and elimination of wastes on a scale hitherto unknown, the use of by-products, the shipment in refrigerator cars, the organization of the branch house system of distribution, expansion into the export trade and into such allied lines as fruit and vegetable canning and the operation of grain elevators.

When P. D. Armour died control passed to his son J. Ogden Armour. Under his guidance the business continued its growth along lines already laid down. In 1913 net earnings were reported at $6,000,000, and in 1917 they had increased to $21,000,000. Armour's interests, moreover, had extended beyond the confines of the business. He held directorships in a score or more banks, railroads and insurance companies; he was the largest individual holder of bank stocks in the city; and his personal fortune was estimated at anywhere from $100,000,000 to $200,000,000.

The years were not without their difficulties for the Armour family. There were strikes and threats of strikes; in 1886 the Knights of Labor imposed a boycott on Armour products. The embalmed beef scandals of the Spanish American War period stirred public consciousness, and the shock produced by Upton Sinclair's *The Jungle* in 1906 resulted in government reports dealing with unsanitary conditions in the packing plants. A government bent on maintaining competition made unwelcome inquiries in 1917 into the relations between the Big Five and their excursions into allied fields, until finally the packers were forced to divest themselves of control of the stockyards and to cease fruit and vegetable canning.

With the end of post-war prosperity in 1921 came difficulties for the entire industry, but those of Armour and Company were the most serious. With enormous stocks on hand bought dear and sold cheap, with an admitted loss of $23,000,000 in transactions in foreign exchange, with $50,000,000 tied up in loans to the head of the firm, the company was not in a position to carry on without assistance. Until this time the business had been a family enterprise. To be sure, it had been incorporated in 1900; but the stock and positions of authority were closely held within the family. Now, however, a group of bankers was called in, the stock was taken by banks and sold to the public, and in spite of the retention of J. Ogden Armour as chairman of the board of directors, control passed from the family to the banks. These personal losses of Mr. Armour were shown most spectacularly at his death in 1927, when it was found that his

estate was valued at less than $2,000,000 with claims against it totaling over $10,000,000. This exaggerates the decline in the family fortune, however, as his wife and daughter had wealth of their own, built up in part from the profits of the business.

The rise and fall of the house of Armour were important in the business and industrial life of Chicago, but made very little difference in its intellectual or civic life. Neither the energies nor to any great extent the funds of the Armour family were spent on its institutions of learning or of culture, its enterprises for remaking the city, its philanthropies or social reforms. A single important institution, the Armour Institute of Technology, received large sums from the family and included its representatives on the board of directors. If "the whole cultural and intellectual life of Chicago" was founded on meat packing, it was not because of any conscious efforts on the part of the most powerful of the packers.

HELEN R. WRIGHT

Consult: Gunsaulus, F. W., "Philip D. Armour" in *American Review of Reviews*, vol. xxiii (1901) 167–76; Hubbard, Elbert, "Philip D. Armour" in *Little Journeys to the Homes of Great Business Men*, 2 vols. (East Aurora 1909) vol. i, p. 137–66; Hill, H. C., "The Development of Chicago as a Center of the Meat Packing Industry" in *Mississippi Valley Historical Review*, vol. x (1923) 253–73; Clemen, R. A., *The American Livestock and Meat Industry* (New York 1923).

ARMS AND MUNITIONS TRAFFIC. The question of the traffic in arms, munitions and war material presents a different aspect according as it is viewed from the standpoint of peace or of war. In time of peace such traffic is of no great economic importance to the exporting countries. The world exports of war material at the present time amount to about fifty million dollars (sixty-five million if we include sporting equipment). This represents rather more than 1 percent of the total annual exports of the United States.

Though not important from an economic point of view, the export of arms is of considerable political importance. The countries which export this type of material are not numerous. The world export in arms and munitions is principally carried on by three countries—Great Britain, the United States and France.

The following table shows the export figures for arms and munitions in Great Britain, the United States and France from 1923 to 1927, in absolute figures and in percentage of total exports:

	Year	In Millions of Dollars	Percentage of Total Exports
Great Britain	1923	14.5	0.4
	1924	12.9	0.4
	1925	16.6	0.4
	1926	14.5	0.5
	1927	15.4	0.4
United States	1923	9.3	0.2
	1924	9.9	0.2
	1925	10.7	0.2
	1926	10.5	0.2
	1927	9.5	0.2
France	1923	8.0	0.4
	1924	12.2	0.6
	1925	7.2	0.3
	1926	6.0	0.3
	1927	6.0	0.3

The other countries are either non-producing or produce only on a small scale, and do not cover their own needs. The political importance of this monopoly in the export of arms for the big producing countries can therefore be easily understood.

In time of war the export of arms and munitions is of considerable commercial importance. "In August, 1914, the total factory capacity in the United States for the manufacture of powder was 6,000,000 pounds a year. In April, 1917, under the stimulation of orders placed by the Allies, the capacity had been increased more than sixtyfold. England, France and Italy were taking this entire production and asking for more. They had absorbed our entire output. A huge stream of materials, supplies, and ammunition was flowing steadily from America to the front-line trenches in France" (Crowell, B., and Wilson, R. F., *The Armies of Industry, Our Nation's Manufacture of Munitions for a World in Arms, 1917–18*, 2 vols., New Haven 1921).

The following table showing the export figures for arms and munitions in the United States from 1913 to 1917, in absolute figures and in percentage of total exports, will illustrate the above statement:

	In Millions of Dollars	Percentage of Total Exports
1913	9.2	0.4
1914	9.7	0.5
1915	51.0	1.5
1916	485.1	8.9
1917	898.3	14.6

Thus in 1917, the last year during which the United States remained neutral, it exported war material to the extent of 14.6 percent of its total exports, as against 0.4 percent in 1913.

Neutral commerce in time of war has always been a source of contention between combatant and neutral powers. No international ruling on the subject has yet been accepted. Neither the Declaration of Paris of April 16, 1856, nor the Hague Conference in 1907, nor the Declaration of London of February 26, 1909, succeeded in settling the question. The first failed to define contraband; the second failed to reach any conclusion on the subject; and the third, while drawing up precise rules concerning contraband, was unable to secure their ratification by any state.

The difficulties concerning contraband were connected rather with articles of general consumption than with arms. It has always been admitted that arms and munitions of war are absolute contraband, that is, they may be confiscated by the belligerents in cases where they are destined for an enemy country. The World War introduced a new complication even as regards absolute contraband, for during it other products hitherto considered as relative contraband, that is, only subject to confiscation if consigned to the governments of enemy countries, came to be regarded as absolute contraband. Modern war has become so all embracing that the old regulations as to absolute contraband cease to have any meaning.

The attitude of neutral governments with regard to the export from their countries of arms and war material for the use of belligerents is another controversial question. In theory there is no restriction on commerce between neutrals or between neutrals and belligerents. Subject to the application of the regulations with regard to contraband, neutral governments are under no obligation to prohibit exports of arms and munitions to belligerent countries (Article 7 of Hague Conference).

A controversy arose on this subject at the beginning of the World War. Until the entry of the United States into the war it was the only neutral country in a position to export large quantities of arms and munitions. The Allied Powers having the command of the seas, all export of war material from the United States to the Central Empires was impossible, and these exports were made only to the Allied Powers. The governments of Germany and Austro-Hungary protested to the United States against this action, on the ground that whatever might be the theory of the situation, the reality was that the supply of arms was one-sided. The attitude of the United States in the face of these protests was in accordance with international usage. The practise has always been for neutral powers to supply belligerents with arms without considering whether this action favored one power at the expense of another. As the United States observed in its reply to the notes of these two countries, Germany and Austro-Hungary themselves supplied arms to Great Britain during the Boer War, while the South African Republics were completely cut off from European supplies. Further, it is not always possible for a neutral country to judge which of the belligerents is superior at sea, and this superiority does not always remain with the same country or group of countries.

Though under no obligation to prevent its citizens from exporting arms to the belligerents, a neutral government may sometimes be forced to do so. A belligerent power has always the right to take all steps to prevent its enemy from receiving directly any articles which would facilitate its continuance of the war. And while, thanks to the contraband theory, it may be in a strong position as regards the direct export of arms by neutral powers to enemy countries, its position is less favorable with regard to arms and munitions exported from one neutral country to another. But such arms may finally reach enemy countries, since it is not always possible to prevent neutrals from buying arms with the object of reselling them later to the enemy. In order to meet this difficulty during the World War the Allied Powers proposed to the neutrals that they should forbid exports of certain specified articles to the Central Empires, promising in return that they would not interfere with the importation into these neutral countries of the articles in question. Arrangements of this type were made by the Allies with all the neutral countries of Europe, and the system was found to work out perfectly satisfactorily.

The traffic in arms is sometimes regarded as one of the causes of war. It is generally thought that manufacturers of arms have an interest in war in view of the enormous profits resulting from the vast consumption of arms and munitions which modern war entails. Such a view is somewhat crude. What is certain is that arms manufacturers have an interest in maintaining a state of fear of war out of which war may actually arise. Moreover, it must not be forgotten that nowadays arms and munitions of war do not consist exclusively of weapons. No modern war is possible without coal, oil, iron, chemical products and a considerable number of general

products. Therefore, if we are to say that the traffic in arms is one of the causes of war, we must add to arms and munitions, in the strict sense of the term, products such as coal and other fuel, minerals, chemical and other products which in time of peace are only used for pacific purposes.

Those who look on traffic in arms as one of the direct causes of war naturally ask whether it would not be possible to prevent it. But can we really suppose that such prohibition would result in the suppression of war? If we prohibit the traffic in arms and at the same time allow their manufacture, the great powers would find themselves in a privileged position, since it would always be possible for them to manufacture munitions for their armies, while the position of the other countries would be critical. If we are to prohibit the traffic in arms we must at the same time prohibit their manufacture. And even if the whole world agreed to prohibit the export of arms, it is scarcely possible to consider the prohibition of export of products harmless in themselves but capable of being transformed into munitions, as, for example, chemical products. It must not be forgotten that countries which have at their disposal airplanes, even for civilian use, and chemical products, can make use of them in time of war to asphyxiate the greater part of the enemy population. The way out is not through prohibition but through international cooperation.

There is no doubt that in the present state of public opinion there is no chance of prohibiting either the export or the manufacture of arms. The League of Nations has not even succeeded in establishing the control of international traffic in arms, munitions and war material. Article 23, Section (d), of the Covenant intrusted the League with the control of the traffic in arms and munitions with countries where this control is necessary in the common interest. The Convention of St. Germain, signed on September 10, 1919, dealt with this question, but it was ratified by only eleven states; the great powers refrained from ratification until the adhesion of the United States, and the convention was given up when the United States refused to ratify.

A new convention was then prepared by the League and adopted in a conference which took place in Geneva (May, 1925). The discussion turned principally on three main questions: first, the definition of war material and the unification of statistical material relating to it; second, control and publicity; third, relations between the problem of controlling the international traffic in arms and that of the private manufacture of arms. The plan of international control of traffic in arms was rejected, beyond a mild measure of publicity and regulations for the issue of export permits, but certain prohibited zones were laid down into which the export of arms is allowed only under certain conditions.

The convention was to come into force after its ratification by fourteen countries. Although thirty-four countries have signed it, it has been ratified by only three (France, China and Venezuela). This delay in ratification is due partly to the passive attitude of the great manufacturing nations, such as England and the United States of America, partly to the fact that many countries make their adhesion to the convention dependent on the establishment of an international control of the manufacture of arms and munitions of war.

It became apparent during this conference that many countries, notably in Spanish America, attach considerable importance to regulations made by manufacturing countries (and particularly by the United States of America) for controlling exports of arms to other countries with a view to furthering or checking revolutionary movements. The power of laying embargo on arms exports to Spanish American countries has no doubt constituted one of the most effective weapons for the American government in its relations with Spanish American republics. There does not seem to be any general solution to this problem which would not handicap possibly beneficial changes in internal conditions.

S. DE MADARIAGA

See: ARMAMENTS; MUNITIONS INDUSTRIES; ARMED NEUTRALITY; FREEDOM OF THE SEAS; NEUTRALITY; BELLIGERENCY; CONTRABAND; BLOCKADE; EMBARGO; SMUGGLING; LEAGUE OF NATIONS; PEACE MOVEMENTS.

Consult: United States, Library of Congress, Division of Bibliography, *List of References on the Commerce in Munitions of War between the United States and European Belligerents, 1914–15* (Washington 1915); Morey, W. C., "Sale of Munitions of War" in *American Journal of International Law*, vol. x (1916) 467–91; Gregory, C. N., "Neutrality and the Sale of Arms" in *American Journal of International Law*, vol. x (1916) 543–55; Garner, J. W., "Sale and Exportation of Arms and Munitions of War to Belligerents" in *American Journal of International Law*, vol. x (1916) 749–97; "Convention for the Control of Trade in Arms and Ammunition" (text of protocol) in *American Journal of International Law*, vol. xv (1921) supp. 297–313; "Convention for Supervision of Trade

in Arms and War Munitions" (drawn up at Geneva 1925) in *American Journal of International Law*, vol. xx (1926) 151–54.

ARMS, RIGHT TO BEAR. This right is declared in varying phraseology by the Second Amendment to the Constitution of the United States and by thirty-two state constitutions. It originated in the English Bill of Rights of 1689, because of the disarming of Protestants by James II. It was closely connected in England and the colonies with the popular conviction that a militia of citizens trained to arms was a safeguard against usurpation of power through a standing army.

With the gradual disappearance of frontier conditions and wild life, arms became less necessary in this country and their disadvantages increasingly obvious. Legislative attention was directed to murderous affrays, armed criminals, the threatened extirpation of game, unauthorized military societies especially of the foreign born, and armed bodies of men on both sides of labor disputes. Penal statutes of varying types have attempted to cure these evils. Some states were free from constitutional limitations, for instance New York, where the legislation has been drastic. States where the "right to bear arms" existed usually upheld their statutes by two alternative constitutional interpretations. First, the guaranty was construed to mean only the right to bear arms as a member of the state militia. This interpretation virtually enables the legislature to destroy the right by refusing to pass laws necessary to keep up the militia. Second, most state courts have construed the clause more broadly to include arming for self-defense, but have held that this right, though absolute in terms, is subject to the state's police power for the preservation of public order. The decisions are not entirely harmonious but, with the growing danger from the use of arms in an urbanized nation, the tendency is toward a widening construction of the police power keeping pace with new legislation.

The most common statutes, unquestionably valid, punish the carrying of concealed weapons. Even open use of arms like sling shots and bowie knives, which are uncivilized or unmilitary, may be forbidden. Unauthorized military companies are often declared illegal. Regulation of weapons is sometimes left to local governments, so that cities may be stricter than rural districts where arms are more necessary. In Pennsylvania and other states, statutes requiring aliens to have a hunting license annex a provision against the ownership of rifles and shotguns by unlicensed aliens. This, though ostensibly for the protection of game, seems really due to fear of armed foreigners in strikes. Although these laws are usually upheld because they permit the ownership of short range firearms suitable for self-defense, recent legislation is directed against pistols, since they are easy to conceal.

The law has passed from controlling the manner or place in which arms may be carried to regulating their ownership even on one's premises. A licensing system, impracticable when most citizens required weapons, now takes adequate care of the exceptional persons who need to be armed. Insistence on permits makes possible a thorough investigation of the applicant's character and a record of the weapon he owns. At the same time sellers of firearms may be obliged to be licensed, to sell only to licensed persons and to record such sales. Since stringent regulation in one state does not prevent importation from a lax neighbor, a uniform firearms act has been drafted for submission to all the states, and Congress has frequently been urged to regulate the interstate shipment of firearms. If such statutes are upheld, the right to bear arms becomes only an opportunity to join the militia and to obtain a permit to keep a weapon on cause shown. The constitutionality of recent drastic legislation has been questioned less than its wisdom. It is difficult and expensive to enforce. If criminals are easily able to evade it, it may often operate to render the honest victim of attack helpless before his armed assailant.

The clause in the federal constitution is much less important. It restricts only federal legislation, which is unlikely to forbid citizens to carry arms. Unlike the neighboring amendments, this clause safeguards individual rights very little and relates mainly to our federal scheme of government. Its chief effect is to protect the states against congressional legislation attempting to abolish state militias. Conversely, the states may not limit the bearing of arms so as to cripple the federal power to use citizens for national defense. The Second Amendment is thus connected with the militia and army clauses in the original constitution.

ZECHARIAH CHAFEE, JR.

See: BILLS OF RIGHTS; CIVIL LIBERTIES; POLICE POWER; MILITIA.

Consult: Emery, L. A., "The Constitutional Right to

Keep and Bear Arms" in *Harvard Law Review*, vol. xxviii (1914–15) 473–77; Chamberlain, J. P., "Legislatures and the Pistol Problem" in *American Bar Association Journal*, vol. xi (1925) 596–98, reviewing statutes; *Central Law Journal*, vol. i (1874) 259–61, 273–75, 285–87, 295–96; *Lawyers' Reports Annotated*, n.s., vol. iii, 168–72, vol. xxxvi, 115–24, 1917c, 60–65; *American and English Annotated Cases*, vol. i, 55–56, vol. xvii, 566–71, vol. xxvii, 323–34; *American Law Reports Annotated*, vol. xxiv, 1115–22.

ARMSTRONG, SAMUEL CHAPMAN (1839–93), American pioneer in Negro education. He was born in Maui, one of the Hawaiian Islands, and his parents were American missionaries. He attended at Punahou the school that in 1855 became Oahu College; here he remained until 1860, completing the first two years of college work. In the fall of 1860 he entered the junior class at Williams College, where he came in close touch with President Mark Hopkins. Graduating in 1862, he enlisted, became captain in the 125th New York and, after serving with distinction at Gettysburg, accepted in December, 1863, the colonelcy of the 9th Regiment United States Colored Troops. Leaving the army as brigadier general, he was in charge of the Freedmen's Bureau at Hampton, Va., from 1866 to 1868. In 1868 he founded the Hampton Normal and Agricultural Institute to train Negro young men and women, especially to teach them respect for labor and the highest conception of character. Ten years later Indians were admitted. Armstrong was a man of great energy and driving power and he also possessed a keen appreciation of human values. His work has had far reaching influence not only on the education of the Negro (as at Tuskegee) but on vocational training throughout the United States and the world.

BENJAMIN BRAWLEY

Consult: Talbot, E. A., *Samuel Chapman Armstrong* (New York 1904); Tomlinson, E. T. and P. G., *A Leader of Freemen* (Philadelphia 1917); Peabody, F. G., *Education for Life* (Garden City 1918); file of the *Southern Workman* (Hampton, Va. 1872–); Founder's Day addresses and other papers published at Hampton Institute.

ARMY. An army is not only a military organization; it is also a symbol of national or imperial power. The size and character of armies are therefore largely determined by a nation's real necessities as developed by history and enforced by circumstances. In a well organized state, the normal health of which depends upon the balance between elements, the army does not absorb too much vital force; it sustains the vigor of the social body without weakening it. A nation totally and perpetually in arms would be unproductive; a nation totally unarmed would be defenseless. The number of "regular" troops to be maintained depends upon conditions such as international rivalries and the propinquity of possible perils. Not only is the influence of geographical location vital but internal social organization as well. The balance between elements is delicate, to be determined by wise and competent statesmen, political leaders and the people themselves.

There was a time when every able bodied man was a soldier. Among primitive peoples tribal man power was the whole male population. It was thus also in the early days of Rome, when it was said, "vivere est militare"; the legion was the gathering of the clans. Later under Servius Tullius the warrior was a conscripted farmer. Under the republic and the early empire the army consisted of trained troops which functioned as part of the systematic administration of the broad realm of Rome. But by the third century of our era emperors even enlisted fighters from beyond the frontiers, men who fought not for the glory of Rome but for pay and as a trade. Civilization had become sufficiently intricate and commercial and social organization sufficiently specialized and complex to make it necessary to tax the people and pay the troops, which not only held the frontiers against barbarian hordes but maintained internal political factions during the anarchy of the third century. The transition from universal fighting man power to defense by a professional army coincided with the geographical expansion and political organization of the Roman state. When the short sword from the city by the Tiber could no longer protect provinces against invaders from the north, the empire broke down and the political organization of western Europe under Roman rule came to an end. Military organization under feudalism reflected the disappearance of large political units. The attacks of the Vikings were repulsed by highly localized troops raised for short periods of service. Local men of distinction were given hereditary lordship and military command over the countrysides which they dominated and in exchange were expected to maintain fighting men and furnish them at need. Paid personal followers served their lord and with the aid of local peasants defended his castle when a foe advanced to the gates. Each holder of a fief owed military service to his superior. When the tenant-in-chief was called

to battle he took with him his paid personal retainers, selected attendants and fighters of lower order. A document of the seventh century summons to arms "duke, count, castellan, freeman, and freedman," each "with a tenth part of his serfs armed with weapons of war." A ninth century document of Charlemagne calls upon a fief holder and his "men" each "with arms and gear and all warlike equipment of clothing and victuals." The loyalty of this fighting man power was not to the king but to the local feudal lord. Men at arms were private property, not national troops, and fighting even in the Middle Ages became a special prerogative of the richer and better armed classes.

The mercenary forces of the later Middle Ages were indicative of the growing inadequacy of the military organization. Bellicose kings began to contract with nobles to provide troops "at the accepted wages of war." The "free companies" employed by various kings in this fashion fought for pay, ransom or plunder, but not for principle, nationality or even for defense. Engaged only for specific wars or campaigns, such troops were constant sources of trouble, since they felt no loyalty. Genoese, Swiss and Irish fought side by side, not in national forces or "standing" armies but as professionals. The king, of course, like other great lords of his time, had a bodyguard, but it was not large.

The trends toward administrative centralization, nationalism and democratization which have characterized political developments in modern times ushered in the modern standing army. Mercenaries and merely royal troops became national standing armies. When kings had to suppress domineering barons, the extent of the royal force might have been governed by internal affairs. However, once national states were well founded, military policy again depended upon foreign policy and upon geographical frontiers, which required large forces for their protection. In the middle of the fifteenth century Charles VII of France established what was probably the first standing army in history. He organized and kept permanently on foot for the "king's service" twenty *compagnies des ordonnances du roi*. Officers were commissioned by the king and men were enlisted in the king's name and paid from his funds. This was the beginning of the type of army that was to dominate Europe until the French Revolution. Municipal troops independently organized by the rich mediaeval towns disappeared, as did the armed bands of the great lords and the "free companies" of mercenaries. Indeed men were forbidden to raise forces without the king's permission, and service in a centralized military organization became a patriotic profession.

Although when Charles VIII of France set out on his invasion of Italy in 1494 he still had many Swiss and German mercenaries, he had the beginning of the standing armies that were to contribute to the renown of French kings in the following centuries. It was on the whole a national force, "the men-at-arms, being almost all of the king's subjects, gentlemen and not of the popular sort, not simply under the direction and discipline of Captains, nor paid by them, but by the king's officers, men of choice and contented in service." During the Thirty Years' War the king's troops were frequently inspected and regularly mustered for pay. There was uniformity in the set of the hats, in the cockades worn on the brim, in the dressing of the hair and even in the trim of mustaches. In the days of Louis XIII soldiers could not be distinguished from civilians by their clothes. But as the standing army developed they came to be completely uniformed, at first just the few foreign regiments and later by degrees the whole force. Louis XIV, who practically took over the remnants of the army of Gustavus Adolphus, formally organized and stabilized the permanent regiments. Brigades were designated; generals were given posts and duties and were instructed precisely "so as not to take too great risks with the king's troops." It had formerly been the custom to quarter soldiers on the people, but in the eighteenth century the building of barracks commenced, separating fighters from townsfolk. The greatness of kings was measured by the number of troops they could raise and keep under arms. Even in 1675 the daily mounting of the guard was a prodigious ceremony. At the end of the reign of Louis XV there were elaborate parades to attract the people and delight the court.

The eighteenth century thus was the greatest era of the purely professional well trained and severely disciplined armies. It was then that the resplendent Bourbons kept vast forces on foot. It was then that Frederick William boasted that while his soldiers fought his wars his merchants could go about their business undisturbed. It was then that Vattel remarked: "War is made by regular troops. The people, the peasants, the bourgeoisie, are not concerned with it." This reflected the doctrine repeated by Rousseau and accepted by continental publicists to this day

that war is a relation of state to state and not of man to man. The Englishman, Laurence Sterne, could reach Paris without knowing that his country was at war with France.

As the period of great kings and benevolent despots drew to a close, the people as such began to participate in military affairs. A few mercenary forces survived, the Swiss Guards of the Bourbons, the Hessians employed to fight the American colonies, the older regular Hanoverian army, which was known in Britain as "the king's German Legion" and which even appeared under Wellington on the peninsula. But these and the nationalized professional forces were not sufficient for the war needs of French monarchs. In 1688 the great military statesman Louvois initiated regular calls of militia to supplement the regular troops. In the War of the Spanish Succession this became practically national conscription. The French Revolution, with its military necessities, completed the process. It also brought to the fore the dislike of the people for the standing armies of the king. Rousseau echoed the popular opinion when he said of the European monarchs, "by dint of laziness and money they at last possessed soldiers to enslave the country." The people remembered that it was with royal troops that Louis XVI had closed the hall on the third estate after the Estates General met in 1789. After the people had attacked the Bastille and massacred the Swiss mercenaries a popularly enrolled militia was raised by the Paris Commune and with Lafayette in command was called the National Guard. In 1793 the government declared a levy of all able bodied men between the ages of eighteen and twenty-five. In 1798 Jourdan's law incorporated the principle of universal service in the constitution. Regular troops, augmented and inspired by conscripted "volunteers," carried the ideas of "liberty, equality and fraternity" to the four corners of Europe. The days of the hired mercenary were gone forever. As Dubois-Crancé declared, "Every soldier must be a citizen and every citizen a soldier." Since that time the dominant type of European army has been the nation in arms.

It is true that conscription in France lasted for only a short time. Napoleon III depended on long term "professionals," but the Third Republic under Gambetta saw universal military service actually established in time of peace. In Prussia under Stein there was veritable universal service combined with sincere nationalism. German success in the war of 1870 opened the eyes of the world. Since that year every great power in Europe except England has adopted universal service. In Japan the incidence of conscription has been especially noteworthy, showing in the clearest fashion the close relationship between the adoption of this institution and the sweeping away of the feudal military caste.

Regular professional armies persist, but they are merely the mold of form and the guide of practise. "A portion of the men able to bear arms," says von der Goltz, "are retained in permanently organized bodies of troops which serve as a school for military training for the entire male population fit for service and at the same time furnish the framework for the reception of the stream of educated soldiers in case of war." Even in the early nineteenth century, in the days of the American Revolution, the rude farmer who seized his squirrel rifle and marched forth as a militiaman was not so valuable a fighter as a trained soldier. Specialization has brought in many new weapons. The confusions of the modern battlefield have brought intricacies of tactics which must be learned. A mere call to arms is not enough, because time is necessary in order to transform man power into fighting man power. As old Ben Butler remarked, "troops do not get disciplined in ninety days"; Washington also said that "to bring men to be acquainted with the duties of a soldier requires time." Winder's militia at Bladensburg, which had marched "at a moment's notice" against inferior numbers of Wellington's veterans of the peninsula, fled the field and left the capital to the torch of the invader. The first new divisions created by Kitchener in 1914 did not begin to land in France until April, 1915, and fought their first battle at Loos five months later. It was over a year after America entered the war to use "force without stint" before American troops engaged in offensive operations. Their average training was six months in America, two months in French camps and one month in a quiet sector, and even then they were considered relatively raw and suffered needless casualties from rashness and inexperience.

Thus it has happened that the nations of Europe with their abutting frontiers have developed military organizations comparable to their advanced political systems and their modern views of popular participation in government. National defense is considered as much a duty as the payment of taxes, military service as much a privilege as voting. It is true that Great Britain and the United States are exceptions.

Although national unity and governmental political ideas are determinants, they are not the sole deciding factors. The problem is fundamentally military. Army strength is intended for defense, and this has been true in spite of some exceptions to the rule from the time of the ambitious ancients to that of the modern militarists. "What walls you build," said Carlyle, "depend upon the state of the outer sea." The factor that decides between heavy armament and light is simply the recognized chance of foreign invasion. If frontiers are vulnerable, a nation must be well prepared. It is the same as with the army in enemy territory. If a foe be near and exceedingly strong the security forces must be numerous; if it be distant or weak lighter detachments will serve.

England and America have been reasonably free from the danger of hostile invasion such as has for centuries stood insistently before the eyes of all the continental peoples. Britain's first line of defense has ever been her fleet; America's isolation has been her protection. Both have resorted to conscription as a temporary war measure, but neither has considered compulsory service necessary in time of peace. In neither has there been need for very large forces constantly under arms, like the standing troops of the Bourbon kings, or for the entire population fully trained and organized to mobilize on short notice, like the reservists of Central Europe. Both countries have held to the ancient militia principle that the citizens owe defensive service in time of emergency; but in both the people have felt that the necessary troops could be raised before the home peril became too great. Special circumstances in each country have caused the continued maintenance of small standing armies, but neither Great Britain nor the United States has been willing to adopt compulsory military service.

It is very strange that the two outstanding great powers which depend almost solely upon regular, standing armies in time of peace should be the two in which political history shows the most bitter prejudice against the professional force. King John increased his unpopularity with the barons by bringing back to England the mercenaries he had hired to fight his battles in France. His *alienigeni milites* and *servientes stipendarii* are condemned in Magna Carta as having been brought to England "for the injury of the realm." It is a dangerous state, remarked Francis Bacon, where men of war "live and remain in a body, and are used to donatives." "In a land of liberty," announced Blackstone, "it is extremely dangerous to make a distinct order of the profession of arms."

It is not surprising that the United States, with this British tradition behind it, in its first days desired to get along without any standing army at all. The Massachusetts Articles of War of 1775 declared that the keeping of such a force in a colony without the consent of the legislature was against the law. The Declaration of Independence protested against the employment of mercenary troops and the quartering of them on the people. In the constitution the federal Congress was not empowered to maintain an army, but only to "raise and support" armies under two-year appropriation acts; and the Second Amendment showed that reliance was placed on "a well-regulated militia" as "necessary to the security of a free state." In the Virginia convention of 1788 even the Federalist Madison protested that "a standing army is one of the greatest mischiefs that can possibly happen." In the Constitutional Convention, Gerry of Massachusetts objected that there was no specific prohibition against the formation of a standing army.

Nor is this fear of such armies merely a political idea dominating enactments and discussions. It is implicit in the historical facts of the time. After the treaty of 1783 all the troops in the service of the United States were discharged except guards of twenty-five privates at Fort Pitt and fifty-five at West Point. For frontier defense against the Indians and to suppress Shays' Rebellion troops were raised for limited periods only. From the small size and the temporary establishment of the forces raised it is apparent that the legislators hoped to dispense altogether with professional forces. The basic theory of American defense was to be the ancient British militia theory. A militia act of May 8, 1792, stipulated the enrolment of all "white male citizens of the respective States" between the ages of eighteen and forty-five and required that they be uniformly armed and equipped and arranged into "divisions, brigades, regiments, battalions, and companies." This militia was never organized, but the idea of the militia prevailed in legislative halls. The traditional American method of raising armies has ever been, from the days of the revolution until the World War, to wait until the struggle came and then to call out citizens untrained in tactics and unseasoned for conflict.

Britain likewise began with militia, as is

shown in the Assize of Arms and the Statute of Winchester. Nor was this a mere feudal levy. It was true national man power called and officered in the name of the king by county sheriffs or by lord lieutenants under commissions of array. Although under the feudal system military tenures did supply the king with troops, although lords constantly furnished scutage to pay foreign mercenaries for overseas wars instead of leading forth their own men at arms, it never became law that those not bound by tenure need not fight. Indeed in military matters as well as in government, centralization and national unity in Britain were forged by direct links between the royal ruler and the plain people. "In this organization of the common folk under royal officers," says Maitland, "there is all along a counterpoise to the military system of feudalism, and it serves the King well. The great families of the Conquest are at length pulverized between the hammer of the King and the anvil of the people."

Even Tudor despotism did not depend upon standing forces. And when the great rebellion came in the middle of the seventeenth century there was no standing army to be manoeuvred by the king as Louis XVI tried to manoeuvre the royal forces in France in 1789. When the quarrel finally reached the stage of armed force, the traditional means were used, namely the commission of array for the king and the militia for Parliament. In 1645, at the insistence of Cromwell, the New Model Army was formed and retained after the victory of Parliament against the possibility of a Stuart return. But until this time England had no regular forces, only inconsequential castle and garrison guards like the yeomen of the guard established by Henry VII in 1485 solely for personal defense.

When at the Restoration a regiment of the New Model Army laid down its arms on Tower Hill on St. Valentine's day in 1661, it took them up again with a new name, the "Lord General's Regiment of Footguards," which served under Charles II and later won fame as the Coldstream Guards. Included in the new British establishment of 1661 was a Scottish brigade of Gustavus Adolphus of Sweden, which had served in France under Louis XIV, finally came to England with Charles II and is now the Royal Scots. At the end of the century many regiments were raised for particular affrays and disbanded when peace was made. In the eighteenth century under Marlborough the British army established its finest regimental traditions and most of the units which fought at that time still exist today. With their bright uniforms, their stiffness of manner and manoeuvre and their mode of fighting they formed a typical standing army.

Nevertheless England was traditionally averse to professional soldiers. During the seventeenth century this aversion was voiced in bitter political discussion, recrimination and violence. During the incipient years of the great rebellion the Convention Parliament passed an act disbanding the army. Clarendon was impeached for maintaining a standing force; Danby was impeached for diverting funds to such a force. The Anglo-Saxon prejudice against standing armies was strengthened during this most severe test of modern time. "At the Restoration," declares Maitland, "the very name of a standing army had become hateful to the classes which were to become the ruling classes."

When William and Mary ascended the throne of England in 1689, it was made plain by the Bill of Rights that "the raising or keeping a standing army within the kingdom in time of peace, unless it be with the consent of Parliament, is against the law." In the same year the British adopted the custom of voting the Mutiny Act each year, the act upon which the discipline and very maintenance of the army depended. It definitely determined that the people controlled the army. It enacted into statute form the provision of parliamentary consent, provided for annual reenactment and prescribed that funds for the pay of troops should be voted only from year to year, "an invariable and wholesome usage," says Hallam. No longer would Englishmen be ruled by force of arms. No longer could kings keep troops for internal use. Such standing British troops as might be raised were to be, according to the law, not for home service but "for better preserving the balance of power in Europe."

In that participial phrase lies the secret of the existence and the form of British forces. British wars have been fought overseas to settle colonial and continental difficulties. There has been no proximate danger of home invasion to require the maintenance of compulsory service in time of peace, or of large standing armies. Men engaged to garrison distant posts and savage frontiers must be professional soldiers. Even in the later days of feudalism English kings found that feudal levies would not suffice when they began to fight overseas. From the time of Stephen onward, hired soldiers were used regularly in the foreign wars particularly with

France. Just as Henry II, Richard I, John and the first three Edwards had to use paid fighters for service on the continent, so Marlborough, Wellington, Kitchener, Roberts and the other modern commanders had to have regulars—men enlisted for long periods of time.

The character of British military organization and military policy is conditioned by this dominant fact. Great Britain's regiments have been practically dual in character: a recruiting and training depot at home and an active force abroad. It was so in 1809, when Wellington went to Spain. "The infantry of the line," Fortescue recounts, "consisted of one hundred regiments, nearly every one of which had two battalions, the design being that the second battalion should remain at home and feed the first battalion on foreign service." Heavy commitments overseas, the demand for many garrisons, for many expeditions in Zululand, Afghanistan, India, Abyssinia, East Africa, China and along the Nile required a considerable establishment. When times were quiet troops might be few; when wars were being waged they must be many. The British army organization has therefore been characterized by the maintenance of substantial standing forces and a volunteer system of providing replacements.

The British doctrine is well described in the words of Viscount Wolseley (1872): "The test of any peace organization must be its power: 1st, To place in the field immediately on the outbreak of war, in the best possible state of efficiency, as large a force as is possible compatibly with the peace military expenditures; 2nd, To maintain that force throughout the continuance of hostilities undiminished in numbers and efficiency." Great Britain has consistently adhered to this doctrine. In exceptional cases she has resorted to wartime conscription even for overseas fighting, as in 1802 when troops were raised by levies on the parishes and in 1916 when compulsory enrolment succeeded the failure of calls for volunteers to bring forth enough men. But in general the British system has been a regular-volunteer standing army system. Since the World War and indeed since 1907, with the acts creating territorial forces and reserves, there has been a tendency to create a reservoir of semi-trained civilian man power enrolled on a voluntary basis. But in spite of political prejudices England has clung to the idea of a standing army. Her militia defense has become a mere tradition. Save for rare exceptions she has relied on regulars.

As distinct from the British policy, which has relied solely upon regular forces reenforced with replacements, the American policy has been to provide in emergencies large forces in addition to the pitifully small, professional volunteer standing army. The initial theory that a big standing army was undesirable has persisted. But the early policy was faced with immediate necessities. Harmar's expedition against the Indians in 1790 was followed by St. Clair's expedition of 1791. In 1794 came Wayne's expedition and the Whiskey Rebellion. Troops were raised for these expeditions and the enlistments and the establishments overlapped. Then came the wars of the French Revolution, when America seemed likely to become involved in the continental struggle. War appeared probable with France in 1798, with England from 1807 onward. In 1812, on the eve of a conflict in which the United States employed 528,000 troops, her regular standing army comprised only 6686 men. The Mexican war, in which 104,000 American troops were used, was begun with a force less than 8000. In the Spanish War of 1898, which America entered deliberately, there were 60,000 regulars and 220,000 volunteers. In 1916 the entire National Guard was mobilized on the Mexican border. With the coming of the World War the National Guard and additional hosts were called into service again, until the total armed force increased from an approximate 100,000 to 4,000,000. The wartime volunteers sometimes consisted of already organized state militia coming forward en masse, as when the Eighth Massachusetts and the Seventh New York moved toward the Potomac in 1861. Sometimes units were separately raised, as when Ingersoll's Fireman Zouaves in 1861 and Roosevelt's Rough Riders in 1898 offered their services. Sometimes conscription was resorted to, as in the draft of 1863 and the selective service of 1917. But the problem has ever been the same: how to mold the feeble regulars and the organized militia or National Guard and the unorganized militia, untrained and unenrolled, into an effective force.

The tendency toward centralization in government which became apparent in the United States after the Civil War eventually influenced its military organization as well. The Dick Bill of 1903 put the National Guard on a new basis, providing for standardization, for federal equipment to be issued to state troops, for an organization to consist of four regular and twelve guard divisions and for joint field manoeuvres

of guardsmen and regulars. Certain defects in this system would have been eradicated by the National Defense Act of 1916 had not the World War disturbed the process. During that struggle a new arrangement was effected for the period of the emergency; afterwards everyone came home to be demobilized and the legislators started all over again.

In 1920 a new National Defense Act was framed in the form of extensive amendments to the act of 1916. There was created a single Army of the United States with three components, Regular Army, National Guard and Organized Reserves. The regulars were to be professional soldiers, sufficient to garrison foreign possessions, to furnish instructors to other components, to inhabit a few of the old home stations and to make up a small force capable of meeting minor emergencies. The National Guard was to consist of the organized state militia with federal aid and federal instruction: citizens formed into home town units ready to answer a call and to form a second line of defense. The Organized Reserves were to consist of volunteer reservists grouped into mere skeleton units provided only with officers and with a very few enlisted specialists. They were not to be fully recruited except in great struggles demanding the entire man power of the nation.

The personnel of these components has been divided into nine corps areas in the United States, determined in accordance with the distribution of population as revealed by draft experiences of the World War and grouped permanently into brigades, divisions and corps in the proportion of nine regular, eighteen guard and twenty-seven reserve divisions. The scheme thus combines the elements of the Anglo-Saxon militia system (i.e. citizen service in time of war only) and the idea of a standing army, supported by local pride and local traditions of the long established state militia or National Guard units.

The real significance of this act can be best understood by noting the strengths of the three components on June 30, 1928:

	Regular Army	National Guard	Reserve Corps
Officers	12,030	12,347	101,926
Enlisted Men	124,192	164,453	5,192

Personnel for these units is procured by voluntary enlistment of the professional regulars and of the citizen guardsmen and by voluntary enlistment into the reserve corps, as officers and as soldiers, of young men who graduate from Reserve Officers' Training Corps units at various colleges and from one-month Citizens' Military Training Camps. Guardsmen usually have two weeks' field training each year and semi-monthly drills. Reservists can be called to duty for training only with their own consent, and the usual practise is to have as many as possible (usually about 25 percent) of the reservists of a single regiment attend camp together and train with men with whom they will organize in case of war.

The United States thus clings partially to its militia tradition. It also maintains its standing army in spite of Anglo-Saxon prejudice against such a force. Like England it does not need the intensive nation wide compulsory training for protection of immediate frontiers as much as do the crowded nations on the continent of Europe. But it has had its trouble with sudden increments, with raw troops, with confusions, and it leans toward the skeleton army idea. Present authorizations of strength for the regular forces have required the demobilization of many regiments and the reduction of many regular units far below their established peace strengths. Indeed, with the heavy burdens of providing overhead and instruction for the civilian components, the regular army is at present so small as to be practically ineffective without reenforcement. But—and here is the difference between American and continental reserve systems—American increases will not consist of such a "stream of educated soldiers" as von der Goltz described. They will be raw increments requiring training, superior to the drafted men and volunteers of 1917 only in that they will have over a hundred thousand partially initiated reserve officers ready to begin their training immediately.

It is not only in England and America that military strength has been allowed to decline sharply with the coming of peace. If we consider their colonial commitments overseas, it is just to say that generally the nations of the world are not militarized to any such degree as was Bourbon France with 175,000 peacetime regulars to a population of only 20,000,000 or as the Prussia of Frederick William with 80,000 men in its standing force. In Germany, Austria, Hungary and Bulgaria military forces are limited by the treaties imposed upon these defeated powers after the World War. For instance, Germany, with a population of 62,348,782, has a professional force of only 100,000 with twelve-year soldiers and twenty-year officers.

The size of military forces of other principal countries as of October, 1929, is shown below:

Nation	Population	Active Army	Organized Reserves
United States...	120,013,000	136,217	284,074*
British Empire..	391,913,948	394,519	572,829
France	40,960,000	643,675	5,442,318
Italy	42,000,000	353,120	3,056,409
Japan	86,000,000	210,000	2,038,000
Russia.....	150,000,000	715,000	5,600,000
Turkey	13,753,000	119,500	250,000

Source: United States War Department.
* Includes National Guard.

A new factor, however, may determine the size and character of future armies. The principle of the mobilization of power according to a nation's need holds good, but the probabilities are that machine power and now man power will be the object of competition. A modern army is now a very complex organization. Even the rifle shooting infantry is not formed merely of musketeers; it has machine guns, automatic rifles, hand grenades, rifle grenades, 37-mm. cannon and 3-inch mortar guns as well as rifles and bayonets. The platoon (58 men) is the fire unit; the company of three platoons is the disciplinary and messing unit; the battalion of three rifle companies and one machine gun company is the fighting unit; the regiment of three battalions is the administrative unit; the brigade of two regiments is the manoeuvre unit. Then comes the division of 20,000 men, the self-contained and self-sustaining campaign unit, consisting of two infantry brigades, one artillery brigade, tanks, engineers, medical regiment, quartermaster personnel, ordnance specialists, radio and telephone operators, ammunition and supply trains and airplanes. Higher headquarters—corps, field army and army—are simply directive. They comprise varying numbers of divisions. But handling of divisions requires technical and staff training. The mechanics of troop movement is intricate and requires careful study to prevent tangling thousands of men into confused masses on country roads.

The growing mechanization of the army is already apparent in this organization. In the Civil War the telegraph, balloon and railroad were first actually useful; in the war of 1870 Germans employed the telegraph and railroad with such superior skill as to demonstrate their values on campaign. With the World War came the extensive use of the airplane and motor vehicle. The nations are in a frenzy over mechanization and motorization, which are profoundly affecting organization and will have a greater effect upon tactics. The tank made its mark on the battlefields of Europe. The armored car is being perfected. Rapid movement of large bodies over long distances has been accomplished in manoeuvres in Germany, France, England and America. The machine takes the place of slower means of transport. The caterpillar tread and the wheel replace to a considerable extent heavy army boots and clattering cavalry hoofs.

The effect of this mechanization is great. A British major has pointed out that of the 856 enlisted men in the present war establishment the British battalion commander will have available 120 rifles, 24 Lewis guns, 16 machine guns and 2 anti-aircraft Lewis guns. The motor vehicles must be cared for. Only 14 percent of the enlisted strength of a British battalion will be rifle strength. According to Robert Home's *A Précis of Modern Tactics* (revised and rewritten by S. C. Pratt, London), published in 1892, the British battalion had a total strength of 1096, of which 894 were privates or rifle and bayonet men. And the British are now beginning to wonder whether 120 soldiers can be expected to do the work of 894.

In the American army the tendency is somewhat similar. Although the low percentage of riflemen has not yet been affected to any great extent by military mechanization, the decline being due more to complexity of command and to the carrying out of signal communications duties, there is still a greater discrepancy than in the days of Gettysburg and Santiago when a battalion meant a battalion of shooting soldiers. The American major has a total enlisted strength of 824. Of these only 546 are armed with rifles. And many rifle armed men are not used as rifle men but as messengers, guides and section leaders. Of rifle and bayonet men designated to act as such he has only 378, less than half his personnel. The discrepancy is not so great as in the British battalion, still it is far below the proportion of 1892.

Motorization of armies is merely in its initial stages now. In recent American experiments it was found that on a rapid motor trek of over 200 miles it took 75 soldier chauffeurs to operate, repair and "service" a train of trucks which carried only 334 enlisted men. This may be a hint as to how low the proportion will be reduced in a motorized battalion of the future. Tank and truck on field and road, planes in the air and submarines in the water are vital weapons. Perhaps many years hence when we

come to discuss the making of armies we shall talk of factories and machines more than of conscription and of men.

ELBRIDGE COLBY

See: NAVY; CONSCRIPTION; MILITIA; RECRUITING; MILITARY LAW; COURTS MARTIAL; MILITARY TRAINING; RESERVES, MILITARY; VETERANS; ARMAMENTS; WARFARE; WAR; PREPAREDNESS; MILITARISM.

Consult: FOR THE HISTORY OF ARMIES: Spaulding, O. L., Nickerson, H., and Wright, J. W., *Warfare* (New York 1925); McCartney, E. S., *Warfare by Land and Sea*, Our Debt to Greece and Rome series (Boston 1923); Oman, Charles W. S., *A History of the Art of War in the Middle Ages*, 2 vols. (2nd ed. Boston 1924); Coulton, G. G., *The Case for Compulsory Military Service* (London 1917); Boutaric, Edgard, *Institutions militaires de la France avant les armées permanentes* (Paris 1863); Babeau, Albert Arsène, *La vie militaire sous l'ancien régime*, 2 vols. (2nd ed. Paris 1890); Gebelin, Jacques, *Histoire des milices provinciales (1688–1791)* (Paris 1881); Girard, Georges A. M., *La service militaire en France à la fin du règne de Louis XIV* (Paris 1921); Fortescue, J. W., *A History of the British Army*, vols. i–xii (London 1899–1927); Firth, C. H., *Cromwell's Army* (London 1902); Oman, Charles W. C., *Wellington's Army, 1809–1814* (London 1912); Ganoe, William Addleman, *The History of the United States Army* (New York 1924); Upton, Emory, *The Military Policy of the United States* (Washington 1904); Palmer, John McAuley, "America's Debt to a German Soldier" in *Harper's Magazine*, vol. clvii (1928) 456–66; Dickinson, John, *The Building of an Army* (New York 1922); "Military Training: Compulsory or Volunteer?" in Academy of Political Science, *Proceedings*, vol. vi (1915–16) pt. iv; Ford, Guy Stanton, *Stein and the Era of Reform in Prussia, 1807–1875* (Princeton 1922); Wilkinson, Spenser, *The Brain of an Army* (London 1895); Ogawa, Gotaro, *Conscription System in Japan*, Publication of the Carnegie Endowment for International Peace, Division of Economics and History (New York 1921); Kennedy, M. D., *The Military Side of Japanese Life* (London 1924); Upton, Emory, *The Armies of Asia and Europe* (New York 1878).

FOR PRESENT ORGANIZATION AND THE FUTURE OF ARMIES: Colby, Elbridge, *The Profession of Arms* (New York 1924); Liddell Hart, B. H., *The Remaking of Modern Armies* (London 1927); Fuller, J. F. C., *The Reformation of War* (New York 1923); Jaurès, Jean, *L'organisation socialiste de la France: l'armée nouvelle* (Paris 1915), abr. tr. ed. by G. G. Coulton as *Democracy and Military Service* (London 1916).

ARND, KARL (1788–1877), German economist and political scientist. He occupied a position midway between the English classical school and the German historical school. Arnd accepted the principle of spontaneity in social and economic processes, and the use of the isolating deductive method in social study. Nevertheless he also took into account historical factors and existing social conditions. He believed in free competition as the regulator of economic life, but did not neglect the desirability of improving social organization. His attempts to define the sphere of influence of society and to determine the purposes of the state may be traced to Wilhelm von Humboldt. In his doctrines of division of labor, exchange and distribution of income he followed Adam Smith, while the importance he attached to immaterial goods shows the influence of Schiller and German philosophy. Arnd attacked Friedrich List and emphasized the importance of international trade. He is often erroneously classed with the physiocrats because of his advocacy of the single tax. His stand, however, was based on the belief that this tax would prevent a rise of prices and wages and thus stimulate the development of industry and commerce.

LOUISE SOMMER

Important works: *Die neue Güterlehre* (Weimar 1821); *Die materiellen Grundlagen und sittlichen Forderungen der europäischen Cultur* (Stuttgart 1835); *Der Freihandel, List und das Memorandum* (Frankfort 1849); *Die naturgemässe Steuer* (Frankfort 1852); *Die Staatsverfassung nach dem Bedürfniss der Gegenwart* (Frankfort 1857); *Das System Wilhelm Roschers gegenüber den unwandelbaren Naturgesetzen der Volkswirtschaft* (Frankfort 1862).

Consult: Adler, Max, *Karl Arnd und seine Stellung in der Geschichte der Nationalökonomie* (Karlsruhe 1906); Auerswald, Arno, *Beiträge zur Lehre von der einzigen Steuer*, Greifswalder staatswissenschaftliche Abhandlungen, no. xvi (Greifswald 1922) p. 26–29.

ARNDT, ERNST MORITZ (1769–1860), German nationalist, historian and poet. Arndt played a unique part in the development of German national self-consciousness. The son of a peasant, he was a forerunner of that peculiar type of agrarian democratic nationalism which, as distinct from the contemporary bourgeois nationalism and constitutionalism, did not develop as a principal feature of European politics until the downfall of the Russian and Austro-Hungarian monarchies. He won his first success as a political writer by an essay on the history of serfdom in his native country of Pomerania, *Versuch einer Geschichte der Leibeigenschaft in Pommern und Rügen* (Berlin 1803). It raised violent controversies and was the direct cause of the legal abolition of serfdom in Sweden in 1806, shortly before the similar step taken by Stein in Prussia in 1807. His first two volumes, *Geist der Zeit*, published in 1806 and 1809 (6th ed. 4 vols., Altona 1877), ranged him with the

inner circle of anti-Napoleonic feeling in Prussia: Fichte, Heinrich von Kleist and Schleiermacher. But his great hour arrived when he joined the exiled Stein in Russia in 1812, and by his "revolutionary" *Katechismus für den deutschen Kriegs- und Wehrmann* (n.p. 1814), putting loyalty to the nation above that to princes, sounded the keynote of the German War of Liberation. His subsequent career, a professorship in the newly founded University of Bonn (1817), suspension from office in consequence of the "persecution of demagogues" instigated by Metternich, reinstatement by the new king, Friedrich Wilhelm IV, and election to the "professorial parliament" of the National Assembly of 1848, closely mirrors the general political destinies of Germany. His manifold writings, though often profuse, unoriginal and somewhat untrustworthy as historical sources, place him with Joseph Görres in the first rank among the fathers of modern political journalism. A complete scientific edition of Arndt's works is still lacking.

CARL BRINKMANN

Consult: Haym, Rudolf, in *Preussische Jahrbücher*, vol. v (1860) 470–511; Freytag, Gustav, in *Allgemeine deutsche Biographie*, vol. i (1875) 541–48; Meisner, H., and Geerds, R., *E. M. Arndt; Ein Lebensbild in Briefen* (Berlin 1898); Müsebeck, E., *E. M. Arndt* (Gotha 1914), covering period to 1815.

ARNOLD OF BRESCIA (*c.* 1100–55), ecclesiastical and political reformer. After attending the lectures of Abélard in Paris he returned to Brescia where, as a canon, he joined the cause of the citizens against their bishop. He became an apostle of disendowment, inveighing against "prelacy" and teaching that "bishops having regalia, clerks with property, and monks with possessions could never be saved." Condemned at the Lateran Council of 1139 and banished from Italy, he went to France to defend his master Abélard against St. Bernard. He was denounced by the saint as "armor bearer to Goliath," and was involved in a common condemnation with Abélard. He was expelled from France and lived for some time in Zurich (*circa* 1140). Disappearing for a few years, he eventually went to Rome in 1147, and spent there the last eight years of his life. The papacy had recognized a "commune," or independent municipality, in Rome in 1145; and Arnold, somewhat like Cola di Rienzi two centuries later, became its prophet, seeking to revive the splendors of the ancient Roman Republic and teaching that "the Capitol should be rebuilt, the senatorial dignity restored, and the order of knights reformed." The apostle of disendowment thus became also the antiquarian idealist, and his speeches were a mixture of the Bible and the Fathers with Vergil and Justinian. His policy was doubly dangerous to the papacy, involving as it did both the disendowment of the popes and the substitution of a free Roman republic for their temporal sovereignty in Rome. He had only the support of the Roman populace, and they expelled him when the vigorous English Pope, Adrian IV, placed them under an interdict in 1155. He was arrested by the Emperor Friedrich I (then marching to Rome for his coronation), and handed over to the papal authorities. He was hanged and burned, and his ashes cast into the Tiber.

His zeal for disendowment was linked with his passion for civic liberty which, under the Italian conditions of his day, was the natural means of reducing both the bishops in Brescia and the pope in Rome to "apostolic poverty." As an apostle of disendowment he was a precursor of Wycliffe; as the prophet of Roman liberty he was a forerunner of Rienzi and Mazzini. He was remembered in the Risorgimento, and in 1862 placards were posted, "Viva il Papa non re: viva Arnaldo da Brescia: viva il Clero liberale." In 1883 the city of Brescia, with the aid of Zurich, erected a statue to his memory.

ERNEST BARKER

Consult: Original authorities: Otto of Freising, "Gesta Friderici I. Imperatoris" in *Monumenta Germaniae historica*, Scriptores, vol. xx (Hanover 1868) p. 338–496; John of Salisbury, *Historia pontificalis*, ed. by R. L. Poole (Oxford 1927). For life and times: Odorici, F., *Arnaldo da Brescia* (Brescia 1861); Guibal, G., *Arnauld de Brescia* (Paris 1868); Giesebrecht, W., *Arnold von Brescia* (Munich 1873); Gregorovius, F. A., *Geschichte der Stadt Rom im Mittelalter*, 8 vols. (4th ed. Stuttgart 1886), tr. by A. Hamilton, 13 vols. (London 1894–1902) vol. iv, pt. ii, chs. iii–v; Hausrath, Adolf, *Arnold von Brescia* (new ed. Leipsic 1895).

ARNOLD, MATTHEW (1822–88), English poet and social critic. He was born within the English church, an institution which has contributed so markedly to English culture. He was educated in English public schools, at Winchester and Rugby; of the latter his father, Thomas Arnold, was the famous headmaster. At Balliol College, Oxford, he made his mark as a poet, and after publishing several volumes of verse he was elected professor of poetry at Oxford. His livelihood, however, he earned as inspector of schools. These two elements in his

life, the aesthetic and the utilitarian, also divide his work. From being a poet and critic of poetry he became chiefly known as a critic of society. In "The Function of Criticism at the Present Time" (in *Essays in Criticism*, 1st ser., 1865) he pointed out the dependence of literature upon life. *Culture and Anarchy* (1869) is his characteristic work in social criticism.

Matthew Arnold illustrates the shift from the romantic ideals of the early nineteenth century to the preoccupation with problems of actual life pressing upon society in consequence of the new knowledge in natural science, the development of the industrial system and the urge toward democracy. In his preface to the *Poems* of 1853 he had stated the doctrine that the excellence of a poem depends upon the unity and totality of effect derived from a single noble action rather than upon the beautiful things said by the way. This classical principle of totality he made the core of his educational, social and religious teaching. He saw the modern world with its political institutions shaken and its religious beliefs threatened, falling into a state of anarchy. It was to combat this that he invoked the ideal of culture. Culture for the individual consists in the pursuit of "our total perfection" by "getting to know the best that has been thought and said in the world." In politics it leads us to subordinate our self-interest to the state, which is the organ of "the right reason of all of us." Though he believed that the conventional supernatural faith in "Bible Christianity" must go down before scientific truth, he tried to save the elemental fact of religion as an inward experience. In the interest of culture he deprecated the "Hebraizing" tendency of the English Nonconformists, and defended the Hellenic principle of total perfection. Arnold was an apostle of civilization to the middle class of Great Britain, whom he qualified as Philistines with reference to their materialism and trust in machinery, but in whom he saw possibilities of future fineness and beauty.

ROBERT MORSS LOVETT

Works: His complete works are published in 15 vols. (London 1904–05). The chief biographical source is his *Letters*, 2 vols., ed. by George W. E. Russell (London 1895). *Selections from the Prose Writings of Matthew Arnold* (New York 1897) is prefaced by an admirable essay by Lewis E. Gates.

Consult: Smart, T. B., *Bibliography of Matthew Arnold* (London 1892); Saintsbury, G., *Matthew Arnold*, Modern English Writers series (Edinburgh 1899); Paul, H. W., *Matthew Arnold*, English Men of Letters series (London 1902); Sherman, Stuart Pratt, *Matthew Arnold: How to Know Him* (Indianapolis 1917).

ARNOLD, THOMAS (1795–1842), English schoolmaster and churchman. He was educated at Winchester and at Oxford, graduating in 1814, and taking the Chancellor's Medal in 1815 for Latin and in 1817 for an English essay. He was elected fellow of Oriel in 1815, and four years later he settled at Laleham as a private tutor. In 1828 he was appointed headmaster of Rugby, where he remained till his death. He had in 1841 been elected regius professor of modern history at Oxford, but lived only to deliver one course of lectures.

Though he was a prolific writer engaged in many controversies and a prominent churchman closely associated with the liberal movement of his time, it is as "Arnold of Rugby" he is known. The social and political influence of the English public school has been immense; a study of Arnold's work at Rugby entails a complete survey of this important department of English education. Under Arnold public school education was for the first time based upon a definite social theory and informed with a definite religious and ethical ideal, and whatever may be said either of theory or ideal, it remains a fact that Arnold, more than any other man, set the public school upon the path it travels today. Nevertheless it is important to note that he worked within limits already clearly marked in 1828, his influence being rather stimulative than formative. Arnold's own writings are of little intrinsic value, but his *Sermons* (6 vols., New York 1846, rev. ed. London 1878) may usefully be consulted by the student.

FRANK H. DOUGHTY

Consult: Stanley, A. P., *Life of Thomas Arnold* (New York 1877); Fitch, J. G., *Thomas and Matthew Arnold* (New York 1897); Hughes, Thomas, *Tom Brown's Schooldays* (New York 1925); Arnold, Matthew, "Rugby Chapel" in *Poems* (Oxford 1926). Lytton Strachey includes Arnold in *Eminent Victorians* (London 1918) but must be corrected by the later revaluations of R. J. Campbell, *Thomas Arnold* (New York 1927), and Arnold Whitridge, *Dr. Arnold of Rugby* (New York 1928).

ARNOLD, WILHELM (1826–83), German historian. As a student in Berlin he came under the dominating influence of Jakob Grimm and Ranke. His service to science consisted in modifying their historical conceptions in order to allow a greater stress on economic aspects,

thus making room for the new approach which had gained prominence since 1848. As an instructor at Marburg he used the records of Worms as a basis for his *Verfassungsgeschichte der deutschen Freistädte* (2 vols., Hamburg 1854), in which he emphasized the tradition of Roman communal self-government. When he went as a professor to Basel he utilized the archives of that city in his famous study *Zur Geschichte des Eigenthums in den deutschen Städten* (Basel 1861), a work still valuable as an economic and social interpretation of the development of property in mediaeval municipal law. His treatise on *Recht und Wirtschaft nach geschichtlicher Ansicht* (Basel 1863) qualified him after his return to Marburg to teach economics in addition to history. A few years later his *Cultur und Rechtsleben* (Berlin 1865) and *Cultur und Recht der Römer* (Berlin 1868) gained prominence for him in the field of comparative historical jurisprudence. His last original contribution to the methods of economic history was the use of place names, chiefly those of his native Hesse, in his investigation of the *Ansiedelungen und Wanderungen deutscher Stämme* (Marburg 1875). Death interrupted his attempt at a popular synthesis of his results in a *Deutsche Geschichte* (3 vols., Gotha 1879–83). The first volume of this work was so successful that three editions were necessary in the course of three years. It was accompanied by a volume of his collected essays, *Studien zur deutschen Kulturgeschichte* (Stuttgart 1882).

CARL BRINKMANN

Consult: Stintzing, R., and Landsberg, E., *Geschichte der deutschen Rechtswissenschaft*, 3 vols. (Munich 1880–1910) vol. iii, pt. ii, p. 760–65; Schmoller, Gustav, *Deutsches Städtewesen in älterer Zeit* (Bonn 1922) p. 8–12.

ARREST. An arrest is the apprehension or detention of the person. Every system for the legal prevention of wrongdoing must begin with some method for stopping the wrongdoer by force or by threat of force. In Anglo-Saxon times, when law and custom began to restrict unbridled blood feuds and private warfare, there developed the right of *infangthief*, which permitted the victim to take private summary vengeance by killing a thief taken in the act. A closely similar legal right of private vengeance existed in the primitive Roman law during the regal period. In the case of a wrongdoer who could not be taken in the act, the Anglo-Saxon law developed an effective form of arrest in the hue and cry. Anyone robbed or attacked was expected to raise outcry; all the people of the neighborhood, with the sheriffs and bailiffs, were then bound to turn out in pursuit, track the felon to the edge of their township and there turn over the pursuit to the men of the adjoining township until he was taken.

The more convenient method of arrest under a warrant had a different history. The first efforts of primitive law have always been to induce the injured victim to substitute judicial action for private vengeance; in the early law the victim himself apprehended the wrongdoer and dragged him into court for trial. Later the court by its own officers secured the attendance of accused defendants. Between the fourteenth and seventeenth centuries, as hue and cry gradually fell into disuse, justices of the peace, first instituted in 1326 and charged with the general duty of keeping the peace, began to order constables to bring suspected persons before them for examination and issued warrants for that purpose.

The present right of arrest in Anglo-American law bears strong traces of its early history. The more usual form of arrest in criminal proceedings is upon a warrant, issued by a magistrate upon a sworn complaint, commanding an officer to arrest the body of the defendant accused of some specified crime and to bring him as speedily as may be before the magistrate for examination. A defendant may similarly be arrested upon a "bench warrant," issued by the court after indictment or during trial. The officer making the arrest must exhibit the warrant upon the demand of the accused.

The right of arresting without a warrant survives from the hue and cry. Any private individual, as well as an officer, has the right summarily to arrest without a warrant and to take before a magistrate for examination anyone reasonably suspected of felony, if the felony in fact has been or is being committed, or anyone committing a breach of the peace in his presence. A constable or peace officer has the further right to arrest anyone whom he reasonably supposes to have committed some felony. In many states officers, and in some cases private individuals, are given additional statutory authority to arrest for all crimes (misdemeanors as well as felonies) committed or attempted in their presence. The right of arrest carries with it the right of opposing force with force even, in felonies, to the extent of killing if necessary.

One of the great fights of English constitu-

tional history was against the tyranny of arbitrary and illegal arrests by royal authority. Out of this struggle developed the writ of habeas corpus, a mandatory writ of right by which anyone wrongfully imprisoned could have the legality of his detention tried in a king's court forthwith. In France the struggle revolved around the lettres de cachet.

In civil cases, since the object is reparation rather than punishment, the right of arrest becomes more and more attenuated as the law matures. Under the early common law a plaintiff was generally entitled to arrest the body of the defendant in an action of contract if the amount in controversy exceeded a certain sum; but the right of arrest on mesne process was practically abolished in England by the Debtors Act of 1869 (32 & 33 Vict. c. 62, s. 6) and has in America everywhere been greatly modified or, apart from exceptional circumstances, abolished.

In one important group of cases arising out of civil contentions, however, the power of arrest still remains a substantial factor. With the widespread growth of the injunctive remedy in labor disputes and with the issue of sweeping injunctions against whole groups of persons, the power of summary arrest and punishment for any disobedience of the injunction provisions, derived from the early power of equity courts to punish, by contempt proceedings, insolence in their presence or deliberate disobedience of their decrees, has become a powerful weapon in present day industrial struggles.

FRANCIS B. SAYRE

See: PROCEDURE, LEGAL; PROSECUTION; CRIMINAL LAW; JUSTICE OF THE PEACE; POSSE COMITATUS; IMMUNITY, POLITICAL; CACHET, LETTRES DE; HABEAS CORPUS; BAIL; INJUNCTION; POLICE; CIVIL LIBERTIES.

Consult: Stephen, T. F., *History of the Criminal Law*, 3 vols. (London 1883) vol. i, p. 184–200; Blackstone, W., *Commentaries on the Laws of England*, vol. iv, ch. xxi; Maitland, F. W., *Justice and Police* (London 1885) p. 118–25; Muther, Theodor, *Sequestration und Arrest im römischen Recht* (Leipsic 1856); Esmein, A., *Histoire de la procédure criminelle en France et spécialement de la procédure inquisitoire, depuis le XIII^e siècle jusqu'à nos jours* (Paris 1882), tr. by John Simpson as *A History of Continental Criminal Procedure*, Continental Legal History series (Boston 1913) p. 62–73, 151–53, 348–50; Voorhees, H. C., *The Law of Arrest in Civil and Criminal Cases* (2nd ed. Boston 1915); Wilgus, Horace L., "Arrest without a Warrant" in *Michigan Law Review*, vol. xxii (1923–24) 541–77, 673–709, 798–822.

ARRIQUIBAR, NICOLÁS DE (d. 1779), merchant and economist of Bilbao, Spain. His translation of the work of Charles Davenant on behalf of the Real Sociedad Bascongada de Vergara left him an admirer of the methods of political arithmetic but dissatisfied with some of Davenant's ideas, and led him to write his *Recreación política: Reflexiones sobre el amigo de los hombres en su tratado de población, considerado con respecto á nuestros intereses* (2 vols., Vitoria 1779), which appeared posthumously. He attacked the physiocratic notion of the exclusive productivity of agriculture, maintaining that the population and wealth of a nation were dependent upon all useful occupations. In his ardent defense of industry and commerce he pointed out that these were necessary to the existence of a market for agricultural products. Although he favored freedom of domestic and foreign trade in grain, with only such restrictions as would insure the national supply and a remunerative price to the farmer, he showed himself frankly protectionist regarding manufactures and urged the replacement of the taxes on necessaries and raw materials by luxury taxes.

GERMÁN BERNÁCER

ARSENYEV, KONSTANTIN KONSTANTINOVICH (1837–1919), Russian lawyer and publicist. He began his career as a lawyer in 1864, when the new law courts and the jury system were introduced. After a decade of service at the bar he summarized his views on these judicial reforms in his history of the activity of the St. Petersburg Council of Lawyers in the period 1866–74 (St. Petersburg 1875). Soon afterwards Arsenyev gave up the practise of law to devote his entire time to journalistic work. From 1880 on he prepared regular monthly surveys of the domestic political developments in Russia for the liberal magazine *Vestnik Evropi* (Herald of Europe). A number of these brilliant and enlightening articles were later republished by the author in his books on legislation and the press (St. Petersburg 1903), on freedom of conscience and toleration (St. Petersburg 1905) and in the collection entitled "During a Quarter of a Century (1871–94)" (St. Petersburg 1915). His quiet manner and scholarly way of writing generally saved his articles from mutilation by the censor, although they obviously represented the views of the more radical wing of Russian liberals. In them Arsenyev consistently exposed and criticized the abuses of power by the government and refuted the attacks of the reactionary press on the survivals of the period of "Great Reforms." He rebuked the attempts of the nobility and gentry

to dominate the *zemstvo* and municipalities. He protested against legislation by which the powers of local representatives of the central government were enlarged at the expense of local self-government. He censured severely the limitation of public education to the upper classes and the pressure exercised against liberal professors. He stigmatized the persecution of the Jews and Ukrainians and of Finland. Arsenyev thus played the part of leader of liberal public opinion for almost half a century.

From 1891 to 1907 Arsenyev was chief editor of the largest Russian encyclopaedia, Brockhaus and Efron. The judicious choice of authoritative contributors and skilful editing intended to preserve a unitary viewpoint represent Arsenyev's contribution to this important enterprise.

PAUL MILIUKOV

ART

INTRODUCTION ..... IRWIN EDMAN
PRIMITIVE ..... A. L. KROEBER
FAR EASTERN
India ..... ELIZABETH TODD
China ..... KIANG KANG-HU
Japan ..... LEO KATZ
NEAR EASTERN ..... SEWARD HUME RATHBUN
CLASSICAL ..... SEWARD HUME RATHBUN
MEDIAEVAL ..... HELEN GARDNER
RENAISSANCE ..... RACHEL ANNAND TAYLOR
MODERN ..... EDWIN AVERY PARK

INTRODUCTION. The consideration of art has from the time of Plato been an inevitable concern of the social philosopher and is coming to be recognized as of first importance for the student of the social sciences. So far from being concerned exclusively with paintings in museums, poems in books and symphonies in concert halls, it is rather to be identified with the whole process of intelligent or directed activity. Used in this sense, art is distinguished from and contrasted with nature and is the name for that deliberate and controlled contrivance by which man interferes with nature in the interests of realizing its intrinsic possibilities. A consideration of art is then tantamount to a consideration of the whole of civilization. The history of art as the history of human contrivance would comprise the whole enterprise of mankind—handicraft, industry and medicine, institutions governmental, legal, educational and religious. From the point of view of the philosopher or the social scientist, considering the whole economy of human interests, art may be described as reason or intelligence in operation. Reflection upon art is thus critical reflection upon all the distinctively human activities of human beings, the methods by which they modify a world which was not made for them but in which they have to grow.

The distinction is usually drawn, however, in aesthetics as well as in social theory, between the fine and the useful arts. The latter, including all industry, are those techniques or technologies which are practical in their results; that is, those which are concerned with the production of necessities, food, shelter, clothing or such refinements of these or such other goods as the more complex and developed demands of civilized life render necessary. These arts may vary from primitive handicrafts to the complex technologies of modern machine industry. The products, as in the case of Greek vases or basketwork among Indian tribes or furniture among German peasants, may incidentally be objects of art, that is, objects intrinsically interesting and, for their pattern, color or texture or their symbolic expressiveness of some human interest, things of beauty. They may, like the cheap tinware of standardized factory production, be merely things produced as instruments, things of use. But in either case they are distinguished by the fact that from the standpoint of the total economy of human interests they are objects primarily instrumental and serviceable, that they are biological or social necessities rather than luxuries to be enjoyed for their sensuous immediacy, their formal pattern or their expressive intent.

The fine arts are generally distinguished by the fact that they are not primarily valued for their usefulness or practicality, but are immediately enjoyable, the pleasure varying from a merely sensuous delight in the material to a highly intellectual pleasure in the formal pattern

or arrangement and in the work of art as symbolic of something more than is immediately present to the senses. The processes of the fine arts are distinguished from those of the useful arts, especially in the mechanical and industrial forms of the latter, by individuality, by a more refined and subtle deployment of materials and forms, by a greater concern with the meanings which those materials and forms may signify. The artist is more than an artisan; he is a creator and the process of creation is important and interesting to the artist no less, perhaps even more, than the object created. The routine and regimental actions of an operative in a factory, compared with the considered and spontaneous technique of the painter and the musician, are cases in extreme contrast.

In modern civilization since the industrial revolution the distinction between the fine and the useful arts has been rather clearly drawn, but they are not necessarily disparate nor have they always been considered so. In societies in which all the industries are handicrafts the work of the artisan and the play of the virtuoso are intermingled. A pot made to hold or to cook food is susceptible of and subjected to decoration interesting for its own sake and to forms delightful to the beholder quite apart from their utility. In many primitive tribes the basketwork and textiles, although industrial in the sense that they are made to be used, are none the less the work of craftsmen making the whole object and working with reference to beauty as well as to use. Even in an industrial civilization the fine arts and the industrial cannot always be sharply separated. All arts involve a certain amount of technical craftsmanship and even the most useful articles are made with some reference to their appeal as materials and forms. The fusion of beauty and utility is especially evident in architecture, where the beauty of a building and in fact its very existence are determined by considerations of utility and expense.

In a complex civilization, however, the fine arts as well as the artists and their works become comparatively isolated and rare. The term fine arts, therefore, is conventionally used to designate those arts which are concerned with line, color and form (painting, sculpture and architecture), with sound (music) and with the exploitation of words for both their musical and expressive values (poetry and prose).

From the beginning of speculation upon human conduct the fine arts have been subject to social criticism and review. It has repeatedly been observed by social and moral philosophers, from Plato in the *Republic* down to Tolstoy in *What is Art*, that the artist by arresting attention upon the sensuous surfaces of the world promotes interest in the senses and, it has been inferred, in sensuality. So common indeed has been the suspicion that the sensuous appeal of the arts has a sexual origin and results in sexual excitement—Plato, Plotinus, St. Augustine and Tolstoy all make this capital point—that the artist and his works have been looked upon with suspicion. This is especially true if, as in the case of Plato, an ascetic regime and, in the case of Tolstoy, an ascetic philosophy provide the canons by which any human activity is measured. The traditional quarrel between the artist and the puritan has been the quarrel between those who were frankly interested in the sensuous appearances and surfaces of things and those to whom any involvement or excitement of the senses was a corruption of the spirit or a deflection of some ordered harmony of reason. The history of censorship in the fine arts, if it could be told in full, would be found to revolve in no small measure around the assumed peril of corruption of the spirit by the incitements of the flesh through beautiful things. As St. Augustine put it, there is or should be only one beauty, God.

The moral critique of the fine arts has flowed also, however, from another consideration. That very character of the arts which is regarded as their peculiar excellence—their stimulation of the imagination, their suggestion of a "life beyond life," their character as fictions—has been a source of disturbance to philosophers. Works of art turn the imagination away from the actual social order to some imagined and more desirable world. It was on this account that Plato counseled in the *Republic* a censorship of the arts, so that only those myths should be told, those songs be sung, which would impress upon the popular imagination the fixed pattern of the prescribed perfect state. The artist has been justly regarded, as Shelley regarded the poet, as the "unacknowledged legislator of the world," but any society makes this admission only with alarm. Just as suicide is said to have become a fashion after Goethe's *Sorrows of Werther*, so any form, myth, pattern of life may seduce by its imaginative compulsion and discredit the socially established, the morally conventional pattern. It is not for nothing that rigid and fixed regimes, like those of Fascism in Italy or Communism in Russia, have

been scrupulously stringent in their control of the literary arts. And the plastic arts, although in lesser degree since their explicit expressiveness is more limited, may be deflectors from the established patterns. By the same token, however, an artist, if his imagination be in consonance with the established social, moral or religious order, may become its imaginative synthesis, as was Dante, or its imaginative defender and demonstrator, as was Milton in "justifying the ways of God to man." But in general the literary artist has tended to be a revolutionary rather than a conservative. To picture or even to mention "the light that never was, on sea or land" is to turn the imagination from what is to what may be or at least to what once to conceive would be to desire.

The arts are also suspect if judged by canons of practical or industrial efficiency. Unlike useful things or the tools used to produce them works of art apparently serve no function other than immediate enjoyment. "A thing of beauty is a joy forever," perhaps, but in a society where goods are measured by utilities aesthetic enjoyment is regarded as a distraction from socially more profitable pursuits, and aesthetic creation is considered the trivial pastime of citizens who might be employed in useful labor. A civilization predominantly industrial or pioneer, where the practical is or must be emphasized, is prone to regard with suspicion or contempt the apparently effete and unimportant activities of either the artistic creator or the connoisseur. The arts, considered practically, are the by-play of the aesthete or the virtuoso; they are not the serious concerns of the adult citizens of a commonwealth that has problems of food, shelter and complicated human adjustments to meet, that has disease to conquer and the land to cultivate, suffering to reduce and death to overcome.

The critique of the fine arts from the point of view of their sensuousness, their imaginative dissolution of prescribed social patterns or their practical uselessness has nevertheless been unable to obscure the fact that the arts are at once social in their origins and in their consequences and must be reckoned with as a central and ultimately as a self-justifying social activity. There are theories of art, like those of Schiller and Groos, that find the origin of the fine arts in the play activity of the individual or in one or another biological impulse, notably that of sex and sexual display. But the forms of art are determined and its themes are largely conditioned by the social circumstances in which the artist works, the themes that preoccupy the public to which he addresses himself. Thus in many primitive societies the arts of music and of poetry are closely associated with the ceremonial of war, work or religion. Greek drama began, as the modern anthropological study of Greek religion makes clear, in ritual, and Gothic architecture arose in the service of and as the expression of Christian creed and Christian church organization. In literature the themes of a writer, whether he is protesting against, expounding or simply representing his age, are reflections of his own social tradition. The history of art is thus the history of the embodied social imagination. Indeed from the point of view of the social historian, all objects of art—novels and poems and sculpture as well as buildings—are *monuments historiques*. The interests and absorptions of a period, a nation, a race or a social class may be studied in terms of what they produce and value in the fine arts.

If the arts are social in their origin it is also beyond question that they are, whatever the artist may say about art for art's sake, whatever the moralist may say about the individualism of the artist, social in their functions. Even the most esoteric tastes in the arts represent the preferences of a group, however small, and the shifting standards of taste throughout the history of any art are testimony to the operation of fashions, of social imitativeness, of social prestige operating in the arts as elsewhere. The history of a reputation in the arts is a capital illustration. El Greco was for centuries neglected as wild and uncouth, and Shakespeare's reputation in the eighteenth century, when "enthusiasm" was at a discount, was wholly different from his prestige during the romantic period in the nineteenth century, and in the twentieth. Works of art are thus embodiments of current tastes and values which are correlative to preferences in fields other than those purely aesthetic. They serve to express and to consolidate whole epochs of opinion and of emotion, so that the dress, furniture, poetry and architecture of a period, no less than its professed philosophy or religion, are the embodiment of its spirit or temper and its controlling social traditions.

But the social functions of the arts are more than the embodiment of current tastes and the satisfaction of current forms of the demand for sensuous excitements or formal pleasures. The arts serve in an important sense the same function in the race that play does in the indi-

vidual. On the part of the artist, despite the fact that the arts involve technical difficulties and that their pursuance often entails social sacrifices, they have something of the quality of play and they constitute a type of spontaneous action which any polity might well wish to insure for all its citizens. And for the aesthetic observer or participant they afford moments of immediate satisfaction, whether it be that of material, of form or of expressiveness as the symbolization of humanly interesting themes. The arts, then, are instances of spontaneous action and immediate enjoyment. They have often been regarded by social philosophers as anagrams of larger and more comprehensive arts. Thus to Aristotle statesmanship was an architectonic art and life, the "good life," itself an art whose fulfilment is happiness.

There are still further reasons, largely historical, why it is impossible to separate art in either theory or practise from social considerations. The history of the arts is conditioned not a little by economic circumstances, so that it is no accident that the greatest bursts of artistic production have occurred in wealthy and in leisure class societies: Athens in the classic period and Florence during the Renaissance. Their history in both the Occident and the Orient has also been closely intertwined with the embodiment of religious feelings and beliefs in ceremony, ritual and liturgy. The arts have at one time or another been the media of social or moral propaganda. In our contemporary civilization the increasing mechanization and industrialization of life and the pervasiveness of a mechanical theory of nature have made the arts for many a kind of romantic escape. It remains to be seen whether the new order, as its detail becomes familiar and emotionally realized, will generate an art as expressive of an age of science and machinery as the Elgin marbles are of Greece and as Chartres Cathedral is of mediaeval France. It remains further to be seen whether the dominance of a machine technique and the lapse of an aristocratic tradition will make possible the continuance of that tradition of craftsmanship out of which the artist class came in the past or that tradition of taste which has always been associated with a leisure class.

IRWIN EDMAN

PRIMITIVE. Two basic tendencies of expression are normally present in the graphic and plastic art of primitive and unlettered peoples: the decorative and the representative. These of course are to be found also among ourselves, but with the greater diversification of our art and culture as a whole they are generally more sharply segregated with us than among primitives. The relatively higher degree of fusion, or non-differentiation, of the decorative and representative impulses is one of the principal criteria distinguishing most primitive arts from our own.

Another difference is that uncivilized people, speaking broadly, tend to make with their own hands most of the art objects which they use, each individual for himself. The product of the best workers is indeed prized and sometimes traded at a premium. There are individuals who are master craftsmen and sometimes family lineages of such; or a whole settlement may become known as proficient in some ornamental handicraft and its wares be sought after. There is never, however, quite the degree of specialization that our culture has brought about, in which at best only an insignificant part of the art expressions which we use or own have been made by our individual selves. No one in primitive society earns his whole livelihood by practising art. In general every adult member of one sex in a tribe possesses at least a moderate proficiency in the arts in which a few are reckoned superior. This is a phase of the stronger participation of primitive people in the totality of their culture and the smaller scope of "personality" among them. It is a phase, too, of their tendency to think or feel in terms of making rather than, as we do, in terms of products.

Naturally, technological influences are strong in art. Ethnologists have often delighted in pointing these out. Sometimes they have thought themselves able to discover the origin of most or all aesthetic form and ornament in manufacturing processes or utilitarian devices. This view is psychologically too one-sided to be tenable as a general principle, but it is without doubt applicable in certain cases supported by historical or archaeological evidence. Bowl legs do sometimes come to take on the shape of fishes or men, handles degenerate into birds or heads. But this does not mean that all ceramic modeling originated in a utility, just as no economic system can be explained wholly in utilitarian terms. The textile arts, especially, lend themselves to derivation of design from manipulation. Twilling, for instance, is but a slight extension, mechanically, of the simplest

in and out wicker or checker work and necessarily produces a pattern even in monochrome, which the introduction of elements of another color accentuates. Plain twining with colored elements inserted one, two, three, four times in successive courses yields a right angled triangle; one, three, five, seven times, an equilateral one. But of course such "unnecessary" manipulations would scarcely have been attempted and certainly not regularly repeated if they had not been found intrinsically pleasing. Psychology cannot be left out in understanding art, primitive or civilized.

A frequent trait of primitive art is its so-called symbolical character. A part is made to stand for the whole. Less significant elements are suppressed. Among the Pueblos three lines down from a semicircle denote rain falling from clouds. Among the Haida a dorsal fin differentiates a killer whale from other mammals, or is even sufficient to indicate a killer whale. Sometimes, as in the Pueblo example, such symbolism has magico-religious significance. Sometimes, as in the Haida example, it has not, and is essentially a stylistic convention or heraldic device. In many cases the primary reason for the "symbolism" seems to be inadequate power of execution strongly fortified by stylistic hardening. In central and northern Australia the same figure may stand in different contexts for perhaps a tree, a frog, a grub egg, a locality or a person; but the figures used are of certain types, such as concentric circles, and never of others such as crosses. The art style is therefore determinant as well as the religious purport. In Navajo sand paintings, figures and their costumes are carried out with great exactness and different animals or plants invariably distinguished. In Luiseno sand paintings, circles stand indiscriminately for horizon, night, milky way, world and soul, and spots or heaps of pigment for mountains, places or animals; the mystic tendency is as strong as among the Navajo, the artistic execution far weaker. Much primitive symbolic art is not mystic at all, but is better described as representative through visually inadequate forms. It corresponds to such devices of our newspaper cartoon art as letters flowing out of the mouth, exclamation points about the head, the body falling over backward to express surprise, a log and saw in a cloud to represent sleep and snoring, a Maltese cross to denote the point of impact. Largely because of this quality petroglyphs, which are most often the work of scattered individuals, can normally not be interpreted by the tribe and soon have their meaning forgotten.

Conventionalization, due either to inadequacy of aesthetic means of expression or to repetition and loss of interest, is often progressive, until the original representation is no longer recognized by the makers. Parts are lost, disturbed or displaced; only a rudimentary abbreviation may remain. The end product may be wholly geometric in appearance or, in pottery design, come to resemble cursive writing. Art production for trade may lead to such simplification or slovenliness. It was at one time thought by some students that all geometric or purely decorative design could be derived from representations through this process of conventionalization; but this is as one-sided a view as the universal derivation from technique or from magic. There are some fairly well authenticated cases of progressive conventionalization, as in the carving of New Guinea and the pottery of Central America. Yet even in these instances the development or presence of a definite decorative style is as important a factor as the gradual loss of representative significance.

There is also reinterpretation of decayed designs or secondary interpretation of designs of technological origin. Such cases may be difficult to prove, but their possibility has always to be reckoned with. A figure occurring in the decorative art of a number of related or adjacent tribes may be read with a different meaning by all of them. The same cross may denote a star, a fly or the meeting of paths to as many groups; a zigzag, respectively a snake or lightning or a river. If the technology and the style coincide it is clear in such cases that the design has had a common origin and single history in the area, but that its several meanings had secondary and diverse histories.

The decorative tendency normally prevails over the realistic in primitive art, at least to our feelings. This effect is probably due in part to the high development of realistic achievement in occidental art of the last few centuries, which makes us see chiefly decorative value in products whose realistic or successfully imitative qualities are imperfect. The principal primitive arts that are frankly although simply realistic without attempt at formal decoration are those of later palaeolithic western Europe, of the Bushmen or their predecessors in South Africa and of the Eskimo.

These three arts are perhaps historically connected through the Bushman and Eskimo

cultures which are partial survivals in remote areas of the palaeolithic. This however is suspected rather than proved, and the origin of palaeolithic art in the Aurignacian and its disappearance from western Europe with the close of the Magdalenian period are unexplained. It also appears that the realistic Aurignacian-Magdalenian art had as contemporaries a semi-geometric Solutrean art in eastern Europe and a conventionally representative Capsian one in northern Africa. Even these realistic arts, with some doubtful and slight exceptions, do not attempt perspective, foreshortening, shadows or values, composition or landscape. They do represent skilfully the proportions, postures and even movement of animals, mostly in profile, but occasionally from front or rear or bending back. Human figures are less successfully portrayed. Artists of the palaeolithic culmination in the late Magdalenian shaded pigments into each other. Both this and Eskimo art carved in the round with equal aptness. The same diverse directions that are found in modern primitive arts were thus already being followed ten to fifteen thousand years ago.

The lack or meager development of perspective, values and other aesthetic devices in primitive art is not surprising in view of their incomplete rendering in such sophisticated and high arts as the Chinese, Japanese, Greek, Byzantine and Early Renaissance. Like harmony in music these objectives and devices appear only once in human history, namely in western Europe since the Renaissance. It is largely the absence of these same traits to which we are accustomed that makes even primitive arts of high quality tend to seem either grotesque or monotonous to us on first contact with them. The high formal or aesthetic value of some primitive arts is more quickly recognized by artists and of late they have begun to draw upon them, as a generation earlier they tried to be influenced by the Japanese. It is doubtful, however, whether modern art can borrow more than an occasional stimulus or suggestion from primitive art; as between harmonic and non-harmonic music the difference in basis of form, feeling and objective is probably too great to allow any really successful transfer.

A distinction deserves to be made between truly primitive arts growing up in isolation or in contact only with others of the same kind, and derivative primitive arts which are demonstrably more or less dependent on civilized ones. Peasant arts are essentially of the latter category; so are most of the so-called primitive arts of Asia, Malaysia and perhaps Africa. The appliqué, embroidered and painted designs of the Amur region tribes, for instance, have a character of their own, but most of the motives and stimuli go back to the Chinese. The Hindu influence in Malaysia and perhaps ancient Egyptian, Mediterranean and Mohammedan influences in most of Africa represent similar derivative tendencies. An unlettered people can occasionally achieve an art of high distinction on such foundation, as witness the bronzes of Benin in west Africa and the wood carving of several tribes there and in the Congo. But this seems to be the exception. Normally, dependent and peasant arts tend to geometric or floral design or a naive, somewhat inept realism. They please, but hardly stir.

On the other hand the arts of native America, Oceania, Australia and South Africa, which were much more remote from the high centers of Eurasiatic culture, bear to our civilized eyes a far stronger quality of primitiveness, that is, of mingled grotesqueness and creativeness. This does not mean that they are necessarily wholly original; but a substantial isolation in time and space has made them practically independent. Northwest coast American art may possibly derive its first impulses from eastern Asia, but such a derivation can no longer be traced and in the main the distinctive qualities of this art are a native development. Similarly Maori art may be related to that of Melanesia and ultimately Asia, as its spirals suggest; but its special aesthetic qualities must have been developed subsequently, after intercommunications had ceased. Of this same original quality are the high arts of Mexico and Peru, culminating in that of the Maya; and probably also of the ancient Egyptians and Sumerians. Early China seems promptly to have remodeled the western influences that at one time or another reached it; so did India, whose great sculpture is all post-Greek, although within a few centuries the proved Greek stimuli had been so readapted that only a specialist can find them. In general the primitive arts with a character of originality depict persons, animals or hybrids of these and avoid floral or plant motives; or they are wholly geometric like the basketry art of the California Indians.

Much has been learned about primitive art from the study of archaeology. Where inscriptions are lacking, stylistic relations and relations of physical association in the ground are the

two chief tools of investigation. In a number of instances archaeology has been able to work out a cyclic history of primitive arts more or less parallel to that of the historically documented arts, with archaic, mature, flamboyant and decadent phases. Spinden's treatment of Maya art (Peabody Museum, *Memoirs*, vol. vi, Cambridge, Mass. 1913) is an excellent case. The ceramic art of Nasca in Peru shows the same stages. The ultimate history is, however, quite variable. The Nasca art had passed its flamboyant phase when it was impinged on by the alien highland art of Tiahuanaco. It quickly became degenerate and soon died out completely. As the Tiahuanaco influence waned, a new local art grew up in the district, the so-called Ica style, which substituted textile-like geometric pattern and elegance of shape for the polychrome representative design and originality of form of the Nasca art. Aesthetically the Nasca and Ica styles have nothing in common, although their historical continuity through the intrusive Tiahuanaco style is established. In northern Peru the superb early Chimu pottery modeling and painting was displaced, apparently before its disintegration had commenced, by the same Tiahuanaco intrusion. But when this faded there was a genuine renaissance, and late Chimu came on the scene, a composite, eclectic style which retained many features of early Chimu but gave up its color and substituted varied elegance for the earlier imagination. The history of Peruvian art as a whole is one of replacement of originality by restraint; the last style of all, that of the Incas, is classically elegant in shape and severe, with floral suggestions, in design.

Maya art had passed through its archaic, mature and flamboyant stages when it was temporarily checked by a convulsion or readjustment of Maya culture as a whole. When it resumed, decorative tendencies were ascendant; representation maintained itself without becoming really decadent, although with loss of aesthetic vigor. Meanwhile, however, Maya art appears to have stimulated the peoples to the east, the Chorotega, and to the west, the Zapotec and Toltec. Both the latter achieved distinctive styles of their own of considerable merit; and on the Toltec was based that of the Aztec, which attained in sculpture a grandiose grotesqueness and severe exuberance. Chorotegan art, to the contrary, tended to lose both inner and outer meaning of form, perhaps because the general culture did not reach sufficiently intensive levels. None of the great American arts has been traced back beyond archaic, submature phases; the really formative stages remain unknown.

The question of the origin of the art impulse is a difficult one. It is not even certain that there is in man any innate impulse to express himself in visible art. The early efforts of civilized children to paint or draw prove nothing because they grow up in an environment of pictures, not to mention pencils, pigments and paper. It seems most reasonable to assume that there exists in man something of an inborn impulse to shape creatively, but that the form which this shaping takes is determined culturally. If a culture is pictureless no individual reared in that culture will attempt to make pictures and he may have difficulty in recognizing them as such on first experience. The problem cannot be answered categorically because no cultureless human beings exist. Observations on anthropoids, who seem to be wholly cultureless, show their fondness for draping swinging or vinelike objects on their bodies. The appeal here is primarily tactile or passively kinaesthetic, a heightening of body consciousness. Apes will also smear paint on surfaces, but without trace of design. The satisfaction in this case seems to be actively kinaesthetic and in the visual perception of the fact that an effect is being produced, much as an infant tears paper without attempting to shape designs. It is in impulses such as these, first kinaesthetic, then perhaps rhythmic, after a time with recognition of the visible rhythm pattern, that decorative art perhaps first began in man. Representative art may be a later stage of this development or a separate growth.

How far primitive folk derive an aesthetic thrill from their art is difficult to decide, because their cultures are not given to expressing finer distinctions in subjective states. It is clear that the artist derives satisfaction when his work is good and that the community shows quick appreciation of quality. A primitive community will as a rule esteem as superior the same particular specimens of its art which are highly valued by a civilized artist, collector or traveler.

A. L. KROEBER

See: ANTHROPOLOGY; TRADITION; MAGIC; RITUAL; ORNAMENT.

FAR EASTERN. *India*. The art of India is the art of many disparate territorial groupings, sometimes loosely independent, sometimes held

together by force of despotic imperialism, but never essentially unified. Differences in climate and soil, in racial make up and in language have emphasized the general oriental tendency toward localization of social and cultural organization. Absence of natural barriers between the several regions has, however, made possible the gradual interpenetration of cultural forms. At one time art forms may be found in significant evolution in one region; at another time in a very different region; but in the course of centuries such forms have been diffused widely over the whole peninsula. A history of Indian art, in so far as it is occupied with origins, will shift its attention freely from region to region, wherever the arts exhibit most vitality.

The most conspicuous of the integrating forces which have a definite bearing on the development of art are an almost fanatic veneration for tradition and authority and, closely connected with that spirit, a preoccupation with the ideals, the philosophy and the mythology embodied in Indian religions. There have been periods in the West, notably in the Middle Ages, when these characteristics have been dominant, and it is in the Middle Ages where the closest parallels with Indian life may be found. Mediaeval Europe exhibited the same communal idealism, the same preference for the traditional and authoritative, the same selfless devotion, as are to be found throughout the history of India except when the native temperament has been dominated for a time by foreign strength.

The themes of Indian art were customarily presented in the guise of religion. Love, nature, heroism, conflict can all find a place in the intricate mythologies that rise to flank a religion and give it secular intelligibility. In a hieratic art there is no actual limitation of subject but merely a difference in the spirit of approach. In India the concern of art was not the pursuit of beauty as an aesthetic abstraction but the revelation of beauty as a divine condition; not personal sentiment or self-expression but a rigorous adherence to a traditional hieratic canon. These have always been the characteristics of Indian art even when its theme or its purpose were not apparently religious, as in the crafts or secular architecture or occasionally even in painting or sculpture. Artists and craftsmen had a deity of their own, Visvakarma, in whom their skill was believed to originate, and they regarded their work as a sacred calling, to be approached in a spirit of divine devotion (*bhakti*) and with the intense concentration of mind (yoga) which combines the subject and object of creation, the worshiper and the worshiped. The artist was accustomed to meditate on his subject until the finished product was clear in his mind in every detail before he began actually to work. And every step of his procedure was made clear by the *Shilpashastras*, the divinely inspired books of rules which had been used for generations and which he had carefully memorized as part of his education.

The highly symbolic nature of Indian art is one of its most conspicuous qualities. This symbolism was an artistic medium of exchange founded in the ancient culture of the race and stabilized through long usage; it was not the eccentric invention of individual artists. If there was a resultant distortion of human attributes and proportions it was a distortion intrinsic in the mythology which inspired it, a philosophical rather than an artistic necessity. The artistry was in the handling of the problem when once it had been presented.

An art produced under such conditions of selflessness is naturally an art without names. Pictures were not signed; there was no concern for personal glory for the Indian was not self-conscious or egocentric. The dominance of the group is apparent in the inspiration, in the purpose, sometimes even in the very creation of his art. In many of the crafts there was communal workmanship, a product passing through the hands of four or five artisans in the process of its creation. Architecture developed through the talents of thousands of master builders, each one actually shaping his material and not merely following the explicit instructions of an absentee director.

It is likely that craft guilds in India were fairly well established by the sixth or fifth century B.C. From that time forward the craftsman had an assured position as the indispensable artisan of the village community, as the member of a well organized guild in the city or as the direct servant of the king or priest in palace or temple. He was thus assured of respect and protection and his position was established as hereditary, each generation instructing the next in the firmly established traditions of its calling. The painter, sculptor or builder also enjoyed the patronage of royal court or wealthy monastery. The caste of the artist varied, some even claiming spiritual equality with the Brahman priesthood, but whatever his caste he accepted it with the same unquestioning acquiescence

that he betrayed in the traditional character of his art. His caste was his foreordained lot and his duty (*dharma*), and it was alone through the performance of its requirements and the observance of its restrictions that he could progress to ever higher spheres.

It seems certain from later allusions and evidences of skill that painting, sculpture and even a developed architecture existed before Buddhism arose in the fifth century B.C., but they have left no remains. Buddhism was at first too abstract a philosophy to be an inspiration to artistic effort. It was also expressly anti-artistic, forbidding not only the representation of the Buddha himself but even of human or animal figures. As it became less austerely intellectual, however, in the course of its progress from a half dozen disciples to an entire nation, it became, to an image loving people, more adaptable to the uses of magic and mythology and the ever present desire to worship. Its doctrines were more fertile for an ultimate artistic development than were those of the contemporary Jain sect which, although intrinsically similar to Buddhism, remained faithful to a much more rigorous asceticism. When Buddhism was made a state religion by the ruler Asoka in the middle of the third century B.C., the process was definitely begun which would make possible a hieratic Buddhist art. Although the *stupas*, or reliquaries, and the stone pillars with inscribed edicts which were erected during his reign allowed little scope for creative imagination they did permit a religious symbolism. By the second century A.D. the Buddha himself appeared as a personal deity, although even then his image had almost certainly been used in private worship for some time. In the sculpture and in the great temples and monasteries which the engineering skill of that age was producing, the orthodox prohibitions were coming to be forgotten in the midst of generous endowments from royal princes and merchants and the pious enthusiasm of guild craftsmen.

There are sculptural remains at Gandhara, in the northwest of India, which date from the first to the fourth century A.D. and which have led many scholars to the belief that the primary impetus to early Buddhist art came from Greece. It has been fairly well established, however, that the Greek craftsmen of Gandhara were used by the kings merely for the creation of Buddhist art in an already established tradition. The quality of their work is below that of other contemporary Indian sculpture and its understanding of the subject is uncertain and even at times mistaken. There was also noticeable Graeco-Roman influence on the architecture of this part of India, but by the end of the fourth century practically all signs of these incursions had disappeared.

With the first of the Gupta rulers in 320 A.D. began one of the most brilliant periods in Indian art. The royal courts were the center of distinguished work in literature, music and drama as well as painting, sculpture and architecture. It was the period of some of India's greatest scholars. The courts were so renowned as centers of learning that pilgrims came from other lands to learn Hindu wisdom at its source. India's religion and art were having a profound influence in China, Korea and Japan, in Java and Ceylon.

This classical period represented a culmination of forces that had long been maturing. In religion Buddhism was fusing with the old Brahman theology and settling into the lines of present day Hinduism. Theme and manner in art had become familiar enough to permit a boldness and self-confidence of treatment, but not yet so familiar as to become habitual and formalized. Monasteries and temples were being erected in great numbers, and art had become recognized as an approved concomitant of religion. The cave paintings of Ajanta, which represent the finest remains of early Indian painting, were for the most part created during this period, although some of them can be dated as far back as the first century A.D. The themes of these works were taken from court life and religious legend, and their execution proves the fineness of taste and perception of which Indian art at its best was capable. At the courts the enthusiasm for art had gone so far that there was even some tendency to regard it as a social accomplishment, an attitude much more rare in India than it has been in the West; some of the rulers were themselves accomplished amateurs.

After the eighth or ninth century the development of the indigenous art of India was checked by a succession of foreign invasions—Hun, Mohammedan, Mogul, European. There had been invasions of the Huns from central Asia as early as the fifth century, but these first foreigners were absorbed into the native population. As the Mohammedans from the West poured into India, however, the entire country was thrown into a state of social as well as

political disorganization. From the eleventh to the sixteenth century India was plundered so completely by Mohammedan and Mogul that little energy was left for artistic creation.

The Rajput courts were the last great expression of Hindu polity. The splendid Rajput paintings which have been preserved are mostly of the seventeenth and eighteenth centuries, when the destructive phases of foreign invasion had ended. These paintings were also produced very largely under court patronage, but although they are essentially aristocratic in emotion and treatment they are in theme primarily a folk art. Every phase of the life of the people is represented—their interests, their activities, their mythologies, their naive but unsentimental emotions. Rajput paintings derived many of their themes from Vaishnava poetry, combining in an ingenuous way the motifs of daily life and sacred legend. The princes, refined and intellectual sometimes even to the point of mannerism, nevertheless shared and perpetuated in their patronage of the arts the religious ideas held by the common people.

The great period of Mogul art was largely contemporary with the best remains of the painting produced under Rajput princes. The Mogul dynasty began with Babur in 1527 and, under a lavish patronage of court and wealthy individuals, developed a splendid art which continued until the reign of the bigoted ruler Aurangzeb in the second half of the seventeenth century. After his death in 1707 the Mogul empire quickly disintegrated under the pressure of dissensions from within and European encroachments from without. Akbar was the greatest of the Mogul princes, both as ruler and as patron. He gathered together a great many painters, mostly Hindu, to make pictures for him and each week inspected personally the work they brought, giving rewards for the best. His son and successor Jahangir took great pride in his skill as connoisseur of painting and spent much of his time discussing over his wine questions of art with James I's ambassador, Sir Thomas Roe, not even disdaining to bargain trading privileges in exchange for European pictures which pleased his fancy.

Mohammedanism forbade the worship of images and even the representation of living things, and this prohibition, although not always strictly obeyed, had much to do with the development of Mogul art. There was practically no sculpture and the painting produced under the patronage of the brilliant and dissolute Mogul courts was, for the first time in India, almost entirely secular in subject as well as purpose. Portraiture, the individual rather than the type, was held in high regard and so also were chronicles of court life and contemporary history. A great many of these paintings were signed by the artists. Calligraphy, an interest derived from Persia, exerted for the first time in India a noticeable influence on painting. As the Moguls continued in power, however, more and more of the Hindu tradition was assimilated into their art, and in the seventeenth century and afterwards the influence of a growing acquaintance with European art became evident. Under Aurangzeb all the arts suffered from his puritanical hostility and the wholesale vandalism which he directed. Even when artists found occasional patronage their work shows the poverty of spirit and inspiration which had come to them as a class. Mogul painting, although it achieved for a brief time a very high quality, was never close enough to the Indian temperament to remain vigorous when its immediate stimulant was gone. During the eighteenth and early nineteenth centuries, however, there was still genuine creative painting under the Rajput princes who had withstood the Mogul conquests.

Mohammedan architecture in India was, like the painting, produced principally by Hindu workers under Moslem patronage. In the twelfth and thirteenth centuries the masonic crafts, under the remaining Hindu rulers, had continued active. From the thirteenth to the sixteenth century thousands of Hindu masons were used by the Mohammedans, but a great part of their work consisted in destroying existing temples and using the same materials for the erection of Mohammedan mosques. These buildings were for the most part merely Moslem adaptations of already existing Indian traditions. Gradually, however, as the old materials were exhausted and as the first rush of temple building subsided there developed a more considered way of building. The new problems of construction and design were a stimulant to the Hindu craftsman, and the splendid architecture of later mosques and palaces, forts and tombs represents an integrated art no longer Hindu and Buddhist with a mere Mohammedan overlay. But the workers were under the stigma of slavery and many of them deserted their craft to follow the more profitable and more respected profession of arms. The vigor of architecture has been best preserved to the present only in territories outside the old Mogul dominion.

Great Britain's influence in India mounted steadily after the middle of the eighteenth century. By the end of the nineteenth century the cycle of genuine Hindu or even Hindu-Mohammedan art had entirely broken and India was submerged under the imported ideals of the British. Indian painting became little more than a callow attempt to reproduce what was conventionally admired at that time in the West. In civil architecture, under the direction of government officials, the ideal was an imitation, as realistic as possible, of current western architectural fashions with little more regard for native tradition than a cursory and condescending gesture toward native "ornament." Native taste was so generally polluted that the residences of the Indians themselves were built to look as much as possible like British barracks. Even the craft arts, which had hitherto retained a freedom of design and genuine vigor in spite of periods of hieratic stagnation and iconoclasm, were now degraded to cheapness and imitativeness. The magnificence of court life, to which the handicrafts of metal work, enamel, pottery, woodwork and jewelry had contributed so greatly, no longer existed, and the middle class Indian was not interested in indigenous products when he could have instead the glamorous commercial manufactures of the West or home made imitations of them. Moreover tourists and the export trade, instead of encouraging the old craftsmanship, reduced it still further by demanding cheapness in production and sensationalism in appearance rather than intrinsic merit. The decision that education in India should be conducted in English was to a large degree responsible for the weakening of the cultural traditions of educated Indians and resulted in a divergence between the ideals of the artistic castes and those who had always been their patrons.

Since the beginning of the twentieth century the initial confusion attendant upon foreign domination has subsided enough to allow the development of a more self-conscious analysis of the situation and a directed effort to meet it. The growth of Indian nationalism has resulted in the modern Swadeshi movement for the consumption of goods made in India. The textile crafts have been particularly encouraged and all over British India the presence of the hand loom is almost a symbol of Swaraj. Although the impetus of the Swadeshi movement is largely political, the spirit of nationalism is itself a necessary stimulus for any genuine return to the older ideals of craftsmanship. Indian music is still under the spell of western instruments, but literature and the drama have shown a conspicuous development during the past few decades.

The most significant modern art in India, however, is painting. The Calcutta School of Art has taken the lead in an attempt to reenforce the old ideals and to use traditional materials rather than affect an alien culture. It does not advocate conscious archaism or sentimental repetition, but is laying the basis for a vigorous national art which will not repudiate its own past but will use it instead as the only possible basis for the future. In the past ten or fifteen years the spirit which started in Calcutta about the turn of the century has spread throughout the country and India's contemporary painting is becoming recognized in the West as a significant national art.

ELIZABETH TODD

See: BRAHMANISM AND HINDUISM; BUDDHISM; YOGA.

China. Art as understood in the West is generally divided into handicraft and the fine arts but in China the dichotomy is usually literary and non-literary art. The three important branches of the former are poetry, calligraphy and painting. These have a common means of expression, the Chinese writing brush. Music, sculpture, architecture are non-literary arts. Since Chinese art has always been dominated by scholars and literati and since they have had greater influence in China than persons of other classes, literary art has always received the greater encouragement and respect from the government as well as from the community. Only poets, calligraphers and painters are considered real artists, while those working in other branches are regarded as mere artisans.

The invention of writing, which replaced the prehistoric knotting cords, the introduction of silk culture and the institution of state music, imperial palaces and military chariots during the reign of the Yellow Emperor (Huang Ti) about 2700 years before the Christian era marked the beginning of Chinese literary art. In the long Chow dynasty (1122–255 B.C.) both literary and non-literary art were under the supervision and inspection of the central government. The extant objects of art of the Chow dynasty and of the two preceding dynasties, the Hsia (2205–1766 B.C.) and the Shang (1766–1122 B.C.), are engraved bronze utensils, carved jade ornaments, inscribed stone monuments and

inscribed shells and bones. They show great skill and prove a high degree of artistic development.

After the abolition of feudalism and the union of China under an absolute monarch in the third century B.C. Chinese art developed chiefly through the encouragement and patronage of the various dynastic rulers. A new era was opened by the Great Wall and the numerous stone monuments erected by Shih Hwang Ti (the "First Emperor," 246–210 B.C.) of the Ch'in dynasty. The enlightened reigns of the two Han dynasties (206 B.C.–220 A.D.) increased the production of objects of art and improved their quality. Many Han relics of metal and jade articles, rubbings from inscriptions and drawings on stone are extant, among which the Stone Classics, the precursor of block printing, are of the most significance. The early intercourse between China and India which resulted in the importation of Buddhist classics and images to China (about 68 A.D.) marked the first foreign influence upon Chinese art. During the two Tsin dynasties (265–420 A.D.), when Buddhism became more powerful and popular in China and when China was constantly invaded and its northern part frequently occupied by the barbarian races, Chinese art underwent a remarkable change. It was greatly influenced by the Indians from the south and influenced in turn all the five conquering Hun tribes from the north.

After a period of disunion and disorder of almost three hundred years China was again brought together under the Sui dynasty (589). The T'ang dynasty (618–906) encouraged literature and art and produced many great calligraphers, painters and poets. There were visible Persian and Turkish influences on Chinese art. This was an epoch of expansion of Chinese civilization in general and of Chinese art in particular. All surrounding countries molded their lives and arts somewhat after those of China. Japan and Korea were the most pronounced examples. About this time the art of block printing was invented and perfected and despite another period of great confusion known as the Five Short Dynasties (907–960) printing and painting advanced.

The rulers of the two Sung dynasties (960–1279) rendered great service to the promotion of Chinese art, and the printing, painting and porcelain of these two dynasties have been the models of all subsequent ages. Moveable type printing was then invented and practised (1041–48). Sung art was more exclusively national and conventional than that of the T'ang dynasty. Through a long series of military conquests of China (approximately 937–1367) Chinese art permeated the conquering races but received very little from them in return for they had hardly anything to give. The last emperor of the first Sung dynasty, Huei Tsung (reigned 1101–25), was an artist himself and the greatest royal patron of pictorial art in Chinese history. He established the Court of Painters (Hua Yuan) and compiled the standard catalogue of all paintings then extant. Unfortunately his great art collection was partly destroyed and partly robbed by the conquerors when he himself was captured and his dynasty terminated. But all the great Sung masters during and after his time were either directly or indirectly under his encouragement and inspiration. The Yuan or Mogol dynasty (1280–1368) has been known as the golden age for drama and novel and also for a few noteworthy landscape painters. The art of the Ming dynasty (1368–1644) underwent another period of restriction and refinement similar to that of the Sung dynasty. Literary art, especially the scholarly painting of the southern school which was more idealistic than the northern school, reached its climax in the latter part of this dynasty.

The Ch'ing dynasty (1644–1911), that is the late Manchu, opened for Chinese art another period of expansion similar to that inaugurated by the T'ang dynasty. Racial absorption, military unification and literary enlightenment provided most favorable conditions. Literary and non-literary art alike achieved unsurpassed heights. The two schools of art, the northern and the southern, in opposition since the T'ang dynasty were united and the influence of western art became manifest.

Western influence has increased and has even dominated certain branches of Chinese art in the last two or three decades. In painting the old realistic school is revived with modern use of perspective. Oil painting is studied as well as water color. Monochrome landscapes give way to more decorative forms. Designs for porcelain, lacquer, metal and wood carvings, silks and cloths are accordingly modified and modernized. All new public buildings in the republic follow western styles of architecture and decoration. At the present stage of transition the imitation of the West and the neglect of her own culture are lamentable influences in Chinese art.

Calligraphy is one of the most important branches of Chinese literary art, not only because the language is composed of innumerable individual ideograms or characters but especially because the instrument for writing is not a stiff metal pen but a hair brush. This brush is also used in painting so that a similar technique and an equal skill are required in both cases. It is commonly believed by the Chinese that calligraphic writing expresses the character, disposition and inclination of the writer as well as his fortune and luck. To write well in the olden times meant success in official careers, for higher civil examinations depended largely on the mastery of calligraphy. Even in modern times it means an advantage in social distinction. Many Chinese made livings by selling their own calligraphic posters and scrolls as works of art and most of the great calligraphers were also great painters. Ancient calligraphies are treated in the same manner as are ancient paintings.

Chinese painting may be roughly divided into two classes, the T'u (drawing) and the Hua (picture). The former is a figure made of clear lines in likeness and proportion, such as a map, a portrait or an illustration; the latter is a painting in the true sense, more imaginary, generalized, idealized and artistic than the former. The oldest pictures we now see are rubbings of engraved drawings from stone walls of the Western Han dynasty and all belong to the T'u class. It is estimated that Hua painting was perfected as late as the Eastern Han dynasty (about the first century of the Christian era). Many famous paintings of this dynasty and of the period of the Three Kingdoms (221–264 B.C.) are recorded in the early catalogues, but none of them is extant. We have at present only some fragments of the works of the two Tsin artists and T'ang and Sung copies of ancient masterpieces.

The more conventional type of Chinese architecture is represented by palaces, temples and "yamens" and also by private mansions and residences. The buildings are usually separated into many groups, each having a courtyard in the center and four suites of rooms surrounding it. Not so conventional are the garden studios. They are most irregular and picturesque, with pavilions, terraces, stories, chambers, verandas, kiosks, arch "pai-lows" and bow bridges, all of different form; frequently there are also artificial mountains, tunnels and ponds. The marble stairways and colored porcelain tile roofs with gracefully curved eaves are typically Chinese. The pagoda although of Indian origin has long been a common decoration of landscapes in China. Chinese architecture generally uses stone for foundations, timber for frames, brick for walls and tile for roofs.

Sculpture as an art was never highly regarded by the Chinese, although their old examples are greatly admired by western artists. The ancient metal statues in the Chow temples and in the Ch'in and the Han palaces, recorded in official history, have long been lost or destroyed. There are in existence some gilded Buddhist images cast during the period of the Southern and Northern Empires (420–589 A.D.), huge stone images of men and animals guarding the graveyards and small clay figures (Yung) buried in the tombs since the time of the great T'ang dynasty or even earlier. Images of Buddha and of other Buddhist and Taoist deities have been made of all varieties of materials, but gold, silver, bronze, jade, stone and sandalwood are most common.

Jade is a special product of China and jade polishing and engraving are an important branch of her art. From the dawn of Chinese civilization up to the two Han dynasties jade was a common ornament for all occasions. Official ceremonies were never complete without the presentation of jade, and gentlemen always carried it unless they were in mourning. It was polished, cut and carved into various shapes, sizes and designs. Each was given a special name and used for a special purpose as either official or private ornament. Many ceremonial utensils and astronomical and musical instruments were also made of jade. Since it has become scarce in the last few centuries the ancient pieces have become rare and valuable. The material and the workmanship can hardly be replaced by later products. Official and private seals for government stamps, trade marks, family coats of arms and personal signatures are sometimes cast of metal but are more usually cut from jade or stone with character inscriptions and flowery designs. They are treated also as objects of art, and seal cutting is a special artistic profession.

Porcelain is another famous art of China. As early as the Chow dynasty porcelain work was under the supervision of the central government. The T'ang dynasty first established official kilns in various localities, the Sung dynasty opened the imperial kilns in the national capital and the Ming dynasty concentrated the trade in Ching Teh Chen, a special district of Kiangsi province, still the center of the industry

in China today, where the clay was said to be best for this purpose. Hundreds of kilns with myriads of artisans have been working there generation after generation. The hereditary professional secrets of the old systems have been combined with the high efficiency of management and minute division of labor which characterize modern methods.

Lacquer work is also old and famous in China. It has been greatly improved since the Sung dynasty and some articles of that period are still extant. The carved lacquer (Tiao Ch'i) of the Ming dynasty was the work of a painstaking craft. Among all eighteen provinces of China proper, Fukien is especially renowned for lacquer work. Other fine handicrafts worthy of notice are the glass thread weaving of Shantung, rice straw weaving of Kiangsi, bamboo cabinet work of Kiangsu and Chekiang, iron pictures of Anhuei, wood relief pictures of Fukien and ivory revolving balls of Kwangtung. All these works are the special products of their respective localities, not only because of the materials the places produce but also because of the professional secrets and skill employed by the native artists or artisans.

Weaving, brocade and embroidery are the branches of art chiefly mastered by Chinese women. The first two have lately been industrialized to a large degree, but embroidery as handwork cannot be replaced by the machine. Since the majority of Chinese women until very recently had no other occupation than housekeeping, the most interesting and intelligent task for them at home has been needlework and especially embroidery. Being their principal art in life it is not merely the manufacture of merchandise for the market. Embroidery flourishes in all the central provinces where silk is produced. Its designs, as those of other branches of Chinese art, are largely based on religious and historical motifs and have always been more symbolic than realistic. In the last few decades a realistic school of Chinese embroidery has arisen under the influence of western art.

KIANG KANG-HU

See: BUDDHISM; CONFUCIANISM; TAOISM; WRITING.

Japan. Art as an expression of the vital forces of social life seems at first to be more the influenced than the influencing factor. On closer investigation it is seen that in its expression of the rhythm and the energies of a culture the importance of art as safety valve for the general equilibrium should not be underrated, especially in the case of Japan, where the aesthetic factor is more prominent than anywhere else. More obvious is the importance of art as carrier of religious ideals, as broadcaster of national movements, as a living record of historical events and as the creative power stimulating every phase or detail of social life.

The Japanese Empire, in its enormous age and continuity as well as its close relation to art, has no equal in history with the possible exception of the Roman Catholic church. The mixture of Ainu and Mongolian blood in its population is responsible for a unique combination of the primitive intimate contact with nature and an uncanny ability to absorb and refine highly civilized forms of life.

The religious history of the country is of no less importance. Shinto, a naturalist religion, with its commandment to obey the mikado and its worship of the sun (Amaterasu) and invisible spirits (Kami) had no need for statues or pictures. But after the sixth century, as the different forms of Buddhism entered Japan from China and Korea, there arose new opportunities for the exercise of creative imagination in the portrayal of the gods. Buddhism, in its early pure form, which is essentially anticultural, never reached Japan. Among the six great and thirty-six minor sects of Buddhism in Japan, many developed elaborate ceremonial forms of worship necessitating innumerable idols, sculptured and painted. Architecture had to supply the stage setting for their rites, temples, treasure houses, monasteries. Ryobu Shinto, which arose in the eighth and ninth centuries, combined both Shinto and Buddhist deities in its pantheon and resulted in the popularization of Shinto Kami in art. The oldest painting in Japan (beginning of the eighth century) represents the first Buddhist missionary. During the great periods art concentrated mostly on the representation of the major and minor deities of the different Buddhist pantheons, but Hinduistic influences also found their way into Buddhist art.

The Shingon doctrine, introduced into Japan early in the ninth century, recognizes art as one of the noblest ways of reaching perfection in the Buddhist sense. The power of the spirit over the body and the translation of the invisible forces of the universe into a visible material, as demonstrated in art, were the reasons why to many idealistic minds the training with chisel and brush was a nobler, less egoistic kind of yoga, or union with the divine, than many other

disciplines which prescribed torturing of the flesh or concentration on breathing and other physical exercises. Technical perfection and aesthetic refinement were to them spiritualization of matter. The mandaras—hieratic Shingon paintings introduced from the continent—were sometimes elaborate compositions dealing in a symbolic way with the great cosmic principles and their order in the universe. They were objects of concentration for the training of the mind. The life of Buddha himself, however, was comparatively seldom the motif of pictures in Japan.

In cult objects a severe language of symmetrical, sacramental, impersonal treatment was used, approaching abstract purity of form as far as the subject would allow. The color was often rich and bright with much gold. In Shingon Buddhism colors were related to the "different stages of contemplative ecstacy, rising from the black through the blue, the yellow, and the red, to white, the pure and radiant source" (Binyon, *The Flight of the Dragon*, p. 90), but we also find colors associated with east, west, north and south, with the seasons, musical notes, wood, fire, metal, earth, water, emotions, the senses and flavors. Thus almost everything in life was linked up with the language of art.

The power of vision, the ability of the individual to identify himself with the divine, gave incredible prestige to the artist in the opinion of the Buddhist population. He was looked upon with awe and his work was at times regarded as the very incarnation of divinity. It is hard for western minds to realize the tremendous influence of art on the mind and life of a nation which for so many generations did not look upon art objects as decorations, utilities or objects to please their senses. The story of the erection of the colossal Roshana Buddha of Nara (known as the largest cast bronze statue in existence) may illustrate the tremendous importance of art in the national life during the Nara period (709–84). Giogi, the famous monk, carried to all parts of Japan a proclamation of his Emperor Shomu announcing the project of the statue. The text said, "It is our desire that each peasant shall have the right to add his handful of clay and his strip of grass to the mighty figure." The statue was planned to be the center of the Buddhist universe. The emperor and the whole court assisted at the erection and ladies of the highest rank are said to have carried clay for the model on their brocaded sleeves. More than twenty thousand Japanese pounds of gold were used to cover the statue (Okakura, *The Ideals of the East*, p. 122–23). The history of Europe offers no parallel to this illustration of the importance of art in the spiritual life of a whole country.

In sharp contrast to the style of the sacramental art of sects which grew out of Mahayana Buddhism is the art which took its inspiration from Zenism, a Buddhist sect which incorporated much of Lao Tsu's older doctrine of Taoism. Bodhi Dharma, an Indian prince who went to China as a monk in 520 A.D., introduced the Zen sect there, but it was not until the thirteenth century that it became established in Japan. The Zen was the "contemplative" sect and its severe doctrine knew no gods or powers outside of one's soul. The only Buddha that the individual could reach was in the center of the heart. The only road to salvation was merciless discipline, self-control, concentration on the treasures of the inner divinity. It was another attempt to free the soul from the weight of names and formulae or superficial knowledge. Like Lao Tsu's ideas the preachings of Zenism were of an anti-artistic and contracultural nature. Yet in the hands of the Chinese and Japanese they succumbed to the creative urge of those races, and after a period of almost iconoclastic character art became the very voice of those doctrines. The soft hair brush, which registers the faintest irregularity of the pulse and the slightest weakening of the will power, became an ideal instrument. With black ink, avoiding colors entirely, the artist concentrated on the power of the brush stroke in calligraphy and in painting, seeking not imitation of objects or facts, but the spontaneous inspired creation of indefinable rhythms, subtle relations between light and dark (notan) and the divine something which is life. Grass, birds, landscapes or figures could be the objects. With no rules to be learned, with no possibility of explanation, one had to develop one's personality in order to paint or to appreciate art. There could be no pretense. People had to learn and grow toward art.

The Kamakura period (1186–1394), which began with Yoritomo's establishment of the armed supremacy of the shogunate and the development of the samurai ideals of heroism, self-control, sacrifice and absolute devotion to their daimyo (chiefs), created a perfect background not only for Zen art but for the expression of a similar spirit in every function of life. Cha-no-yu, the tea ceremony which grew out

of this spirit, represents an unsurpassed form of refined social life and the most spiritual attitude toward art as its center. Compared with this sensitive cult of art the display of pictures in museums and collections and many other forms of art appreciation seem almost barbaric. Cha-no-yu influenced manners, costumes, the home, architecture, ceramics, the cult of flowers, gardening—everything that went into the life of the community. People became so sensitive that everything had to be a perfect aesthetic performance. "Our etiquette begins with learning how to offer a fan, and ends with the rites for committing suicide" (Okakura, *The Ideals of the East*, p. 176).

The Ashikaga period (1394–1587) brought forth great patrons of art. Sesshu, the Zen priest, towers above a long row of famous artists of that period. In that age of culture and refinement music grew out of the archaic Bugaku and developed into a mature national expression. The No dances, with orchestra and chorus on the stage, became a part of national life. Naturalism was here despised and subtlety of suggestion appreciated. The art of the mask for the chief actors was also developed to great perfection. The audience, attending performances which continued for a whole day, was likely to carry home more lasting influences from the stage than in the Occident. Ceramics, lacquer work, ivory carving, the art of the sword and its symbolic ornamentation had their significant place in social life and its etiquette. The Korin school (Koetsu, Sotatsu and Korin) expresses that spirit in both painting and applied art.

During the seventeenth century as a result of political conditions the lower and middle classes started to participate in the cultural life of the nation. Art became more secular. The Ukiyoye genre school, with its appreciation of worldly existence, the Shijo, Maruyama and Ganku schools, moved constantly further away from a spiritual toward a sensual conception. The development of the color print made it possible to reach a more numerous and less idealistic audience. Portraits or caricatures of actors, landscapes, genre scenes and figures advertising the charms of courtesans and popular houses of the Yoshivara, endless series of pornographic scenes, became very popular. Finally Japanese art succumbed to the influence of occidental art and played a part which has not been fully recognized in the westernization of Japan.

The first artists in Japan were Chinese and Koreans, immigrating in the seventh century with Buddhism. They were treated like honored guests and teachers. During the Nara period and later, artists were frequently powerful priests of great social and political influence. As in China they were exalted as spiritual leaders, as personifications of the divine. With the awakening of national consciousness during the Fujiwara period (898–1186) the artists gave to the country a real Japanese style independent of China. Afterward they became clever artisans supplying luxury and magnificence. In the last two centuries art has become more and more dependent on the buying public, and the artists have lived through humiliation and tragedies as they have in other countries where art is at the mercy of the vanity and ignorance of customers. At the present time, however, it should not be overlooked that Japanese artists have become prominent members of European and American art life.

LEO KATZ

See: SHINTO; BUDDHISM; YOGA.

NEAR EASTERN. *Egypt.* The personality of Egypt developed, inbred, for tens of centuries; it reached a climax and stiffened to an age-long formula. It symbolized itself in pharaoh, it acquired self-consciousness in the priesthood, it found the object of living in the preparation for another life. In all this it was severely practical, was not satisfied with ideas or symbols, always demanded facts. Granted these, Egypt rejoiced in whatever freedom the hierarchy of god, king, priest and noble permitted to the individual, who, from the evidence, was not generally unhappy within his limitations. The sure future compensated for the present.

All the secret of the art of Egypt is in the reaction of the national personality to the forms of the Nile valley, human, animal, floral, geologic. But we must insist upon the practical. What we now recognize as the work of art was not fashioned from any desire to create beauty —beauty was but incidental. Living animals were gods, but they were transient even as human life was transient, even as the mummied body was unstable. It was the business of the artists to serve eternity, to erect stone gods and temples for their residence and worship; to carve stone bodies for the dead and secret impregnable fastnesses for their hiding places. Beyond these major needs the result of art was in the embellishment of both eternity and

daily living. That there was consistency of art throughout the millennia of Egypt's life is evident in any comparison of architecture, sculpture, painting and the lesser craftsmanships. Dictated by the priests, the ideas which regulated the choice of form changed slowly; the national personality seemed almost a constant factor. The individual personalities which made form tangible were grouped as schools of artists in many of the larger cities, one or another dominating with the changes of royal power, but all compounded from the essence of a culture which never doubted the ideal and never contradicted the suggestions of environment. This consistency of ideal and personality resulted in a consistency of technique which merged the functions of the fine arts. Every art had its own perfection and stiffened to its own formula, but sculpture was painted, painting was often outlined by the chisel or modeled and architecture was carved and painted until columns and interior surfaces became vast continuous panoramas of Egypt in all the details of her life, her daily joys and sorrows, her wars, her worship, her practical common sense.

Egyptian artists attained their desires largely in stone forms and reached astonishing mastery of material, yet they sometimes failed in the translation of perceptions to plane surfaces. They did not understand perspective, but they discovered some geometry and applied it to their structures. Building was the royal art; the highest nobles assumed the title of architect with pride, although probably mere matters of practical accomplishment were left in better trained and more plebeian hands.

The several thousand years of artistic effort have been taken casually as a dead level of production, almost stagnation. This was not true. Granted that the social and religious forces which regulated the work of art encouraged formula to minimize experiment, the result of formula was to link periods of great attainment with intervals of standard average rather than to permit of degradation. We do not know beginnings. Egypt emerges from the sands with promise of her mature personality. The Old Empire, centering perhaps three thousand years B.C., the period of the pyramids and of the Sphinx, produced the most human and the most superhuman sculpture. Artists were keen to fix the actuality of life, to fix the nobility of royalty and eternity. The later formula was based upon these efforts. After the capital had shifted southward to Thebes with the opening of the New Empire, lesser men were satisfied with the practical results already achieved in stone, and sculpture stiffened while it often remained gigantic; architecture created tremendous temples, forested with columns; painting became more luxuriant with Egypt's self-revelation. The reign of Rameses II, roughly 1300 B.C., saw the ultimate magnificence, the apogee of bigness and of color, but except in the handling of the painting brought a definite decline in workmanship. This was the turning point. Formula gripped the nation and stifled art to a gradual extinction, but extinction was very slow and illumined toward the end—in the seventh and sixth centuries B.C., the Saïte Age—by a charming recrudescence, by a return to nature, to softer forms, to a more human point of view.

Tigris-Euphrates Valley. Where Egypt could be consistent in her mental isolation the states of the Tigris-Euphrates valley were subjected to the flux of conquest. Perhaps as old as that of Egypt and with some conjectural connection in beginnings, art responded to a different need in these potentially business minded city-states. For Egypt art bridged the gap to eternity; here we have little evidence that it was essential in the expression of the people. Ur, Kish, Tello, among many in Sumeria, and, later, Babylon were cities of the plain where stone was scanty. Architecture when it rose above the general level of the mud built houses was piled in brightly painted terraces of brick which have subsided to the plain again, hiding treasures only gradually exposed by excavation. We have jewels, bas reliefs and some sculpture in the round, almost all funereal, which may account for the general smallness of the scale. We see the results of real power of observation, considerable decorative sense and an evident love for color, texture and ornament; we feel a commercial culture developed by a stabilized nomadic population, but to the present we have found in the works of art no organic self-revelation of national personality.

Assyria conquered the river valley. Her great period began in the ninth century B.C. She assumed the culture of the related peoples she subdued, but she concentrated the expression of its art into a glorification of her kings: their gods, their wars, their pleasures. She continued the brick constructions, and many of the works which have survived are decorations of immense colorful palaces. The scale was increased. There remain guardian monsters, animal, human, superhuman, and there are tremendous, sig-

nificant reliefs, stiff row on row of profiled dignitaries, which reveal the tensity of the warlike Assyrian mind in the cruel preoccupations of her rulers. Assyria persisted in the accuracy of observation she had learned from her predecessors and, particularly in the delineation of animals, she carried truth and action beyond formula. She, at least, stamped her personality upon the stones she carved but her ideal did not carry beyond the physical desires.

With the later eastern empire makers, Medes, Persians, Arabs, Turks, where dominant racial personality shifted so easily, where extent of empire broke down consistency of environment and where change of power prevented personality from growing with environment, the works of art became eclectic, more or less haphazard compilations of borrowed ideas and motives. Persia softened and humanized the Assyrian brutality, lightened her fortresses with columns, added some grace to the heavy sensuality, was reacted upon by Egypt and adolescent Greece. The creative power of Asian art flickered between the contradictions of the importations.

And yet this eclecticism was not unfruitful. Egypt in her consistency completed herself, but from the very incompleteness of the Asian statements there were suggestions for the future, decorative motives, the Ionic luxury, the beauty of tile encrusted walls, the arch, the dome, the pointed arch. The old East, gorgeous and unstructural, in her hurry of changing conquest used facts without philosophy and left them not too much hampered by the stamp of her personality.

SEWARD HUME RATHBUN

See: ARCHAEOLOGY.

CLASSICAL. Classic art, literally, was the creative activity of fully developed Greece and Rome. The term classic has come into use since the centuries of the Renaissance found their canon for creation in the precepts of antiquity, and has gathered to itself a corollary suggestion of cold exterior finish which has little in common with the original.

Greece. Greek art produced a transcendent expression of that overtone from all conflicting and harmonizing individual personalities which we call national personality. It combined philosophy and religion and made both human; it drew from the past of its own environment, from Egypt and the nations of the nearer East and made a statement so purely Greek that without an analysis of beginnings it seems a miracle, an unparented creation, sudden born, as was Athene, to full maturity. The only miracle was that a gifted race developing on the complication of its past found clarity of vision and the full use of its creative faculty.

The homeland of Greece, a tangle of barren mountains and fertile valleys, scattered its outpost islands at the focal center of ancient civilization. For centuries it harbored a culture parallel to that of Egypt and of Asia, a culture which materialized in massive structures, frescoed walls, carved jewels, well wrought gold and bronze; a culture that only recent excavation has brought to light from behind the fog of myth which shadowed it; a culture already in stagnation when the Hellenic tribes, uncouth and warlike but virile, descended on it from the north, jostled the inhabitants, pushed them to the islands and the shores of Asia, killed them, bred with them and were civilized in turn by example and inbreeding. The result was Greece in all the complexity of its scattered centers, often antagonistic within the claim of cultural unity, always disdainful of the old nations which ringed the horizon. The old East had fed itself on intuition and evolved a gorgeous mystery; so far as Greece could go she faced reality and set up an intellectual standard of beauty for all time.

The climax of attainment in the realm of pure intellect as well as in the more human and more inevitable realm of art was reached by Athens, and in Athens by a few exceptional men; but the glory is not all for one city or for one group which lived almost within a generation. They culled the flower, but centuries of Greek rivalry were in the growing and more than centuries of older personalities matured the soil. It is significant for all Greece that the first archaic works of art resulted from an influence seeping back from the conquered peoples who had been driven eastward, and this is doubly significant for Athens since she boasted an existence unbroken by northern conquest. Athens turned her sympathy toward Ionia, but she was a polyglot whose unity had been attained by the absorption of the varied clans on the Attic plain into the power of the central citadel under the aegis of Athene. The virility of Athens, the clear vision, the power of definite expression, the intense love of beauty resulted from the most fortunate racial complication. In the end Athens could express Greece. Her expression was the result of conflict, conflict between ideas at home, conflict for mastery

with her neighbor states, conflict for existence before the power of Persia. The final statement of Athens was the paean of a city which had saved reason from the vortex of dogmatic mystery.

Greek religion was a mass of myth to explain nature and the desires, passions and fears of men; even in the earliest expression Greek imagination had formulated myth and the gods were distinctly Greeks. Philosophy and the work of art had their inception in religion and the direction of their development was implicit in the Greek mind. Formulation, ever increasing definition, characterized the method of creation. The mind which personified the gods in its own image civilized them as it visualized the relationships of life. There was conflict here as well. The gods lost power; philosophy erected systems which rationalized the immortals and left them unsubstantial in a skepticism of conjecture where mind ran shallow amid the maze of its definitions. But there was a moment of tremendous balance when religion dignified by intellect met intellect restrained by some real passion of belief and germinated the greatest expression of ideal in pure form that the world has seen.

Art served religion but followed the inevitable method of definition. It was swept onward by philosophy, reasoned, suspected in the general skepticism, questioned in the systems which found the aim of thought in the relationship between citizen and state. But this intellectualized artistic function resulted from the moment of climacteric balance rather than aided it and was more pregnant for the aesthetics of the future than participant in the Greek glory. Also it was preoccupied with the non-plastic results of art, with music, the dance, the drama. For the plastic arts of Greece we can ignore it so long as we remember that the mind which argued the aesthetic was the same which defined the ultimate form and was the same which permitted reason, too fine spun, to carry form beyond ideal to degradation.

We must understand the work of art from the remains of sculpture and of architecture. No great painting has survived, and indeed the finest statues are but memories, the most perfect buildings shattered and colorless. Time has taken the exuberance of personality from the Greek statement and left us a few fragments of organic form which many of us find cold until we look beneath the apparent coldness and find that exquisite sensitiveness of vitality which is immortal no matter how far the fires of youth have receded from it.

Greek sculpture and Greek building, since they were true expressions, paralleled the active facts of history. There was the age of fluctuating myth, solidifying here and there as we read its background, whence the semi-divine Daedalus projected half substantiated powers of craftsmanship to light the spark which should forge the completed bronze. There was the dark age of consolidation during which Greece searched for her self-consciousness and during which the germ of the man-god's image was latent within stone or rough hewn log. Dim creating figures were present, piling huge walls, fanning the spark which Daedalus had lighted or kept alight. Greece dreamed a past in which giants wrought; but indeed the Greeks bred giants from themselves and suspected that as well; there was no mawkish modesty in them and no sentimentality but always the urge for clarity of perception, for definition, for light. They lived intensely, truculently, often cynically, but they lived boyishly and built above the facts of life a boy's ideal which in itself was art, an ideal crystallized in the terms of excellence and beauty; excellence of mind, reason, intellect; beauty of body, muscles, action, texture; excellence and beauty interacting to produce that moderation, that rhythm of living, that intersaturation of mind and body which was the acme of the ideal. That this ideal emerged, unprecedented, sudden, against the background of barbarity, that art took at a single bound the final leap in its expression of the ideal, is the seeming miracle of Greek culture.

We visualize the dawn of sculpture about 600 B.C. The nude, flat planed Apollo stands like a Greek youth undeveloped, hesitating at the gateway of the primitive palestra; the smirking woman serves her goddess or her lover in the archaism of a prudery which echoes luxuriant Asia; the shrines are heavy with bulky columns and overswelling caps, their pediments filled with stiff, crudely painted deities and monsters. But Apollo entered the palestra to emerge vigorous, subtle, molded into that ultimate perfection of muscle and sinew which Greeks, training in nakedness for generations, knew and loved as no other race has done; the woman forgot Asia and became a maiden—or a goddess; the shrine was refined, proportioned, harmonized, with every detail interacting and fashioned to its purpose. Within two hundred years Greece reached the climax; gods and goddesses,

centaurs, heroes, athletes crowded the temples and the sacred precincts, for religion was still the center of that humanity whence art, tangential, reached to the ideal beyond religion which humanity had found within itself. Great names and great works multiplied; although somewhat scorned as manual workers, yet artists were among the favored with princes and city leaders; groups of pupils gathered round the masters to become masters and push the definition of the ideal to a yet further plane. Myron, Polyclitus, Ictinus, Phidias; the discus thrower, Athene Parthenos, Zeus of Olympia, the Parthenon; bodies of youths, bodies of gods, dwellings of gods. Bronze and marble and ivory and gold lent their textures and their colors where paint was not deemed necessary, but paint in many ways persisted; there was nothing cold in this first beauty of expression, but all the glamour of youth to temper the austerity of the ideal.

To illustrate this matter of ideal from the Greek expression we can find the excellence of mind in the philosophy, the rest in the work of art, the human beauty in the sculpture, the interpenetration of mind and body in the building which so balances form and reason that it totals the Greek synthesis. Ictinus, the architect, and Phidias, the sculptor, Athenians, contemporaries, stood at the apex. Before them struggle for freedom, struggle with perceptions, struggle with materials, steadfastness of ideal; after them political degradation, easy mastery of technique, relaxation. That last so carefully maintained reserve of generalization which kept the essential statement of humanity free from all idiosyncrasy of the individual was cut away. The god preferred the pleasures of this earth and frankly deserted Olympus. Passing emotions, sorrow, pathos, joy drove the serenity from his eyes; soon he was just a little in need of exercise. But he was very charming. Greece had not lost her power over form; indeed she loved it a bit too well and put it before ideal. Still the great names persisted; Praxiteles, Scopas, Lysippus carried on all but the summit of tradition, ennobled the Greek statement as the nation sank into servitude, imbued form with an idea which if it was less immortal in austerity was perhaps more easily understood by the conquered peoples when Alexander spread the influence of his Greek subjects throughout a supine world.

As the period of decline advanced, architecture and sculpture, open to the same influence, separated in their results. Sculpture softened, became restless, illustrative, personal; architecture stiffened to an attenuated dryness in which straight lines replaced the vital curves. Even tradition broke. The barrier between Greek and barbarian was dissolved, civilization was in flux; emotion, intellect, reality, mystery, acted and reacted on minds questioning the hitherto sequestered dogmas of nationality. Culture was sophisticated over an abyss of contradictory elements which were beginning their long preparation for the Christian synthesis. Art lost its grip on everything but form, spread far, but like thought ran thin in its many channels; it created a god with less devotion than it fashioned a king or general, was given a goddess to create and presented a harlot. The spirit of Greece was licentious on the one hand, arid and academic on the other, before Rome looming to the westward swept forward to the final slaving of the Greek lands and confronted with the limited intelligence of a commercial mind the already ancient glory of the most lucid moment that art has ever known.

Rome. Where Greece created Rome was satisfied to seem to copy. But even the visualization which attempts to reproduce is a sort of art, eventuating some added personality, and Rome had too positive a nature to succeed in copy. All the elements of Greek art as Rome saw them, elements of greatness as well as degradation, were transplanted to the Italian city which had not the power to discriminate. Greek works of art which had made an ideal tangible and which had been worthy offerings to the best spirit of the gods became the passing interests of rich collectors, were reduced to being parts of the ostentatious decoration in buildings shingled, unstructurally, with Greek structural motives, buildings which pampered the luxury and the pleasures of the people. Greek statues were imported, Greek craftsmen set to producing replicas more matter of fact with each sculptural generation. Art was subjected to waves of eclectic fashion, was even forced to a sophisticated archaism, aping simplicity to tickle the jaded tastes of the connoisseurs. But this after all was surface and there were other elements, Etruria, Egypt, Asia. Rome had the force to hold the whole disjointed world together, she had the power of arms and wealth and law. Art was not her great concern, but as she used it for a toy she stamped her personality on certain phases and did create.

Portraits are works in which art has become

commercial. They are frankly commodities ordered to please the vanity of the buyer, limiting the creative function of the artist by an external mind. Rome seized upon the secularizing and personal tendency already active in the Greek decline, developed portraiture and carried it to a point which has hardly been surpassed. The individuality of Rome confronts us in the heads and figures of men and women and youths, noble, cruel, empty headed, vicious, cut with all the lingering Greek power over form, incisive from the need to portray life to the satisfaction of the sitter and yet suggesting little of flattery. Rome was too strong, too proud, even in her viciousness, to desire her image softened in stone or bronze. Hers was the power, she was ready to stand on facts.

And this quality of portraiture was carried into further types of statement. The monuments set up to acclaim the victories of the emperors bristle with the robust vitality of the nameless individuals of the legions, with all the hard life of camp and conquest. There is nothing of ideal here, no possible connection with religion; even when the emperor offers sacrifice it is the emperor and his soldiers and the victim; the god is absent. Rome moralized the Greek deities, carved them as allegories, found them uninteresting and neglected them except in the formalities of statecraft. But in these intense bas reliefs where the soldiers twist upward from the bottoms of the columns she fixed her worldly self for as long as the stones shall last, fixed her lust for power and wealth in the sharply cut stern faces and sturdy pushing bodies.

But in the result Rome stood for a greater thing than her desires. Where Greece created philosophy Rome developed law; where Greece found her ideal of form in the perfect body Rome built roads; where Greece strove toward an ideal of human relationships Rome left a tradition of stability and order. Rome was the first great engineer among the nations, politically, materially. Under the tawdry colored marbles, statues, plaster decorations of her buildings there was a substantial core where real imagination had suspended brick and concrete in vast domes and vaults. When Rome envisaged art she was proud of the gorgeous riot of her own ineptness; she hid the new and tremendous balance of constructive forces. But as the increasing poverty of the weakening political fabric forbade the trappings some suggestion of a new synthesis between form and meaning became apparent. The architecture of the decadence was a more starkly Roman and a more creative art. Rome grasped Christianity too late to save herself, but she grasped it at a time when her own expression was shorn of pettiness, when even the degradation had a latent structural nobility.

Christian art developed from Roman art largely through the medium of architecture; it developed in the East rapidly as Greece reasserted her traditional power over form; it developed more slowly in the new Gothic West, but it reached a climax of attainment, building on Rome's structural suggestion, which made it the peer of Greece. Greece set an ideal of beauty in defining form; that was the imperishable glory of her art. It was Rome's more practical function to gather seemingly incongruous elements, to hold art in suspension until the Christian ideal was mature to begin that tremendous expression of spirit which should complement the human beauty of the Greek.

SEWARD HUME RATHBUN

See: CLASSICISM; MYTHOLOGY; ARCHAEOLOGY.

MEDIAEVAL. Early in the fourth century the youthful vigor of Christianity was permeating the highly organized but decadent classical civilization. In the East repressed indigenous energies were finding release; in the West invaders with primitive vitality were bursting the frontiers. It was the interpenetration and transformation of the older order by these dynamic forces that determined the culture of the Middle Ages and hence its expression in art. As the controlling power throughout this evolution was the church, art was predominantly ecclesiastical.

Geographically this evolution followed two lines, the eastern and the western. The eastern, the Byzantine, freed from Rome, unshaken by invasion, with learning still fostered, developed stably through a fusion of Hellenic, Roman, Near East and Christian elements to an early climax in the reign of Justinian (518–65). Iconoclasm and influences from Islam strengthened incipient tendencies: conventionalization of form, secularization or suppression of sculpture, development of symbolism and emphasis upon geometric and naturalistic ornament. Although the classical revival connected with the second climax (tenth to twelfth centuries) tempered rigidity, individual imagination was strictly limited by the authoritative forms established by the church. Within these limitations, in fact because of them, art reached a lofty height of craftsmanship and intensity of expression. In

building, the central type was most characteristic: Greek-cross in shape or polygonal and domed. The uninteresting exterior hardly suggested the contrasting aesthetic wealth within which resulted from the effectiveness of a boldly simple design of curves culminating in a dome, and from the luxuriant but subordinate decoration of colored marbles, gold ground mosaics, lacelike carvings; gold, silver, ivory, enamels and jewels about the sanctuary. Of these decorations mosaic reached an extraordinary synthesis of craftsmanship, decorative quality, didactic and religious significance. The technical demands of the medium as well as current traditions required stern simplification, which enhanced the decorative quality; the encrusted walls were an open book for the education of an illiterate people; and the dull splendor of harmoniously massed color and gold with hieratic figures seen in dim interiors had a peculiarly evocative power equaled, if at all, by early Gothic glass.

In the more thoroughly Romanized West the breaking down of the frontiers resulted in chaos. Hence reorganization required not only the stimulus of a new faith but the evolution, through the fusion of a primitive vitality and a ripened culture, of a new social order, which is reflected in the art expression as it moves from a primitive early Christian (first to sixth century) through an archaic Romanesque (sixth century to 1150) into the Gothic climax (1150–1550). In building, although examples of the central type occur because of strong Byzantine influence, the basilica type predominated largely because it suited liturgical needs so well. The plan was rectangular with a nave flanked by aisles, terminating in an apse; usually with a traverse aisle, an atrium and a campanile. The roof was usually wooden, partly from economy and partly from the loss of Roman skill in vaulting. The early Christian basilica was like the life it reflected: it presented a plain, rough exterior to a chaotic world, but with its rich interior decorations of marble, stone carving, frescoes and mosaics it afforded a quiet, enfolding security and stimulation within.

As disorder increased, Europe in the Romanesque age became largely a rural society with almost no intercommunication. Two resultant institutions were preeminent: monasticism and feudalism. The social religious monastery, a complete community in itself, produced the abbey church and the handicrafts of its shops. Feudalism contributed its ideal of chivalry, expressed in the *Song of Roland* and in the Arthurian cycle. About the year 1000 a burst of religious zeal characterized by pilgrimages and accelerated by the adventurous spirit of the knights culminated in the crusades which hastened incipient movements: a revival of intercommunication, the rise of towns and revolt from feudal lords and the extension of commerce and industry under the control of guilds. Along trade and pilgrimage routes traveled ideas and influences which stimulated art expression.

The rise of nationalities and differences of climate produced a variety of styles, but two general tendencies may be discerned in the revival of vaulting and of sculpture. The first concerned the need of a permanent fireproof roof for the basilica. In Lombardy especially, courageous attempts were made in rib vaulting which later, along the Rhine, in Normandy and England because of close relations with Lombardy, reached the Gothic solution The second tendency concerned new decorative schemes which refined without loss of vigor, reflecting the amenities which the barbarians were acquiring from the Mediterranean culture. In Italy this consisted of external arcadings, marble inlays and Cosmati work with geometric and fantastic motifs often Byzantine in origin. In France and Spain, in the deeply splayed portals carved with naturalistic and fantastic subjects both sacred and secular, the human figure appeared. In this reviving sculpture, as in the stylistically similar manuscripts and ivories, may be seen now the traditional sobriety of the late classical and Byzantine work and now a new life of extraordinary movement and emotional content. Romanesque, serious and monumental, partly savage and transfused with eager venturesomeness, is significant both for its own imaginative vigor and for the impetus which it gave toward a complete welding of classical, barbarian and Christian forces into Gothic.

Gothic, although widespread with local variations, was essentially French. Its loftiest expression was the cathedral, that perfect synthesis in stone and glass of community strength, religious zeal and intellectual vigor. More efficient kings, a curbing of feudal abuses and the rapid growth of towns laid a stronger economic basis and inspired a newly awakened civic strength. Religious intensity had its roots partly in theology and mysticism revealed in liturgy, sculpture and glass and partly in the popular worship of relics, pilgrimages, miracle and mystery plays and the stories of the Golden Legend. Intel-

lectual life busied itself vigorously with the subtle logic of scholasticism and with encyclopaedic knowledge applied to the doctrines of the church. It was the community church, the cathedral, that dominated and revealed all this life just as physically its bold mass soared above the huddling town. Stand before Chartres, Notre Dame or Amiens. Broad deep portals invite entrance and form a strong base of shadow. Line and light and shade move insistently upward. Within, the long, narrow, lofty nave is molded by vertical lines and pointed arches which carry the eye rhythmically upward into the shadow of the vaulting and down the deep vista of the nave to glowing masses of intense color. Only a strong economic basis and a resolute community spirit linked with religious enthusiasm could have carried on the building of such structures generation after generation toward a completion which was never entirely fulfilled.

The Gothic plan was an elaborated basilica; its structural principle, a skilful balance of thrust and counterthrust between the vaulting and its support, in which walls, having no functional value, disappeared, their place being filled by stone tracery and glass. Important in the complete synthesis were the glass and the sculpture concentrated about the portals, both fulfilling the requirements of architectural fitness and didactic need. The glass, most perfectly preserved at Chartres, not only filled in the sides of the structural framework, insuring seclusion, protection from the weather, and the light needed in a northern climate, but frankly decorated the spaces with flat masses of intense color, enhancing the feeling of ecstasy and also, like a brilliantly illustrated book, teaching the stories of the Bible and the saints. Many of the windows were contributed by the guilds to the chapels dedicated to their patron saints, evidence of the indissoluble unity in everyday life between economics and religion. The sculpture too was another great community book in which were pictured both literally and symbolically all knowledge and all belief. For iconographically both the sculpture and the glass, in fact all the art of the Middle Ages, was a "sacred script," a language of authority. The artists were craftsmen trained by the apprentice system in the traditional principles of this language and expressed not their own individual conceptions in either matter or form, but through forms dictated to them revealed the "corporate consciousness" of the age. The cathedral itself had a symbolic orientation. The types, attributes and positions of sacred personages and saints were well established. Added to these, around and above the portals, on the buttresses, pinnacles and towers, on the capitals, choir stalls and windows was the life of the universe—man and his labor, the arts, fauna and flora, grotesques—with both primary and symbolic meaning. Here in stone and glass the *Speculum* of Vincent of Beauvais found complete expression.

Concomitant with building were the minor arts produced so bountifully under a bountiful patronage of the church and the courts. Polychromed ivories preserved the traditions of sculpture. Gold work with jewels and enamels was in demand for the altar and its equipment. In cloisonné enamels the Byzantines attained on a small scale with precious material the same hieratic splendor as the mosaicists, while the Gothic craftsmen excelled in the bolder effects of the champlevé process. The eastern textiles were so powerful in design that they dominated European weaving until the Renaissance. The illuminated manuscripts, chiefly liturgical, furnish the chief criterion of mediaeval painting. The Byzantine examples show the characteristic solemn splendor of color and gold; the Celtic, beautiful uncial writing and an amazing intricacy of geometric and zoomorphic motifs in decoration; the flourishing Winchester school, sensitive line; and the French Books of Hours, a rare loveliness of color and form both in the borders containing fantasies of nature and imagination and in the miniatures which developed like the sculpture along the path of naturalism into a charming genre.

In all this mediaeval art there is a harmonious synthesis which rises from the submergence of the individual into the larger social unit. Hence there arose no great personalities. The age depended upon its modest finely trained craftsmen to express itself and not themselves. But with the climax of the thirteenth century the point of view had begun to shift from the Last Judgment to the secrets of nature; the individual was finding and asserting himself; new ideas were clamoring for a new kind of expression. The mediaeval cycle was completing itself with the crumbling of its social fabric and the primitives of the Renaissance were initiating a new age.

HELEN GARDNER

See: FEUDALISM; MONASTICISM; CRUSADES; GUILDS; CONSTRUCTION INDUSTRY.

RENAISSANCE. That profound alteration in the mental and spiritual attitude of Europe, historically known as the Renaissance, is not dramatically obvious, like the fault left by an earthquake. Not in sudden conflict and confusion did the great mediaeval tradition disappear. Rather did its ebbing glory, overcome by the energy released by the rediscovery of antiquity, softly interfuse with the New Learning and the new way of art, leaving one more elusive hue in the iridescent play of Renaissance life. Yet the transition, however subtle, was so cogent that about the beginning of the fifteenth century what we consider the "modern" attitude began. Men refused to live longer in faith and by authority; they became self-conscious, individualized and critical. The social systems of the Middle Ages were dissolved or dissolving, earth was opening new realms of gold, the very spheres were lapsing from their orthodox motions, and humanity, in an array of dazzling protagonists, for a time believed itself capable of satisfying all its desires and curiosities in an inexhaustible effort of creation.

This sense of intoxication and liberation, this realization of the beauty of the body as well as of the soul which was the gift of the new humanism—or the new paganism—naturally recharged and reshaped all the manifold forms of expression and impression known as art. Here alone the anomalies and conflicts of the Renaissance found their satisfying synthesis. No longer subservient to religion or even to the community, not only satisfying princely pride by its splendor or sensual pleasures by its imitations, art became an end in itself, enlarging, intensifying existence by restoring the pure aesthetic emotion lost with the Greek civilization. Naturally it continued to fulfil incidental needs, but, to be approved, it had first to seem "strangely beautiful."

The recovery of Greek art and religion, at least in the Renaissance prime, meant chiefly the restoration of vitality. It inspired emulation; it implied a novel realism, reminding artists that this visible earth and this present body possess the secret of beauty. And, since the fragments persuaded from rotten vineyard soil or yellow river bed seemed in themselves morsels of perfection, it originated a new idealism in the desire to create things not less ignoble. Some of the early enthusiasts of antiquity, like Brunelleschi and Donatello, deliberately tried now and then to outmatch their classic predecessors by mere miracles of technique applied to models more poignant than serene, for the Renaissance mind was scientific as well as aesthetic; and not until the Renaissance fever chilled did the mere copyists have their say. Each art became aware of its peculiar province, the painter of the potentiality of his paint, the sculptor of what shape lay preordained within his marble. Since the flexible and versatile artists of Italy were often masters in more than one medium, it was perhaps inevitable that the arts should also become aware of each other and that *tours de force* of virtuosity—painting effects in bronze or carven effects in paint—should confuse the aesthetic intention. The exquisite mediaeval arts of tapestry, enamel and stained glass, however gorgeous their variations in Renaissance France and Italy, lapsed from their perfection. Their peculiar and intense beauty demands a limited convention, a strictness of pattern which the protean Renaissance desire for largeness of rhythm, for fluidity of shape, could not but overflow.

Italy. Renaissance art fulfilled itself most variously, most sumptuously and most completely in Italy. In the fourteenth century her territories had fallen into powerful and jealous city-states, either nominally republics or frankly governed by despots, like Lorenzo de' Medici's Florence or Lodovico Sforza's Milan. These despots, whatever their sins or aberrations, did embody the ethos of their cities. The psychology of such princes, the vivacity of these city-states, explain why the Renaissance artist in Italy, although he had his trials, was more honorably used and more eagerly encouraged than in any other country. The individual artist, valued no longer merely as a link in the chain of imagers and builders that served a slowly growing mediaeval cathedral or palace of the people, was acclaimed as the possessor of a personal power to create unique things wherever he might be.

Mediaeval architecture in Italy had never entirely surrendered to the sacred spears of the Gothic ideal, but was disposed to remember Rome and Byzantium, to remain what is called Romanesque. Italy desired horizontal lines, round arches and the satisfying harmony of the dome. The Renaissance note in architecture, still the structural art that contained the rest, although pictures and statues began to escape from their niches to mingle with antique relics in the chambers of the amateurs, was gravely and nobly sounded in Florence, insisting upon living lines, happy proportions and calm spaces, with appropriate and delicate use of the new

ornament of vine and acanthus, loves and gryphons and garlands. But architects born or bred in Tuscany worked actively in other cities as well as Florence—Milan, Pavia, Rimini, Lucca, Venice and Rome. The hybrid beauty of their fabrics reveals the early Renaissance appetite for the reconciliation of contraries. The real Renaissance recapture of classic vision was a romantic adventure and broke more rules than it found. Alberti, Brunelleschi, Michelozzi and Amadeo of Milan serve the inspiration of the first period of the Renaissance.

But the manuscript of Vitruvius was discovered in 1452 and, as the pulse of Renaissance Italy slackened, architects began to ponder with superstitious reverence the rectitudes of column, pilaster and entablature, and the depressing problem of the arrangement of the orders. Florence, as she sank into slavery, saw the mighty Michelangelo severely rule out the spaces of San Lorenzo for his terrific monuments of despair. It was Rome, however, that witnessed the autumnal glory of the Renaissance in architecture. The conception of the supreme dome of St. Peter's passed through the minds of Alberti, Giuliano da San Gallo, Bramante, Palladio, Raphael, Michelangelo. But the strict talents of Palladio and Vignola overcame such romanticism as Giulio Romano's. Authority in all things, terrified by siege and sack, by paganism and protestantism alike, hastily resumed its severity even in Rome.

The term Renaissance is too often limited to the mere epilogue of the period, to a classicism petrified into rules and conventions as sacrosanct as the decrees of the Council of Trent. This dead prestige did indeed prevail inexorably, for baroque and rococo are only such disturbances and deformations of impregnable laws as the sentimental moods of ages without heroic passion could provide. The sack of Rome, the sack of Florence, Reformation and Counter-Reformation, the vanishing of Hellenism, the domination of Austria and Spain, the intervolved tradition of Caesar and Brutus persisting through the revolution, left architecture in Italy abandoned to a cynical and languid aristocracy and to a church concealing the intolerance of its alarm by the false ecstasy of expression and the opulence of ornament adopted by Jesuitism. The severity of the Palladian style sagged into the curved lines and soft bosomed invitations of the baroque. In Genoa, rich with commercial prosperity, and in Naples, lazy and ungirdled, the style was so natural to the soil that it had its aesthetic victories. In fact a certain *brio* and grandeur often sustained the baroque. The inherent sumptuousness of Venice, investing all things with the soft sea-change, brought its qualities to gracious flower; but in Florence this stony rhetoric, antipathetic to the city's genius, meant merely the spoiling of accomplished masterpieces. Bernini in Rome was the triumphator of the baroque. In the eighteenth century, France set the fashion and one of the changes she rang on the classic model was the fantastic profusion of ornament called the rococo. Italy had little to say to it, although Salvi's Fountain of Trevi (1735) is a brilliant example, and Sicily and Naples played gaily with it. Even the great Piranesi, a Roman returned from the true Renaissance, trifled with it at Malta. In sad subjections Italy waited, dreaming of her past, for her day of reawakening.

Not since the days of Pericles had the sculptor triumphed as in the *cinquecento*. Mediaeval sculpture, especially in France, had been of extraordinary beauty, but the naked figure might not be seen unless as a warning, corroded by its mortality. To the men of the Renaissance antiquity revealed both the beauty of the body, especially the Hellenic beauty of young men, and the delight of flying raiment. All through Renaissance Italy we find effigies of early perished youth so tenderly laid to rest that they betray not only the Renaissance adoration for youth itself but an attitude toward death far from mediaeval. The great modelers thronged —Donatello, Lorenzo Ghiberti, Verrocchio, Jacopo delle Quercia, Luca della Robbia—in their diverse ways expressing the pathos, the energy, the triumphant beauty of their kind. In Michelangelo, however, all the plastic conflicts of humanity met and concluded. Laboring at the tombs of popes and petty tyrants whose lassitude retained nothing of their fathers but their vices, with forms wrought in irony, rage and a deathless passion for the body of humanity, he expressed the agony, the foreboding, the final melancholia of the dying Renaissance—a period that had dared too much. The conscious charm of Benvenuto Cellini's *Perseus* is still instinct with the last breath of Renaissance beauty in sculpture. Sansovino exhibited his bravura in Rome and Venice; Ammanati inflated his senseless shapes. The seventeenth century brought Bernini with all his swooning saints, his climax, the mystic sensualism of his St. Theresa. Life in Italy had lost the heroic quality

necessary to breed great sculptors. Primacy had passed to France, where one class at least still believed in its own divinity.

But painting was probably the supreme art during the Renaissance period. Not only did it completely reflect and heighten an existence amazingly colored and vibrating. Here was an art in which the rage of curiosity could carry the love of beauty into new exploits and unprecedented things be done. The gilded and exquisite art of the Sienese Duccio was a conclusion, not a beginning. From the tranquil movement of Giotto's figures and the human tenderness of his types it was possible to proceed. Even Fra Angelico, covering San Marco with ethereal visions, had some Renaissance skill in aerial perspective, some Renaissance gaiety in his passion for dancing. Early Renaissance Italian painting, while the dream of antiquity was still dewy, its beauty not yet overblown, its emotional quality not yet canceled by the zest for technique, makes a peculiarly lyric and piercing attack on the imagination as in the enchanting masterpieces of Botticelli.

Of the high Renaissance, apart from Venice, the three typical painters are Mantegna, Leonardo and Michelangelo. Leonardo's is the greatest of Renaissance names because he was *l'uomo universale*, the ideal type of the period at its highest. As a painter, although through accident and delay he left so little, he won and kept idolatry. He foreknew novelties of technique practised only in comparatively recent days, and astonished equally by the perfection of his craft and the spiritual mystery he deliberately conveyed. Michelangelo, fundamentally a sculptor, disdaining to be less than astounding in any medium, threw on the walls of the Sistine Chapel the history of the human soul in terms of the triumphal or tortured human body. The heroic Mantegna wrought out a Roman ideal, severe and noble. Raphael, persuasive transposer of all difficult themes, created his popular synthesis in sacred pictures, displayed his sincerer gifts on portraits of popes and princes and lavished his prodigious decorative power on the Stanze of the Vatican.

The great painters of Venice arrived late, flooding the dying Renaissance with color and music. From the grave and tender work of the Bellini family, through the romantic gaiety of Carpaccio, the exquisite Giorgione, whose sleeping Venus is one of the supreme expressions of the time, through Palma Vecchio's lovely women, through Titian's rapture of color and exultant vision of sea and sky and Tintoretto's fury of movement, the worship of the sea city went on, till the Inquisition laid a cold finger on the festivals of Paolo Veronese. Yet, even in the seventeenth and eighteenth centuries, Venice alone among Italian cities had her memorable painters, for, free or enslaved, she was the city of immortal pleasure.

The greatness of the Italian Renaissance dissolved in music with the name of Palestrina. Both in France and Italy the arts of dancing and music at this period developed a new significance.

France. Although the French Renaissance displayed a wonderful grace and elegance in the visible arts, it hardly throbbed with the intellectual energy of *cinquecento* Italy. The genius of mediaevalism had flamed magnificently in France through long and agonizing wars. She was still fatigued in spirit when she took the Renaissance contagion from the Italian cities that she ravished. None of her princes, not even Francis I at his best, had the comprehension of artists; so none of her artists had the ways of princes. Also, although Italianate notions had for long stolen in by way of Dijon and Provence, although Charles VIII and Louis XII brought priceless spoil and foreign workers from Milan and Naples, although Leonardo came to die in Amboise, a king unique and too strange to affect French painters as yet only fumbling at Renaissance technique, complete contact with Italian art was not effected until that art was languishing. Primaticcio and Rosso, after all, were but third rate artists in the Italian scale of values. Besides, the French Renaissance was cool enough to be critical in its temper and the greatness of its expression resides in the art of literature, in Ronsard, Rabelais and Montaigne. One must remember, too, that the visible arts were in France the affair of a jealously secluded and more and more centralized court. Their business was to minister to the personal luxury of the last Valois kings and their favorites. Women, and princes like women, dictated to artists whose rank was that of royal valets and who were denied such large applause as the Italian city-states could give. Yet the indomtable French spirit created under Italianate impulses things of apparently spontaneous delight.

Sixteenth century architecture was chiefly busied with providing cloisters of pleasure for the kings and the nobles, and the chateaux of the Loire realized the gaiety and grace of the French Renaissance. The Italian pattern was

superimposed on the Gothic; pagan arabesques and *amorini* wreathed round the doors; arcades, galleries and terraces combined with steep roofs, dormer windows, *tourelles* and carved chimneys. The French master masons soon had their Lescot and Nepveu to rival Rosso and Primaticcio at Fontainebleau. The Louvre façade of Pierre Lescot and Jean Goujon remains, in spite of the growing influence of Vitruvius and the formulae of Rome, a monument of delicate and dignified composure, and one or two Renaissance churches are invested with the ambiguous charm of commingled styles. On the whole, however, the spirit of the period was satisfied to penetrate the Gothic cathedrals with rood-screens, chapels, tombs—the offerings of personal pride.

The sculptors of the sixteenth century, admirably attuned to the architecture, kept none of the religious passion that had vanished from this age of religious wars; they were mundane and fastidious. The sincere simplicity of Michel Colombe soon passed. But Jean Goujon, so French, so supple, yet so restrained, carved his long twining nymphs with an antique grace, if only of the Tanagra degree; and set his caryatids finely in the frame of the Valois palace. The fashion for portraiture in the intriguing and scandalous court was served by the sensitive art of the Clouets. Primaticcio and Rosso had founded a new school of decoration, bright stucco and gallant painting intermingled, in the galleries of Fontainebleau, but the Flemish Clouets renewed the true French tradition. Enamelers like those of Limoges, engravers like Delaulne, makers of illustrated books such as were put forth in Paris, Rouen and Lyons, artists in faïence like the learned Bernard Palissy, disputed attention with the painters. Patrons liked to handle art as if it were a toy.

After a transitional interval the early part of the seventeenth century offered some unexpected beauty of painting in the dreamy and rhythmic landscapes of Nicholas Poussin and in the compositions of sea-space, woody worlds, golden light and classic fable evoked by Claude Lorrain. On the other hand the realism of the brothers Le Nain and the corrosive comments, engraved or painted, of Jacques Callot introduced into the painting of this period a French irony already very distinct in literature.

But the *grand siècle* belongs to the Sun-king and his stupendous court, for Louis XIV believed that art, as well as the state, was himself. Indeed art became part of the state, petrified by academies, authorized by Colbert with Le Brun as his lieutenant. Toward the end of the reign of Henry IV, architecture, after a chilly Palladian period, had broken for a time into the baroque, but the building of Versailles according to Vitruvian law, on the plans of Le Vau, was the seventeenth century's great architectural achievement. Cold, imposing, enormous, forced like a pyramid on its arid site, its correctness made tolerable by the formal but charming fancy of Le Nôtre, it provided a background for the glories of the king and his court, away from irreverent Paris. The court sculptors of Versailles peopled the palace and gardens with banal groups of mythic import, but the realistic busts and fair figures of Coysevox and Pierre Puget, whose ardent chisel forgot not the *fougue* of Provence, maintained a loftier tradition. Le Brun, "premier peintre du roi," covered the roofs and walls.

The last years of Louis XIV, superfluous and Maintenon-ridden, dragged to an end, and the children of privilege, weary of somber masks, began to enjoy their days before the deluge. In the dissolute period of the Regency and of Louis XV, French art became again a unity and set a pattern for Europe. In the rococo these elegant and insanely haughty aristocrats first rang their frivolous change on formalism by a decoration of carved wood, glass, garlands, dolphins, doves, *rocaille*. About 1750 Jacques Ange Gabriel, desiring a purer effect, adopted *le style Grec*. He made a graceful Petit Trianon and charming "hermitages" fastidiously shaped and sparsely decorated with Pompeian garlands of fruits and flowers. These rested in landscape gardens, for an English love of nature mingled with *le style Grec*. Soufflot built the Panthéon, grandiose and grave, while *petites maisons* and *folies*, dainty cubes guarded by sphinxes, lay hidden in foliage.

The sculptors maintained a clearer vision. Jean Antoine Houdon, in his pure and acute portraits, the poise and grace of his divinities, was a true successor of Jean Goujon. With Quentin de la Tour, who brought to perfection the fragile art of pastel, he kept alive all that was best of the eighteenth century.

The painting of this period, although it betrays the hectic radiance of a dying society, still wears an imperishable bloom. The white soft women of François Boucher, in tapestry colors of rose and blue, dissolve in sensual rapture; nevertheless, as the adroit interpreter of his day, this colorist has his value. A sharp

antidote was provided by Jean Baptiste Chardin, who with complete honesty, simplicity and kindness painted the quiet moments of the petite bourgeoisie. But the moving painters of the *fêtes galantes* are those who, like the later Venetians, invest the masque of pleasure with infinite regret. In the dulcet medium of Antoine Watteau are molten all the suavity, the disquietude, the irony, the languor of the embarkment for Cythera. Honoré Fragonard's world is radiant; in blue green depths of leaves the lovers laugh, knotted with flowers. His frankness is of the Renaissance kind. Among the portraitists Nicholas de la Largillière turned his sitters into ripe flowery goddesses; Hyacinthe Rigaud made grandiloquent shepherds of gentlemen in wigs and silks. Madame Vigée Lebrun pleased the sentimental Marie Antoinette; Jean Baptiste Greuze gave dishonest *leçons de vertu* and proffered pretty adolescents whose tearful sensibility is the rarest aphrodisiac for the rake. But Raphael Mengs made fashionable a raw and colorless antiquity. The tradition of tyrannicide that lived side by side with Caesarism in the Italian Renaissance was finally uppermost. In 1785 David exhibited *Le serment des Horaces*, and a reaction against all the tyrannies began by accepting a rigid convention of art. Republic and art alike proceeded to a new Caesarian triumph.

Spain. The Spanish peninsula hardly knew the Renaissance, in the stricter sense of the word. At first the taking of Granada, the triumph of the Catholic kings, the voyages of Columbus and the wars of the *conquistadores* preoccupied her with matter fit for truly mediaeval cycles of romance. Yet her Cervantes, her Velasquez, seized upon all the intellectual detachments and liberations of the Renaissance when Italy herself was lapsing into bondage.

In architecture she passed from the flamboyance of the Moorish Gothic to that of the baroque, a style on which her mysterious paradox of fire and ice, her mysticism of a St. Theresa doubled with that of a Torquemada, imposed its own sincerity. Her fusion of Moorish, Gothic, Flemish and Oriental elements with Italian motifs resulted in some strangely stirring efflorescences of decoration at places like Miraflores and Burgos; in Spain the baroque served Jesuitism with a somber excitement. Sculpture, often Franco-Flemish in its key, enriched the great iconostases and the tombs with rigid splendid figures that seem stricken in catalepsy by excess of emotion.

Painting at first showed an affinity with the Sienese, and the Lombard smile of Leonardo's followers occasionally allures. But the great painters of Spain arrived late. The Renaissance seeds did not ripen till the seventeenth century. The unearthly passion and strange color of El Greco are unique in their way. Jusepe de Ribera then displayed his violent chiaroscuro, Zurbaran the terrible intensity of his religious painting, Murillo the soft sentiment and theatrical assumptions which mingled curiously with his vivid realism. But the great Velasquez painted what lay before his eyes and altered it into an imaginative vision by the sheer perfection of his craft. The court of the mournful and senseless Philip IV—king, queen, heir, infantas, generals, fools and dwarfs—he presented with a grave attention and a complete understanding, leaving an immortal and startling pageant of inordinate pride, folly and suffering. In the eighteenth century, if Spain but coldly echoed in architecture and sculpture the fashions of France, in painting the excited and mordant work of Francisco de Goya y Lucientes registered the horrors of war and the sinister seductions of Las Mayas with the hallucinated violence of his race and with a startling impressionism of manner.

Germany. The spirit of Renaissance art had not penetrated the amorphous German states before the Reformation was sufficiently organized to discourage its audacities. The German princes were gross and sensual in their manners. The German humanists were jarring in their mood. Only the wealthy burghers of the great towns like Augsburg and Nuremberg had money and inclination for the luxury of art, and they imposed their own tastes on the artists, whose social standing was uncertain. The Emperor Maximilian had Renaissance tastes mingled with his knight errant ideals, but poverty was his constant squire. He had to be content with a "Triumph" in engraving; and the great tomb at Innsbruck was ingloriously unfulfilled. The discouraged artists, however, had the strong individuality, the eccentricity even, bred of long struggle. They did keep touch with Italy, although with Milan and Venice rather than with Florence.

In architecture the Romanesque and the heavier German Gothic persevered for long, although the prosperous mansions and townhouses in rich cities showed the Italianate manner. Some of the castles are illogical but picturesque medleys; the façade of Heidelberg

castle does not lose by its air of romantic ruin. Soon heavy palaces arose in the baroque style, while the eighteenth century saw a slavish imitation of Versailles in Potsdam and Sans Souci.

German sculpture even in the fifteenth and sixteenth centuries counted few great names. Study of the nude was regarded askance. Veit Stoss managed some ardent effects from wood, and Adam Krafft made an exquisite pyramid of stone for the Tabernacle of St. Laurence. But Peter Vischer of Nuremberg was the great German Renaissance sculptor. He wreathed Gothic with Italian ornament on the Shrine of St. Sebald, while his Theodoric and especially his heroic Arthur brought some kingly magnificence to the tomb of Maximilian.

At Nuremberg and Augsburg the new artistic impulse drove chiefly toward naturalism and technical achievement in painting. The burgher tastes of the patrons brought the artists to portraiture and later to landscape. Albrecht Dürer was as near as Germany could come to a Leonardo, but his sincerity in painting is depressed by the coarseness of his types. Contact with Venice fired him, yet the poetry of his imagination had its way best with his engraving on wood and copper. Martin Schongauer was pathetic and tender in the Catholic tradition; Mathias Grünewald's color, drama and audacious lighting foretold the baroque; Albrecht Altdörfer was an original engraver and landscapist. The nudities of Lucas Cranach, quaint ivory dolls, may have seemed daring to German Protestants. That great portraitist, Hans Holbein, began in Augsburg, but he learned elegance from the French masters and amplitude of style from coloring housefronts in Switzerland.

The Low Countries had been for a long time in traffic with Italy, giving and taking, but the serenity and sanity of Flemish art were indigenous qualities. When considering the *Adoration of the Lamb*, completed in the fifteenth century, few would dare to say that the Van Eyck brothers owed their realism, their beauty of feeling, their satisfying texture and their glory of light to any alien country. If the Italian Renaissance touched their followers it was as a kindling power. The tender Roger van der Weyden, Petrus Cristus, Hugo van der Goes, Thierry Bouts and the harmonious Hans Memling, calm master of his accomplished tradition, with his gracious poesy of temper, maintained the quietism of the Flemish mood. But in the supple sweetness of Gerard David there was an exotic note, and Quentin Matsys could paint a *Salome* with Lombard grace. Jan Gossaert of Maubeuge (Mabuse) was only too definitely Italian.

In the seventeenth century the two Low Countries definitely separated, and in the relief of their divorce the genius of each flamed up in the Renaissance manner. Flanders rose into a pagan *joie de vivre* with Peter Paul Rubens, whose immense vitality and joyous animalism refreshed not only Flanders but Europe. Hellenism, that prime factor in the Italian Renaissance, had never clarified the North, but Rubens caught some grandeur from Rome. The inflations of the seventeenth century baroque really expressed a thirst for energy, and he filled its pompous sails with the authentic wind of life. He lived like a Renaissance artist, like a great seigneur, and with the color and lyricism of his portraits, the hurtling tragedy of his religious pictures, the theatrical effectiveness of his court painting, the verve of his genre pictures, found nothing common or unclean. The brilliant little genre pieces of Teniers and the exuberant festivals of Jordaens were in similar moods. Anthony Van Dyck, another princely person of a refinement strange to Rubens, worked out a grave and enchanting convention of his own and found his ideal subjects in the haughty and elegant court of Charles I of England.

The Protestant temper of Holland limited the subject matter of the painters, confining them to portraiture, to genre and landscape easel pictures distinguished by deftness of execution. Frans Hals was a brilliant and temperamental exponent of gallant types, with the qualities and defects of an amateur of genius. But Rembrandt van Rijn was Holland's great justification in the world of art. Italy woke him, humanized him and inspired him to love, as did Leonardo, the contest of light and dark. A canvas like *The Syndics* transfigures his time to eternity; his etchings are the calligraphy of a lively and brooding imagination. The smaller Dutch masters evoked in different ways a surprising beauty from their familiar world. The famous Jan Vermeer, whose figures diffuse silence and silver light, excels them all with his intimate interpretations.

England. The Italian Renaissance, apprehended chiefly by indirect ways, really entered far into the English imagination, which had already drunk deeply of Italy in Chaucer's day. But this exotic influence is chiefly to be discovered in literature, the art dearest to a nation whose climate refuses frescoed logge and oblit-

erates any sculpture of a precious kind. In Elizabethan drama and lyric, in pastoral and masque, in translations of *novelle*, the Italian spirit stole the more subtly because it seemed half forbidden. The Renaissance also worked into the personalities of the "Italianate" young men. A line of brilliant courtiers from the days of Elizabeth to those of Charles II affected the jeweled manners of Italian youth.

Sculpture has never thriven greatly in the uncertain climate of England since the tradition of the mediaeval imagers perished. In the fifteenth century carving in stone suffered from the heavy Flemish transfusion of Italian notions. Torregiano in 1500–12 worked at Tudor tombs, but he as well as other visiting Italians lost his ardor in the alien island. The spirit of Puritanism was against Hellenism and sculpture, and the fair young men of England were not commemorated as were the fair young men of Italy. A period of stagnation was broken only by Nicholas Stone of Exeter, the Gothic meditator who carved the effigy of Donne. There was still vitality in woodwork, a peculiarly English craft, until Grinling Gibbons broke its gentle tradition with his ponderous ropes of naturalistic vegetables. Flaxman and the Wedgwoods, in their plastic mediums, attest the renewed taste for the antique in the latter part of the eighteenth century.

Renaissance gaiety in England impelled the late Gothic in architecture to fan out in such vaulting as that of Henry VII's chapel in Westminster. But the nobles, released from civil wars and enriched from their spoliation of the church, were bent on secular building. Italian masons brought their patterns and their cunning tools to help in the fair new houses built by the wealthy nobles. The Tudor style of mansion, adapting itself to capture air and light, opened out to a pleasant world in plans of H and E. The sunny and familiar parlor developed from the hall. Galleries and wide stairs provided space and majesty. The floors were parqueted, the roofs often wrought in stucco, the walls paneled with wood suggesting linen or field flowers, sometimes white or natural, sometimes picked out in gilt or color. Some great mansions, combining many influences, lay like little towns —Hampton Court, Knole, the vanished royal palace of Nonsuch. The manors settled more steadily into ease and comfort in the Jacobean period. But the Palladian phase of Italian taste found an eager exponent in Inigo Jones, who had followed Pembroke to Italy. The Banqueting Hall in Whitehall, despite the falsity of its façade, has a courtly air and a joyous spring in its pillars. Then the Great Fire provided opportunities for Sir Christopher Wren, who built St. Paul's according to late Renaissance conceptions and threw over it a dome that recalled Michelangelo's. His smaller churches, mundane and gracefully proportioned with friendly steeples, seem in accord with the very reasonable religion allowed by well bred men of the period. The domestic tradition was similar. The Queen Anne house was frankly inviting in its mannerly way. Unobtrusive, built of stone, brick angled, the pedimented doors just touched with fine carving, it expressed only the best people of its period. Sir John Vanbrugh imitated Versailles in Blenheim and Castle Howard. Palladianism became more rigorous during the sway of the useful William Kent, although the little temples in the gardens somewhat broke the monotony. Finally the Adam family, animated by a sincere desire for classic grace, although restrained by a sense of English needs, worked out in the real Renaissance spirit an ideal of dwelling which was English in its comfort yet shapely and decorated with a Hellenic purity of intention.

It was in the eighteenth century that England, while striving after an ideal of common sense in her hitherto romantic literature, first found herself in the art of painting and, very late in the day, brought her fair women and complacent men to the gallery of Renaissance aristocracy. For the eighteenth century was the golden age for the privileged in England as in France. Never before had they felt so secure. Until this time the people of leisure had been painted by foreign artists—Hans Holbein, Van Dyck and Rubens, Swedes and Germans. Now the great English portraitists arrived to flatter the sweetness, the kindness, the fresh beauty of English ladies, the dignity of their lords, all in an enclosed world of leafy parks and dreaming lawns. The antimasque was fiercely rendered by William Hogarth, satirist more than portraitist, whose subtly textured craft wound itself around the misery and vice behind this fair show. But he did not upset the authority of Sir Joshua Reynolds, who in thick brilliant painting evoked such warmly breathing yet poetic apparitions as his *Duchess of Devonshire*, his *Mrs. Siddons*, his *Nellie O'Brien*. Thomas Gainsborough, whose delicate tonalities of paint and of imagination make him a greater painter, George Romney who painted Lady Hamilton, John

Hoppner and the Scottish Henry Raeburn, Sir Thomas Lawrence, facile, seductive in his easy way, continued the aristocratic tradition in portraiture. The caricaturists, Rowlandson and Gillray, commented rudely on their polite era. Others strove dully after heroic painting; still others gave themselves up to the pure genius of landscape. And William Blake, one of those portents irrelevant to time and place, thrown like a brand by a mocking angel, painted his visions of heaven and hell, where folk with pink Flaxman-like faces rise rapturously or fall headlong on the tides of Jehovah's favor. The Romantic Movement was near.

RACHEL ANNAND TAYLOR

See: RENAISSANCE; REFORMATION; HUMANISM; CLASSICISM; RATIONALISM; SALON.

MODERN. Modern art may be said to begin with the end of the eighteenth century. It is the direct and immediate outgrowth of the inter-reaction of several factors: the death of the movement known as the Renaissance, clearing the field for further influences; the advent of democracy potential with individual freedom and eclecticism; the beginnings of man's new quest of knowledge concerning human life and the world, to supplant that mediaeval version which disappeared with the old order; machinery and the industrial revolution, both foster children of scientific investigation; science and modern thought itself, considered apart from their material application.

In art the Renaissance came to an end with the delicately high bred creations of the artists immediately preceding the French Revolution. These works reflect the narrow margin upon which aristocracy had come to operate. The building of Gabriel and the painting of Watteau abound in technical excellence and beauty, and in conception they are still creative. But they lack sincerity and stamina and this lack spells the end of a cycle. The background of society was wearing thin and cynicism threatened the roots of every faith. With the French Revolution society sank into the melting pot. Artists no longer painted voluptuous pastorals for aristocrats; the occasion for them had gone. The new pattern for art was the aesthetic counterpart of that classical idealism to which men now turned for salvation through democracy.

Before the French Revolution the mid-eighteenth century turn for archaeology had brought to light the remains of Palmyra and Baalbek as well as of Spalato in Dalmatia. The brothers Adam visited Spalato, and Piranesi the engraver immortalized their findings. These and other new classical models provided what was needed to lure creative art, already beset and confused by ideas and ideals, toward directly copying ancient forms. As early as 1757 Soufflot, designing the Panthéon, had so come beneath this influence that the building was more Roman than French. This classic revival was the turning point, the instant when the stage was set for modern art. The work of David, who imbued his paintings with the rigidity of Roman bas reliefs, is the outstanding example of the straining toward the purity of Greek outline. Whether retelling the tales of antiquity or painting Mme. Récamier, there was no escape from cold classical formulae. Throughout Europe this vogue obtained, this passion for rationalizing, destroying ancient myths, facing truth with classical clarity. The movement was felt with particular force in the architecture of the republican period in the United States.

Two more phases preceded the dawn of modern conditions while the forces of industrialism and scientific research gathered headway. The first of these was romanticism; the second was realism.

Romanticism swept Europe as the result of two centuries of rationalizing. In society as well as in individuals there must occasionally come a reckoning between intellect and emotion. In art this point came at the outset of the nineteenth century. Napoleon's wars had left delirium in the minds and tragedy in the hearts of all, a logical impasse from which escape came in a way already foreshadowed by Goethe, Rousseau and Beethoven, in a wild tide of pent up emotion. Chateaubriand, Delacroix and Wagner rushed with romantic yearning to release the feelings of Europe. Creative art had been reduced to a state of sterile copying; now the flame of emotion was rekindled although it was still within the borrowed classic or mediaeval mold. Throwing the restraints of David to the winds, Géricault and Delacroix painted pictures which resemble the works of their contemporaries in literature, Hugo and Scott. Later Ingres and Daumier added the weight of their powerful personalities to the movement, the one refining and concentrating expression, the other in his satirical lithographs giving romantic vividness to the play of contemporary life.

In architecture romanticism took the form of another revival, the Gothic. Originating in

England, where as early as 1753 Horace Walpole had built Strawberry Hill, it found favor as the national architecture of England where classical styles had never been thoroughly understood. Ruskin, Pugin and Scott raised it to the level of a crusade and littered England with wretchedly planned and thinly executed Gothic copies. In France Viollet-le-Duc restored the *cité* of Carcassonne, the Château of Pierrefonds and built several churches. France, however, instead of continuing the Gothic sentiment produced Duc, Duban and Labrouste, who made of the late classic revival a new and creative style known as the neo-Grec.

Realism in art was largely due to the newly created interest in landscape painting. This interest was first felt in England and came from the vogue for rusticity inculcated by Rousseau. Constable and Bonington proved how landscape could be painted for its own sake, naturally, and not as a grouping of classical fragments in a glamorous antique setting. It spread into France together with a vogue for rustic gardening. Thus in the mid-nineteenth century, with England painting landscapes and sentimental insipidities and building copies of Gothic architecture, France, having burnt out a fierce reaction from classical severity, turned gradually toward realism through landscape. A society so tremendously altered as that of Europe had now become, under the growing domination of scientific thought and industrial economy, could little longer sustain the dead weight of worn out revivals imposed upon the genius of her creative artists.

With the advent of machinery it was at first quite naturally attempted to reproduce in quantity the type of handcraft which had preceded it. The result was aesthetically disastrous. Craftsmen had to turn from creative work to tending the machine which performed their labor; this divorced the crafts from the fine arts and debased first the skill of the craftsman and, still further, public taste. About 1850 the confluence of factors contributing to the decline of craft reached a climax. Patrons of art seemed blind to its ugliness for they were more interested in the novelty of machinery. The crafts and applied arts and with them architecture labored beneath complete subordination to industrial ends.

A different development occurred in the realm of painting and sculpture. Unencumbered by the problem of finding an outlet through industry, painting moved in the wake of advancing thought and freeing itself for the last time from academic formulae sought more directly the elementary aspects of existence in unadorned realism. Landscape painting increased as men turned their attention to that twilight of natural phenomena which science had begun to illumine. Nature was no longer looked upon sentimentally or heroically, but as the little known and fascinating earth peopled by individuals interesting enough as human beings.

The realistic phase was followed by the first definite imprint of science on art. Physicists had shown the solar ray to be broken into the seven colors of the spectrum when passed through a crystal. Working with this discovery a group headed by Claude Monet and Auguste Renoir, labeling themselves impressionists, embarked upon the painting of atmosphere itself. They forgot the drawing of form in an attempt, called *pointillisme*, to juxtapose small flecks of pure color in such a manner that when observed at a proper distance the colors fuse, as do the primary light rays themselves, into semblance of living atmosphere. Only with new material, new questions to propound, could art increase its scope and emerge beyond a condition of limited repetitions. Democracy, altering society, disturbed the traditional balance while science held the lamp to new discoveries. For science, bursting in upon exhausted realms of mysticism and philosophy, took the dogma from art, substituting the play of sunlight, the rhythms of nature.

The great figure of the nineteenth century in painting is undoubtedly Cézanne. Coming late among the impressionists he profited by their knowledge of color but advanced beyond their narrow formula. Moreover he appreciated the magnificent wholeness of conception of the old masters and grasped the fact that for a century artists had been attempting the solution of single facets only of the problem of painting, one at a time. In projecting his personal experience, his own psychology, into his canvases, he set the pattern for all art since his day and made of painting once more a whole in which color contributed volume and in which the individuality of the artist comes to expression, replacing a content of set and stylized subject. Cézanne was the first artist to confess the dawn of an age of psychology and relativity. His curious personality, his way of subordinating actuality to his own point of view and his distorting and suppressing of externals in order to reveal the deeper, simpler truth are as yet

understood by few. He discovered the turning point and released art in a new direction so that since his time few have dared lift brush to commit the repetition of what had been already too often said. To Cézanne's should be added the names of Gauguin, also a Frenchman, and Vincent Van Gogh, a Dutchman painting in France. The former contributed, in his revolt from society, the exotic forms and colors of the South Seas where he sought exile, while the tragic half mad life of the latter became the subject, indirectly, of his passionately individual canvases.

While France, ignoring the presence of Cézanne in her midst, officially sustained the Academy and its train of waning romanticist tradition, England followed with delight the play of the pre-Raphaelites and their stylized insipidities under the guidance of Ruskin. Romanticism persists to this day in England, where Gothic is as popular as ever. The art of the remainder of Europe during the nineteenth century is marked by the same tendencies exhibited in France.

Sculpture followed the bent of painting. The classical phase is best represented by the remarkable reliefs of Rude on the Arc de Triomphe. During the reign of romanticism Carpeaux, Dalou and Chapu carved majestic and formal groups allegorical in sentiment. The new theme appeared with Rodin, who freed sculpture from its non-essentials, sentiment and over-rendering, substituted a knowledge of form itself and acknowledged the beauty of his elementary material, marble or bronze. Sculpture was thus brought once more into the realm of plastic form and revitalized in an attempt to purify it and to realize its greatest beauty within its natural scope.

It was due to the great expositions and to the idealism of one man that industrial art began its slow and painful advance. At the Exposition of 1851 in England William Morris beheld vast ugliness in the midst of spurring prosperity. He fought thereafter to awaken in industrial centers some aesthetic conscience and by his own example to show how machinery and art might harmoniously combine. But not even Morris went back to the point of asking what is the unique expression of machine technique. The answer to this problem was to come only with the substitution of thought for eclecticism.

Throughout Europe and the United States eclecticism, the practise of selecting and borrowing a style, continued in vogue even after the lapse of the classic and Gothic revivals. With the advent of photography and increased printing facilities information concerning the art of the past had become more available than ever. While conditions of life altered and the invention of iron and steel construction, elevators and electricity began completely to revolutionize the problems of building, architects still continued the practise of borrowing raiment for their buildings. Industrial art too followed this practise of borrowing. The habit of fitting form to function under new conditions had not emerged. The illogicality is evident of adorning a steel frame with classical masonry which instead of supporting itself must be drilled out and hung on supports.

The vogue of eclecticism may in part be traced to the condition of public taste during the spreading of democracy. In abolishing aristocracy society abolished that rich heritage of taste which, built up during centuries of upper class domination, had controlled all save peasant art. Artists in general were then under the patronage, directly or indirectly, of a social body given to leisure, wealth and power. Aristocracy had been the arbiter of both temporal and aesthetic welfare. *À bas les aristocrates*, the cry of the French Revolution, dragged with it both the taste of Europe and the position of the artist in society. Bourgeois ascendancy engulfed traditional taste together with the patron who recognized the merits of good art. It supplied nothing to replace this function. In France the Academy dogmatically persisted in keeping alive the traditional standards of painting but the effort was lacking in vitality and creative force. The effect on the artist was to plunge him from a position of power to one of dependence upon a public in general unable to distinguish between good and bad work. This led to the reputation for eccentricity which the artist even to this day enjoys, by inducing him to retire as an unappreciated individual to a corner where he might work out dreams unmolested by the ridicule of a prosperous middle class. From this impasse the materially successful artist has emerged only by taking the popular fancy. Painters of the obvious, the sentimental and, above all, reproducers of the historically sanctioned past have succeeded best. To the bourgeois eye the best is the safest and the safest is that with a pedigree.

Eventually there emerged from this situation a few men strong enough to stand on their own

feet and attempt to resist the inertia of complacency. William Morris, Cézanne and Rodin represent the leaders of effective revolution. Forced through idealism to stand apart from the rabble, their thought drove art forward. From them sprang directly a new creative progress once more growing and maturing. They gathered up the loose ends of tradition as a developing, not a static, thing and courageously searched their environment for the solution to their problems.

With the dawn of the twentieth century the seed sown by William Morris had begun to ripen into a well defined movement toward the improvement of industrial art and even of architecture. While England still labored with the situation, in France a movement initiated by Siegfried Bing known as L'Art Nouveau challenged the supremacy of academic eclecticism. L'Art Nouveau sought in a return to natural sources a means of rehabilitating design but it neglected the problem of materials and imposed upon larger forms motifs which could be successful only in the smaller field of jewelry and ceramics. Lalique had begun his laboratory researches, seeking new materials and processes to bring the industrial manufacture of glassware and ceramics into the modern world. A more profound note was sounded in Austria, where Otto Wagner led the "secessionists" in a war on borrowed form. Recognizing the inevitability of steel in all its significance, practical as well as aesthetic, he preached the doctrine of fitting form to function and produced the first thoughtful architecture of his age. His lead was followed in Germany, where the founding of the Kunstgewerbeschule resurrected and stimulated art among the people, with the result that even before the war Europe had its first view of the new German industrial art. This art, originating in the small industries, is chiefly responsible for the pattern of what is known as the "modernistic" style today.

The war while it retarded did not check the progress of industrial art. Immediately after the termination of hostilities France emerged with a startling array of new techniques and a well developed style which had left L'Art Nouveau far behind. This work was based chiefly upon the pre-war German patterns from Munich. The idea of the "ensemblier," one man as the designer of everything from the architecture to the upholstery of a house, originated in Paris. This resulted in the development of individual styles widely divergent in appearance but related by sharing a common modern spirit. The great Exposition des Arts Décoratifs of 1925 summed up this field somewhat prematurely. In this exposition decorative invention and new forms ran riot but only on the surface. Deeper down lurked economic and philosophic problems of vast significance. Despite this dazzling new technique, the problems of cost, how steel should be used and what modern life demanded in planning remained untouched. The great industrial expositions have always been commercial rather than artistic in their aim, yet their influence in the field of art has been enormous.

In the United States the World's Fair set the development of architecture back of the eclectic stage by a quarter of a century. With such men as Louis Sullivan already building creatively with steel, America gazed once more upon irresistible Rome and relapsed again into the habit of borrowing. Even in New York the skyscraper, a unique affair but one which stated the problem of steel, continued to be ornamented with columns and cornices. The expression of the beauty of this steel fabric in a purely functional façade was first introduced by Saarinen, the Finn, in his designs for the Chicago Tribune Building. The eyes of Europeans more than those of Americans were turned upon American architectural problems. The question was this: why, when Americans built steamboats, airplanes, bridges and locomotives directly and simply, did they become confused and baffled when it came to pure architecture?

The growing economic factor of quantity production in its relation to architecture has recently been logically met by several European architects of whom the spokesman is Le Corbusier. He represents the goal of absolute purism in architecture. He accepts every facet of the modern program and retains no vestige whatever of the past. His buildings of steel and reenforced concrete vary from anything ever seen before in their functional planning, expression of volume and restraint of decoration. His doctrine is that of *bel outillage* or accepting the machine age and living with it. He is thoroughly scientific and mechanical. His adversaries, the conservative modernists, are content to advance more slowly and see whether or not we want an exclusively machine built age.

In painting since Cézanne we find the field clearly divided. The conservatives, bitterly but steadily losing ground, cling to the Academy, to the canons, and yield only slowly to the

expansion of new ideas. The modernists, fully imbued with the sense of the new world of science, grasp the fact that today life is infinitely extended in time and space. Science has destroyed set form in thought, life and art. The modernist painter is wholly individual, part psychologist, part sociologist and part physicist. All of this has meant revolution in art with many different leaders. The first group to be noticed were the "Fauves," or wild men, led by Matisse. They emphasized flatness and extreme simplification. Seeking to reproduce the essence of things, viewed solely from the painter's unique angle, ignoring literal verisimilitude and photographic perspective, they kept only color and design. The naive Rousseau, "le douanier," painted his queer outlook on life with the vision of a child, with rare skill and sense of pattern.

Pablo Picasso studied the significance of Negro and Polynesian sculpture for plastic form. He may also be said to have invented cubism, the most important movement in modern art. Cubism is abstraction in terms of three-dimensional space. It comes directly from Cézanne. Defined somewhat mystically "cubism is not an art of imitation but an art of conception which strives to elevate itself to creation," or "the art of painting a new ensemble of the elements borrowed not from the reality of vision but from the reality of knowledge." Here is the scientific reintegration of consciousness in art. At this point objectivism ceases and scarcely a trace of literal subject matter remains in a canvas. The isolation of the individual artist's point of view and the subordination to it of all other considerations have reached a climax. To the layman nothing is revealed save a meaningless pattern of colliding lines and planes to which the painter and his initiates retain the key. The vogue for pure cubism has been for this reason somewhat limited. Its direct effect, however, in the matter of elimination and simplification has been felt by nearly every young painter of this day and attention more than ever has focused upon the essential issues of painting. In meeting these issues the shadows used by the impressionists have been supplanted by objects created in planes through the use of color. Derain has produced work of importance and also Raoul Dufy, Vlaminck, Marie Laurencin and Kokoschka.

During the first half of the nineteenth century, painting in the United States came increasingly beneath French influence as young American artists crossed the ocean to study at the École des Beaux Arts. Whistler and Sargent, both Americans, neglected their native land to follow the continental life and passed from Courbet to the impressionist group. Other American impressionists include Mary Cassatt, Childe Hassam, Robert Henri and his pupils, the best known of whom was George Bellows. Today, strongly influenced by cubism, a group of young Americans are attempting to throw aside the continental tradition and paint in their own manner. John Marin, using water color, paints vigorous abstract landscapes; Georgia O'Keeffe abstracts the forms of plants and flowers; Charles Burchfield paints the pathetic grotesqueness of mid-western cities; and Charles Demuth executes landscape and still life. All of these artists confine themselves almost entirely to the small picture, since economic pressure has had its effect on wall space. There are few homes today large enough to hang a big canvas, a factor of great importance in present day development. The names of Max Weber and in particular Eugene Speicher, one of America's greatest living portrait painters, must also be included.

American art is still nebulous. Up to the present the United States has had nothing to say about itself, a condition to be anticipated in so new and strangely compounded a civilization, lacking strong tradition. Today, however, there is an astonishing number of young artists, well trained and infatuated with the ideal of a national art. They are laying the foundations of an articulate expression.

EDWIN AVERY PARK

See: DEMOCRACY; INDUSTRIALISM; SCIENCE; PROLETARIANISM; COMMERCIALISM; PURITANISM; REALISM; ROMANTICISM; MEDIAEVALISM; PRIMITIVISM.

See also: ARCHITECTURE; DANCE; MUSIC; LITERATURE; WRITING; THEATER; MOTION PICTURES; INDUSTRIAL ARTS; DRESS; MACHINES AND TOOLS; SYMBOLISM; TRADITION; CULTURE; CIVILIZATION; STANDARDIZATION; COMMERCIALISM; EXPERT; AMATEUR; ARISTOCRACY; PATRONAGE; SALON; ART COLLECTING; TASTE; CRITICISM; CLASSICISM; ROMANTICISM; REALISM; HUMANISM; RATIONALISM; MEDIAEVALISM; PRIMITIVISM; COSMOPOLITANISM; LOCALISM; DECADENCE; MUSEUMS AND EXHIBITIONS; LEARNED SOCIETIES; EXPOSITIONS, INDUSTRIAL; CIVIC ART; PURITANISM; CENSORSHIP.

Consult: GENERAL: Phillipps, L. M., *Art and Environment* (New York 1911); Lalo, Charles, *L'art et la vie sociale* (Paris 1921); *Art and Civilization*, ed. by F. S. Marvin and A. F. Clutton-Brock (London 1928); Magonigle, H. Van Buren, *The Nature, Practice and History of Art* (New York 1924); Lorquet, Paul, *L'art et l'histoire* (Paris 1922); Triggs, O. L., *The*

Changing Order (Chicago 1905); Allen, M. Cecil, *The Mirror of the Passing World* (New York 1928); Phillipps, L. M., *Form and Colour* (London 1915); Lethaby, W. R., *Form in Civilization* (London 1922); Smith, H. L., *The Economic Laws of Art Production* (London 1924); American Institute of Architects, *The Significance of the Fine Arts* (Boston 1923); Cram, R. A., *The Ministry of Art* (Boston 1914); Cotterill, H. B., *A History of Art*, 2 vols. (London 1922–24); Gardner, Helen, *Art Through the Ages* (New York 1926); Faure, Élie, *Histoire de l'art*, 4 vols. (new ed. Paris 1927), tr. by Walter Pach (New York 1921–24); Spearing, H. G., *The Childhood of Art*, 2 vols. (rev. ed. London 1930); Rathbun, S. H., *A Background to Architecture* (New Haven 1926); Porter, A. K., *Beyond Architecture* (2nd ed. Boston 1928); Post, C. R., *A History of European and American Sculpture*, 2 vols. (Cambridge, Mass. 1921); Short, E. H., *A History of Sculpture* (London 1907).

PRIMITIVE: Boas, Franz, *Primitive Art*, Publication of Instituttet for sammenlignende Kulturforskning, series B, no. 8 (Oslo 1927); Parkyn, E. A., *An Introduction to the Study of Prehistoric Art* (London 1915); Hirn, Yrjö, *The Origins of Art; A Psychological and Sociological Inquiry* (London 1900); Grosse, Ernst, *Die Anfänge der Kunst* (Freiburg 1894), English translation (New York 1897); Haddon, A. C., *Evolution in Art* (new ed. London 1914); MacCurdy, G. G., "The Dawn of Art" in *Art and Archaeology*, vol. iv (1916) 71–90; Burkitt, M. C., *Prehistory* (2nd ed. Cambridge, Eng. 1925) ch. xxii; MacCurdy, G. G., *Human Origins*, 2 vols. (New York 1924) vol. i, p. 207–93, vol. ii, p. 75–102, 213–22; Osborn, H. F., *Men of the Old Stone Age* (3rd ed. New York 1918) p. 315–30, 347–60, 392–434, 496–97; Kühn, Herbert, *Kunst und Kultur der Vorzeit Europas* (Berlin 1929); Sydow, Eckart von, *Die Kunst der Naturvölker und der Vorzeit*, Die Propyläen Kunstgeschichte, vol. i (Berlin 1923); Lowie, R. H., *Primitive Religion* (New York 1924) ch. xii; Bunzel, Ruth L., *The Pueblo Potter, A Study of Creative Imagination in Primitive Art* (New York 1929) p. 49–89; Wissler, Clark, "A Psycho-Physical Element in Primitive Art" in *Anthropological Papers*, Boas Anniversary Volume (New York 1906) p. 189–92; Holmes, W. H., "Origin and Development of Form and Ornament in Ceramic Art" in U. S. Bureau of American Ethnology, *Fourth Annual Report, 1882–83* (Washington 1886) p. 443–65; Cushing, Frank H., "A Study of Pueblo Pottery as Illustrative of Zuñi Culture-Growth" in U. S. Bureau of American Ethnology, *Fourth Annual Report, 1882–83* (Washington 1886) p. 443–521; Wissler, Clark, *The American Indian* (2nd ed. New York 1922) chs. v–vi; Schmidt, Max, *Kunst und Kultur von Peru* (Berlin 1929); Burkitt, M. C., *South Africa's Past in Stone and Paint* (Cambridge, Eng. 1928) chs. vii–ix.

FAR EAST: GENERAL: Fenollosa, E. F., *Epochs of Chinese and Japanese Art*, 2 vols. (London 1912); Binyon, Laurence, *Painting in the Far East* (3rd ed. London 1923), and *The Flight of the Dragon* (London 1911), and "The Art of Asia" in *Atlantic Monthly*, vol. cxvi (1915) 348–59; Kümmel, Otto, *Die Kunst Chinas, Japans und Koreas* (Wildpark-Potsdam 1929); Cohn, William, *Buddha in der Kunst des Ostens* (Leipsic 1925). CHINA: Soulié (de Morant), Georges, *Histoire de l'art chinois* (Paris 1928); Ashton, Leigh, *An Introduction to the Study of Chinese Sculpture* (London 1924); Hackney, Louise W., *Guide-Posts to Chinese Painting* (Boston 1927); Petrucci, Raphaël, *La peinture chinoise* (Brussels 1914), tr. by Frances Scaver as *Chinese Painters* (New York 1920). JAPAN: Okakura, Kakasu, *The Ideals of the East, with Special Reference to the Art of Japan* (London 1903); Anesaki, Masaharu, *Buddhist Art in its Relation to Buddhist Ideals* (Boston 1915); Huish, M. B., *Japan and its Art* (2nd ed. London 1895); Dick, Stewart, *Arts and Crafts of Old Japan* (London 1904); Cram, R. A., *Impressions of Japanese Architecture and the Allied Arts* (New York 1905); Okakura, Yoshisaburo, *The Japanese Spirit* (New York 1905); Okakura Kakuzo, *The Book of Tea* (New York 1906). INDIA: Havell, E. B., *The Ideals of Indian Art* (London 1911), and *Indian Sculpture and Painting* (2nd ed. London 1928); Coomaraswamy, Ananda K., *The Arts and Crafts of India and Ceylon* (London 1913), and *The Indian Craftsman* (London 1909), and *The Dance of Siva* (New York 1918); Mehta, Nānālāl Chamanlāl, *Studies in Indian Painting* (Bombay 1926); Binyon, Laurence, *The Court Painters of the Grand Moguls* (London 1921); Singh, Saint Nihal, "The Revival of Indian Art" in *Nation*, vol. xcviii (1914) 168–69; Cousins, James H., *The Renaissance in India* (Madras 1918).

NEAR EAST: Rostovtzeff, M., *Ocherk istorii drevnavo mira* (Berlin 1924), tr. by J. D. Duff as *A History of the Ancient World*, 2 vols. (Oxford 1926–27); Worringer, Wilhelm, *Ägyptische Kunst* (Munich 1927), tr. by Bernhard Rackham (London 1928); Petrie, W. M. Flinders, *The Arts and Crafts of Ancient Egypt* (2nd ed. London 1910); Maspero, Gaston, *Art in Egypt* (New York 1912).

CLASSICAL: Rostovtzeff, M., *Ocherk istorii drevnavo mira* (Berlin 1924), tr. by J. D. Duff as *A History of the Ancient World*, 2 vols. (Oxford 1926–27); Ridder, A. H. P. de, and Deonna, W., *L'art en Grèce* (Paris 1924), tr. by V. C. C. Collum in History of Civilization series (London 1927); Grenier, Albert, *Le génie romain dans la religion, la pensée et l'art* (Paris 1925), tr. by M. R. Dobie in History of Civilization series (London 1926); Greene, W. C., *The Achievement of Greece* (Cambridge, Mass. 1923); Stephens, Kate, *The Greek Spirit* (New York 1914); Powers, H. H., *The Message of Greek Art* (Boston 1913).

MEDIAEVAL: Huizinga, Johan, *Herfsttij der middeleeuwen* (2nd ed. Haarlem 1921), tr. by F. Hopman as *The Waning of the Middle Ages* (London 1924); Adams, Henry, *Mont-Saint-Michel and Chartres* (Washington 1904); *The Legacy of the Middle Ages*, ed. by C. G. Crump and E. F. Jacob (Oxford 1926) p. 59–146; Taylor, H. O., *The Classical Heritage of the Middle Ages* (3rd ed. New York 1911) ch. x; Coulton, G. G., *Art and the Reformation* (Oxford 1928); Mâle, Émile, *Art et artistes du moyen âge* (Paris 1927); Lacroix, Paul, *Les arts au moyen âge et à l'époque de la renaissance* (6th ed. Paris 1877), tr. by James Dafforne (rev. ed. London 1886); Cram, R. A., *The Substance of Gothic* (2nd ed. Boston 1925); Diehl, Charles, *L'art chrétien primitif et l'art byzantin* (Paris 1928).

RENAISSANCE: Burckhardt, Jakob, *Die Kultur der Renaissance in Italien* (16th ed. Leipsic 1927), tr. by

S. G. C. Middlemore (2nd ed. London 1929); Symonds, J. A., *Renaissance in Italy*, 5 vols. (New York 1881–87) vol. iii, *The Fine Arts;* Hulme, E. M., *The Renaissance, the Protestant Revolution and the Catholic Reformation in Continental Europe* (rev. ed. New York 1915) chs. v, vi, xix, xxx; Müntz, Eugène, *Histoire de l'art pendant la renaissance*, 3 vols. (Paris 1889–95); Lacroix, Paul, *Les arts au moyen âge et à l'époque de la renaissance* (6th ed. Paris 1877), tr. by James Dafforne (rev. ed. London 1886); Dilke, Emilia F. (Mrs. Mark Pattison), *The Renaissance of Art in France*, 2 vols. (London 1879), and *Art in the Modern State* (London 1888); Rowley, George, "The Art of the Renaissance" in *The Civilization of the Renaissance* (Chicago 1929) p. 99–130; Hagen, Oscar, *Art Epochs and Their Leaders* (New York 1927); Taylor, Rachel A., *Leonardo the Florentine* (London 1927).

MODERN: Meier-Graefe, Julius, *Entwickelungsgeschichte der Modernen Kunst*, 3 vols. (Stuttgart 1904), tr. by Florence Simmonds and G. W. Chrystal as *Modern Art*, 2 vols. (London 1908); Park, E. A., *New Backgrounds for a New Age* (New York 1927); Hagen, Oscar, *Art Epochs and Their Leaders* (New York 1927); Wilenski, R. H., *The Modern Movement in Art* (London 1927); Cheney, Sheldon, *A Primer of Modern Art* (New York 1924); Benois, Alexandre, *Russkaya shkola zhivopisi* (St. Petersburg 1904), tr. by Avrahm Yarmolinsky as *The Russian School of Painting* (New York 1916); LaFollette, Suzanne, *Art in America* (New York 1929); Mumford, Lewis, *Sticks and Stones* (New York 1924); Jeanneret-Gris, C. E. (Le Corbusier), *Vers une architecture* (13th ed. Paris 1923), tr. by Frederick Etchells as *Towards a New Architecture* (New York 1927).

ART COLLECTING. Generally speaking, the private collector is a rich and powerful individual, a merchant or a lord who, after time and connoisseurship have established the unique values of works of art, surrounds himself with rare and costly objects. This acquisitive instinct was first manifested on a grand scale by the wholesale transplantation of Grecian art by Roman conquerors and proconsuls, and later on, in a much more shameless fashion, by Napoleon Bonaparte, whose artistic indemnities, extracted from his victims to enrich the Louvre, reached the total of two thousand objects. The earliest and perhaps the most intelligent examples of private collecting, as it relates to organic production, are to be found in Italy during the middle and high Renaissance when the great families, notably the Sforzas, Gonzagas, d'Estes and the Medici, adorned their palaces with pictures and sculptures executed by contemporary artists. Cosimo, the founder of the Medici fortunes, also collected manuscripts, and antique gems and coins; his successor, Lorenzo the Magnificent, organized the first private museum to house his Graeco-Roman treasures. But this collection was more than a tribute to his wealth and aesthetic attainments. It was open, as an academy, to the most promising art students of Florence, to whom Lorenzo granted subventions and princely encouragement. It was in this museum that Michelangelo received his first training in sculpture.

The Renaissance is one of those rare periods in history in which the collector was also a true patron of the arts. The cardinal, the duke, the titled banker may have been autocratic in his dealings with painters, and his interest in art may have been in many cases vainglorious; but his major concern was in the art of his own time. He provided the artist with commissions and paid him well for his services. Furthermore his example was imitated by men of lesser means who absorbed the productions of secondary talents. The aggregate effect of this relationship, in so far as creative activity may be attributed to a satisfactory economic adjustment, was that art was a well organized industry, flourishing with health and vigor in all its departments from the simplest manual crafts to the most complex forms of imaginative genius. The artist was assured of a steady market for his works, and the collector, great or small, was a patron in the sense that he was a dependable consumer of goods which were valued for their intrinsic excellence and not for their scarcity.

Since the Renaissance the divergence between artist and society has constantly increased, and the history of collecting centers for the most part around wealthy families—in Europe, the royal houses, in America, multi-millionaires—whose hoardings and purchases have established a mischievous precedent of false appraisals. In America particularly, art collecting in all its ramifications has developed into a mania. As it concerns the manual arts, such as ceramics, weaving and furniture, the displacement of handicraft by machined wares may in a measure explain the craze for antiquities. Thus Byzantine enamels—little trinkets fashioned in great abundance by slaves in the twelfth century—fetch enormous prices in our auction rooms; and colonial furniture is bought and sold by brokers for sums generally associated with precious stones. In justification of this trafficking in small wares, it may be said that the consumer gains ultimately, when the collections are dispersed. He genuinely desires to improve his domestic surroundings and, unable to find anything in the contemporary market that is rare and durable and of good design,

follows the fashionable pursuit of the antique.

But the trafficking in the plastic arts, above all in painting, however beneficial it may eventually prove to be to American museums, has become almost a national menace. The spiritual value of a Raphael or a Rembrandt cannot be assessed in terms of money, and the fierce rivalry among modern collectors has distracted the public from the fundamental human purpose of art. Within the last ten years the prices of old masters have been pushed to incredible figures. The bad effects of this situation are not, unfortunately, confined to the dealers and collectors. The public is led to believe that all the masterpieces have been painted, that art is a luxury which none but the very wealthy can afford, and that its value is proportionate to its rarity. In addition fantastic collecting of this sort enforces the snobbery of art, and the English portraitists, Reynolds, Gainsborough, Lawrence and Romney, whose sitters happened to be socially distinguished, are more ardently coveted and exploited than painters of far greater accomplishments.

The current tendency to monopolize works of art and to hoard them as priceless commodities has enlarged the sphere of operations of the dealer. It is he more than any one else who is responsible for the fabulous prices of paintings. His policy is to attach a legendary valuation to all pictures and, instead of creating a market for contemporary art as does the publisher with his authors, he holds his pictures for the high prices which he knows he can receive. This practise has an unfortunate effect upon the artist, who has usually no other outlet for his product. Aware that small prices in art are considered by Americans as indications of mediocrity, he derives what solace he may from the belief that eventually his dealer will sell his paintings for high sums to the credulous and wealthy collector.

Another disastrous issue of modern collecting is the international rivalry and bad feeling which it has promoted. The director of the National Gallery, London, has warned the British that the dwindling resources of the empire can no longer safeguard her art treasures against depletion by American wealth and that the only remedy is an embargo on exports. On the other hand American artists, bemoaning the popularity of French painting, the only modern painting that has an appreciable market in America, are seriously agitating a protective tariff on recent art productions and have formed a league with that end in view.

The advantages of private collecting may be briefly stated. The collector is a man of strong prejudices and extravagant fancies which he is prepared to indulge to the limit. When he invades a particular field of art he is not satisfied until he has swept it clean, and his expenditures in certain directions often exceed the appropriations of the largest public museums. As a consequence his collection, in its own special province, will be extraordinarily rich and complete. His rare possessions are often housed magnificently in buildings of excellent design, with perfect lighting, ample space between objects and every facility for the comfort of visitors, although as a rule the private collection is inaccessible and, even when open to the public on the most generous terms, is not very largely attended because of its situation and its cloistered atmosphere. The most valid excuse for the existence of these private collections is that their priceless contents are ultimately bequeathed to public institutions. The Uffizi, in Florence, developed from a nucleus of treasures formed by Lorenzo de' Medici, and in similar circumstances most of the other great European galleries came into existence.

THOMAS CRAVEN

See: PATRONAGE; AMATEUR; AUCTIONS; MUSEUMS AND EXHIBITIONS; COMMERCIALISM; FASHION.

Consult: Holmes, C. J., *Old Masters and Modern Art* (New York 1928); Singleton, Esther, *Old World Masters in New World Collections* (New York 1929); Phillips, Duncan, *A Collection in the Making* (New York 1926); Pach, Walter, *Ananias; or, The False Artist* (New York 1928); Fry, Roger, *Vision and Design* (New York 1924) ch. v, and *Transformations* (New York 1927) chs. ii–iii; Simonson, Lee, *Minor Prophecies* (New York 1927) ch. ii.

ARTEL. The word originated from the Turkish *orta*, which means "association" or "community." Russian equivalents for artel are *druzhina*, *vataga* and *skladshchina*, which mean "comradeship," "brotherhood," "association," "cooperation" and "gang." The Russian artel of the past was a natural outgrowth of the kinship organization of society and a supplement to it. When a separate family unit was inadequate for the achievement of certain economic tasks such as hunting, fishing, clearing and cultivation of land, a number of related families used to join together under the leadership of their patriarch to perform these tasks by collective effort. Originally such artels were composed of persons related to one another and of the members of the same village community. Later the role of

kinship faded somewhat, and artel began to signify a free union of an indefinite number of persons, usually male peasants and laborers, who joined together on an equal basis for the performance of certain types of work.

Specific characteristics of the artel were: equal standing of members; an elected leader (*starosta*) who represented the artel to the outside world and who performed the organizational and managerial functions; collective responsibility; and solidarity of relationship between members. Each member was entitled to equal standing and remuneration, to a voice in the election of the leader and to participation in the assembly of the artel—its supreme authority. Since the artel was a free union of private proprietors for the collective achievement of a definite economic purpose it was neither a communist nor a socialist institution, as has occasionally been asserted by exponents of populist socialism in Russia.

The artel appeared early in Russian history. Documents of the fourteenth century mention the artels of fishermen, hunters, agricultural laborers, brigands, boatmen, salt producers and the like. Simultaneously or very nearly so, artels of peasants for mutual help and for collective renting and cultivation of land; artels of masons, carpenters, singers, musicians; artels for the home manufacture of various products, for collective buying and selling, came into existence.

At present artel generally means a cooperative organization. Under the capitalist system the old form of artel changed and it has been transformed into a modern cooperative union. According to the nature of the cooperative organization artels are usually classified as producers' artels (including both producers at home and migratory laborers), consumers' artels, credit artels and insurance artels. In some of these artels, especially in those of the migratory agricultural laborers, porters and longshoremen, the old elements of mutual solidarity, collective responsibility, discipline and good conduct were still alive before the revolution.

After the inauguration of the New Economic Policy the formation of artels in handicrafts and agriculture was encouraged by the Soviet government as the first step in the direction of socialization of small scale production. Subject to certain limitations as to membership, personal participation in work and use of hired labor, any association of producers for the purpose of joint ownership of machines or tools, joint contracting for work, joint purchase of raw material or sale of output was recognized as an artel and treated as a cooperative organization. This policy led to an increase in the number of artels, of which two thirds were in agriculture. This increase and the change in the character of the artel from a free organization typified by a gang of migratory laborers working and living together to a semi-compulsory organization designed to serve narrowly defined ends are fairly indicative of the present day situation. It is doubtful whether the new artel preserves the genuine spirit of the old.

P. A. SOROKIN

See: MIR; MIGRATORY LABOR; PRODUCERS' COOPERATION.

Consult: Kalachov, N. V., *Arteli v drevney i nineshney Rossii* (Artels in ancient and modern Russia) (St. Petersburg 1864); Isayev, A. A., *Arteli v Rossii* (Artels in Russia), published as volumes xxvi and xxvii of *Vremennik Demidovskavo Yuridicheskavo Litseya* (Publications of the Demidov Lyceum of Law) (Yaroslavl 1881); Staehr, G., *Über Ursprung, Geschichte, Wesen und Bedeutung des russischen Artels* (Dorpat 1890); Apostol, P., *Das Artjel* (Stuttgart 1898); Koniukov, I. A., *Kollektivnoe zemledelie* (Collective farming) (2nd ed. Moscow 1925); Bukhov, M., and Lipets, A., *Trudovie arteli* (Labor artels) (Moscow 1925).

ARTHUR, PETER M. (1831–1903), American labor leader and head of the Brotherhood of Locomotive Engineers from 1874 until his death. He was elected to office at the same time that the brotherhood changed from a non-striking, purely "uplift" and mutual benefit organization into a trade union with an aggressive collective bargaining policy. In the period of depression following 1873 the brotherhood conducted with a varying degree of success a number of strikes against wage reductions. For a time the opposition of the railroads and the loss of two important strikes in 1877 threatened the existence of the organization. However, under Arthur's leadership it survived and, with the improvement of economic conditions after 1880, secured favorable written agreements from practically all the railroads of the country. Like other labor leaders of the business type Arthur believed in a unity of interests between capital and labor, considered the strike a useful instrument to be employed only as a last resort, foreswore violence and relied heavily on collective bargaining and the faithful observance of written agreements. He differed from them in advocating arbitration of disputes, perhaps because of the public nature of the railroad industry. He kept the brotherhood aloof from

all other labor organizations. His conservatism won for him in later years the confidence of many railroad officials. He was very popular with the rank and file of the membership although at times, especially toward the end of his life, there was strong opposition to his conservative policies.

JACOB PERLMAN

Consult: *Brotherhood of Locomotive Engineers Journal*, vol. xxxvii (1903) 568–72; *Literary Digest*, vol. xxvii (1903) 127–28; Lindsay, S. M., "Report on Railway Labor in the United States" in United States Industrial Commission, *Report*, vol. xvii (1901) 821–25.

ARTICLES OF CONFEDERATION. The importance of union to the minds of members of the Second Continental Congress in 1776 is indicated by the appointment of two committees on the same day: one to draft a declaration of independence and the other "to prepare and digest the form of a confederation." Immediately after the Declaration of Independence was adopted the second committee made its report in the form of Articles of Confederation. The form that the report took, and much of its content, can be traced back directly to the Articles of the New England Confederation of 1643, through the plan that Benjamin Franklin submitted to Congress in 1775, with modifications to be attributed to the Plan of Union recommended by the Albany Congress of 1754, for which plan also Franklin was largely responsible.

The report was debated at intervals for over a year and, with some changes, was finally agreed to November 15, 1777. It was then submitted to the states for approval, but ratification was not obtained until March, 1781, when the revolution was drawing to its close. The delay was caused by the question of the ownership of the land beyond the Allegheny Mountains. Some of the states, by right of their colonial charter grants, laid claim to large parts of the western region. The non-claimant states demanded in self-protection that the western lands should belong to the nation. It was not until New York in 1780 and Virginia in 1781 offered to cede to the United States their claims to the western lands that ratification of the articles could be completed. In the meantime the very necessities of the situation had forced Congress to proceed as if the Articles of Confederation were already adopted.

The provenance of the Articles of Confederation is essential to the understanding of that instrument, because some important provisions date back to an entirely different condition of colonial affairs, and others are to be attributed to the Americans' state of mind at the outbreak of the war when the people were willing to act in the common interest without compulsion.

The Articles of Confederation for "The United States of America" first declared that "Each State retains its sovereignty, freedom and independence, and every Power . . . which is not . . . expressly delegated to the United States." The purpose is then set forth to "enter into a firm league of friendship," and careful provision is made for the utmost freedom of intercourse between the citizens of the several states.

The organization of a government provided simply for a Congress in which each state had one vote, and the delegates were appointed, paid and subject to recall by their respective states. Before proceeding to enumerate the powers of Congress, a long article was inserted placing restrictions upon the states in interstate and international relations. Extensive powers were vested in Congress, but none of these powers could be exercised unless nine states voted in the affirmative, and even then there was nothing to compel the individual states to comply, beyond the mere declaration that "every State shall abide by the determinations of the United States in Congress assembled." Provision was made for admitting Canada whenever it acceded to the confederation, "but no other colony shall be admitted . . . unless . . . agreed to by nine States." Finally, changes in the Articles of Confederation required confirmation by the legislature of every state.

Congress could declare war, but it could not compel the states to send the quotas of troops necessary to carry on war; it could determine the necessary expenses, but could not oblige any state to meet its share of the obligation; it could borrow money, but could not repay it; it could decide disputes, but could not force the parties to accept the decision; it could make treaties, but could not make the states observe them. An illuminating commentary upon the type of political organization that was set up may be found in an editorial of the London *Spectator* of October 26, 1918, that presented a plan for a league of nations avowedly based upon the American Articles of Confederation.

The ineffectiveness of the confederation was evident when the ending of the war revealed that the selfishness of the individual states was

stronger than the bonds of union. The somewhat factitious prosperity that came with peace was only short lived, and was succeeded by a commercial and business depression that was severe enough to be sometimes referred to as the "panic of 1785." Widespread discontent developed into riot and even into insurrection, as in the case of Shays' Rebellion in Massachusetts in 1786. The culmination of hopelessness was reached when the treasury was becoming bankrupt because Congress had no power to levy taxes. The only remedy seemed to lie in amending the Articles of Confederation, but here again the selfish interests of the several states interfered. More than one amendment was proposed and failed because the approval of all the states could not be obtained.

The confederation was lacking in effectiveness. So much may be conceded, but a government that had been of service in holding the states together during the struggle for independence is entitled, as John Marshall said, "to the respectful recollection of the American people," and a government that could produce the Land Ordinance of 1785 and could frame Jefferson's Ordinance of 1784 or its more famous successor, the Ordinance of 1787, for the government of the territories of the United States, is entitled to universal respect.

MAX FARRAND

See: FEDERATION; CONSTITUTIONS; CONSTITUTIONAL CONVENTIONS; DECLARATION OF INDEPENDENCE; STATES' RIGHTS.

Consult: United States Continental Congress, *Journals, 1774–1789*, ed. by W. C. Ford and G. Hunt, 25 vols. (Washington 1905–22) vols. ii–xxi; Fiske, John, *The Critical Period of American History* (Boston 1916); McLaughlin, A. C., *The Confederation and the Constitution* (New York 1905); Farrand, Max, *The Fathers of the Constitution* (New Haven 1921); Mathews, L. K., "Benjamin Franklin's Plans for a Colonial Union, 1750–1775" in *American Political Science Review*, vol. viii (1914) 393–412.

ARTIFICERS, STATUTES OF. *See* LABORERS, STATUTES OF.

ARTIGAS, JOSÉ GERVASIO (*c.* 1764–1850), the national hero of Uruguay. He was descended from a well known family of Montevideo and passed his early life on a hacienda. After May, 1810, when an uprising against Spanish rule occurred at Buenos Aires, Artigas relinquished his office in the Spanish military service because of ill treatment by a superior officer and became the leader of a secessionist band. In April, 1813, when a constituent assembly of the revolting Spanish colonies was held at Buenos Aires, he instructed delegates from the left bank of the Uruguay River to propose that the provinces of La Plata should adopt a declaration of independence from Spain and establish a federation. Each province of the former viceroyalty was to be allowed to organize its own local government and a national government was to be established to carry on federal business. The federal government was to insure to each province a republican form of government. These instructions, which were obviously influenced by the Articles of Confederation and the Constitution of the United States, have become famous in South American history.

After the constituent assembly refused to admit his delegates Artigas became in 1814 the champion of a movement for the independence of the disputed land of Uruguay, then claimed by Spain, Brazil and Argentina. He succeeded in capturing Montevideo in 1815, but was defeated by Brazil in 1817. After another defeat in 1820 by one of his own lieutenants, Ramírez, he was exiled in Paraguay. Although his historic role is still a topic for debate between Uruguayans and Argentineans there is no doubt that he spread a knowledge of federal ideas in the basin of La Plata and struck the first great blow for the independence of Uruguay.

WILLIAM SPENCE ROBERTSON

Consult: Acevedo, Eduardo, *José Artigas, jefe de los orientales y protector de los pueblos libres*, 3 vols. (Montevideo 1909–10); Cavia, P. F., *El protector nominal de los pueblos libres* (Buenos Aires 1818).

ARTS AND CRAFTS MOVEMENT. *See* INDUSTRIAL ARTS.

ARWIDSSON, ADOLF IVAR (1791–1858), poet, journalist, historian and one of the founders of the Finnish nationalist movement. He studied at the University of Åbo, where he was appointed docent in history in 1810. Convinced that the political autonomy granted to Finland after the Russian annexation in 1809 would be ineffective in preventing the absorption of the country by Russia, he sought to quicken the national consciousness of his people and thus arouse them to a realization of the danger of Russification. In 1821 he founded the *Åbo Morgonblad*, the first political newspaper in the country, and filled its pages with nationalist argument and severe criticism of those in power. As a result the paper was soon suppressed and Arwidsson himself expelled from the university.

Because of the hostility of the authorities he was unable to obtain another position and emigrated to Sweden in 1823. There Arwidsson became connected with the Royal Library in Stockholm, of which he was appointed librarian in 1843. He was keenly interested in the past of his native land and in the history of his adopted country and published several works dealing with Finnish and Swedish history.

JOHN H. WUORINEN

Important works: *Lärobok i Finlands historia och geografi* (Textbook of Finland's history and geography) (Stockholm 1832); *Handlingar till upplysning af Finlands häfder* (Documents on the past history of Finland), 9 vols. (Stockholm 1846–57), an important source collection; *Svenska fornsånger* (Old Swedish songs), 3 vols. (Stockholm 1834–42).

Consult: Danielson-Kalmari, J. R., *Tien varrelta kansalliseen ja valtiolliseen itrenäisyyteen* (Along the road to national and political independence) (Helsingfors 1928) p. 152–289; Estlander, C. G., "Arwidsson som publicist i Åbo" (Arwidsson as a publicist in Åbo) in Svenska Literatursällskapet i Finland, *Skrifter*, vol. xxviii (1894) 90–180.

ARYANS. This term is used in two distinct senses. It is correctly applied to the Sanskrit speaking people who invaded India and to the ancient Persians, inhabitants of Airyana or Iran, both of whom called themselves Aryas. Its second use is as a substitute for "Indo-European" or "Indo-German" to designate a family of languages or even of races or peoples.

This second use of the term has played an important role in philological, anthropological and historical discussion since the middle of the nineteenth century. By that time the studies of philologists and grammarians had made clear numerous similarities among what are now called the Indo-European or Aryan tongues. Certain similarities between Sanskrit and the classical and modern European languages were first pointed out by Sir William Jones in 1786. The later work of Friedrich Schlegel, James C. Prichard, Adolphe Pictet, Franz Bopp and others showed that the Sanskrit, Greek, Latin, Celtic, Germanic and Slavonic languages all belonged to the same family. These discoveries set going a vast amount of speculation as to the origins, history and interrelations of the early and modern Aryan speaking peoples. It seemed obvious that all the related languages must have been derived from a common source. Accordingly it seemed logical to conclude that there must have been a race or people which spoke the original parent language. Moreover it followed that this supposititious Aryan race was especially gifted with culture producing capacities and had, indeed, been the creator of all the great civilizations both ancient and modern.

There began active speculation as to the location of the cradleland and the racial characteristics of the original Aryans. As early as 1840 A. F. Pott had placed the homeland of the original Aryans on the slopes of the Hindu Kush mountains. Pictet pictured (1859–63) Bactria as the primitive but idyllic homeland. He had many imitators on the continent, and with Friedrich Max Müller, who also accepted an Asiatic origin, set the dominant pattern of thought for a quarter of a century. The latter, in his famous *Lectures on the Science of Language* (2 vols., London 1861–63), declared that the common ancestors of the Hindus, Persians, Greeks, Romans, Slavs, Celts and Germans once lived together in central Asia "within the same enclosure, nay, under the same roof," and spoke a language containing the germs of all the great tongues.

The probability of a European origin was suggested by Bulwer Lytton (1842), and arguments therefor were developed by J. J. d'Omalius d'Halloy (1848), R. G. Latham (1851 and 1854) and A. Schleicher (1853 and 1861). It was pointed out that inflected languages are more widespread and more highly developed in Europe than in Asia, that the Asiatic origin of Europeans is probably mythical, and that all the Celtic speaking peoples seem to have descended from autochthonous Europeans. Thereafter the cradleland was placed in various parts of Europe—north of the Black Sea, in the plains of Hungary, south of the Baltic, north of the Baltic, or in southern or central Russia. The American anthropologist D. G. Brinton (1890) argued in favor of a north African origin, a view supported by the eminent English ethnologist A. H. Keane (1896). Thus the round of possible habitats was complete. Similar speculations have been revived since the war, usually in favor of one or other European locality, in the work of G. Kossinna, *Die Indo-Germanen* (Leipsic 1921); Peter Giles, "The Aryans" in *Cambridge History of India* (vol. i, Cambridge, Eng. 1922, p. 65–76); H. H. Bender, *The Home of the Indo-Europeans* (Princeton 1922); Harold Peake, *The Bronze Age and the Celtic World* (London 1922); and V. Gordon Childe, *The Aryans: A Story of Indo-European Origins* (London 1926).

Controversy over the physical traits of the idealized, culture producing Aryans was equally riotous and inclusive. The original Aryans were

described in books now as long heads and now as round heads, as blond and brunet, as tall and as medium in stature. The most influential work of this sort was the now famous *Essai sur l'inégalité des races humaines* (2 vols., 2nd ed. Paris 1884; bk. i tr. by Adrian Collins, London 1915) by Count Arthur de Gobineau. In this he pictured the Aryans as blond long heads of heroic stature, and declared the Teuton to be the purest modern and historical descendant. While this work was wholly neglected at the time, it was later taken up by Richard Wagner and his circle. Various writers had made Germany the original Aryan homeland, and others, notably Theodor Pösche (1878) and Karl Penka (1883 and 1886), had made the original Aryans tall and blond. The Gobineau Vereinigung, formed in 1894, became a chief agent of propaganda; H. S. Chamberlain lent fresh credence to the rising racialist faith by his *Grundlagen des neunzehnten Jahrhunderts* (3 vols., Munich 1901), while numerous others, especially Otto Ammon and Ludwig Woltmann in Germany and G. Vacher de Lapouge in France, gave what they called a "scientific" basis to the belief in blond racial supremacy. There was thus aroused in Germany before the war an ill founded race idolatry which intensified antisemitism, strengthened an aggressive, expansionist spirit and sanctified the desire to dominate.

The sequel of nineteenth century Aryanism in Germany was, however, paralleled by similar phenomena in other countries. French scholars fortunately were divided among themselves. While some of them identified the so-called Celts with the tall long headed blond and thus lent credence to doctrines becoming popular in Germany, it was more in harmony with patriotic requirements to identify the mythical Aryan with the medium statured, round headed, brunet Alpines. Anglo-Saxonism in England and America and Nordicism in post-war Germany and America represent transmutations of Gobineau's brand of Aryanism.

Nevertheless skepticism in scholarly circles grew rapidly after 1880. The obvious impossibility of actually locating the Aryan cradleland; the increasing complexity of the problem with every addition to our knowledge of prehistoric cultures; the even more remote possibility of ever learning anything conclusive regarding the traits of the mythical "original Aryans"; the increasing realization that all the historical peoples were much mixed in blood and that the role of a particular race in a great mélange of races, though easy to exaggerate, is impossible to determine; the ridiculous and humiliating spectacle of eminent scholars subordinating their interest in truth to the inflation of racial and national pride—all these and many other reasons led scholars of the first rank even before 1890 to declare either that the Aryan doctrine was a figment of the professorial imagination or that it was incapable of clarification because the crucial evidence was lost, apparently forever.

FRANK H. HANKINS

See: RACE; RACE PREJUDICE; ANTISEMITISM.

Consult: For modern forms of Aryanism the works mentioned above; for history and criticism, Taylor, Isaac, *The Origin of the Aryans* (London 1902); Reinach, Salomon, *L'origine des Aryens* (Paris 1892); Simar, Theophile, "Étude critique sur la formation de la doctrine des races au XVIII^e siècle et son expansion au XIX^e siècle" in Académie Royale des Sciences, des Lettres, et des Beaux-Arts de Belgique, *Mémoires*, Classe des Lettres, 2nd ser., vol. xvi (1922) no. 4; Hankins, F. H., *The Racial Basis of Civilization* (New York 1926).

ARZRUNI, GREGOR (1845–92), Armenian publicist. He finished school at Tiflis and visited the universities of Moscow, St. Petersburg, Zurich, Geneva and Heidelberg, where he studied political economy and natural sciences and became an enthusiastic admirer of German culture. His first knowledge of his native language was acquired in Vienna and Venice during visits to the Mkhetarist congregations (founded by Mkhetar in the eighteenth century for the purpose of reviving the ancient Armenian language and literature). In 1865 he began his literary and journalistic career, writing chiefly for two Armenian periodicals. His opinions being highly progressive, his opponents accused him of exaggerated cosmopolitanism and of not sufficiently appreciating the historical traditions of the Armenian people. He was in favor of popular lectures, coeducation for boys and girls (mixed schools then being a great novelty in the Near East) and feminine emancipation. In 1872 he founded in Tiflis a progressive daily paper, called the *Mshak* (The worker), which became the chief Armenian paper until the Bolshevik upheaval. *Mshak* advocated general education, popular theaters, the amelioration of the material conditions of the peasants, the reform of the church and the cultural union of Russian and Turkish Armenians. Arzruni may be considered the true creator of the Armenian press.

V. TOTOMIANZ

ASCETICISM is derived from the Greek ἄσκησις, "training." The ascetic is one who "goes into training" in order to become a moral or religious athlete. In this general sense all forms of moral and religious discipline may be called ascetic. In the narrower sense asceticism means the attempt to annihilate bodily desire through severe austerities because of a belief either that life in the body is in itself an evil or that the body is an impediment to the realization of the highest life. The ambition for spiritual perfection remains in any event the defining characteristic of asceticism and distinguishes it from things having only a superficial resemblance. For example, "the sacred" is "not lightly to be approached" and is therefore the source of various peculiar prohibitions, but these do not involve the idea of spiritual discipline and are therefore better classed with tabu than with asceticism. Again, religious insight may reveal a good which eclipses the value of all natural goods. Abstinence from sensual pleasures then becomes a by-product rather than a condition of mystical attainment, and connotes superiority to the world rather than hatred of it. Socrates and Jesus may be taken as representatives of this attitude.

The ideals of asceticism, however, have often been corrupted. It has been used, especially in India, as a means of gaining magical powers. Competitive ambition and spiritual pride have also cheapened the concept. Like other athletes the ascetic, in his endurance of self-imposed tortures or privations, has been tempted to aim at "breaking the record." The idea of discipline is forgotten, and he wears his achievements as though they were medals. Again, the extinction of bodily desire sometimes ceases to be regarded as a means to the soul's development and is taken to be an end in itself.

The general judgment upon asceticism in the western world today is unfavorable, if not actually hostile. There are several probable reasons for this attitude. Asceticism is dualistic and otherworldly, whereas we tend to look upon the body as the organ of, not an impediment to, spiritual life. Preoccupation with problems of personal holiness drains off the energy and enthusiasm that the modern man is inclined to feel should go into the tasks of social life. Since a complete renunciation of the world is manifestly impossible for all, asceticism involves a double standard of holiness and thus offends against prevalent ideals. Moreover the method of asceticism is self-defeating, for to attack temptation consciously is not to put it out of mind but to keep it in mind; he who has an enemy is not yet free. Psychologists are inclined to see in asceticism, on the one hand, a pathological pursuit of pain for its own sake, and, on the other hand, a fruitful source, under modern conditions, of inhibitions, phobias and anxiety neuroses.

These strictures, however well founded, do not justify a radical condemnation. They ignore the appeal of asceticism to normal elements in human nature. Asceticism is in part only an exaggerated form of that love of purity which is shocked or offended by contact with the sensual, that fastidiousness which is an essential ingredient in moral judgment. Moreover any enthusiastic devotion needs to feel and test its power by overcoming opposition; passion generates a hunger for suffering. There is, besides, a permanent attraction in that ideal which lies behind asceticism—inner freedom, self-sufficiency and independence of things and instrumentalities. In general we may say that while asceticism in the broad sense of training has the value which self-discipline everywhere possesses, it is in its restricted meaning significant for two reasons. First, in periods of self-indulgence and soft living it is a demonstration that man is not enslaved to the external and transient. Its heroic austerities are at once a proof of the soul's powers and a challenge to them. Second, there is a sense in which it is true that a life of ease is a fool's paradise, while pain introduces one to reality. Deliberately to expose oneself to the worst that the world has to offer in the way of suffering is to plumb the depths of reality. The ascetic is one who "voluntarily takes the great initiation" (William James). From this point of view asceticism is a profoundly interesting form of "ontological ambition."

CHARLES A. BENNETT

See: MYSTICISM; RELIGION; CHRISTIANITY; BUDDHISM; CELIBACY; RELIGIOUS ORDERS; MONASTICISM; PRIESTHOOD; PURITANISM.

Consult: James, William, *The Varieties of Religious Experience* (New York 1902); Ellis, Havelock, *Sex in Relation to Society*, Studies in the Psychology of Sex, vol. vi (Philadelphia 1927) p. 143–77; Montmorand, B. de, "Ascétisme et mysticisme" in *Revue philosophique*, vol. lvii (1904) 242–62; Adam, James, *The Religious Teachers of Greece* (Edinburgh 1908); Lecky, W. E. H., *History of European Morals*, 2 vols. (3rd ed. New York 1879) vol. ii, p. 101–60; Suso, Henry, *The Life of the Blessed Henry Suso*, tr. from the German by T. F. Knox (London 1913); Zöckler, O., *Askese und Mönchtum* (Frankfort 1897); Hardman, Oscar, *The Ideals of Asceticism* (London 1924).

ASCHAM, ROGER (1515–68), English humanistic educator. His literary gift prompted his guardian to send him to Cambridge where he identified himself with the spirit of the early Renaissance. His scholarship, appealing style and Protestant attitude made him a much sought lecturer on Greek authors. He became preceptor to Elizabeth and later Latin secretary to the crown. With Colet and Lilly he gave to Greek an assured place in the curricula for three centuries.

The Scholemaster (1570, Westminster 1903), a posthumous publication, is the first English treatise on education and establishes Ascham as a representative Renaissance scholar. Like the other humanists he saw in education the social instrument for developing virtue and enhancing cultural attainment through literary study. Like them he failed to analyze his basic terms, virtue and culture, and sacrificed the aesthetic and social values for the purely linguistic aspects of literature. Education was never directed participation in life. *The Scholemaster* deals with classroom procedure, not with educational principles. Grammar and language forms are enthroned; social studies and science are secondary. Ascham urges, "Teach cheerfully and plainly the cause and the matter," and thus bases retention on rational rather than mechanical association. To combat the brutality of prevailing discipline he pleads for judicious praise "to sharpen a good wit and encourage a will to learn." While he opposes corporal punishment as a means of stimulating learning he regards it as both a corrective and an incentive in proper conduct. Ascham's influence on educational practise remained insignificant, for his highly formal curriculum failed to identify education with intelligent living.

PAUL KLAPPER

Consult: Monroe, Paul, *Textbook in the History of Education* (New York 1905) p. 382–85.

ASCHEHOUG, TORKEL HALVORSEN (1822–1909), Norwegian political scientist and economist. He studied law in the University of Christiania (Oslo), where he was appointed lecturer in 1852 and professor *juris* ten years later. His investigations in public law bore fruit in subsequent works, among them *Das Staatsrecht der vereinigten Königreiche Schweden und Norwegen* (Freiburg 1886) and *Norges offentlige ret* (4 vols., Christiania 1866–85), the second part of which was republished as *Norges nuvärende statsforfatning* (3 vols., Christiania 1891–93). From 1869 to 1882 he was a member of the Storting and as conservative leader worked toward closer union with Sweden. When in 1886 he began to lecture solely on economics and statistics his characteristic energy manifested itself. He conducted an extensive inquiry into the whole field of economics. He wrote on various subjects—on Norwegian population and agriculture in the seventeenth and eighteenth centuries, on the history of corn prices and the history of value and price theory. At the age of eighty Aschehoug began publishing a systematic handbook on economics, *Socialökonomik* (3 vols., Christiania 1903–08). This work, the result of many years' labor, is standard in Scandinavian literature; the logic of its systematic construction is sometimes impaired by Aschehoug's honest attempt to do justice to all shades of opinion. Conscious of its defects Aschehoug began to revise it shortly before his death. The revised edition was later published by Thorvald Aarum.

HARALD WESTERGAARD

ASHBURTON, ALEXANDER BARING, FIRST BARON (1774–1848), British financier and statesman. He succeeded his father, Sir Francis Baring, in 1810 as head of the great financial house of Baring Brothers, whose service he had entered in early youth. His marriage to the daughter of Senator William Bingham of Philadelphia twelve years before had brought him important American connections and investments. His firm, which served for years as the financial agent of the United States government abroad, arranged for the transfer of the purchase price of Louisiana to France. By speeches in Parliament and by his pamphlet, *An Inquiry into the Causes and Consequences of the Orders in Council* (London 1808), he sought to restrain British violations of American neutral rights. Later he played a helpful role in connection with the negotiations which preceded the peace treaty of Ghent.

The commercialization of a large part of the French reparations burden, which speeded the evacuation of France by allied troops after the Congress of Vienna, was Ashburton's most important achievement. He was an important factor in the migration of British capital to North and South America. When an epidemic of repudiation swept several American states after the panic of 1837, the Barings obtained the legal advice of Daniel Webster. Not long after, Alexander Baring, who had been created Baron Ashburton in 1835 after serving as president of the Board of Trade in Peel's first admin-

istration (1834–35), negotiated with Webster the celebrated treaty of August 9, 1842. This treaty settled many troublesome issues between the United States and Great Britain, particularly the Northeastern Boundary dispute. He opposed the Bank Charter Bill of 1844 in the House of Lords and in *The Financial and Commercial Crisis Considered* (London 1847).

JAMES P. BAXTER, 3RD

Consult: Adams, E. D., "Lord Ashburton and the Treaty of Washington" in *American Historical Review*, vol. xvii (1912) 764–82.

ASHLEY COOPER, ANTHONY. *See* SHAFTESBURY, THIRD EARL OF.

ASHLEY, WILLIAM JAMES (1860–1927), English economic historian, economist, educator and public servant. As a student at Balliol College, Oxford, Ashley came under the inspiring influence of Stubbs, Maine and Arnold Toynbee. He developed an interest in economic history which was fostered by travels in Germany and by wide reading in the literature of the German historical school. Following his graduation he continued to reside at Oxford, first as coach and after 1885 as fellow of Lincoln College. He left England to become professor of political economy at Toronto (1888), and in 1892 came to Harvard to occupy the first chair of economic history established in any country. Nine years later he returned to England as professor of commerce at the University of Birmingham, where he remained until retirement in 1925. During this period Ashley's attention was diverted from economic history. He organized the first university school of commerce in England, became the leading academic exponent of Chamberlain's tariff policy and served on various public commissions. During and after the World War he devoted an increasing amount of his attention to these commissions.

Ashley did more than any one of his contemporaries to put English scholars in touch with continental literature and with continental problems. He recognized the need for mastering the work of the German historical schools although advocating the rejection of certain of their dogmatic conclusions. He did not stand alone in urging economists to abandon heated discussions of method, but no one stated more aptly nor developed more notably the constructive concept of economic history as a border line discipline embracing problems both of historical criticism and of theoretical analysis ("On the Study of Economic History" in *Quarterly Journal of Economics*, vol. vii, 1892–93, 115–36). Because of the high qualities of judgment displayed in Ashley's concrete historical studies even his earliest work is still significant, despite the subsequent research of many students with leisure and facilities for archive work which he never enjoyed.

ABBOTT PAYSON USHER

Important works: *James and Philip van Artevelde* (London 1883); *The Early History of the English Woollen Industry* (Baltimore 1887); *An Introduction to English Economic History and Theory*, 2 vols. (London 1888–93, 4th ed. London 1914–23), translated into German (1896), Russian (1897), French (1900) and Japanese; *Surveys, Historic and Economic* (New York 1900); *The Adjustment of Wages; A Study in the Coal and Iron Industries of Great Britain and America* (London 1903); *The Tariff Problem* (London 1903, 3rd ed. London 1911); *The Progress of the German Working Classes in the Last Quarter of a Century* (London 1904); *The Economic Organisation of England* (London 1914); *Business Economics* (London 1926); *The Bread of Our Forefathers* (Oxford 1928).

Consult: Clapham, J. H., in *Economic Journal*, vol. xxxvii (1927) 678–83; Weinberger, Otto, in *Jahrbücher für Nationalökonomie und Statistik*, 3rd ser., vol. lxxii (1927) 630–38.

ASIENTO, a term of ancient Spanish public law, designates a contract by which the execution of a public service, such as public works, colonization, collection of taxes or provision of supplies, was farmed out by the administration to an individual. The Spanish possessions on the American continent were developed by asientos of colonization, of cultivation and especially of the supply of Negro labor. It was this last asiento which had the greatest financial, economic and diplomatic importance.

The need for labor made itself felt shortly after the conquest as it was seen that the natives were unfit for the necessary work, their numbers being rapidly decimated as a result of cruel exploitation. The problem was complex. The slaves had to be secured in the markets on the shores of Africa—regions not under the control of Spain, as her colonial activity had been directed toward America by the celebrated bull of Pope Alexander III. The African trading posts were in the hands of the Portuguese, French and English; and the Spanish government, by virtue of the uncontested dogma of colonial exclusivism, refused foreigners access to her own possessions. The commercial monopoly of America was jealously guarded by the kingdom

of Castile, and all economic relations with the new continent were farmed out to the University of the Merchants of Seville, under the administration of the Consulado (commercial tribunal) of Cadiz. However, the Spanish administration was never able to control effectively the commerce of the asientists nor to prevent their conducting an active smuggling trade in Spanish possessions under cover of the Negro traffic. Outside of the commercial and maritime administration of Cadiz the regulation of the Negro traffic came under the jurisdiction of the Council of the Indies, which controlled it through commissary judges, often in the service of the asientists. When the asiento passed into the hands of powerful foreign companies these companies diverted to their own profit the commerce and exchange with the Indies.

The earliest shipments of slaves were undertaken under licenses issued by the treasury. This permitted the bestowing of favors on friends of the king and the collection of high duties as security for loans. A first concession was granted in 1528 to two merchants of Seville. Afterwards the concessions reverted to the state until 1590. When Philip II reunited Portugal with Spain (1580–1660), the asiento in spite of Castilian resistance fell into the hands of the Portuguese factories in Africa (Coutino, 1601; Coello, 1609; Lamego, 1623; Angel and Sossa, 1631).

Following Portuguese independence, negotiations were conducted with two Genoese (1662) with a view to curbing the business of the Dutch who had established themselves in the Portuguese possessions, notably at Curaçao, a veritable fortress from which they flooded the Spanish colonies with merchandise. The English were equally active in Jamaica. The Consulado tried to conduct the slave trade on its own account, but the Dutch firms formed arrangements with the Spanish asientists and one of these firms, the house of Coymans of Amsterdam, secured the concession (1670) under pressure of the diplomacy of the States General. This was the first foreign asiento. Attacked as heretical by the Council of the Indies, which feared the diffusion of Protestantism as much as it did interloping, Coymans had to abandon his contract.

Portuguese diplomacy succeeded shortly afterwards (1696) in obtaining the asiento for the Cacheu Company, in which the king was interested. Madrid hoped thus to neutralize the contraband activity of the other occidental powers, but conflict with Lisbon soon arose and lasted until the death of Charles II. At the accession of Philip V to the throne of Spain, French diplomacy secured an ephemeral alliance with Portugal by means of heavy indemnities in favor of the Cacheu Company (Treaty of Alliance of June 18, 1701). At this time the government of Louis XIV, on September 14, 1701, awarded the asiento to the French Guinea Company represented by Admiral Ducasse, governor of Santo Domingo. The aim of the French government was to restore prosperity to the Spanish Indies, to exclude English and Dutch commerce from them and to reap its reward by the profits of the asiento. The two kings were each interested in this international contract to the extent of a quarter, but the company, obliged to furnish Negroes to the French colonists as well, was inadequate to the task and negotiated with its competitors. It succeeded, nevertheless, with the complicity of the Spanish governors and officials, in laying hands on a large part of the commerce of the Atlantic, of the South Seas and of the interior of the vice regencies. The king of Spain borrowed large sums of money from it.

After the War of the Spanish Succession the English government resolved in its turn to demand the asiento. A contract had been prepared in 1710 and the celebrated South Sea Company was organized in London to exploit the privilege which Philip V granted in order to retain his crown. This was one of the major negotiations of the Congress of Utrecht, at which English diplomacy secured the asiento at the cost of important economic and political claims. Although the treaty signed at Madrid, March 26, 1713, gave the asiento to England for thirty years, she kept it for nearly forty. Among other favors the English received the right to send annually to the fairs of Cartagena and of Porto Bello a registered ship (*navio de registro*) with 500 tons of merchandise. This privilege was abused, for the ship was constantly replenished surreptitiously. Then too the right of internal transportation made possible the introduction of merchandise into the interior of the country. When England renounced the asiento in 1750 in the Treaty of Madrid, all the commerce of the Indies had been diverted from Spain through interloping, which had proceeded with the connivance of authorities and colonists even during the war. Although the two crowns were interested in the enterprise, the stockholders of the South Sea Company

never ostensibly did a profitable business, for the Negro trade was no more than a screen. In fact it was through interloping that the directors and agents grew rich, and the conduct of the enterprise gave rise to serious scandals.

In 1750 the Spanish government reverted to national concessionnaires and divided the enterprise into partial asientos. Often, however, foreigners engaged in the business under assumed names. As the economic and commercial policy of Spain became more liberal, the institution lost its political interest. With freedom of trade it disappeared and was no more than a memory by the time of the humanitarian campaign against slavery and the slave trade.

The asiento was not one of the determining elements in the extension of the slave trade; on the contrary, it served indirectly to check the extension of this trade, since the monopoly of the slave traffic was employed as a cover for general commercial operations. The asiento had another result. It allowed the Spanish possessions which were being smothered by colonial exclusivism to live a tolerably comfortable life economically and to circumvent the home monopoly, which was incapable of supplying them adequately. In this way it acted as a safety valve which for a time retarded the movement of the Latin American states toward independence. The asiento also brought about a community of commercial interests among the European nations supplying the new continent and thus prepared the way for the doctrine of the open door.

GEORGES SCELLE

See: SLAVERY; SLAVE TRADE; COLONIES; ECONOMIC POLICY; MERCANTILISM; CHARTERED COMPANIES; CONCESSIONS; MONOPOLIES, PUBLIC; REVENUE FARMING; SMUGGLING.

Consult: Scelle, G. A. J. J., *La traité négrière aux Indes de Castille. Contrats et traités d'assiento*, 2 vols. (Paris 1906).

ASOKA, third sovereign of the Maurya dynasty of the Indian empire of Magadha, which included most of present day India together with Afghanistan. Asoka came to the throne about 273 B.C. and reigned until about 242. The date of his death is uncertain. Originally a devotee of the Brahmanical religion, about the year 260 he became converted to Buddhism. A profound change took place thereafter both in his character and in his policies. He accepted completely the principle of non-violence (*ahimsa*) and applied it not only to the world of man but to that of dumb animals and birds as well. He abandoned aggressive warfare, enjoined religious toleration and called for the proper treatment of slaves and servants. Asoka has often been called the "Constantine of Buddhism." Just as Constantine opened a new era in the development of Roman law, with Christianity as a potent factor, so Asoka exerted himself strenuously to make *dharma*, the religio-legal system which Buddhism had been developing for three centuries, the law not only of his individual life but of his realm. Two factors contributed to perpetuate and extend the legal system which he established; first, the inscription of his edicts, aggregating over 5000 words, on pillars and rocks over a vast area; second, an intensive, comprehensive missionary effort which resulted in spreading his cherished faith over most of Asia.

The most authoritative edition of Asoka's edicts is that of E. Hultzsch in vol. i of *Corpus inscriptionum indicarum* (Oxford 1925). A more popular edition is that of Vincent A. Smith (Oxford 1909).

CHARLES S. LOBINGIER

Consult: Smith, Vincent A., *Asoka* (3rd ed. Oxford 1920); Mookerji, Radhakumud, *Asoka* (London 1928).

ASQUITH, HERBERT HENRY, FIRST EARL OF OXFORD AND ASQUITH (1852–1928), British statesman. His father, Joseph Dixon Asquith, was a merchant, a man of culture and refinement; and his mother was the daughter of William Willans of Huddersfield, a friend of Cobden and Bright and a prominent Liberal and free trader. Educated at the City of London School, Asquith had a distinguished career at Oxford, where he was scholar and fellow of Balliol and president of the Oxford Union Debating Society. He went to the bar and achieved a reputation by his work on the Parnell Commission (1889). For some time he contributed regularly to the *Spectator* and the *Economist*. In 1886 he was elected Liberal Home Rule member for the Scottish constituency of East Fife and in 1890 was appointed Queen's Counsel. His gifts as a platform speaker and debater were quickly recognized by the party, and at the suggestion of John Morley he was included in Gladstone's last administration (1892) as secretary of state for the Home Office. He held this position under Lord Rosebery until the defeat of the Liberal government in 1895.

Asquith's highly efficient administration of the Home Office was distinguished by the ap-

pointment of a chief woman inspector for factories. Under the influence of Lord Rosebery, Sir Edward Grey and R. B. Haldane his Liberalism took a somewhat socialistic and decidedly imperialistic turn, and as a result he became separated from John Morley, Sir William Harcourt and Sir Henry Campbell-Bannerman. This divergence became acute in the Boer War, which Asquith supported as vice president of the Liberal League. After the war, when Joseph Chamberlain started his tariff reform agitation, the breach was healed; and Asquith distinguished himself as champion of free trade and as the most effective of Chamberlain's critics. In the Liberal administration of 1905 he was appointed chancellor of the exchequer. In this office he paid off many millions of the national debt and by prudent finance paved the way for old age pensions. On Campbell-Bannerman's resignation shortly before his death (1908) Asquith became prime minister, an office which he held until 1916, when he was forced to resign to make way for Lloyd George.

As prime minister Asquith was responsible for the establishment of old age pensions and of unemployment insurance. He also carried the Parliament Act limiting the veto of the House of Lords, which was secured only after two successive general elections in 1910. As an international figure Asquith will always be remembered as the man who brought Great Britain into the World War on the side of France. He remained leader of the Liberal party after his elevation to the peerage (1925); and one of his last public acts was, during the General Strike of 1926, to refuse further collaboration with Lloyd George in the councils of the party.

Asquith wrote little, but delivered many speeches, which are available in collected form. His *The Genesis of the World War* (New York 1923) is a temperate presentation of the British case for joining in the war. It is weak and imperfect, however, in its discussion of German and Russian diplomacy. Asquith also published *Fifty Years of the British Parliament* (Boston 1926). Asquith's diary, *Memoirs and Reflections, 1852–1927* (2 vols., Boston 1928), was published posthumously.

FRANCIS W. HIRST

Consult: Alderson, J. P., *Mr. Asquith* (London 1905); Elias, Frank, *The Right Hon. H. H. Asquith, M.P.* (London 1909); Spender, Harold, *Herbert Henry Asquith* (London 1915); Notestein, Wallace, "The Career of Mr. Asquith" in *Political Science Quarterly*, vol. xxxi (1916) 361–79.

ASSASSINATION. Used in a political sense assassination refers to the killing of a person in public life from a political motive and without legal process. The motive may be limited to some real or fancied wrong impelling the assassin alone, or it may be the belief that the assassin or the group whose attitude he shares stands to benefit by the removal of the victim. Assassination is to be distinguished from the death of political figures in civil conflicts which are tantamount to warfare and from the execution of political offenders where, although the political purpose served may be similar to that of assassination, the act is performed by the group in de facto political power and with at least the semblance of legal process. Where the victim of a murder is in public life but has been killed for non-political reasons the act is homicide in the category of criminal law and not, like assassination, in the category of public law.

The essential relation of assassination is with the struggle for political power. As a technique in this struggle it has been used in every period of history and under a variety of governmental forms. Assassination is most rarely found in primitive groups, where political power is mainly potential in the compulsions of the group and where, moreover, the tabus with which the chief is invested inspire a fear which precludes the possibilities of violence. At the other extreme—that of complete political disorganization—assassination shades into open conflict. Being essentially extra-constitutional, assassination implies the constitutional forms which it supplements. When, in the sequence of political institutions, unchecked violence is displaced by constituted methods for the succession of power, furtive and secret death crops up continually in order to attain what the constitutional procedures do not permit. Assassination is thus an index of the gap between the driving political impulses of men and the limits for their attainment set up by the existing political forms.

Among the various types of assassination the most significant division is between the dynastic and the revolutionary. While not primarily chronological such a division corresponds roughly with the pre-modern and the modern periods. In its dynastic form assassination has found its classic expression in connection with the hereditary monarchy, although the struggles within a hereditary nobility do not differ essentially from it. Through its recurrence in the annals of every monarchy the dynastic type of assassination has become familiar in historical

literature. At an early period it had acquired almost the status of a fine art at the hands of Egyptian Pharaohs, Babylonian, Assyrian and Persian kings, Roman and Byzantine emperors. The pages of Herodotus and Gibbon describe with a melancholy splendor the processes of dynastic conflict in terms of decadence, corruption and perversions. An explanation in ethical terms seems unsatisfying, however, since it is still necessary to explain the emergence of the moral obliquity.

The fault seems to have been at bottom not moral but political and social. Where power is centralized in a single person assassination recommends itself to dynastic intrigues and ambitions as easily the best method for seizing it. Dynastic assassination has occurred most frequently therefore in periods of the formation or degeneration of kingdoms and huge empire-masses. Every increase in absolutism has increased the desirability of the power held by the king; and the fact that the government is in such cases generally centralized in a capital city and subject to the vicissitudes of a praetorian guard increases its vulnerability. Under such conditions the monarchy becomes a prize to be fought over by every aspirant who can fashion a lineage or hire soldiers to aid him. Even the political inventiveness of the Persian and Roman rulers, while expending itself on administrative centralization, did not create a mechanism for the succession of power which could bear up under the pressure of assassination. The power of the ruling dynasty—hedged about though it was by divinity and by other sanctions, sacred and secular—was not proof against frequent attempts at the seizure of power.

But behind this vulnerability of governmental structure lay a more fundamental fact. The empires of antiquity were built up by the process of conquest, the process of destroying the close knit tribal allegiances of kinship groups and substituting for them looser political allegiances. The absolutistic monarchies were thus without roots in the political needs or desires of the governed. Except for self-interest or fear, no strong tie bound subject to ruler. This fact, while it stripped court intrigues of any deep social significance, made it possible for them to go on without hindrance from the population and lent to every contestant for power who was liberal in his offers the aid he needed. Everything that went with power—splendor and wealth and the enjoyment of sensual delights—was limited to the strategic position from which levies could be made on the underlying population. In minds trained in the ideals of a military aristocracy the impulse to power overrode every other consideration. Where the cultivation of the industries and the arts—everything that in modern times serves to encompass the energies of men and to offer them a diversity of careers—was excluded as ignoble, all that remained for the aristocracy was the passion for power. In such an atmosphere political careerism flourished and dynastic assassination went with it. Such a governmental and social structure was in antiquity most closely associated with the dynasties of the East; and there the psychological atmosphere too nourished assassination as a recognized political method.

At the end of the eleventh century a secret society of the Ismailite sect of Mohammedanism was founded in Persia by Hassan Sabah with the object of disseminating heterodox doctrine. Hassan Sabah seems to have been a man of genuine political inventiveness who recognized the crucial and precarious position that the monarch held in the highly centralized, loosely integrated governments of the East. He saw that a small but compact force that could move swiftly and strike suddenly at king and vizier could have the entire territory at its feet. Fortifying itself in secure mountain castles this society with its Grand Master, the Old Man of the Mountain, terrorized Persia and Egypt for centuries by the suddenness and effectiveness of its assassinations and maintained a veritable *imperium in imperio*. In organizing his method of violence in systematic fashion Hassan displayed considerable administrative genius. After feeding hashish to a select band of young men the Grand Master would give them a glimpse of the sensual joys that awaited them in heaven; they were then ready, even at the cost of their lives, to do his bidding with a robot-like obedience. The Crusaders, who came in contact with them in the twelfth century, learned to know them as "assassins" (*Hashishin*) from the role that hashish played in their novitiate; and struck by the demoniac efficiency of the system they brought its name and fame with them when they returned to Europe.

The method, previously known in Europe but never on so systematic a scale, had remained relatively unused, except in the Byzantine Empire, since the disintegration of the western Empire and the effective advent of Christianity. The role that Christianity had played had been to sap the vitality of assassination by emphasiz-

ing the sanctity of human life. The rigorous control which the mediaeval church exercised upon the lives and consciences of monarchs and nobles, through its use of excommunication and its general dominance over mediaeval thought, did much to soften violence in a lawless period of feudal strife. But with the Renaissance it became apparent that the principal effect of Christianity upon dynastic assassination had been not so much to nullify it as to make it more covert, force it into concealment and compel it to evolve a justifying theory. The change in the intellectual atmosphere of Europe, the revival of pagan attitudes and the loosening of repressions that are associated with the Renaissance qualified the strength of Christianity and converted it from a principle of inner coercion into an instrument of rhetoric. The Renaissance republics, the seats of the revival of learning, became also the centers for the revival of assassination. The records of the Venetian republic reveal a series of political murders committed by the order and with the reward of the Council of Ten and afterwards hushed up. Machiavelli's prince is advised to extirpate anyone who challenges his hold on power; but to the advice are added hints as to how such proceedings may be justified on grounds of state and how they may be reconciled with behavior becoming a Christian prince. This motif—of using the rhetoric of Christianity to defend the logic of violence—became widespread throughout Christendom, and the reconciliation of the two constituted the task of a school of political theory in the sixteenth century. It is significant that this period, when theory came to bolster and rationalize the practise of assassination, was also the period of the building of the national state in Europe. Kings were now eager to use every resource to consolidate their power against the claims of the nobility and against such autonomous associations as the church and the communes. In such a struggle death dealt to a dangerous opponent by some serviceable subject was a welcome instrument. But since, before the development of a theory of absolute sovereignty, the king's fiat was not deemed sufficient, a "higher law" was called in to strengthen it.

A similar normative tendency showed itself in regard to the assassination of one's foreign enemies. There was developing a body of international law on the subject whose principal text was that assassination as an instrument, while permissible during a state of warfare, was not permissible otherwise. This distinction was considerably qualified in the period of international religious conflict that followed the Reformation. In the gigantic struggle between the Reformation and the Counter-Reformation the principal strategy was to capture the thrones of Europe for one creed or another. The life or death of a handful of individuals became, or seemed, pivotal, and no king or religious leader was safe from assassination when a dagger thrust home or poison skilfully administered might decide the fate of Europe.

From the conjunction of these two forces—the struggle of the nobility and autonomous associations like the church against the absolute monarch, and the struggle of creeds to control thrones—there emerged a theory of the permissibility of regicide which not only furnished a theoretical basis for the assassinations of the period but by its subsequent importance in the struggle for political liberty also laid the basis for revolutionary assassination. The Greeks, in their doctrine of tyrannicide, had considered the slaying of a tyrant an act of civic virtue; the neotyrannicide of the Roman Republic had made the name of Brutus a synonym for patriotic passion undaunted by the necessity for murder. The Monarchomachs now proceeded to take these doctrines out of the context of the political institutions and traditions of the city-states of antiquity, and made them the instruments for the political purposes of their own period. Assassination became equated with a self-sacrificing nobility of motive in carrying out the demands of an ideology. When to this was added the crusade against authority by the *philosophes* of the French Revolution and its resultant glorification of the value of the individual judgment, the scene was laid for the various phases of ideological, or revolutionary, assassination which added much to the turbulence of nineteenth century political history.

The ideology in defense of which Ravaillac leaped upon the carriage of Henry IV and stabbed him had been mainly religious; that which prompted Charlotte Corday had been mainly political. With the industrial revolution and the creation of a disinherited population the emphasis in the motivation of assassination began to shift from these to a predominantly economic ideology. The political ideals still made a great noise in the nineteenth century, however. Mazzini advocated the assassination of Napoleon III, and Orsini did his best to carry it out. In a transmuted form—the struggle of submerged racial groups for nationality and

autonomy—the ideals of political liberty retained their role in the motivation of assassination, especially in Central Europe and the Balkans, and promise to have considerable viability in the future. The equalitarian struggles of the eighteenth century spawned in the nineteenth a host of republics, especially in Central and South America; there the democratic procedures, grafted upon a national psychology inherited from a monarchical tradition, resulted in a chronic tendency to assassination of presidents and presidential contenders which, while actuated by the rhetoric of political ideals, is essentially dynastic.

But all these political motivations of assassination represented the end rather than the beginning of a tendency. The principal accession to the vitality of assassination came from the world wide struggle for economic equality. The assassin tended gradually to turn his attention from the political despot to those who stood for an entire system of economic despotism. Assassination consequently became of increasing importance in those countries where the contrast between unearned wealth and extreme poverty created the most pervading sense of injustice. It was, however, when the sporadic assassinations all over the world gave way to the systematic nihilism developed in Russia that the conservative forces of the world grew really terrified. The philosophical desperatism of nihilism based upon a revolutionary socialism presented the alarming spectacle of an organized technique of murder to carry out a conscious program of social reconstruction. Russia became the *locus classicus* of this new creative development in assassination; and the psychological types drawn in the novels of Turgenev and Dostoevsky and actualized in a series of assassinations culminating in that of Alexander II became archetypes in the imagination of the western world. The high point of the theory of assassination was reached in the doctrine of the "Propaganda of the Deed."

It was inevitable that the techniques evolved in the prosecution of revolutionary radicalism should be taken over, when no better weapons offered, by ideologies of a completely different type. The rootlessness and disorganization of post-war society in 1918 and the social psychoses engendered by the war were a favorable milieu for assassination. In Germany and Hungary, in Italy and Spain, the forces of extreme reaction and extreme radicalism made use of the same weapons, with the balance of effectiveness decidedly on the side of the former. In Germany secret societies founded by returned soldiers whose demobilization could not under the circumstances be completed, and disguised as agricultural colonies, employment bureaus, veterans' associations, athletic clubs and choral societies, organized assassinations systematically. In the midst of the general anarchy they functioned with deliberateness and despatch; and to the organized murder there came accessions from the psychical contagion that resembled other post-war hysterias. Gumbel records that in the four years covered by his study there were 354 assassinations by the Right and 22 by the Left. With an unerring appraisal the youthful Brutuses who in the main carried out the assassinations selected as victims the effective and creative radical and liberal leadership—Karl Liebknecht, Rosa Luxemburg, Kurt Eisner, Walther Rathenau. And in the general disorganization most of the assassins went practically unpunished. In the process of creating dictatorships in Hungary and Fascist Italy there was a resort to similar methods on a smaller scale, the most bruited incident being the assassination of Matteotti.

The distinction between dynastic and ideological assassination offered above was not intended as a dichotomy. There have been many instances in which the assassin has been impelled neither by political opportunism nor by a set of social tenets, but by what seems to us the distorted impulse of insanity. The psychological difference between Brutus and Guiteau can, however, be overemphasized. Essentially the psychology of every assassin is an abnormal psychology, the psychology of obsession and monomania. The thwarted individual who kills for exhibitionism, the anarchist who kills for a theory and the man who has been sent by God to rid the world of its worst enemy have in common a complete and unreserved devotion to a mental construct, of which, however, one instance might appear less reasonable than another to a "reasonable man." But to every assassin the logic of his act is as straight and unerring as the course of his bullet.

The actual efficacy of assassination as a political method is less certain. The ethical opprobrium attaching to the act has usually precluded an appraisal of its social value. Assassination as a political method is fundamentally destructive and negative. In the past, when the role of particular individuals counted for more in the governmental structure than it does today, appreciable shifts in the alignment of power could

be accomplished by the death of a crucial individual. But more and more the despairs out of which grow the impulses toward assassination are directed against institutions and not men. The weapons that assassination has perfected—poison, the dagger, the revolver, the bomb—are futile against an institution like property. Assassination can therefore merely select as its victim the symbol of the thing hated. The loss to society consequent upon the death of the victim often turns, as in the case of Lincoln, on issues which the assassin was incapable of appraising. The most important function that assassination serves is that of a vehicle of protest against injustices which the existing constitutional procedures seem incapable of remedying. But even in this respect assassination generally defeats its own ends. The hidden fears of society are aroused and a revulsion of feeling is awakened by the enormity of the act. Thinking himself a martyr, the assassin succeeds only in creating a martyr for the cause he hates.

MAX LERNER

See: POWER, POLITICAL; VIOLENCE; TERRORISM; MONARCHY; ABSOLUTISM; COURT, ROYAL; ANARCHISM; NIHILISM; REVOLUTION; CIVIL WAR; POLITICAL OFFENDERS.

Consult: Liman, Paul, *Der politische Mord im Wandel der Geschichte; eine historisch-psychologische Studie* (Berlin 1912); Johnson, Francis, *Famous Assassinations of History* (Chicago 1903); Melville, L. (L. S. Benjamin), and Hargreaves, Reginald, *Famous Duels and Assassinations* (London 1929); Hammer-Purgstall, J., *Geschichte der Assassinnen* (Stuttgart 1818), tr. by O. C. Wood (London 1835); Platzhoff, Walter, "Die Theorie von der Mordbefügnis der Obrigkeit im XVI. Jahrhundert" in *Historische Studien*, ed. by Emil Ebering, vol. liv (Berlin 1906); "Political Assassination" in *Edinburgh Review*, vol. clxvi (1887) 35–63; Figgis, J. N., *From Gerson to Grotius* (2nd ed. Cambridge, Eng. 1916) ch. v; Gumbel, E. J., *Vier Jahre politischer Mord* (Berlin 1922); Gillet, Louis, "L'école du meurtre en Allemagne" in *Revue des deux mondes*, 7th ser., vol. xxi (1924) 919–31; Masaryk, T. G., *Zur russischen Geschichts- und Religionsphilosophie*, 2 vols. (Jena 1913), tr. by Eden and Cedar Paul as *The Spirit of Russia* (London 1919); Gorki, Maxim, "Assassins (Extrait de mon journal)," tr. from the Russian by Dumesnil de Gramont in *Europe*, vol. xvi (1928) 5–20; Bebel, F. A., *Attentate und Sozialdemokratie* (Berlin 1898), tr. by Boris Reinstein as *Assassinations and Socialism* (New York 1898); Carlyle, Thomas, *The French Revolution*, 3 vols. (new ed. by H. Traill, London 1837) vol. iii, p. 164–72; Gendreau, Jean, *La vie tourmentée de Jean-François Ravaillac* (Paris 1928); Figner, V. N., *Memoirs of a Revolutionist*, translation from the Russian ed. by A. S. Kaun (New York 1927). A penetrating fictional study of the mind of an assassin will be found in O'Flaherty, Liam, *The Assassin* (London 1928).

ASSEMBLIES, LEGISLATIVE. *See* LEGISLATIVE ASSEMBLIES.

ASSEMBLY, RIGHT OF. The right of assembly is guaranteed by all but three state constitutions (Minnesota, New Mexico, Virginia) and by the United States constitution. The latter, however, restricts only Congress, which is unlikely to legislate against meetings. Historically and in constitutions the right of assembly is connected with the right of petition, first protected by the English Bill of Rights of 1689; but most assemblies now are held for other purposes such as discussion, exhortation and demonstration. In practise these clauses have even less effect upon governmental action than have free speech clauses. Both rights are judicially confined to situations which do not offer serious danger to public safety, order and morals. An assemblage of human beings, like a publication, may cause evils through the eventual spread of the ideas uttered, but it also presents the danger of immediate harmful acts by the assemblers or their opponents. Unfortunately judges and officials have often failed to realize that these risks must be overlooked as much as possible if the constitutional right of assembly is to have any real value.

Certain limitations apply to the right regardless of the place of the assembly. Thus several persons planning a crime, e.g. Stevenson's "Suicide Club," cannot secure constitutional immunity by meeting together. Again a meeting assembled for the use of open force is unlawful. Even if persons gather for a lawful purpose they will become an unlawful assembly by committing or intending a breach of peace or creating in neighboring persons a reasonable fear that they will commit such a breach. The fear that opponents of a meeting will break it up by violence does not ordinarily render it unlawful. The authorities should arrest the assailants, not disperse the meeting. If, however, the assemblers provoke such attacks by scurrilous speeches or banners, their meeting becomes unlawful. And even an innocent gathering may be dispersed by the authorities as a last resort, if that is the only way to keep the peace from being broken by opponents. It is exceedingly doubtful, however, if the meeting may be forbidden in advance on this ground. Finally, whenever three or more persons create a tumultuous disturbance of the peace calculated to terrify others, such a disturbance constitutes a riot, a much graver offense than unlawful assem-

bly, especially for those who continue to participate in the meeting after a magistrate gives an order of dispersal—called in England "reading the Riot Act."

The place of the meeting may involve further limitations. Outdoor meetings on private land with the owner's permission are subject only to the rules mentioned above; but street parades and gatherings on sidewalks or in parks may interfere with the public rights of passage and enjoyment. Municipal authorities are often legally empowered to issue permits for such uses of public property and to punish those holding meetings without a permit. There is much divergence of judicial opinion as to whether the authorities may validly be given unlimited arbitrary discretion to refuse permits. In practise, however, such refusals are frequent to unpopular groups and in times of excitement, when the privilege of assembling has its greatest value. Indoor meetings even in private buildings may be regulated to prevent fire and collapse, and the possibility of such dangers is often made the pretext for prohibiting discussion of topics distasteful to the authorities.

Legal sanctions against the improper dispersal of a lawful assembly by the police are practically ineffective. The assemblers may lawfully resist the police, but not to the extent of causing serious bodily injury. It is hardly worth their while to try to collect damages from the police for battery. If they prefer to continue the meeting until forcibly dispersed and to defend prosecutions, they cannot secure acquittals or a judicial decision that the meeting was lawful until weeks afterwards, when the occasion for gathering is long past. Thus the real decision as to the propriety of a meeting lies with the police and the municipal officials. The constitutional right of assembly is safeguarded only by their good sense and by public opinion.

The English law is about the same as the American, despite the absence of constitutional guarantees. In practise, meetings are freer from police interference and may be held in Hyde Park, London, without any permit unless the park is closed to the entire public. In France and Germany, instead of a system of permits, notification of the meeting must be given in advance to the police, who must issue a receipt, which serves as evidence of lawfulness. The notice enables the police to be on hand in sufficient force to preserve order.

ZECHARIAH CHAFEE, JR.

See: FREEDOM OF ASSOCIATION; FREEDOM OF SPEECH AND OF THE PRESS; CIVIL LIBERTIES; BILLS OF RIGHTS; ANTIRADICALISM; CONSPIRACY, CRIMINAL; INJUNCTION; LICENSING; POLICE POWER; LABOR DISPUTES.

Consult: Dicey, A. V., *Introduction to the Study of the Law of the Constitution* (8th ed. London 1915) ch. vii; Freund, Ernst, *Administrative Powers over Persons and Property* (Chicago 1928) p. 28, 69, 440–44; "Public Meetings and Public Order" in *Law Quarterly Review*, vol. iv (1888) 78–80, 159–71, 257–65, a series of articles on Italy, Belgium, France, Switzerland and the United States, by various authors; Chafee, Z., Jr., *Freedom of Speech* (New York 1920) p. 177–87, and *The Inquiring Mind* (New York 1928) p. 143–61; Brooks, John Graham, "Freedom of Assemblage and Public Security," and Woods, Arthur, "Reasonable Restrictions upon Freedom of Assemblage" in American Sociological Society, *Publications*, vol. ix (1914) 11–35; "Validity of Statutes or Ordinances Prohibiting or Regulating Holding of Meetings on Street" in *American Law Reports* (annotated), vol. x (1921) 1483–86, vol. xxv (1923) 107–14; "Parades by Strikers" in *American Law Reports* (annotated), vol. xlvii (1927) 745–54; "What Constitutes Offense of Unlawful Assembly" in *American Law Reports* (annotated), vol. lviii (1929) 751–57; "Restrictions on the Right of Assembly" in *Harvard Law Review*, vol. xlii (1928) 265–69.

ASSESSMENT OF TAXES. The word assessment in connection with taxation means the process of listing and valuing the taxable objects on which a tax is to be levied. The term is sometimes used to refer to the process of levying the tax or to the amount of tax that is levied; but this usage is elliptical, since the listing and appraising process precedes the computation of the tax that is due.

The technique of assessment varies greatly with different forms of taxation. In the case of property and estate taxes the chief problems arise in the valuation of large property aggregates; in income taxation questions of discrimination between expense or loss items and true profit, between capital increments and income, the determination of proper depreciation and similar matters demand a different but equally specialized technique; while in the customs still a different type of problem is presented. The essential elements of the process of assessment are, however, to be found in all taxation. They are: first, the determination of the taxable objects to be assessed; second, the time and place of assessment; third, the standard of assessment; fourth, the officers responsible for assessment; fifth, review and equalization or correction of assessments; and sixth, measures for the prevention of fraud and evasion.

The first step in tax assessment is the determination of the objects to be assessed. Tax laws furnish a general description of taxable objects

and a list of specific exemptions. In general property taxation the principal exemptions are public property, the property of religious, educational and philanthropic institutions not operated for profit, and minimum amounts of property to individuals. In income taxation the taxable object is usually net income, which is determined by deducting certain forms of expense and outgo from the enumerated forms of gross receipt of income. Under the inheritance tax the taxable object is ordinarily the beneficiary's share of the net estate. Customs and excise tax laws enumerate the taxable objects in detail. These objects may consist of certain forms of property or, in the case of the excise, certain transactions, acts or privileges. In the United States there are no settled principles determining the tax exemption policy; the practise is a result of administrative expediency, sentimental influences and public welfare considerations.

The time and place of assessment vary with the nature of the tax to be levied. When the liability to taxation is contingent upon the occurrence of a certain event, as the death of a property owner, the importation or sale of a commodity, the time of assessment is thereby automatically determined. When the tax is periodic, the date of assessment must be arbitrarily fixed. The date is particularly important in income taxation because there it affects the magnitude of the taxable object. Income tax laws not only designate the time interval within which returns may be made but also prescribe the period to be covered by the return. Ordinarily this is a calendar or a fiscal year; but it may be a shorter period, as in the return of wages under the British income tax, or the average of a longer period, as in the Wisconsin income tax act of 1927.

The question of place of assessment involves the important issue as to which governmental authority is to benefit by the payment of a tax. No uniformity of practise prevails on the subject, chiefly because no government readily surrenders its power to tax: frequent cases of double taxation are the result. The place of assessment is most easily determined in the case of customs duties and of excise taxes: it is the point of entry or place of production or shipment. In property taxation real estate and many forms of tangible property are assessed in the district of location. If subject to taxation, intangible personal property, like stocks, bonds, notes and money on deposit, is ordinarily assessed at the domicile of the owner. The separation between the domicile of the owner and situs of the property leads to troublesome questions in inheritance taxation and results in taxation by several authorities. In the United States each state now has the right to assess for inheritance taxation real property and tangible personal property situated within its borders, and a series of reciprocal agreements is bringing acceptance of the rule that the state of the decedent's residence should assess the intangible property. The provisions determining liability to income tax vary in different countries. The federal income tax law in the United States requires all citizens, regardless of residence, and all resident aliens to report their incomes from all sources; while non-resident aliens are required to report the income received from sources within the country. To avoid international double taxation, credit is given on a reciprocal basis for income taxes paid to the country of citizenship or residence.

The central problem of assessment is that of valuing taxable objects. It is natural to assume that value for taxation purposes should not differ from market value. In many types of taxation, such as income taxation and excise and customs taxation, where the kind of market value to be employed is definitely designated by law, it is not difficult to arrive at this fairly objective basis for the levying of the tax. On the other hand the problem is often extremely complicated in the taxation of property. Many property tax laws employ such phrases as "fair value," "full and fair cash value," "actual value in money," "true value in money," which are hangovers from earlier conditions when most forms of property were freely transferable. Literal compliance with such standards is impossible today in the assessment of many kinds of property, such as railroads, great office buildings and other large aggregates, for which there is no genuinely competitive market. Modern property assessment technique requires therefore the application of complicated rules and methods to establish a reasonable approximation to the value that such property would have in a free market. Because of the complexity of the situation, and in order to reduce as far as possible the notorious arbitrariness of assessments, certain mechanical rules such as the Somers System have been devised for urban valuation to guide the assessor. In the American general property tax the situation is still further complicated by the fact that both legislation and

custom have at times sanctioned the listing of property at less than true market value. In income taxation the basis of assessment is the taxable net income which is the net income less credits and personal exemptions.

In view of the difficulties of assessment and of the wide discretionary powers vested in the hands of assessment officers, considerable importance attaches to the procedure of appointing assessors. In most countries they are centrally appointed and controlled. The weakest point in the American system is that the property tax assessors are elected for a term of one to four years by counties or townships, except in some cities where they are appointed. The low salary paid for this work and the political necessity of maintaining the good will of constituents militate against the achievement of the most accurate and impartial results. The situation was somewhat improved when the assessment of corporations was transferred to central boards of assessors or state commissioners.

Like any administrative act a tax assessment is subject to review for the purpose of correcting any unfairness to the individual taxpayer which may have crept in because of error or favoritism. Depending upon existing regulations the appeal may be taken either to a superior instance in the machine for tax administration, to a special administrative court forming a part of the same organization or to an ordinary court of law. In the United States the right to a hearing on any assessment is now well established under the due process clause. Review under the federal income tax has been quite unsatisfactory, and the whole procedure has now become distinctly judicial rather than administrative in its conception and operation. Under the general property tax, assessments are first reviewed by local boards which act for the town or county with power to correct individual assessments, and then by a state board of equalization with similar powers. Appeals from local equalization may be taken to the courts or in some cases to the state tax commission.

In the case of the general property tax the review and equalization procedure has still another purpose, that of securing a uniform basis of assessments among different districts so that county and state taxes may be equitably distributed. The necessity for this geographical equalization arises from the fact that the percentage of true value at which property is assessed may vary from one district to another. County and state boards of equalization merely manipulate assessment totals, leaving to the local tax officials the task of prorating among individual taxpayers the changes thus made. This type of equalization is generally limited to real estate assessments.

It is of the greatest importance to protect the integrity of the assessment process by the prevention of fraud and evasion. The most generally employed devices are fines and penalties for evasion, fraudulent statement or other attempts to defeat the purpose of the law. These are effective if applied impartially and if they are not so severe as to induce improper leniency in their administration. The use of affidavits and of sworn returns is also fairly general. These have come to be regarded as virtually worthless in the case of the property tax and, were it not for the support of other agencies, would probably be as useless in other cases because of the limited prospect of prosecution for perjury. Tax ferrets and informers have also been tried, but have not proved conspicuously successful in improving the property tax. The federal income tax administration tolerated for a time a species of informing against the government by permitting former employees to appear for large taxpayers who were asking for reductions of assessment. This condition has now been checked by disbarring a former employee from appearing within two years as a taxpayer's representative. The customs administration has also encouraged the services of informers.

The most hopeful measures for dealing with fraud and evasion in a permanent fashion are those which point in the direction of a higher caliber of public official, better equipment and training for the difficult technique of assessment, relief from partisanship in tax administration and the general acceptance of a policy of vigorous, impartial and intelligent administration of the tax law under the direction of suitable central agencies. Since assessment is the point at which the tax collection agency comes in contact with the individual taxpayer, it is important for both the government and the people that it be administered with unquestioned honesty and efficiency.

HARLEY L. LUTZ

See: VALUATION; LAND VALUATION; TAX ADMINISTRATION; FINANCIAL ADMINISTRATION; GENERAL PROPERTY TAX; INCOME TAX; INHERITANCE TAXATION; EXCISE; CUSTOMS DUTIES; DOUBLE TAXATION; COURTS, ADMINISTRATIVE; JUDICIAL REVIEW.

Consult: Seligman, E. R. A., *Essays in Taxation* (10th ed. New York 1925) ch. xiii; Lutz, H. L., *Public Finance* (2nd ed. New York 1929) p. 355–68; Lyon, W.

Hastings, *Principles of Taxation* (Boston 1914) p. 90–95, 103–08; Shirras, G. Findlay, *The Science of Public Finance* (London 1924) p. 244–53, 445–49.

ASSESSMENTS, SPECIAL. *See* SPECIAL ASSESSMENTS.

ASSIGNATS were the paper money of the French Revolution. With the exception of the post-war inflation in several European countries they offer the most spectacular example of paper money made worthless by overissue as well as the most interesting instance of a close relation between the fluctuations in money value and the political and economic policy of the issuing government. The distinguishing feature of the assignats was their rapid transformation from short time obligations, secured by the confiscated crown and church lands, into irredeemable paper money, whose connection with the land security underlying it was no more direct than the similar relation of later fiat money issues to the entire resources of the state by which they were presumably guaranteed.

In the early stages of the revolution the National Assembly was confronted with a large public debt, inherited from the *ancien régime*, and a growing deficit in the current budget. As a matter of principle it would not repudiate the former and for reasons of political expediency it could not raise taxes. It appealed to the nation for a *contribution patriotique* and pending the sale of crown and church lands, which had previously been proclaimed to be at the disposal of the nation, issued short time obligations to be redeemed with the proceeds of the sale. In December, 1789, the National Assembly authorized an issue of 400 million livres of 5 percent treasury bills called assignats. Printed in very large denominations, they were intended for discount with the Caisse d'Escompte, which had the monopoly of legal tender note issue. The assignats were to have no circulatory power, except that they were to be accepted from purchasers of national land. When received in this way they were to be destroyed, but no provision was made for the automatic withdrawal of assignats when the land was paid for by other means. In April, 1790, when interest on them was reduced to 3 percent they were declared legal tender, without, however, the obligation to receive them at par with other types of lawful money.

The next step in turning assignats into currency was taken in September, 1790, in connection with a new issue of 800 million. Both the new assignats and the old were made non-interest bearing, and bills in considerably smaller denominations were printed. It was realized by contemporaries that they were dealing in effect with money, which had been distrusted since the time of John Law. The claim was made, however, that the assignats were a lien on confiscated lands, the value of which was estimated at from 2000 to 5000 million; nor was the fact disregarded that they were an excellent means for uniting the economic interests of the entire population with the fortunes of the revolution.

In the course of 1791 two more issues amounting to 900 million livres were made. Coming at a time of weakening confidence in the new regime, these additional issues led to a noticeable depreciation of the assignats. While in the beginning of 1791 they were at a discount against gold of only 9 percent, in the summer of the same year the discount fluctuated between 13 and 18 percent, and in January, 1792, stood at 28 percent, according to treasury tables based probably upon the quotations of bullion. This measure of depreciation does not of course reflect the fluctuations in internal purchasing power of the assignat; of the latter little is definitely known, except that internal depreciation was greater in rural districts, particularly in those where anti-revolutionary sentiments were widespread.

In February, 1792, the property of the *émigrés*, most of whom belonged to the landed aristocracy, was confiscated and soon afterwards put up for sale. But this measure did not arrest depreciation. Beginning with the spring of 1792 the country was involved in external war, and during the course of the year three new issues of assignats were made to the amount of 1000 million livres. By June, 1792, as a result of a weakening of confidence in the new regime the assignat lost 43 percent of its face value. After the French victory of Valmy in September, however, it stood again at 72 and remained approximately at that value until the end of the year.

On the whole, during 1791 and 1792, inflation gave to the country a certain spell of prosperity. Exports were encouraged and imports checked, while purchasers of the nationalized property profited by making their payments in depreciated currency. But as a result of the wild rise in prices life in the cities became hard both for the classes with fixed incomes and for the working classes. Riots against the "monopolists," "starvers of the people" and "profiteers" were growing

frequent in 1792. In several districts the peasants refused to be paid in paper money and kept away from the city markets.

During the first half of 1793 the issue of 2000 million additional assignats was authorized because the government had no alternative resources with which to meet war expenses and pay the salaries of the civil servants. Although a part of former issues was being withdrawn there were in August of this year 3776 million assignats still in circulation. At the same time the war both external and civil was becoming increasingly critical. In April the assignat in Paris was quoted at 43 percent of its par value in terms of gold and in August at 22 percent. Depreciation was even more marked in the provinces and expecially in those where war was being waged. The prosperous trade of the preceding two years vanished. The leap in prices became a predominating factor in the struggle between the Jacobins and the Girondins which ended in the victory of the former and the establishment of the Reign of Terror.

The Jacobins tried to halt this depreciation by threatening with harsh penalties, even with death, those who refused to accept assignats as legal tender or who sold coin or in any transaction differentiated between the two media. In their attempt to stabilize prices they decreed that the prices of goods could not exceed by more than one third or wages by more than one half those prevailing in 1790. They demonetized assignats of all denominations over 100 livres, which amounted to some 558 millions, and also made an attempt to collect 500 to 700 millions of taxes in arrears. Promising to use the proceeds to cancel an equal amount of assignats, they decreed a forced loan to be assessed on income. The proceeds which had been calculated as 1000 million amounted eventually to only 200 million. These measures, combined with the successes of the French armies against external and domestic enemies, stopped depreciation for a few months. The assignat, which according to treasury tables stood at 27 in September, 1793, rose to 33 in November and to 48 in December. In January, 1794, local quotations varied within the wide range of 18 and 75.

During the second half of 1793 and the first half of 1794, 4900 million more assignats were issued. The result was a tremendous leap in prices and in wages. Unskilled workers in Paris who in 1790 had earned a daily wage of 32 sous protested in the spring of 1794 against the decreed maximum of 48 sous and even though their hours of work had been reduced from twelve to ten they demanded 65 sous. Masons who earned 45 sous in 1790 demanded from 80 to 100 sous in 1794. In the country the day laborers refused to work at the maximum legal price. In general maximum prices by causing an unwillingness to sell had a paralyzing effect on trade. The government was obliged to exact a part of the taxes in kind and to requisition supplies by force.

On December 24, 1794, the laws of the maximum had to be repealed and business began to revive. If inflation had been stopped the repeal of the laws of the maximum might have been the first step toward economic recovery. In fact, however, 14,812 million more assignats were issued during the year ending September, 1795. By October, 1795, the treasury had issued 22,801 million livres of paper currency, of which no more than 3339 had been withdrawn, leaving 19,462 still in circulation. Two thousand million more were issued in October, 1795. As a result of this rapid inflation the assignat quickly fell in value despite the confidence created by the recent military victories against foreign armies and by the suppression of domestic revolts. While in January, 1794, it was quoted according to the treasury tables at 40 percent of its face value, it depreciated to 34 in July, to 20 in December and to 3 in July, 1795. By the following December 100 livres of assignats brought only 0.52 in coin. Outside of Paris assignats were no longer accepted. The salaries of the public officials, although raised thirty times, still had no purchasing power. A judge in the district of the Seine died of hunger. Public administration was thoroughly disorganized because the officials refused to serve. During the last two months of 1795 and the first three of 1796 the deluge of issues continued; in March, 1796, 36,000 million livres of assignats were in circulation. In the same month 100 livres of assignats were worth 0.36 in coin, according to official quotations. Since their actual value was less than the cost of manufacture there was no longer any advantage in printing them. Coin, grain and other commodities became the normal media of exchange, the legislators themselves computing their allowances in terms of grain. The Jacobin laws against differential prices were a dead letter. On February 19, 1796, by authorization of the government the engraving plates and the presses used in printing the paper money were solemnly destroyed in full view of the public.

The return to a metallic currency was delayed

for another year because of the demoralized financial status of the government. In March, 1796, an issue of notes to the amount of 2400 million francs was authorized. The new paper currency was called land notes (*mandats territoriaux*, although it is more accurate to speak of *promesses de mandats*, since for technical reasons the actual *mandats* were never issued) and to emphasize its connection with the underlying land security the prices of public land available for sale were fixed at a definite multiple of their yield in 1790. This failed of its purpose, and although the open trade in bullion was once more prohibited the population refused to accept paper money of any kind. The depreciation of the new currency was from the outset accelerated by the fact that the treasury was enforcing the redemption of 30 livres of assignats for one franc in land notes. When in the early part of April the issue of the new notes was just beginning they were worth no more than 20 percent of their face value and by the end of the year 100 francs of land notes brought only 2.49 in gold coin. In the meantime an absurd situation had arisen from the fact that the land notes were tied so definitely to land: having been bound to accept them at a definite value in payment for land, the government was selling a piece of wooded ground for the price of a few trees on it. The demonetization of the land notes was therefore inevitable. The law of February 4, 1797, authorized the exchange of 100 francs in land notes or, by implication, 3000 livres in assignats for 1 gold franc. Debts contracted during the inflation period were revalorized on the basis of local tables which were compiled in the various *départements* and which in addition to the bullion quotations made an attempt to take account of commodity prices prevalent in the corresponding locality. No further issues of paper money were made by the government until the Restoration.

G. SALVEMINI

See: FRENCH REVOLUTION; PAPER MONEY; INFLATION AND DEFLATION; LAND BANK SCHEMES.

Consult: *Tableaux de dépréciation du papier-monnaie*, ed. by P. Caron (Paris 1909); Falkner, S. A., *Bumazhnie dengi frantsuzskoy revolutsii, 1789–1797* (Moscow 1919), adapted by F. Schlömer as "Das Papiergeld der französischen Revolution 1789–1707" in *Schriften des Vereins für Sozialpolitik*, vol. clxv, pt. iii (1924); Marion, Marcel, *Histoire financière de la France depuis 1715*, vols. i–v (Paris 1914–28) vols. ii and iii; Hawtrey, R. G., *Currency and Credit* (3rd ed. London 1928) ch. xvii; Harris, S. E., *The Assignats* (Cambridge, Mass. 1930).

ASSIMILATION, SOCIAL, as popularly used, is a political rather than a cultural concept. It is the name given to the process or processes by which peoples of diverse racial origins and different cultural heritages, occupying a common territory, achieve a cultural solidarity sufficient at least to sustain a national existence. An alien may, as in the case of the Chinese in America or the European in China, accommodate himself to the conditions of life in a foreign country without learning the native language and without adopting, except to a very slight degree, the native customs. In that case the relation of the alien to the native may be described as symbiotic rather than social.

Assimilation in any case takes place gradually and by degrees so slight that they are not open to observation or measurement. In the United States an immigrant is ordinarily considered assimilated as soon as he has acquired the language and the social ritual of the native community and can participate, without encountering prejudice, in the common life, economic and political. The common sense view of the matter is that an immigrant is assimilated as soon as he has shown that he can "get on in the country." This implies among other things that in all the ordinary affairs of life he is able to find a place in the community on the basis of his individual merits without invidious or qualifying reference to his racial origin or to his cultural inheritance. Assimilation may in some senses and to a certain degree be described as a function of visibility. As soon as an immigrant no longer exhibits the marks which identify him as a member of an alien group, he acquires by that fact the actual if not the legal status of a native. It is no doubt recognition of this fact that led James Bryce to suggest that the solidarity of modern states depends less upon the homogeneity of their populations than upon the thoroughgoing mixture of their heterogeneous elements.

Among the conditions which determine and limit the progress of assimilation it is necessary to reckon with the fact of self-consciousness, which in the case of the immigrant assumes the form of racial or national consciousness. This self-consciousness arises inevitably as soon as an alien, seeking residence in a foreign country, finds himself for any reason set apart and segregated geographically, so that intercourse is measurably confined to members of his own national or racial group. It arises quite as inevitably if he is segregated categorically, that

is, if his race or nationality is made to constitute a class or a caste. Anything which tends to break up this segregation and classification of a population, whether based upon racial characteristics like color or upon a cultural heritage like language, tends to facilitate assimilation.

In a vast, varied and cosmopolitan society such as exists in America, the chief obstacle to assimilation seems to be not cultural differences but physical traits. It is notorious that Japanese, Chinese and any other immigrant peoples who bear a distinctive racial mark do not easily mix with the native populations. The Negro, during his three hundred years in this country, has not been assimilated. This is not because he has preserved in America a foreign culture and an alien tradition, for with the exceptions of the Indian and the Appalachian mountaineer no man in America is so entirely native to the soil. The Negro on the plantation is the only peasant class America has produced, and his is the only native folk culture that America possesses. To say that the Negro is not assimilated means no more than to say that he is still regarded as in some sense a stranger, a representative of an alien race. This distinction which sets him apart from the rest of the population is real, but it is based not upon cultural traits but upon physical and racial characteristics.

So far as concerns Europeans the movement of populations in recent times has broken up the ancient racial stock and undermined or destroyed the more primitive folk cultures. The growth of modern states has been effected by the progressive merging of smaller and mutually exclusive tribal organizations into larger and more inclusive national ones. Language, manners, social ritual and all the outward forms of life which were originally provincial and local have become cosmopolitan and national. In America it is proverbial that a Pole, a Lithuanian or a Norwegian cannot be distinguished in the second generation from the older American stock. Interaction and imitation, intimate association and participation in the common life, have achieved definite uniformities in language, manners and formal behavior. The ease and rapidity with which aliens have been able to take over American customs and manners have enabled the United States to digest every sort of normal human difference, with the exception of the purely external ones like that of the color of the skin.

It cannot, however, be assumed that the associations which have erased the external signs of race and nationality have modified to any great extent fundamental cultural and racial characteristics. W. H. R. Rivers' studies in Melanesia convinced him that, with the increasing contacts which the expansion of commerce and peoples has enforced, the whole material culture of a people, including its language and its religious practises, may be swept away without touching what he calls "the essential social structure" of that people's cultural life. Considerations of this kind have raised the question whether the assimilation that is measured in external uniformities of manners, dress and speech may safely be taken as an index of fundamental national solidarity, or whether it may not in fact represent a more superficial "like-mindedness," a mere veneer covering profound and more or less irreconcilable moral and cultural differences. It is evident that there are grades and degrees of assimilation whether or not we are able to measure them. Furthermore the conflicts which, not only in political but also in personal and family life, have their origin in these divergent cultures lend a special importance to questions raised in regard to the fusion and assimilation that take place on the profounder levels of cultural life.

Recent anthropological discussions of cultural diffusion have emphasized the fact that the cultural traits of one group are not transmitted to another by the mere fact of exchange and use. The inventions and cultural forms of one people may be said to become a part of the culture of another only when, as Malinowski puts it, the adopting culture "has re-evolved the idea, custom, or institution which it has adopted." The Melanesian, to use his illustration, imports and uses matches, but the match has never become a part of Melanesian culture. Similarly an alien may be said to be assimilated not when he has learned to use the language, customs and institutions of his adopted country, but when he has been able to make them his own in some more thoroughgoing way than mere use implies.

In a complex modern society, where division of labor has proceeded so far and the tasks of life have become so completely individualized, it is a question whether culture, in the sense in which the anthropologists have conceived it, any longer exists. Every trade, every profession, every religious sect, has a language and a body of ideas and practises not always and not wholly intelligible to the rest of the world. These various groups, so far as concerns most of the

interests of life, dwell together in a sort of symbiosis, where each may be said to have its own cultural complex. In such circumstances, assimilation comes to be limited in its application to those ideas, practises and aspirations which are national, and which presumably form the basis of national solidarity. Assimilation becomes thus merely the more generic and abstract concept for which Americanization and the verbs Americanize, Anglicize and Germanize are more specific terms. All these words are intended to describe the process by which the generally accepted social customs and political ideas and loyalties of a community or country are transmitted to an adopted citizen.

Men must live and work and fight together in order to create that community of interest and sentiment which will enable them to meet the common crises of life with a common will. At the very least there must be such a consciousness of common interest that differences can be discussed, and out of the conflict of interests a genuine public opinion may be formed. Where racial, religious or other cultural differences are so great that they provoke a racial, caste or class consciousness which makes full and free discussion impossible, assimilation does not take place.

ROBERT E. PARK

See: ALIEN; ADAPTATION; AMALGAMATION; IMMIGRATION; AMERICANIZATION; NATIONALISM; MIGRATION; MOBILITY, SOCIAL; CLASS; CASTE; SEGREGATION; INTOLERANCE; ANTIRADICALISM; ANTISEMITISM; SOCIAL PROCESS; CULTURE.

Consult: Boas, Franz, *The Mind of Primitive Man* (New York 1927) chs. vi–vii; Smith, G. E., and others, *Culture: The Diffusion Controversy*, New Science series (New York 1927); Rivers, W. H. R., "The Ethnological Analysis of Culture" in British Association for the Advancement of Science, *Report*, 81st meeting (1911) 490–99; Park, R. E., "Racial Assimilation in Secondary Groups with Particular Reference to the Negro" in *American Journal of Sociology*, vol. xix (1913) 606–23; Simons, S. E., "Social Assimilation" in *American Journal of Sociology*, vol. vi (1900) 790–822, vol. vii (1901) 53–79, 234–48, 386–404, 539–56; Kallen, H. M., *Culture and Democracy in the United States* (New York 1924); Park, R. E., and Miller, H. A., *Old World Traits Transplanted* (New York 1921); Thomas, W. I., and Znaniecki, Florian, *The Polish Peasant in Europe and America*, 2 vols. (2nd ed. New York 1927); Drachsler, Julius, *Democracy and Assimilation* (New York 1920); Dushkin, A. M., *Jewish Education in New York City* (New York 1918).

ASSIZES. About the middle of the twelfth century, assize, which had been a word indicating a sitting or session, began to be used for the edicts issued by kings and their advisory courts. These edicts were not formal legislative acts, but some of those issued by Henry II of England had a profound effect upon the whole history of the law. The texts of the Assize of Clarendon, which established the grand jury as a regular procedure in the king's courts; the Assize of Northampton, a revision of the preceding; the Assize of Arms, reorganizing the militia; the Assize of the Forest; and (from the next reign) the Assize of Measures, have come down to us. Upon the Assize of Measures was based the article of Magna Carta which dealt with measures and weights. About the same time began the long series of so-called assizes of bread and ale and the like, which to some extent maintained national standards in the price, quality, weight and dimensions of leading commodities until the industrial revolution.

As early as Henry II's time the term assize was also applied to certain actions at law instituted by royal decrees, and finally to the jury procedure which was their distinguishing feature. These actions were concerned mainly with the possession and tenure of land. There were the grand assize, the three possessory assizes and, less important, the assize of utrum. By the grand assize the man having free tenure of land or a patronage right in a church was no longer forced in litigation to accept trial by battle with the demandant's champion, but could have the question of better right determined by the verdict of twelve knights. Of the possessory assizes, *novel disseisin* met the case of the tenant who had been dispossessed of his land, usually by the demandant's anticipation of a pending court judgment, and provided for a jury verdict as to whether such disseisin had been made within a period arbitrarily fixed within easy memory, thus making it a novel, or recent, disseisin. *Mort d'ancestor* supposed an heir prevented by someone from entering into his inheritance on the ground that the dead ancestor had not had a right to the land; here the jury merely stated whether the ancestor had died in possession and whether the claimant was his heir; the heir was given possession upon an affirmative verdict. The chief purpose of the *darrein presentment* was to prevent parish churches from lying vacant while claimants to the right of presenting the priest were litigating. The jury in this case stated who presented last, i.e. who possessed the advowson, with the result that his presentee held while the longer question of right was being determined. The assize of utrum entrusted to a jury the question as to whether a

piece of land under dispute was held by lay tenure or frankalmoin.

The grand assize and the possessory assizes had a marked political influence. Aimed at disregard of law they provided a practical way to strengthen the position of the possessor and to build respect for law courts. They became immensely popular. The sale of the writs which began the legal process and the amercements imposed at its end swelled the king's revenue. Assizes were further notable in popularizing the jury method of ascertaining facts. The jury itself in these actions was called an assize; in fact the term assize later became, and remains, the general name for jury in Scottish criminal trials. From the assizes, where the jury was obligatory, it passed rapidly by free choice of litigants into other actions. In the field of substantive law the possessory assizes are largely responsible for that characteristically English "beatitude of seisin": not only are the interests of the possessor magnified, but no proprietary right can be so absolute and abstract that somewhere in its history it has not been rooted in physical possession.

The assizes were held in the localities by the itinerant justices under commissions issued by the king as well as in the king's central court, and in Magna Carta the barons themselves provided for the holding of the possessory assizes in each county four times a year; the time was changed to once a year in the revision of 1217. In 1285 this commission of assize was reorganized: the assizes, which by that time included all actions touching real property, were to be held three times a year (later changed to twice, in the northern counties once) and the *nisi prius* principle was made regular. This principle allowed business to go on in the central courts and in the counties at the same time, and made provision that the verdicts of juries be taken locally, thus saving many juries the laborious trip to Westminster. By Edward III's time the commission had expanded so that the justices of assize on their circuits could entertain almost any action, criminal as well as civil. These circuit courts came to be called courts of assize, or the assizes; and in this sense the word is still used, while its other meanings are obsolete.

In the fifteenth century the old assizes were becoming unpopular actions, probably because of the vast technicality they had accumulated. In that and the next century they were largely superseded by use of the Statutes of Forcible Entry, and these in turn by the action of Ejectment. In 1833 the Real Property Limitation Act abolished almost all of the old actions to recover land, the assizes among them.

ALBERT B. WHITE

See: PROCEDURE, LEGAL; LAND TENURE; PROPERTY; POSSESSION; COURTS; JURY; CRIMINAL LAW; WEIGHTS AND MEASURES; PURE FOOD AND DRUG REGULATION.

Consult: FOR TEXTS OF THE MORE IMPORTANT ASSIZES: *Select Charters*, ed. by W. Stubbs (9th ed. London 1913) p. 167–73, 178–88; *Select Documents of English Constitutional History*, ed. by G. B. Adams and H. M. Stephens (New York 1901) p. 14–18, 20–27, 36–38; *English Economic History, Select Documents*, ed. by A. E. Bland, P. A. Brown and R. H. Tawney (London 1914) p. 154–57.

FOR LEGAL AND POLITICAL IMPORTANCE: Holdsworth, W. S., *A History of English Law*, 9 vols. (3rd ed. London 1922–26) vol. i, p. 47–51, 275–83, 327–31; Pollock, F., and Maitland, F. W., *The History of English Law before the Time of Edward I*, 2 vols. (2nd ed. Cambridge, Eng. 1899) vol. i, p. 137–38, 144–50, 200–02, 581–82, and vol. ii, p. 569–72, 668–69.

FOR ECONOMIC ASSIZES: Lipson, E., *An Introduction to the Economic History of England* (4th ed. London 1926) p. 266–70.

ASSOCIATION. An association may be defined as a group of individuals united for a specific purpose or purposes and held together by recognized or sanctioned modes of procedure and behavior.

The association must be distinguished from the institution, a term now usually referring not to individuals in union but to forms or modes of social relationship. Thus "property" is an institution since it is a recognized social relationship in respect to external objects; war is an institution as a method of settling disputes between states. A trade union is an association since it consists of individuals grouped for certain purposes. Sometimes the same term is used to refer both to institution and association, but even then the distinction should be sufficiently clear. For example the state is spoken of as an institution or rather as a complex of institutions when the reference is to a body of rules or mechanisms defining and maintaining the relation between individuals under a common territorial rule; but a state is also an association since it consists of individuals united for certain very general and pervasive purposes. In other cases no ambiguity arises. Thus marriage is an institution, a recognized mode of procedure designed to define the relation between the sexes; but a family, or rather a married couple, may be regarded as an association.

In psychology the term association is some-

times contrasted with organization, the former implying mere casual juxtaposition of units and the latter control by a general scheme. This distinction has been applied by Bosanquet to human aggregates, but it appears to be one of degree rather than of kind. Both in the case of mental elements and in that of individuals associations may be shown to vary in the degree of organic character they possess with the comprehensiveness and depth of the factors upon which they rest. Nevertheless all association implies some degree of organization, however rudimentary or transient.

The term purpose used in the description of associations must be understood to cover a wide range of conation and must not be limited to cases of clearly formulated and articulate volition. It should be remembered that even where the chief or dominant purpose of an association is grasped by its constituent members, there are often present other purposes of varying importance which may not be understood by all the members. It is also clear that the purposes of associations are not unitary and that people may join them from quite different and even conflicting motives. Moreover, as is clearly illustrated in the history of bodies like trade unions, the purposes of an association, like those of individuals, undergo change in the process of realization, and the manner in which this change takes place is hardly open to the inspection of the most perspicacious. As Bosanquet insists, associations and institutions have such character that they appear *as though* instituted to fulfil some purpose. Although they can be understood only teleologically, however, we must not regard them as the embodiment of a unitary mind but rather as trial and error experiments which have grown up through groping and which only gradually attain clarity and coherence.

Associations serve specific purposes and therefore embody only partial interests of the individual and consequently of the community. Some associations no doubt are very comprehensive and represent interests affecting large numbers or even, as in the case of the state, all the members of a society. But no single association and not even the whole associational structure of a people can adequately express the infinitely varied, complex and subtle relations which constitute the total integral life of a community, and some of the most valuable elements in the lives of individuals are outside the scope of effective organization.

In the study of primitive peoples the term association is used to include units other than those of the kindred and the local group. Recently a tendency has become apparent to lay stress on associations as agencies which lead to unification independently of the ties of kinship and which thus have political significance. But Lowie, who in his earlier work was inclined to sympathize with this attitude, has recently shown that even among primitive peoples associations may constitute disruptive as well as unifying forces, and that there is no clear correlation between territorial integration and the presence of associations.

In the historical period the relations between associations and the state have been extremely varied and complex and hardly lend themselves to summary discussion. The mediaeval guilds, the fraternities for the enforcement of the Truce of God and the communes played an important role in molding political structure. There are occasions, as for example in imperial Rome, when corporations which begin as extra-political bodies come to have political significance. Instances also abound where the state looks upon associations with suspicion and even endeavors to suppress them, as at some periods in French history.

The multiplication of associations is one of the most striking features of modern social life. No adequate classification of them has yet been devised, and reliable statistical data are extremely difficult to obtain. Roughly they may be grouped according to their functions into occupational, religious, cultural and recreational bodies. Interests are often combined, however, and there is endless overlapping and duplication. Of their growing importance in the life of society there can be no doubt, and accordingly it is not surprising that there has been much discussion as to their nature and status, especially in relation to the state.

There have been many attempts at functional demarcation of associations, and the claim has been advanced that each association should be "sovereign" within its own domain (guild socialism and kindred movements). But it is now widely recognized that these demarcations were too clear cut, that interests touch and functions overlap, that in some sense the state penetrates into all associational life, and that there is need of a coordinating body suspiciously akin to the unitary state which has been so vigorously attacked. The problem of the authority attaching to associations has been much obscured by the confusions inherent in the wider problem

of sovereignty. It is important to distinguish between the question of the actual localization of coercive authority and the question of the moral basis of such authority. De facto, a given association, such as a powerful trade union or an association of employers, may on occasion force the hand of the government of a state, while the whole machinery of society may be powerless against a determined individual. Again, from the point of view of the individual, the coercion exercised against him by an association may be as intense as any exercised by the state. Quite different is the problem of the moral basis of authority and of the principles in accordance with which power should be distributed and exercised. In this connection appeal has been made, but not very profitably, to the conception of the "personality" of associations and each of them has been endowed with a "will" of its own capable of determining the conditions of its development. But authority cannot rest upon the fiat of any will, individual or corporate, and must ultimately be grounded upon the moral law which is above any human organization. The problem of conflicting loyalties, again, cannot be resolved merely by pitting one will against another or by an appeal from one will to many wills, but, as in other cases of perplexity of conscience, by a consideration of all the relevant elements in terms of the ultimate good involved. Loyalty to all associations including the state is derivative and secondary and is based ultimately upon allegiance to the ends which they exist to promote. Accordingly the root of the difficulty in cases of conflict lies not so much in the problem of plurality of wills as in that of the correct evaluation of ends and the calculation of consequences in complex situations.

The whole problem may also be attacked by a consideration of the functions of the state. Broadly these may be said to be twofold, to promote the common good by such means as are available to the state and to define and maintain a system of rights. From the point of view of these functions, the rights of associations like those of individuals are ultimately based upon their capacity to contribute to the good of the community. While associations may involve certain coercive powers in relation to their members, the common authority must reserve the right to protect non-members and even members against the abuse of power in which large associations may indulge. But this is not to say that the state must define the rights of associations in the sense of controlling their inner development. There are necessary limitations to state control. These are not to be determined by theoretical demarcations of function but rather by a consideration of the means and methods available in state action. The complexities of human life and the nature of the ends to which we ascribe value make it impossible for the state to intervene effectively except to secure the barest and crudest conditions of general welfare. Voluntary associations are more effective in matters which require plasticity and delicacy of adjustment and must be given relative autonomy. The problem throughout is as to the right use of coercion by the state and by other powerful associations. The amount and degree of compulsion employed by associations should be determined by the efficiency of compulsion relative to the ends involved in each case. Generally the use of force may be justified if it is necessary to the maintenance of rights and if it does not tend to defeat the real ends of the association, which are to secure the conditions for the fulfilment of some aspects of the good. It is not possible to mark out once and forever the sphere of each association any more than it is possible to work out an eternal system of individual rights; but it is suggested that a bona fide consideration of the ends involved and the nature of the mechanisms available for their realization in the various associations will afford valuable guidance in each case, especially in regard to the problem of the relation of the state to industrial organizations on the one hand and to religious and cultural organizations on the other.

MORRIS GINSBERG

See: GROUP; INSTITUTION; COMMUNITY; AUTHORITY; AUTONOMY; SOVEREIGNTY; PLURALISM; GUILD SOCIALISM; SYNDICALISM; STATE; ORGANISM, SOCIAL; CORPORATION; VOLUNTARY ASSOCIATIONS; FREEDOM OF ASSOCIATION.

Consult: MacIver, R. M., *Community, A Sociological Study* (2nd ed. London 1920), and *The Modern State* (Oxford 1926); Hobhouse, L. T., *Social Development* (London 1924), and *Elements of Social Justice* (London 1922); Bosanquet, Bernard, *Philosophical Theory of the State* (3rd ed. New York 1920); Cole, G. D. H., *Social Theory* (New York 1922); Laski, H. J., *Grammar of Politics* (London 1925); Lowie, R. H., *Primitive Society* (New York 1920), and *The Origin of the State* (New York 1927); Carr-Saunders, A. M., and Caradoc Jones, D., *A Survey of the Social Structure of England and Wales as Illustrated by Statistics* (London 1927).

ASSOCIATION, RIGHT OF. *See* FREEDOM OF ASSOCIATION.

ASSOCIATIONISM. *See* PSYCHOLOGY; FOURIER AND FOURIERISM.

ASSOCIATIONS. For discussion of the activities of scientific, propagandistic or reform societies, *see* final section of the appropriate abstract article; e.g. for AMERICAN ECONOMIC ASSOCIATION, *see* ECONOMICS; for AMERICAN CIVIL LIBERTIES UNION, *see* CIVIL LIBERTIES, etc.

ASSOCIATIONS FOR THE ADVANCEMENT OF SCIENCE. *See* LEARNED SOCIETIES.

ASTOR, JOHN JACOB (1763–1848), New York merchant, fur trader and financier. He was born in Germany and came to the United States in 1784 virtually penniless. From a small shop in New York he extended his fur business to the frontier and to the Montreal depot of the then predominant British Northwest Company. In 1800 he began to participate in the Canton trade, which became an increasingly important outlet for American furs, and in 1808 he founded the American Fur Company. Through this organization he gradually wrested from the Northwest Company the dominant position in the fur trade of the upper Great Lakes and Louisiana Purchase regions, although in 1813 Astor felt compelled to sell to the Northwest Company the Astoria, Oregon, post at the mouth of the Columbia River, which he had established in 1811. The expansion of his company's operations up the Missouri valley involved repeated conflicts with independent traders, but appears to have had a measure of support from the federal government. Astor had previously established close ties with federal officials and had aided in financing the War of 1812.

Astor early began to supplement his fur and other mercantile activities with investments in Manhattan Island real estate, most of which he retained and leased. In 1834 he sold out the control of his fur trading concerns and gave his entire attention to the extension of his real estate holdings with the result that at his death his estate was valued at the then unparalleled amount of $20,000,000. While the bulk of this went to his direct heirs, his bequests included $400,000 for the establishment of the Astor Library, which subsequently became a part of the New York Public Library.

PAUL WEBBINK

Consult: Smith, Arthur D., *John Jacob Astor, Landlord of New York* (Philadelphia 1929); Myers, Gustavus, *History of the Great American Fortunes*, 3 vols. (Chicago 1910) vol. i, chs. ii–vii; Irving, Washington, *Astoria*, 2 vols. (rev. ed. New York 1902); Chittenden, H. M., *American Fur Trade of the Far West*, 3 vols. (New York 1902) vol. i, chs. viii–xiv.

ASTROLOGY, now an idle "superstition," represents, like many other superstitions, an important phase of bygone thought. So long as men believed the earth to be the center of the universe, around which the stars and planets were ever circling, it was natural that they should regard the happenings on the earth as influenced by the movements of the heavenly bodies. Moreover, at an early date, observations of the Mesopotamian temple astronomers demonstrated the general relation of the movements of the stars, the planets and the moon to the solar year and to its seasons. These relations of time came to be regarded as relationships of causation. Thus movements of the heavenly bodies were held to control and to cause the variations in meteorological conditions corresponding to the seasons and astrology as a science was born.

Once the courses of the stars were thought to affect earthly objects man readily came to associate them with that object in which he was most interested, namely himself. So arose judicial astrology, which claims to read a man's fate in the stars and especially in those stars which saw his birth.

From Mesopotamia astrology passed to the Greeks. It is encountered, for instance, in the works of Hesiod and in certain of the books of the so-called *Hippocratic Collection* (e.g. *Airs, Waters and Places*) of the fifth century B.C. The astrological point of view gained exactness from the mathematical developments of Greek astronomy. The final summator of the Greek astronomical system, Ptolemy of Alexandria, who flourished in the second half of the second century of the Christian era, was himself no mean astrologer.

It was, however, under the Empire that astrology reached its most important development in antiquity. The doctrines of judicial astrology became part of the creed of the stoics, who formed the most able and influential philosophico-religious sect of later antiquity. The stoics held the physical life of man to be bound and determined by external events. His soul alone was free. The point of view is set forth with exquisite beauty by Cicero in his *Dream of Scipio* and by Marcus Aurelius in his *Medita-*

tions. An extensive technical literature on the subject arose in Greek and, derivatively, in Latin. Of the works on astrology that have come down to us from antiquity the *Astronomicon* of Manilius (edited by A. E. Housman, London 1903) is from a literary point of view the most important.

To the early Christian writers astrology was abhorrent since it seemed the negation of that doctrine of free will which was so dear to them. Tertullian, Lactantius and St. Augustine all inveigh against astrology. By the sixth century, however, the church had come to terms with it. St. Isidore of Seville regards it as, in part at least, a legitimate science. He advises its study, especially for medical purposes, and is followed by the other Dark Age writers on natural knowledge like Bede and Rabanus Maurus. Nevertheless the astronomical and mathematical knowledge of the time was so decayed that astrology could in fact be little practised. Thus till the twelfth century astrology in Latin Christian Europe remained of a very elementary type.

In the meantime the Byzantine astrological tradition had been passed on to the Arabic speaking world. The Arabian culture had produced many mathematicians and some astronomers of high ability. Their observations and talents were made to subserve the astrological cause. In the twelfth, thirteenth and fourteenth centuries astrology returned from the Orient to the West in the form of Latin translations of Arabic works. These proved to be the first carriers of any trace of scientific method and the first revivers of scientific curiosity among the peoples of the West. With this Arabian revival and with the advent of the scholastic period astrology became the chief object of scientific interest in Europe. Its determinism made possible something in the nature of a scientific philosophy, important exponents of which were Kindī of Basra (died *c.* 873) and Albategnius (*c.* 850–929), both of whose works were translated into Latin. The most scientific product of the Middle Ages in Europe was prepared on the instruction of Alfonso the Wise of Castile between 1262 and 1272. These "Alfonsine Tables" were mainly the work of Jewish astronomers. They are found in numerous Latin manuscripts, were consulted by Copernicus in the sixteenth century and were still being used by Galileo and Kepler in the seventeenth century.

The more extreme astrological position still remained abhorrent to the church. Those thought to be greatly addicted to the study were often regarded as exponents of the Black Art. Thus arose legends concerning such characters as the wizard Michael Scot (*c.* 1175–1234) and Friar Roger Bacon. More historical are the ecclesiastical bans against such astrological enthusiasts as Peter of Abano (*c.* 1250–1318), a very able professor at Padua, and the physician Cecco of Ascoli (*c.* 1257–1327). The former died in his bed, but his body was disinterred and consigned to the flames, while the latter was burned alive.

With the rise of the universities in the thirteenth, fourteenth and fifteenth centuries, astrology became a subject of special study and even a part of the curriculum. This was notably the case at the ancient universities of northern Italy, Bologna and Padua. The learned revival of Greek is extremely important historically, but it obscures a corresponding revival of Arabic, the knowledge of which lent further interest to astrology. By the sixteenth century, after theology and law astrology was the main intellectual interest of the learned class. Its conclusions were accepted by every class.

With the advent of free philosophizing during the Renaissance, the findings of astrology became a matter of controversy. Its ablest defender was the philosopher Pietro Pomponazzi (1462–1525) and its most attractive critic the charming mystic Giovanni Pico della Mirandola (1463–94). It was at this period especially that astrology became linked with the teachings of the Jewish Kabbala. It is remarkable that the writings of Copernicus injured astrological doctrine little if at all, and that such writers as Giordano Bruno, Johannes Kepler and even Galileo himself were not always hostile to it. Nor was it until the general acceptance by the educated class, late in the seventeenth century, of the views of Galileo and Kepler as to the structure of the universe that astrology began to lose its hold.

The abandonment of the astrological hypothesis as an explanation of earthly events may be ascribed to two main causes. First, the exploration of the heavens showed that the earth was but a speck in a universe of worlds and these in no sense surrounded it as had been held of old. Second, as anatomy became more exact the alleged existence of a close relation between various planets and constellations and the intricate constitution of man's body was perforce abandoned. But a belief of 2500 years dies hard. Forsaken by the more enlightened, it was and is still held by the most ignorant in the West and by almost all classes in the East. It would

not be difficult to trace back some of the superstitions of many an ignorant European or American in a continuous chain to their Mesopotamian astrological origin.

CHARLES SINGER

See: MAGIC; SUPERSTITION; PRIESTHOOD; DIVINATION; CALENDAR; SCIENCE.

Consult: Boll, Franz, *Sternglaube und Sterndeutung, die Geschichte und das Wesen der Astrologie* (Leipsic 1926); Kugler, F. X., *Sternkunde und Sterndienst in Babel*, 3 vols. (Münster 1907–24); Bouche-Leclercq, Auguste F., *L'astrologie grecque* (Paris 1899); Singer, Charles, *From Magic to Science* (New York 1928) p. 50–58, 71–85; Warburg, A., *Heidnisch-antike Weissagung in Wort und Bild zu Luthers Zeiten* (Heidelberg 1920); Bosanquet, E. F., *English Printed Almanacks and Prognostications, a Bibliographical History to the Year 1600* (London 1917); Saxl, Fritz, *Verzeichnis astrologischer und mythologischer illustrierter Handschriften des lateinischen Mittelalters in römischen Bibliotheken*, 2 vols. (Heidelberg 1915–27); Gundel, Wilhelm, *De stellarum appellatione et religione romana* (Giessen 1907).

ASYLUM. Political asylum is granted when the government of a state or one of its representatives abroad receives and protects a fugitive from the justice of a foreign jurisdiction or from some imminent danger of mob violence. Asylum is granted within a state's territory, in embassies, legations or consulates, or upon warships. The so-called right of asylum, a right of individuals to claim protection, has no existence in international law. Asylum is granted by a state within its territory, if policy and expediency permit, as an incident of sovereignty and outside its territory either in accordance with treaty provisions or under the general principle of humanity. Extradition treaties, now in general use, are self-imposed limitations which exhibit the confidence now reposed by states in each other's administration of justice. A state is limited also by its obligation, as a member of the international community, to prevent refugees from using its territory to endanger other states. Thus the government of the Netherlands after the World War admitted Kaiser Wilhelm II as a refugee and refused to surrender him to the Allies. It conditioned the privilege by requiring the Kaiser to live privately, under guard, within an assigned residence and to refrain from political activities.

The practise of asylum has prototypes in the cities of refuge for homicides recognized by Mosaic law, in the designation of certain temples as sanctuaries for criminals and other refugees by the Greeks, in the similar use of statues of emperors and eagles by the Romans and in the recognition of churches and their immediate environs as places of asylum during the early centuries of the Christian era and well into the Middle Ages. The right of asylum permitted individuals, either subjects or foreigners, to seek safety from private vengeance. The practise declined with the development of effective public administration of justice. A transitional period followed in which the courts lacked strength and public order frequently was disturbed. The tradition of asylum found a new expression in the extension of protection by foreign governments or their representatives within other jurisdictions.

Asylum in the residences of diplomatic representatives was formerly based upon the fiction that these were exterritorial, subject only to the authority of the government by which the envoy was accredited. Grotius refused to recognize the right of asylum in embassies, however; Bynkershoek called it preposterous and Vattel protested that the practise of asylum was an abuse of diplomatic immunities. But immemorial practise created a well recognized usage in European states which extended to Latin America, where it still persists to some extent.

As ambassadors successfully asserted claims of exclusive jurisdiction over their diplomatic residences and, in certain capitals where the central power was weak, over the quarters of the city in which they were located, thither fled malefactors of all types and degrees, to be protected by the ambassador, often with large profit to himself. A latter day revival of the *franchise du quartier* is the diplomatic quarter in Peking, recognized by the Boxer Protocol (1901), which placed it under the authority of the diplomatic body. As in the earlier centuries, the existence of a quarter immune from local jurisdiction resulted in grave abuses through the unwarranted grant of asylum.

With the waning of the theory of exterritoriality the grant of asylum in embassies and legations has been greatly curtailed. Today it is limited to exceptional situations arising in countries not endowed with consistently strong governments and only as a temporary privilege. In 1889 Argentina, Bolivia, Paraguay, Peru and Uruguay entered into a convention recognizing and regulating the asylum of political offenders.

Diplomatic asylum formerly covered both persons accused of crime and political offenders. The rise of the theory of territorial sovereignty originally resulted in a general acceptance of the principle that political refugees should not

be shielded, although ordinary law breakers continued to enjoy asylum. Present day practise follows the opposite rule and political offenders only are accorded protection. The change is ascribed on the one hand to the improved understanding of state sovereignty and on the other to the rise of democratic nationalism with its assertion of a right of revolution. Political refugees may not abuse the privilege of diplomatic asylum by conducting themselves in a manner hostile to the government to which the embassy granting protection is accredited, but the employment of forcible methods to apprehend a refugee is not permissible unless the accrediting government declines to order his surrender.

Although consulates do not possess the immunities of embassies and legations, they grant temporary asylum on occasion. It is noteworthy that treaties of the United States which specify inviolability for consular offices and dwellings in every instance forbid their use as places of asylum. In countries where exterritoriality is recognized consuls exercise judicial functions and consulates are regarded as exempt from the local jurisdiction. This exemption makes possible, although it does not make legal, the grant of asylum in consulates. The protection of citizens who enjoy rights of exterritoriality by their own country's representatives may hardly be termed asylum. But the existence in oriental countries of residential settlements and concessions under foreign jurisdiction, a development incidental to exterritoriality, has entailed the projection of a state's power to grant asylum within its own territory to such areas.

The fiction of exterritoriality is still widely applied to warships, and political refugees are as a rule admitted to asylum upon them if in circumstances of apparently imminent danger. The practise is not, however, held to be founded in international law but is justified as a usage of long standing. Isolated instances of asylum upon merchantships have not established a usage.

Finally, asylum may be granted by a neutral state to the troops, prisoners, wounded or sick persons, or to the naval vessels of belligerents, provided they are interned.

HAROLD S. QUIGLEY

See: SANCTUARY; IMMUNITY, POLITICAL; EXTRADITION; POLITICAL OFFENDERS; REFUGEES, POLITICAL; EXTERRITORIALITY; PRISONERS OF WAR.

Consult: Fuld, Ludwig, "Das Asylrecht im Alterthum und Mittelalter" in *Zeitschrift für vergleichende Rechtswissenschaft*, vol. vii (1887) 102–57, 285–96; Moore, J. B., *Digest of International Law*, 8 vols. (Washington 1906) vol. ii, p. 755–883; Lammasch, Heinrich, *Auslieferungspflicht und Asylrecht* (Leipsic 1887); Scelle, Georges, "Chronique des faits internationaux . . . asile interne" in *Revue générale de droit international public*, vol. xix (1912) 623–34; Kohler, M. J., "The Right of Asylum" in *American Law Review*, vol. li (1917) 381–406; Tobar y Borgono, C. M., *L'asile interne devant le droit international* (Barcelona 1911); Lindenblatt, Kurt, *Das Asylrecht der politischen Verbrecher nach Völkerrecht unter besonderer Berücksichtigung des deutschen Auslieferungswesens* (Potsdam 1910); Satow, Ernest M., *A Guide to Diplomatic Practice*, 2 vols. (2nd ed. London 1922) vol. i, 293–325; Moore, J. B., "Asylum in Legations and Consulates, and in Vessels" in *Political Science Quarterly*, vol. vii (1892) 1–37, 197–231, 397–418; Gilbert, Barry, "The Practice of Asylum in Legations and Consulates of the United States" in *American Journal of International Law*, vol. iii (1909) 562–95; Pergament, M. J., *The Diplomatic Quarter in Peking* (Peking 1927) p. 77–100.

ATAVISM is the term used to designate reversion to type, or the reappearance in offspring of ancestral traits not shown by parents. Darwin noted that the crossing of different strains of domestic rabbits or pigeons frequently gave rise to certain traits of their wild forebears, and it was long believed that at least part of the inheritance from remote ancestors lay dormant in the germinal stream only to be aroused to manifestation by the crossing of strains or by some environmental condition. The matter thus remained unclear until the development of Mendelian principles.

Meanwhile much use was made of the idea in criminology. In his *L'uomo delinquente* Lombroso set forth the theory of the "born" criminal, namely that criminals are identifiable by various stigmata which represent the outcropping of atavistic traits. In short the theory was that the criminal is a savage born into a civilized society. Lombroso and others even found evidence of reversion to pre-human traits. Among the physical stigmata were prognathic jaws, strong canine teeth, very long arms, scanty beard, prehensile feet, odd shaped nose and ears and malformations of the skull; among psychic traits were cruelty, deceitfulness, lack of sympathy, laziness and revengefulness.

The atavistic doctrine was variously stated by Lombroso, Benedikt, Orchansky, Ferri, Garofalo, Ferrero and other members of the positive or anthropological school. They sought to strengthen their case by utilizing the "recapitulation doctrine," that children in their development repeat the biological and psycho-social evolution of the race. They sought to show that the criminal is like the child as regards lying,

laziness, cruelty and vanity, a view finally disposed of by the growth of anthropology and genetic psychology. Using the term atavism loosely they even explained such socially induced habits as tatooing as due to an atavistic reversion to savage vanity.

As it refined and modified its doctrines, largely under the criticisms of the French school, the positive school tended to distinguish degeneracy, or a weakening of the psycho-physical organism, from atavism. Lombroso declared degenerates to be epileptic or at least epileptoid, but he fell into the inconsistency of then identifying the born criminal, the moral imbecile and the epileptic. Nordau (*Entartung*) identified atavism and degeneracy. Critics were not slow to point out that the epileptic and born criminal doctrines were directly contradictory to the atavistic doctrine. Abundant evidence was brought forth that the most primitive savages were not vicious, imbecile or epileptic; such traits would indeed have made impossible all social evolution. Effort was made to save the atavism theory by the idea that there is a gradation from the born criminal through various types of "criminaloids" to the normal, or that the "criminal type" is highly variable, depending on the degree of reversion; also by the contention that degeneracy in any case produces atavistic behavior. Colajanni (*La sociologia criminale*) rejected the doctrine of physical atavism only to set up a theory of mental and moral atavism.

Anthropologists occasionally made use of the doctrine, as when von Luschan, noting that Beethoven was short, very brunet, prognathous, low browed and ugly, suggested that he might be a reversion to the Neandertal type and that his musical genius might be atavistic. There is moreover a suggestion of the atavistic theory in the current use of the term "cave man." Strictly speaking, however, the doctrine of atavism as an explanation of human abnormalities has been abandoned. Even where degenerative abnormalities are found, they are to be explained not as atavistic reversions but as a result of direct inheritance, anomalies of embryological development, birth traumas, childhood injuries or the irregular functioning of internal glands effecting an arrested development or an overdevelopment of certain traits. The Mendelian theory substantiates the earlier belief that traits may be carried in the germ plasm for many generations. Such traits are "recessive" and crop out in the crossing of strains carrying similar recessive factors. They are, however, neither inferior nor abnormal, any more than the gray coat of a wild rabbit is inferior to the red or black coat of its domestic relatives.

FRANK H. HANKINS

See: ABNORMAL PSYCHOLOGY; CRIMINOLOGY; HEREDITY; ENVIRONMENT.

Consult: Bernaldo de Quirós, Constantino, *Las nuevas teorías de la criminalidad* (Madrid 1898), tr. by Alfonso de Salvio as *Modern Theories of Criminality* (Boston 1911); Lombroso, Cesare, *L'uomo delinquente*, 3 vols. (5th ed. Turin 1896–97); Garofalo, Raffaele, *Criminologia* (2nd ed. Turin 1891), tr. from French ed. of 1905 by Robert W. Millar as *Criminology* (Boston 1914); Castle, W. E., *Genetics and Eugenics* (3rd ed. Cambridge, Mass. 1926) p. 151–60; Nordau, M. S., *Entartung*, 2 vols. (3rd ed. Berlin 1896), 2nd ed. tr. into English (4th ed. New York 1895); Colajanni, Napoleone, *La sociologia criminale*, 2 vols. (Catania 1889); Glueck, S. S., *Mental Disorder and the Criminal Law* (Boston 1925); Parmelee, M. F., *Principles of Anthropology and Sociology in Their Relations to Criminal Procedure* (New York 1908).

ATELIERS NATIONAUX is the official title of the system of unemployment relief adopted by the provisional government of France in March, 1848, under pressure of the followers of Louis Blanc. A decade earlier Blanc had outlined a scheme of *ateliers sociaux* based on the doctrine of *le droit au travail*, with its implication that the state must provide work. He envisaged the formation of cooperative groups of workmen, financed in the first instance by public subscription and thereafter self-supporting.

When the government undertook on February 25 "to guarantee work to every citizen," Blanc was made president of the Luxembourg Labor Commission. This he promptly turned into a colossal debating society by the admission of several hundred workers' delegates, and the Luxembourg Palace, where the commission was located, became a propagandist center for the Left. Several cooperative workshops were started on Blanc's lines, the most important of which was that of the Clichy tailors. Economic conditions, however, doomed most of these workshops to an early end. Meanwhile the government guaranty was attracting hordes of unemployed and unemployables to Paris, and on March 5 Pierre Émile Thomas was appointed director of National Workshops and instructed to organize them under the direct control of the Ministry of Public Works.

Thomas' reorganization was on strictly military lines; such work as the government provided was mostly common labor on roads, embankments and open spaces, employing at

the most fewer than 10,000 men. Blanc asserted later with some justification that the real object of this reorganization was to provide a political army to counteract the Luxembourg and denounced the statement that the National Workshops were in line with his theories. "In the social workshops, such as I had proposed them, the workmen would form a sort of joint-stock company with the government, but would work for their own common profits. . . . In the national workshops the state acted merely as employer, and the workmen as hired servants. Now, as the labor was quite useless, a mere pretense, and in most respects quite new to the workmen, the government was consequently only squandering its finances by giving a premium to idleness" (*Pages de l'histoire*, p. 63). Men were attracted by the money relief given to those who found no work, and by the end of May the unemployed army had risen to 120,000. The final crisis came when the government, having reassembled its military forces, decided to disperse the horde of pensioners. Task work was substituted for time work on May 23; and a series of decrees, finally published on June 20 over Thomas' protest, refused relief to those who declined offers of employment, ordered the unmarried between eighteen and twenty-five into the army and the provincials back to their districts. The disastrous recognition of the *droit au travail* ended on the barricades of June 23–26, 1848; the National Workshops were officially dissolved on July 3 by decree of General Cavaignac.

Apart from its perversion by the politicians Blanc's scheme represents a temporary fusion of ideas—that of voluntary cooperative production and that of public guaranty of work. Societies for cooperative production developed in England with the support of the Christian socialists and in Germany under the leadership of Schulze-Delitzsch; but these societies differed from Blanc's *ateliers sociaux* in their reliance on private or semi-philanthropic sources of capital and in their eschewal of revolutionary or political activity. They did not accept his maxim "from each according to his ability, to each according to his needs," nor his plans for socialization of the basic services. The productive associations of Lassalle more nearly resembled those of Blanc and met with a somewhat similar fate. Both Lassalle and Blanc relied upon a democratic franchise to produce a state willing to cooperate with the artisans in fostering noncompetitive production; on this point they were consistently opposed by the Marxian socialists, who regarded such plans as favoring mainly the petty bourgeoisie and who held that nothing less than the capture of the state by the proletariat would suffice. It may be pointed out that the sphere of applicability of Blanc's projects was bound to diminish with the increasing importance of large capital investments, because there is little reason to suppose that under the regime of private property the state would finance cooperative production to the point where it became a serious challenge to profit making enterprise.

WILLIAM ORTON

See: SOCIALISM; PRODUCERS' COOPERATION; UNEMPLOYMENT.

Consult: Blanc, Louis, *Organisation du travail* (Paris 1839, 9th ed. Paris 1850); Thomas, Émile, *Histoire des ateliers nationaux* (Paris 1848); Blanc, Louis, *Pages de l'histoire de la révolution de février 1848* (Paris 1850); Marriott, J. A. R., *The French Revolution of 1848 in its Economic Aspects*, 2 vols. (Oxford 1913), containing reprints of Blanc's *Organisation du travail* and of Thomas' account; Isambert, Gaston, *Les idées socialistes en France de 1815 à 1848* (Paris 1905); Bourguin, Maurice, *Les systèmes socialistes et l'évolution économique* (3rd ed. Paris 1921).

ATHEISM.

HISTORY AND DOCTRINE. In its narrowest sense the term atheist applies to one who categorically denies the existence of any gods. But in its wider sense it properly applies also to skeptics, materialists, positivists and all others who do not accept the claims of theism—that the world was created or is governed by a person or persons having the human traits of intelligence and will in more or less magnified form. Moreover, as people generally do not discriminate between belief and conduct, the term atheist has also been applied to those who refuse to participate in the customary forms of public worship. Thus the Romans called the Jews and early Christians atheists because they did not pay the customary honors to the *sacra* of the established imperial cult.

Because morality is usually associated with religious sanctions the term atheist or godless is also used opprobriously to denote the immoral. Thus when the Hebrew psalms speak of "the fool who saith in his heart there is no God," they refer not to any theoretical assertion but to the wickedness that is not deterred by the fear of divine punishment. Among the Hebrews and other peoples who came into contact with Hellenism atheists were generally called Epicureans, because the latter denied that the gods

interfered in human affairs. Plato applied the term atheists to those who supposed that the gods could be influenced by sacrifice or flattery; and the Talmudic sages referred to Adam as the first atheist because he denied God's omnipresence by trying to hide from Him (*Sanhedrin*: 38 b). The common association between atheism and ethical materialism or the pursuit of worldly goods has made philosophers like Spinoza deny the imputation of atheism, although vehemently rejecting ordinary theism as anthropomorphic.

Owing to the vagueness of popular ideas of deity and the bias of different observers it has proved difficult to decide conclusively as to whether there have been any peoples devoid of all belief in gods and hence completely atheistic in attitude. The Cimmerians, Tasmanians and ancient Peruvians have sometimes been so regarded. While popular thought tends to be animistic, philosophers and great religious thinkers have often felt moral and intellectual difficulties in attributing human traits to deity. Whatever may be the meaning of the *Rigveda's* reference to the deniers of the existence of the gods (x, 82: 121) the pantheistic *Upanishads* clearly banished the popular gods to the realm of illusion. Brahma and "the true self" of Hindu thought is not personal but rather being in general. This becomes the explicit atheism of the Charvakas and of the more orthodox Sankhya philosophy. Buddhism and Jainism in their original form are essentially atheistic religions. Among the intellectual Chinese, morality is usually associated with naturalistic or social rather than theistic sanctions. Taoism offers no room for personal gods; and while Mencius rebuked Yang Chu, whose materialism was explicitly antitheistic, belief in gods is not essential to Confucianism.

The early Greek philosophers were naturalists and tried to explain the world without invoking the popular gods. In this they aroused popular hostility. Anaxagoras was thus accused of atheism because he thought of the sun as a material body. Protagoras was banished from Athens because of his assertion that about the existence of the gods he did not know—the subject was difficult and life was short. Atheism was one of the charges that led to the condemnation of Socrates. Aristotle was similarly accused. Plato felt some revulsion at thoroughgoing naturalism; but Aristotle and the neo-Platonists are at one in rejecting as blasphemous the popular idea that the gods take any part in the creation of the world or intervene in any way in human affairs. Theodorus of Cyrene seems to have been one of the few ancient Greeks to have explicitly denied the existence of any gods.

The persistent denial of anthropomorphic theism in Christian, Hebrew and Mohammedan communities is evidenced by the almost continuous stream of polemics against atheists and by the various decrees of the church against pantheistic mystics. Outright atheism, also, was not unknown in the later Middle Ages, e.g. among the physicians at Padua. The Renaissance, although it revived interest in magic, made in the main for naturalism; and the European commercial and industrial revolution in opening the way for wider intellectual contacts between different peoples led to increased freedom of thought and toleration and to a recrudescence of semi-popular atheistic attitudes. Early in the seventeenth century Father Mersenne estimated that there were 50,000 atheists in Paris in his day. In the eighteenth century atheism became aggressive in the materialistic writings of La Mettrie, Holbach and their followers, so that Laplace could boldly refer to God as an unnecessary hypothesis. Comte, however, whose positivism leaves no room for theism, considered it bad form to call one's self an atheist.

In Germany atheism became popular and aggressive in the middle of the nineteenth century through the materialistic philosophy of Feuerbach, Buchner, Voght, Dühring, Czolbe and others. In England the general antitheistic attitude of the philosophic radicals was followed by the active atheism of Charles Bradlaugh and by the subsequent rationalist movement in England and the freethinkers in America. The agnosticism of Huxley and Spencer made the term atheist somewhat unpopular but it allowed no room for genuine theism. The same is true of certain forms of pantheistic idealism.

Unwillingness to accept the designation of atheist has undoubtedly been affected by the usually unfavorable social position of the atheist. The influence of Greek thought and the voluntary character of the early Christian churches made belief in dogma itself an element of religion. Heresy and schism thus became grave social and political offenses. The punishment of atheistic expression, however, is also due to the more ancient fear of danger to the community from the failure of the gods to discriminate between the individual offender and innocent bystanders.

It was only in the seventeenth century that

there arose in the western world the doctrine that the community might tolerate the existence of atheists. Plato advocated five years of imprisonment for atheists, who, if they did not recant at the end of that time, were then to be put to death. When Hobbes and Spinoza advocated toleration they were opposed by such otherwise enlightened men as Pufendorf, who argued that atheism is due not to mere ignorance or inability to appreciate the force of the various proofs of the existence of God but rather to a treasonable rebellion on the part of God's subjects. Even Locke in arguing for toleration drew the line at atheists. The soft, sentimental Rousseau believed firmly in putting atheists to death, while in our own day Unamuno justifies the burning of heretics.

With the growing distinction between church and state modern laws no longer pretend to punish atheism as such; but blasphemy is still a crime in states like Massachusetts. Although such discriminations as religious tests for holding property or public office or for service on juries are contrary to the spirit of the American state constitutions, the atheist complains that he is taxed to support all kinds of churches, since the latter are tax exempt. The common law did not allow atheists to serve as witnesses, for the judges held that only the believer in a personal god who avenges falsehood will tell the truth. Most of our states have changed the common law rule requiring an oath terminating in "so help me God," to allow the substitution of a simple affirmative; but in some states a witness' credibility may be impeached on the ground of his atheism. An atheist's dying declaration can often be impeached on the ground that such a person is not impressed with the necessity of speaking the truth. From the time when Fichte was dismissed from the University of Jena, apparently with the consent of Goethe, ostensibly because of the atheistic implications of his idealism, academic and professional positions have been endangered by avowal of atheism.

The purely social status of the atheist naturally varies in different societies and social levels. In smaller communities where the church plays a central part in social life the presence of an active nonconforming atheist is an irritation and an obstacle to the smooth functioning of the traditional routine of life. The atheist is there apt to become the object of active resentment. In larger cosmopolitan communities where people can more freely choose their associations the disapproval of atheism, as of other unorthodox doctrines, is less active. Leuba's studies show that atheism is more frequent among the educated classes.

MORRIS R. COHEN

MODERN ATHEISM. Atheism has assumed a new importance in the nineteenth and twentieth centuries through its connections with various revolutionary social movements. Ideologically, modern atheist mass movements are based on the popularization of materialistic philosophy and psychology. The sensationalist and associationist psychology of Thomas Hobbes and John Locke, transformed into a militant atheism by such writers as La Mettrie and Baron d'Holbach, gained many adherents as a result of the French Revolution, certain currents of which were clearly animated by atheistic thought. A broader and more systematic conception of atheistic materialism was developed in Germany during the middle of the nineteenth century by the "Hegelian left wing"; while Ludwig Feuerbach's brilliant, though simplified, attack on religion aroused widespread enthusiasm. The next step was taken by Max Stirner, who proclaimed the absolute right of the ego to form its own values. The philosophy of the German materialists has continued until the present to influence the so-called freethinker movement (*see* FREETHINKERS); it had a far more vehement echo in Russia, where Bakunin's anarchistic ideas, propagated by his emissary Nechayev, led to a vast middle class revolutionary movement called "nihilism," which openly advocated the most violent measures against all kinds of religion.

All of these movements, however, remained more or less on the surface and failed to stir the masses. The decisive and far reaching welding of atheism and revolutionary proletarianism was the work of Karl Marx. By now it is generally agreed that the key to Marx's whole system is in the combination of socialism with an entirely materialistic and atheistic philosophy. Whereas earlier manifestations of socialistic thought were infused with religious elements or at least supported by a profound feeling of intuitive morality, the Marxian movement led inevitably to what Werner Sombart calls "die Entgottung der Welt." Marx himself stated that "the English version of the French materialism leads directly to socialism and communism." He thought that traditional religion, which had been entirely defeated by Feuerbach, would, as an inevitable result of the inherent movement of economic forces, be replaced by a system of communism.

To Marx the God of the bourgeois society was simply a reflection of the capitalistic order, of what he called the "fetish character of the wares," a concept which the new economic system based on socialist principles would automatically eliminate as childish. The millennium of communism would come, Marx believed, inevitably, unassisted by either religion or morality. Thus communism assumed the character of a "chiliastic materialism" (Gerlich).

This materialistic socialism, called by its admirers in a period of triumphant Darwinism "scientific Socialism," has become the most emotional and one of the strongest political forces of the twentieth century. The fundamental place of the idea of the class struggle gave Marxism the character of a new atheist religion. Although according to the system the elimination of the religious "superstructure" would automatically follow the elimination of the capitalistic order, the propagandists of the movement regarded a struggle against God and all kinds of churches as a fundamental part of the work of liberation. This attitude is easily explained in view of the historical situation of the proletariat. In most European countries in which Protestantism did not create a freer and more popular religious atmosphere, religion appeared to the masses as a bulwark of feudal and later of capitalistic exploitation, while the latifundia and the opulent luxury of the state churches aroused the resentment of the wretched proletarian masses. Adding to this hostility, Marxian propaganda described religion as a conscious falsification of facts in order to maintain the workers in subservience. The dictum of Marx, "religion is an opiate for the masses," was generally accepted. Furthermore the ascetic trend of the Christian religion and its spirit of humility were repudiated by the energetic exponents of "proletarian pragmatism" as slave morality. Thus Marxian socialism came to assume an increasingly definite atheistic character, as can be seen most clearly in the synthesis made by the "proletarian philosopher," Joseph Dietzgen.

Although this philosophy was practically never challenged in the Marxian ranks, as the socialist movement worked itself out in practical politics the force of the philosophy became markedly different in different situations. In Anglo-Saxon proletarian movements, where the influence of Marxian socialism has been weakest, socialism not only does not oppose religion but may even favor it. In the western type of European socialism, although it is exclusively or preponderantly Marxian, the atheistic implications of the doctrine have been somewhat hidden. As Marxism became democratic and parliamentarian the socialist parties needed the support of the strictly religious peasants and the petty bourgeois sympathizers. As a result several socialist congresses in Germany, in former Austria and in Hungary adopted the slogan, "religion is a private affair."

It is in the Bolshevik form of socialism, in a country where other classes than the proletariat have been rendered powerless and where consequently there is no necessity for a compromise, that all the antireligious tendencies inherent in socialism have developed unchecked. Not only in Russian communism but in all the parties dominated by the Third International atheism and a tendency toward the suppression of religion are manifest. Lenin had given a materialistic stamp to Bolshevism before the revolution; largely as a result of his influence militant atheism was developed as an important tool of communist propaganda. In Russia antireligious propaganda received added impetus from the fact that the persistence of orthodox religious beliefs and in some cases an increase in their intensity among those adversely affected by the revolution are recognized as a disguised and oftentimes subconscious repudiation of the new social order. No less important is the fact that the appeal of religious traditionalism can be conveniently used to instigate and strengthen passive resistance to the economic and political measures of the new regime. Nevertheless it still remains true that the "godless" movement supported by the state as an official religion is a direct logical outcome of Marxian socialism. Outside of Russia the proletarian atheist movements remain sporadic and unorganized by the Marxian parties.

OSCAR JÁSZI

See: MATERIALISM; IDEALISM; RATIONALISM; FREETHINKERS; SOCIALISM; COMMUNIST PARTIES; ANARCHISM; RELIGION; APOSTASY AND HERESY; BLASPHEMY; CIVIL LIBERTIES; INTOLERANCE; DISCRIMINATION, SOCIAL; RUSSIAN REVOLUTION; PROLETARIANISM.

Consult: Lange, F. A., *Geschichte des Materialismus*, 2 vols. (new ed. Leipsic 1926), tr. by E. C. Thomas, 3 vols. (3rd ed. London 1925); Mauthner, Fritz, *Der Atheismus, und seine Geschichte im Abendlande*, 4 vols. (Stuttgart 1920–23); Robertson, J. M., *A Short History of Freethought Ancient and Modern*, 2 vols. (3rd ed. London 1915); Leuba, J., *The Belief in God and Immortality* (Boston 1916) pt. ii; Richard, G., *L'athéisme dogmatique en sociologie religieuse* (Paris 1923); Masaryk, T. G., *Die philosophischen und sociologischen*

Grundlagen des Marxismus (Vienna 1899) chs. ii-iii, ix; Gerlich, Fritz, *Der Kommunismus als Lehre vom tausendjährigen Reich* (Munich 1920); Sombart, Werner, *Der proletarische Sozialismus* ("*Marxismus*") 2 vols. (Jena 1924) vol. i, p. 116–42; Fülöp-Müller, René, *Geist und Gesicht des Bolschewismus* (Zurich 1926), tr. by F. S. Flint and D. F. Tait (London 1927); Harper, S. N., *Civic Training in Soviet Russia* (Chicago 1929); *Der Atheist*, organ of the Internationale Proletarische Freidenker, published in Vienna since 1927.

ATHLETICS. Wherever it has been possible to study the life of early man some indications of games or athletic contests have been found. In the Orient as in the Occident a variety of athletic activities have flourished. Early Egyptians are known to have engaged in running, wrestling, swimming, dancing, acrobatics and some forms of ball games; the Persians held competitions in riding and in the use of weapons such as the bow and arrow or the javelin.

Among the Greeks not only were all such games popular but gymnastic exercises formed a part of the training of the young men. In some of the cities women also were given training in gymnastics and dancing. The body was looked upon as the home of the soul and a beautiful form was extolled by artist and poet. Games and gymnastics along with music and poetry were valued for their contribution to the development of beauty and a sense of rhythm. During the period of the Olympic games, from about 750 B.C. to 400 A.D., competitions culminating in the great games were held all over Greece. Among the most popular contests were running races, both short and long, wrestling, jumping, both high and broad, throwing of the javelin and discus, and chariot races. As at present the victors were the popular heroes. Crowned with olive wreaths and celebrated in numerous poems and songs, they received gifts of oxen, fair slaves and the keys to the cities.

The Romans enjoyed many of the same types of contest; and the state encouraged the development of athletics, for a strong, well formed body was considered a national asset in time of war. Gymnasia and baths flourished in most of the cities and towns of Italy and of the Roman Empire. It was in the latter days of the republic that the great clashes of professionals in gladiatorial combats came into prominence. Vast sums of money were spent and much blood was shed in the boxing, wrestling and fighting games of the arena. Successful fighters often won large purses and the betting was widespread. But, as has so often occurred, professionalism brought with it a cessation of athletic activities by the majority of the people.

Interest in athletics decreased still further following the decline of the Roman Empire, and for several hundred years little attention was paid to the care of the body. The flesh was denied for the good of the spirit. In the age of chivalry which followed, nobles went through a strenuous period of training for the knighthood, which included practise in running, jumping, riding, swimming, boxing and fencing, or exercises with swords and lances, and long periods of severe discipline to enable them to endure hardships. Contests centered chiefly in mock fights which in the tournament became very spectacular and bloody affairs. But such training was limited to the upper classes.

With the Renaissance the body was restored to its place beside the mind as an object worthy of attention. Rabelais tells of the practise of such games as wrestling, running, jumping, swimming or putting the stone and javelin. Montaigne, Locke and Rousseau expounded the value of free play for children and the importance of all forms of exercise in the development of strength, grace and alertness. Dancing again came into favor and various ball games and other sports were included in the more advanced schools as a part of the education of youth for a varied life. Rousseau even advocated that girls should be given the opportunity to participate in dancing and games of all sorts.

After the Napoleonic wars the strain of fighting and the struggle of nations for existence led to an emphasis on physical training as preparation for the defense of the fatherland. Thus athletics came into a new prominence. In Germany Jahn started the Turnplatz, a playground for the practise of exercises, games and national songs. It was from this that the popular Turnverein developed. About this time gymnastics were carefully graded and given a place in the school program in Germany, Sweden and Denmark. In Sweden games and exercises were studied and practised in the light of the growing knowledge of anatomy and physiology. In England the games and sports popular since the sixteenth century served as the basis of physical training.

A similar interest in athletics and games had developed in the colonies of America. This was heightened and varied early in the nineteenth century by the influence of Europe. About 1830 many of the leaders of the Turnverein in Germany, suspected of too liberal activities, fled to

the United States carrying with them their methods of teaching gymnastics. At the same time there developed an interest in the medical gymnastics of Sweden and a renewed borrowing of games from England. Although it was not until nearly 1900 that the playground movement started in the United States, physical activities were rapidly taken over as a part of the school program. Within recent years interest in athletics has largely replaced the earlier emphasis on gymnastics and physical education. Indeed athletics have become world wide in scope.

In the United States athletic activities have become an important part of the life of every city and town, not only within the schools and colleges but through playgrounds, social centers, Y. M. C. A.'s, athletic clubs and churches. In 1927 there were in operation in the United States 10,770 play areas supervised by 19,800 paid leaders and providing recreation for an average of 1,220,600 children daily. In addition 843 swimming pools and 263 municipal golf courses were recorded as having a respective seasonal or yearly attendance of 8,000,000 and 5,000,000.

Gymnastics and athletics form a part of the program of practically every educational institution from kindergarten to college. Gymnastics appear quite universally in the program, due to the ease with which large groups can be given definite and systematic exercise in a limited space with little or no equipment. There are at present 35 states with laws requiring the practise of physical education from one to four hours per week by all children in schools. More recently there has grown up a very highly organized system of interschool athletics, which allows vigorous competition for the physically stronger individuals in such games as football, basketball and track. In many schools attempts are being made to give all the boys and girls the benefit of competition by organizing many teams according to weight, height, age or ability. As a result of such intelligent handling many school boards have included athletics in the school curriculum, allowing a definite credit toward graduation.

In the colleges athletics have grown to prominence with terrific suddenness. In contrast with the European system, where athletics in universities have been carried on almost entirely by the students themselves, almost all colleges in the United States have departments of physical education and directors of athletics responsible to the college authorities, who conduct athletic activities which are not only required but for which definite credit is given toward the degree. This is true of both men's and women's colleges. At the present time such departments handle more than 150,000 men and women students, about 25,000 of whom participate in intercollegiate contests. Approximately 80 percent of the colleges require some regular physical activity for from 1 to 4 years while 75 percent give definite credit for such courses in physical education. In addition there are 125 institutions which develop 2500 teachers of physical education annually.

While the growth of athletics in Europe since 1900 has also been great, its organization has remained more apart from the school life. Games and sports, particularly in the universities, have been in general stimulated and controlled by clubs of students, or in the communities by athletic clubs. The war emphasized the importance of universal physical education, and since 1918 many of the European nations have established national regulations governing participation in athletic activities. Individual cities and school systems have established requirements very similar to those in effect in the United States.

There has also been in Europe since the war a remarkable increase in the participation by the masses in sports and athletics. In Germany at the present time there are about 62,000 sporting clubs with a membership of over 7,000,000. France has established eight district centers for the training of physical education directors and the stimulation of sport. Training schools and extensive programs have been developed in Russia, Austria, Rumania, Italy, Bulgaria and Turkey. The Sokol Societies of Czechoslovakia, similar in scope to the Turners of Germany, have included large numbers of all classes of people. Italy and Hungary have universal physical education for their youths. International games are similar in scope and interest to the intercollegiate contests of the United States. In addition there have grown up in each of the European countries special schools or systems of physical education, gymnastics or dancing. Each such group has its devotees and attempts to carry its system to the homes by means of a widespread distribution of literature and phonograph records or by radio gymnastic programs. In many places schools of physical education have been established, some of which have attained almost world wide influence.

It is only natural that athletic and gymnastic activities should have been practised from earliest time and that they should survive. Among the early animals the growth of the muscular system stimulated the growth of the vital organs and the development of the nervous system. Increasing activity resulted in a development of the brain itself. In surviving forms we find patterns which tend to follow the motor experience of the race. The impulse to motor activity is found in the spinal cord of the child, although the form that such activity takes depends largely on the environment. For the earliest man the environment and for later groups social pressure emphasized the importance of the development of a strong, alert and well trained body for the preservation of the individual or for the defense of clan or nation. The development of the impulse to activity is no less necessary in the preparation of the individual for the complex life of today. It is the more vital that the early environment of the modern child should be planned to satisfy these impulses, since the city child lacks many of the former opportunities of outdoor life. Every well organized playground recognizes this fact and plans its program accordingly. Our modern educational system, too, tries in a general way to utilize this knowledge of the fundamental nature of man and the development of the impulses to activity in the child. In the schools and colleges athletics are intended to fulfil this necessary function.

Indeed one of the chief reasons for the absorption of physical activities into the curricula of the colleges was the recognition of the value of regular systematic exercise for all students. In colleges where the physical education work and the athletic program are well planned, the ideals of training are the development first of the organic system, then of the neuromuscular mechanism for fundamental skills and finally the development of character through competition and team games. The learning of games to be used as recreation after graduation is also considered. Both high schools and colleges with good programs are attempting to realize such aims. To this end incoming students are examined by a medical officer and given tests of physical ability. This allows the assignment of the men to classes according to their ability to participate. The subnormal are given special treatment, while the strongest are encouraged, where encouragement is necessary, to participate in a variety of vigorous games. Such ideals and the methods for obtaining them have been studied and popularized in the United States by the American Physical Education Association, the Society of Directors of Physical Education in Colleges and the Athletic Research Society, while the National Collegiate Athletic Association has attempted to develop and regulate the quality of intercollegiate competition.

Largely due to the lateness of the attempt to utilize the values to be obtained from athletics, educational institutions are struggling with boards of control and conferences to regulate games. Within the colleges decisions are made by the director of athletics, the faculty committee on athletics, the alumni committee and numerous managers. Not only has each college its eligibility standards and rules regarding student participation and the length of schedule of games; but numerous groups of colleges have joined in conferences to establish uniform eligibility and to regulate schedules, amateur standing, officials and the conduct of games. On the other side the football coaches are organized and the officials are combining to demand fair wages for handling games.

In the women's colleges, with a limited amount of intercollegiate athletics, the athletic program is well directed. Because of the lessening of the pressure for well coached teams more energy and intelligence are available for the teaching of dancing, field hockey, basketball, swimming or track athletics to large groups of girls, and the program can be adjusted to their abilities and needs.

The results of such widespread participation in exercise are sometimes difficult to measure. It is well established that strength, physical ability and health are improved by the judicious practise of athletics. When there is medical examination before participation serious consequences are very unlikely. However, as has been pointed out in *Bulletin 23* of the Carnegie Foundation, in a strenuous game such as football there is liability to serious injury. In 1926 at twenty-two representative colleges an average of 17 percent of the football players received serious injury. Only 3 percent of the participants in all sports received such injuries. It is important, moreover, that athletes who have accustomed themselves to a vigorous program of exercise should be provided with recreational activity after college. Otherwise the transition to sedentary occupation results in the deterioration of muscular tissue and the accumulation of fatty tissue. A study of 38,000 college graduates was made by the Metropolitan Life Insurance

Company in 1928 (Dublin, L. I., "Longevity of College Athletes" in *Harper's Magazine*, vol. clvii, 1928, p. 229–38). The investigation indicated a somewhat higher mortality than the average for the varsity athlete and a failure of general athletes to live longer than non-athletes.

Within recent years athletics in the colleges have developed far beyond the stage of physical education and recreation. In the early days in the United States, as in Europe, students organized their own gymnastic societies and ball clubs. Soon, encouraged and aided by willing alumni, they began to build up teams, schedules and a system which made winning teams a necessity even if the players had to be paid and high salaried coaches hired to achieve them. This task was too big for students to handle, and college authorities took over the direction of athletics. Good promotion and extensive publicity have since made college athletics a big business. In many colleges the athletic investment is several million dollars. The annual budget is approximately a half million dollars, and football, the best paying sport, may bring in three quarters of a million dollars to the treasury in a single season. Several colleges have stadia seating from 50,000 to 80,000 persons, while numerous educational institutions send their teams to compete in far off cities with accommodations for 100,000 spectators. Some college teams travel from one end of the country to the other, carrying with them teachers, examinations and study books. Many colleges use their athletic equipment and their athletic teams as a means of advertising for students. In order to provide the necessary costly equipment and play space the alumni are urged to contribute heavily, and their resulting sense of investment in the teams gives them a strong desire to participate in the management and personnel. Many colleges solicit, and alumni are zealous in finding, promising athletes in the high schools, for whom they make it financially easy, if not profitable, to attend their colleges. Such students often need special tutoring while in college and it may be the duty of the director of athletics to supply such assistance. In many places it has been necessary to employ a high grade business man and several assistants to care for the equipment, make up schedules, handle the gate receipts, purchase supplies and accommodate the crowds resulting from the athletic program. In order to keep the stand full and to satisfy the students, alumni and general public it is necessary for a college to have a successful team. To this end players and a coach with a reputation and a system must be found. For such a coach some colleges will pay $25,000 for a season of less than twelve weeks. If he is successful the bidding for his services is great, if unsuccessful the pressure to resign is just as insistent. This pressure is usually transferred to the players, who are drilled early and late until the monotony of practise and the nervous strain of the big games have taken away all spirit of play. While many students in many sports benefit somewhat from this organization and consequent income, yet most of the money, time and attention go to the few students who are least in need of them.

Along with the successful team it is necessary to have the proper publicity for such contests. This is a simple matter, as the newspapers have found that sports are their best steady news. All papers treat important football games as front page news, assigning from one to six columns for headlines, and give especial publicity to a team which has traveled across the continent or abroad. A recent study of 125 newspapers reported by the Carnegie Foundation in *Bulletin 23* showed that in this group an average of ten columns of news space was devoted to sport daily and from two to three times that amount on Sundays. Seven of the papers gave 20 percent and five more than 25 percent of their space to sport news.

The sports page of the modern newspaper relies for its interest not only on college athletics. For professional athletics have grown with equal rapidity and have also assumed the proportions of a big business. Baseball was one of the earliest sports to develop a hierarchy of ownership and organization. It still remains one of the most popular of all sports; in the United States daily crowds at a game range from one to forty thousand and the big games draw about 70,000 spectators. Salaries for baseball players may run as high as $70,000 for a season of seven to eight months A single boxing contest in 1927 drew a crowd of 110,000 persons, who paid a million and a half dollars for admission, of which the contestants received about a million dollars. Hockey has established itself financially and football is growing in interest. Promoters are now at work on the track and tennis stars. Even industrial concerns find work for athletes who will advertise them on the field of play. This development has been most pronounced in the United States, but it is being duplicated throughout the world.

In order to control the vast and growing number of amateur athletes and contests, there have developed in each country Amateur Athletic Unions, groups of ex-athletes and business men, who approve the amateur standing of athletes, keep records and regulate where and when these athletes shall perform. In the United States this organization has become very powerful and the amateur athlete must observe all its edicts or suffer suspension which eliminates him from all competition. In spite of this athletic clubs vie with each other to obtain stars who will build up the prestige of the club. The most important events in amateur competition for most of the sports are those of the Olympic Games. These were revived in 1896 and have been held subsequently every four years with the exception of 1916. At the Olympic Games at Amsterdam in 1928, about 45 nations were represented by over 4,000 athletes, both men and women. Almost all forms of sport were included, and women participated, not only as hitherto in swimming and gymnastics, but for the first time in the track events.

The growing popularity of athletics and the prominence given to athletes has increased the problem of separating the amateur from the professional. In the early days sport was the activity chiefly of nobles and gentlemen. When the masses began to participate, a serious situation arose particularly in England, where some of the working men gave promise of beating the records. The early rules forbade those who earned their livelihood by the work of their hands from competing with gentlemen. From this developed the now generally understood definition of an amateur as one who engages in sport solely for the pleasure and the physical, mental or social benefits he derives therefrom. The inclusion in the professional ranks of directors of physical education who may possess and develop in others the highest ideals of sport has raised doubts as to whether the strict application of this principle does what is intended. Moreover, so great has been the demand of the public for exhibitions and so profitable have promoters found the business that large financial inducements are offered to prominent amateurs to join the professionals, while for those who do not openly become professionals numerous ways of appearing to remain amateurs have been devised. It is in the attempt to regulate amateur athletics that great sport controlling bodies have been formed in most countries and that an international organization has developed. Consistency in the making of rules or the punishment of offenders is difficult and criticism of the edicts of such organizations is widespread. In spite of the difficulties, attempts are being made to separate those who compete in an eager and fair minded spirit from those who make a business of evading rules and using tricks and unfair tactics to win. When this has been accomplished, games and athletics will have found their real place in the life of the people.

A. W. MARSH

See: PHYSICAL EDUCATION; SPORTS; PLAY; RECREATION; GAMES; PLAYGROUNDS; AMUSEMENTS, PUBLIC; COMMERCIALISM; AMATEUR; PROFESSIONALISM.

Consult: Groos, Karl, *Die Spiele der Menschen* (Jena 1899), tr. by E. L. Baldwin (New York 1901) pt. iii; Leonard, F. E., *A Guide to the History of Physical Education* (Philadelphia 1923; rev. ed. by R. T. McKenzie, 1927); Gardiner, E. N., *Greek Athletic Sports and Festivals* (London 1910); Schröder, B., *Der Sport im Altertum* (Berlin 1927); Lowe, D. G. A., and Porritt, A. E., *Athletics* (London 1929) chs. i–iii; *Geschichte des Sports aller Völker und Zeiten*, ed. by G. A. E. Bogeng, 2 vols. (Leipsic 1926); May, Herbert L., and Petgen, Dorothy, *Leisure and Its Use; Some International Observations* (New York 1928) p. 58–64, 80–107, 153–65; Schroeder, Louis C., "Physical Education and Sports in Europe" in *American Physical Education Review*, vol. xxxiv, (1929) 516–21; Hoh, Gunsen, *Physical Education in China* (Shanghai 1926) chs. i, iv, vi and vii; Savage, H. J., "Games and Sports in British Schools and Universities," Carnegie Foundation for the Advancement of Teaching, *Bulletin no. 18* (New York 1927), and "American College Athletics," Carnegie Foundation for the Advancement of Teaching, *Bulletin no. 23* (New York 1929), and "College Athletics and Scholarship" in Carnegie Foundation for the Advancement of Teaching, *22nd Annual Report* (New York 1927) p. 49–65; "Intercollegiate Football" in American Association of University Professors, *Bulletin*, vol. xii (1926) 218–34; Hanmer, Lee F., *Athletics in the Public Schools*, Russell Sage Foundation, Department of Child Hygiene, Publication no. 72 (New York 1910); Wagenhorst, L. H., *The Administration and Cost of High School Interscholastic Athletics* (New York 1926); *Interscholastic Athletics*, compiled by Julia E. Johnson, Reference Shelf, vol. vi, no. 2 (New York 1929); Rogers, F. R., *The Amateur Spirit in Scholastic Games and Sports* (Albany 1929); Sandilands, G. S., *Atalanta, or The Future of Sport* (London 1928).

ATKINSON, EDWARD (1827–1905), American economist, statistician and underwriter. A native of Massachusetts, he engaged in business in Boston and became treasurer of several textile mills. He was especially interested in establishing and administering mutual fire insurance companies for manufacturers. Atkinson's efforts to secure proper construction, inspection and installation of sprinkler equipment greatly re-

duced losses by fire. From 1878 until his death he was president of the Boston Manufacturers Mutual Insurance Company. Abhorring economic waste Atkinson devoted much time and energy to reform in cooking; he invented the Aladdin lamp, or Atkinson Cooker, whereby foods could be prepared at a reduced cost in fuel, in less time and with a gain in nutritive qualities. In the hope of securing a wider acceptance of his invention he refused to take out a patent.

Atkinson's interests extended into every field of economic life; he published pamphlets on taxation, finance, wages, tariff, sound money, railroad problems and other subjects. He was a pioneer in advocating the diversification of agriculture and the development of industry in the south. In 1887 he served as special commissioner to report upon bimetallism in Europe. Atkinson was opposed to taking the Philippines, and several of his anti-imperialist pamphlets were withdrawn from the mails as seditious. An advocate of free trade and an opponent of socialism, he looked to class cooperation and the improvement of industrial technique to bring about general prosperity and social progress.

DAVIS R. DEWEY

Important works: *Cheap Cotton by Free Labor* (Boston 1861); *Our National Domain* (Boston 1879); *Railroads of the U. S.* (Boston 1880); *Cotton Manufactures of the U. S.* (Boston 1880); *Distribution of Products* (New York 1885); *Bimetallism in Europe* (Washington 1887); *The Science of Nutrition* (Springfield, Mass. 1892); *Taxation and Work* (New York 1892); *Prevention of Loss by Fire* (Boston 1900); *Facts and Figures as the Basis of Economic Science* (Boston 1904).

ATKINSON, HARRY ALBERT (1831–92), New Zealand pioneer settler (1855), soldier and statesman. He was born and educated in England and became interested in colonization through the influence of his brother and through the propaganda carried on by Wakefield. His energy and unconventional methods in the Taranaki Maori wars (1860–64) revealed by contrast the unadaptability of the British regulars to colonial warfare. As minister of defense (1864–65) Atkinson instituted the "self-reliant" policy, moving for the withdrawal of the imperial troops, the transfer of control of native policy from the British to the New Zealand Parliament and the organization of colonial defense forces. In 1875 he moved for the abolition of the provinces, thus destroying the quasi-federal character of the New Zealand constitution of 1852. The local governments he substituted, however, had only qualified success. From 1874 to 1891 he was occupied with his duties as colonial treasurer and as premier. The latter office he held four times. He pursued a policy of conservatism or moderate reform and because of the severe economic depression adhered to courageous economy. Atkinson introduced the first protective tariff (1879), substituted a property tax on the "American model" for the land tax, helped to establish manhood suffrage, but opposed triennial as against quinquennial parliaments. He supported the institution of national compulsory education but objected to state monopoly. Regarding imperial federation as impracticable he nevertheless advocated the federal union of New Zealand with the Australian colonies. Atkinson's last years in office were marked by agitation for close settlement of the land, by labor disputes, ugly revelations of a commission on sweated labor (1888) and by a general maritime strike (1890). His resignation, which followed the elections of 1890, ushered in the era of liberal-labor governments and of notable social reforms. In the last two years of his life he acted as speaker of the legislative council. His defense and financial policies are generally praised by modern historians as suited to the peculiar circumstances of New Zealand in the seventies and eighties.

JAMES HIGHT

Consult: Toswill, E. E., *The Life of Sir Harry Albert Atkinson* (in ms., Library of Canterbury College, Christchurch, N. Z.); Reeves, W. P., *New Zealand* (3rd ed. Boston 1925); Rusden, G. W., *History of New Zealand*, 3 vols. (2nd ed. London 1885) vols. ii-iii; Saunders, Alfred, *History of New Zealand*, 2 vols. (Christchurch, N. Z. 1896–99) vol. ii.

ATKINSON, WILLIAM (dates of birth and death unknown), English writer on economic subjects. He was made an original fellow of the Royal Statistical Society upon its foundation in 1834. In 1839, when an investigation of the distress of the Spitalfields hand loom weavers was undertaken by a crown commission, he obtained a mandate to prepare their case. One result of Atkinson's activities on behalf of the weavers was the *Principles of Political Economy; or The Laws of the Formation of National Wealth: developed by means of the Christian Law of Government* (London 1840). In this book he attacked the classical economists for their failure to give due prominence to the dictates of Christian ethics and to reach an agreement on such vital questions as population and fiscal policy.

A second edition of this work appeared in New York in 1843 with a preface by Horace Greeley, who was attracted both by its stout advocacy of protectionism and by its "moral and religious aspect." Atkinson also published the first volume of *Principles of Social and Political Economy, or the Laws of the Creation and Diffusion of Wealth Investigated and Explained* (London 1858).

W. H. DAWSON

ATKINSON, WILMER (1840–1920), American rural journalist. He was born in Pennsylvania of liberal Quaker parents whose decided opinions on social problems influenced him through life. After a period of country school teaching and farming, interrupted by service in the Civil War, he turned to journalism. With Howard Jenkins he founded the Wilmington *Daily Commercial* (1866), the first daily newspaper in Delaware, and almost immediately began a campaign for the abolition of the whipping post. Atkinson was an early advocate of woman's suffrage and prohibition. In 1877 he founded in Philadelphia the monthly *Farm Journal*, which he edited and published for forty years. The success and influence of this publication, the circulation of which exceeded one million on Atkinson's retirement, was largely due to his deliberate cultivation of a personal relationship with his readers. All articles dealt with practical farm problems and were characterized by an intimacy of style and a simple, appealing humor. Atkinson constantly championed the farmers' cause in public matters. He urged them to improve the conditions of their private life by his creation of the famous Peter Tumbledown, a symbol of rural slovenliness. His "Fair Play Notice" of October, 1880, was the first instance of a publisher's guaranty of advertisements with a promise of refund to aggrieved subscribers. He always rejected advertisements of patent medicines and other questionable products and thus helped to raise publishing standards.

MALCOLM M. WILLEY

Consult: Atkinson, Wilmer, *An Autobiography* (Philadelphia 1920); *The Farm Journal*, vol. xliv (1919–20) no. 10.

ATKYNS, ROBERT (1621–1709), English barrister and judge. He was of some importance in connection with the opposition to James II, the fight for parliamentary privilege and the history of parliamentary reform. Atkyns was born of an old family of exchequer barons and barristers, which had been prominent in Gloucestershire and Bristol for two hundred years. After 1661 he was a bencher in Lincoln's Inn; he served as judge of Common Pleas (1672–78) and as recorder of Bristol (1659–78). About 1676 he declared openly against pensions and places for members of Parliament, spoke against the sale of offices, refused to accept "presents" himself and on the hustings at elections denounced such practises. Had his family and his own position been less important, his statements might have roused less resentment; as it was he probably resigned from the bench under pressure, being one of the last judges forced out on political grounds, and was also ousted from his position as recorder of Bristol. Atkyns next drew up a defense for Lord Russell during the latter's impeachment and published a vigorous denunciation of procedure in trials for treason. In 1684, when the speaker of the House was indicted for publishing, at the order of the House, Dangerfield's narrative of the popish plot, Atkyns argued in his defense—perhaps as counsel—and published an elaborate defense of the privilege of Parliament. He also printed tracts denying the antiquity or legality of the dispensing power and attacking the legality of James II's High Commission. He was made chief baron in 1689 and speaker of the House of Lords (1689–93). Immediately after retiring from the bench in 1694 Atkyns revived Coke's old attack upon the equitable jurisdiction and published a tract declaring the jurisdiction of the Lords a usurpation.

His tracts were collected in *Parliamentary and Political Tracts* (London 1734, 2nd ed. 1741). They were widely read in the seventeenth and eighteenth centuries, are not yet wholly forgotten and deserve place in the history of political science.

ROLAND G. USHER

ATROCITIES. An atrocity may be defined as a conspicuous act of cruelty, associated with some political operation, for which a government may be represented as directly or indirectly responsible. Some dramatic element is involved. Slow measures of oppression may entail severer suffering, but they rarely arouse the same indignation. Thus the Allied blockade of the Central Powers caused suffering immeasurably greater than did the misdeeds of German submarine or airship commanders, yet few called it an atrocity. Burke thundered against the execution of

Marie Antoinette, but ignored the massive oppressions of the feudal system—as Tom Paine put it, he "pitied the plumage, and forgot the dying bird." Atrocities may be morbid and sadistic phenomena, but they may also proceed from calculation and may even be the outcome of a judicial process, as was the execution of Joan of Arc or of Nurse Cavell. The defense for atrocities is commonly military or political necessity, and this argument is apt to carry weight in proportion as one approves the purpose of the political operation to which they are incidental. A plausible military case could be made out for the systematic burning of farms by the British in the Boer War, whereas neutral opinion disapproving of the war followed Sir Henry Campbell-Bannerman in condemning these "methods of barbarism."

The worst atrocities occur when a deep gulf of race, color or culture divides the combatants, or when fear or religious hatred interferes with the dictates of humanity and prudence. Civilized and uncivilized armies alike are most often guilty of atrocities under these conditions. One thinks of the time during the Mutiny when Indians were fired from British guns. Commanders excuse themselves on the plea that "natives" interpret moderation and humanity as weakness. Tribes in the food gathering phase of evolution have sometimes been exterminated like vermin by white settlers, as were the Tasmanians and the Bushmen. Backward races in a sense avenge themselves when they are employed by whites against other whites. The use of colored troops by the French to garrison the Rhineland was justly condemned because it involved the humiliation of the inhabitants and led to sexual assaults. A small ruling caste, repressing a numerous subject class, will often in fear lapse into gross barbarity. Cromwell's brutalities against the Irish Catholics illustrate all these predisposing causes. Religious passion can condone wholesale atrocities. Louis Napoleon with difficulty prevented the city of Toulouse from celebrating the tercentenary of a local massacre of Huguenots.

The attempt has been made in modern times to define in a code an absolute standard of humanity in warfare. But while civilized opinion grows more exacting, the technique of warfare becomes more murderous. Bayard, the model of knightly conduct in the sixteenth century, regarded the use of gunpowder as an atrocity. The contemporary sentiment against poison gas may come to seem as futile.

It is a modern requirement that war should be so conducted as to inflict upon the enemy the minimum of suffering consistent with a nation's political purpose. This would have seemed nonsensical to a self-sufficing national state. It imposes itself with the growing economic and cultural interdependence of peoples: with the enemy of today one may trade tomorrow. The struggles of the first organized states of antiquity were wars of extermination in which the adult males were slaughtered and the women enslaved. Religious rites made for systematic atrocities. Amid the elegant culture of the eighteenth dynasty in Egypt seven rebel kings were carried head downwards from the prow of the royal barge of Amenhotep II and sacrificed to Amon. The Roman maxim, *parcere subjectis, et debellare superbos*, illustrates the influence on warfare of the motive of permanent conquest. One must be relatively merciful where one intends to settle.

Warlike castes tend to build up a code of mutual restraint which lessens the risks of fighting. Such was mediaeval chivalry. The professional *condottieri* in the Italian wars all but eliminated bloodshed from their battles. Military experience slowly discovered the principle of reciprocity. If one refuses quarter or indulges in atrocities the enemy will resort to reprisals. The average soldier when the odds are against him is less liable to panic if he expects quarter and anticipates humane treatment for the prisoners and the wounded.

The evidence of an unorganized conscience opposing atrocities ranges from Euripides to Voltaire. Grotius had the daring idea of subjecting war to law, but only in the nineteenth century does one encounter an international conscience organized against atrocities. The first concerted attempt to humanize warfare was embodied in the Geneva Convention (1864 and 1906), which with subsequent legislation emanating from The Hague established a code of civilized usage in regular warfare for the protection of prisoners, wounded and non-combatants.

One realizes, with Gladstone's use of the Bulgarian atrocities in 1875, that a world wide standard of humanity had grown up in the more advanced democracies. The Turkish misdeeds roused popular passions, discredited Disraeli's Turcophile policy and supported the Liberal case for evicting the Turks from Europe. The same thing happened after the Armenian massacres. The concern displayed for the Christians

of Turkey was not wholly disinterested: it assisted imperialism to break up the Turkish dominions. The effect of the efforts of the European Concert to impose humanity on the Turks was worse than negative, for the latter now saw in their Christian subjects the advance guard of European imperialism. The Concert's intervention in Macedonia, again, between 1903 and 1912, went to the length of creating an international *gendarmerie*. Little improvement resulted, and the revolutionary organizations actually provoked atrocities in order to stimulate Europe to more effective action. No less significant was the success of the agitation organized by E. D. Morel against King Leopold's misrule in the Congo. The proved cruelty in the forced collection of rubber drove the British Foreign Office to remonstrate. Here the legitimate interests of Liverpool merchants reenforced the argument from humanity. The Belgian parliamentary opposition joined in the attack and the system of monopoly was ended.

The chief role of atrocities in history, however, has been the stimulation of warlike passions. The cutting off of the ears of a certain Captain Jenkins drove Walpole into the last of the British wars against Spain; the atrocities of the Terror excused the monarchical combination against revolutionary France; the ill usage of the natives by Dutch farmers helped to bring about the Boer War. Allied propaganda made an unprecedented use of "Hun" atrocities to create a militant temper at home, to stimulate recruiting and to influence neutrals. Much of this propaganda was grossly dishonest, like the lie of the British official propagandist agency (based on a mistranslation of the word *Kadaver*, which means the body of a dead animal) that the Germans were extracting fat from human corpses to make munitions. Such incidents measure the intellectual degradation of war. A like one-sided use was made of the atrocities in the Russian revolutionary struggle to discredit radicals in other countries.

Experience inculcates the utmost caution in the use of charges of atrocity. They divert attention from the real political issue, engender an atmosphere fatal to pacific diplomacy and are in the absence of a neutral court of investigation very difficult to verify. The inquiry of the Carnegie Commission in 1913 into the conduct of the Balkan wars disproved many charges which had been generally believed and which had done their work. A wise commander will not encourage his men to believe in the cruelty of the enemy. Such a belief may sap their morale and tempt them to practise atrocities. Further progress in banishing atrocities from the modern world will follow the more effective organization of civilized opinion and the creation of tribunals which can investigate and penalize acts of inhumanity.

H. N. BRAILSFORD

See: WAR; WARFARE; PRISONERS OF WAR; MASSACRE; MORALE; PROPAGANDA; HUMANITARIANISM.

Consult: Lasswell, Harold D., *Propaganda Technique in the World War* (London 1927) p. 81–89; Angell, Norman, *The Public Mind* (New York 1927) ch. v; Ponsonby, Arthur, *Falsehood in War Time* (London 1928); Demartial, G., *La guerre de 1914: Comment on mobilisa les consciences* (Paris 1922) p. 15–30.

ATTAINDER. The words attainder and attaint are derived from the Latin *attingere*, to touch, strike or attack, through the old French *atteindre*, or *ateindre*, and in their early judicial use both in mediaeval France and England this meaning of prosecution persisted. But the fact that conviction for serious crimes actually involved subsequent forfeiture of the right to hold property offices or dignities and thus affected not only the man convicted but also his heirs led in time to the erroneous but practically universal derivation of the words from the Latin *tingere* (French *taindre*, *teindre*), to taint, to become corrupt in blood. The effect was taken for the cause, and attaint thus came to mean corruption of blood, a person attainted (*attinctus*) one so affected and attainder any procedure by which this effect was produced.

The earlier and original meaning of the word probably persisted in the attainting jury of twenty-four employed in England in the later Middle Ages and afterwards to impeach the verdict of a jury. If the original verdict was thus found to be false, the jurors became guilty of perjury and "their meddowes shall be eyred, their houses broken down, their woods turned up, and all their lands and tenements forfeited to the King" (Rastell, John, *Les termes de la ley*, published originally in Latin in 1527; English translation by his son first published London 1567). But this procedure fell into disuse, and with the decision in Bushell's Case (1670) that jurors may not be held liable for their verdicts the whole principle upon which it was based disappeared from English law.

The phase of attaint and attainder which is most important for legal history is that connected with conviction for offenses entailing corruption of blood. This result followed con-

viction for treason and felony, and the term "attainder" was applied to all forms of procedure by which it was effected. Staunforde in the sixteenth century recognized two principal kinds, the attainder "on appearance" and that "on default." Attainders "on appearance" were by confession, battle or verdict of a jury; those "on default" were "by process," resulting in the outlawry of the accused who failed to appear (*Les plees del coron*, London 1560, cap. 49). "Aptly is a man said to be attainted, *attinctus*, for that by his attainder of treason or felonie his bloud is so stained and corrupted as, first, his children cannot be heires to him, nor to any other ancestor. . . . Secondly, if he were noble or gentle before, he and all his children and posteritie are by this attainder made base and ignoble, in respect of any nobilitie or gentrie which they had by their birth. Thirdly, this corruption of bloud is so high, that regularly it cannot be absolutely solved but by authoritie of parliament" (*Coke upon Littleton*, 391 B).

In addition to this corruption of blood and death by hanging, drawing and quartering, treason further involved the forfeiture to the king of all the traitor's lands and goods. The goods of felons also were forfeited, but the king could retain their lands for a year and a day only. For felony the penalties were so severe that after the middle of the sixteenth century the statutes creating new felonies always included a proviso that a conviction under them should not effect "corruption of blood." The statute 54 George III, c. 145 (1814) restricted all corruption of blood to cases of treason and murder. The act of 33 and 34 Victoria, c. 23 (1870) swept away the whole system of attainders with their attendant forfeitures, corruption of blood and escheat with the insignificant exception of forfeiture consequent on outlawry.

In the fourteenth and fifteenth centuries attainders for treason are occasionally to be found on the *Rolls of Parliament*, but in the case of the earlier ones it is very hard to say whether the procedure under them should be termed judicial or legislative, since "awards" of Parliament and private "acts" were for a long time almost if not entirely indistinguishable. For this reason it would seem impossible to point with certainty, as some have tried to do, to any case as the first "bill of attainder." For a considerable time also it is difficult clearly to distinguish these in all cases from impeachments. The practise was long fluid and uncertain, but in times of violence, especially in the reign of Richard II and during the Wars of the Roses, a number of dangerous precedents were created, which were employed and improved on in later centuries. In the time of Henry VIII bills of attainder were used with dangerous frequency and under the Stuarts the practise was continued until after the Revolution of 1688, while bills of pains and penalties, similar in character although less severe in penalty, occur rarely for about another century.

Bills of attainder are now obsolete in all countries with truly constitutional governments. In England of course there is no legal obstacle to their revival by Parliament at any time, but the feeling that they are unjust in principle renders such an event improbable. In the past, however, they have furnished many of the worst cases of the miscarriage of justice by which the history of criminal procedure is only too well marked. The memory of such cases was still fresh enough in 1787 to warrant the express prohibitions of attainder contained in the Constitution of the United States in Article 1, Section 9, and Article 3, Section 3.

C. H. McIlwain

See: Criminal Law; Punishment; Jury; Confiscation; Treason; Political Offenders.

Consult: Hatsell, John, *Precedents of Proceedings in the House of Commons*, 4 vols. (London 1796) vol. iv; Coke, Edward, *The Third Part of the Institutes of the Laws of England*; Hale, Matthew, *The History of the Pleas of the Crown*, 2 vols.; Blackstone, William, *Commentaries on the Laws of England*, bk. ii, ch. xv, § 7, and bk. iv, ch. xxix; Reeves, John, *History of English Law*, 5 vols. (new American ed. Philadelphia 1880) vol. ii, p. 161–66, vol. iv, p. 399–406; Holdsworth, W. S., *A History of English Law*, 9 vols. (3rd ed. London 1922–26) vol. i, p. 337–40, vol. iv, p. 185, 515–17; Cooley, Thomas M., *Constitutional Limitations* (6th ed. Boston 1890) p. 314–18.

ATTITUDES, SOCIAL. Social attitudes are individual attitudes directed toward social objects. Collective attitudes are individual attitudes so strongly interconditioned by collective contacts that they become highly standardized and uniform within the group. While most social attitudes are thus collectively interconditioned and standardized, others such as those of antisocial and maladjusted individuals and of persons living in advance of their time are also important.

The attitude is originally a trial response, i.e. interrupted, preparatory or substitute behavior arising within an incompleted adjustment response, but it may become the permanent set of the organism. It ranges from concrete overt

muscular response to that which is abstract, inner or neural, and has three control functions. First, it enables the adjusting organism to take a sensory and perceptual inventory of its technique and thus to control subsequent adjustment behavior. This control becomes intellectual when the attitudes are abstract and symbolical. Secondly, a competing, contending or cooperating organism, perceiving the attitudes of another, may so direct its own responses as to protect or further its interests. Thirdly, the attitude is used to indicate one's own intentions to others, thus preventing aggression and inducing fear or cooperation. This function often operates on an automatic basis, and in man it reaches a very high development through the use of abstract thought (verbalized attitudes) communicated through spoken or written language. The overt attitudes are easily perceived, but the inner or neuro-psychic attitudes are difficult to detect, although it is more important to respond to them than to the overt attitudes. Consequently the inner attitudes have developed substitute overt expressions, largely through vocalization, gesture and handwriting movements, to take the place of the older overt partial and preparatory movements which were dropped as trial and error became increasingly neural and decreasingly muscular. These last two functions of attitudes are specifically social and are closely correlated with social consciousness. The first function is primarily personal and is most closely correlated with self-consciousness.

Social attitudes are as numerous as relationships between people, but they may be classified according to several general criteria, the most significant of which are: the collective relationships which standardize and stereotype attitudes through interconditioning (urban, rural, sectarian, racial, nationalistic, political, occupational, etc.); the objective or aim of the behaving person (humanitarian, exploiting, protective, etc.); the valuation placed upon the objective or the technique utilized (approving, discouraging, etc.); the object calling forth the attitudinal response (attitudes toward money, radicals, sex, etc.); and the time reference of the attitude (traditional, progressive, temporary, permanent, etc.). Attitudes of the first type are perhaps the most significant. They are most studied by the collective behaviorists, while the social psychologists are interested in all types of attitudes.

Attitudes form the basis of all language and communication. In them is implicit all finished social behavior and through them practically all social adjustment is consummated. It has always been important to respond to behavior while it is still attitudinal, that is, recognizable as tendency or as intention. Language, which is essentially symbolic and substitute behavior, has made such anticipatory responses possible even to the most hidden or abstract inner attitudes. Modern social behavior is organized primarily on the basis of such anticipatory response.

Public opinion is the highest form of collective attitudes. Its function in the collective control process is analogous to that of the intellectual (verbalized) attitudes in the individual adjustment process. In the latter the higher and more abstract types of attitude are a part of the process of criticism and reorganization of unsatisfactory experiences on the overt plane. In the collective adjustment situation it is public opinion which serves to criticize and reorganize, or sometimes to rationalize and justify, the existing collective attitudes.

Many attempts have recently been made to classify and measure collective attitudes, especially urban, rural, occupational, political, buying, recreational, moral, antisocial and religious attitudes, in order to bring about their more successful control through public opinion or through governmental, educational, business and religious organizations. A frequent source of error here has been the substitution of the measurement of verbalized attitudes for the measurement of the total set of attitudes, including the overt and emotional. Such a procedure frequently emphasizes one's critical attitudes, or what one thinks one should do, rather than what one will or can do. Likewise students of public opinion often reveal collective ideals and rationalizations rather than fundamental social attitudes or tendencies, which are rooted in the organic sets, traditions and customs of the people. The latter are ordinarily more difficult to measure.

L. L. BERNARD

See: SOCIAL PROCESS; TRADITION; LANGUAGE; COMMUNICATION; PUBLIC OPINION; PROPAGANDA; CONDUCT; COLLECTIVE REPRESENTATION; SOCIAL PSYCHOLOGY.

Consult: Faris, Elsworth, "The Concept of Social Attitudes" in *Journal of Applied Sociology*, vol. ix (1924) 404–09; Thomas, W. I., and Znaniecki, Florian, *The Polish Peasant in Europe and America*, 2 vols. (2nd ed. New York 1927) vol. i, p. 22–30; Bernard, L. L., *Introduction to Social Psychology* (New York 1926) ch. xvi; Cooley, C. H., *Social Organization* (New York 1909) chs. iv–v; Dewey, John, *Human Nature and Conduct* (New York 1922); Mead, G. H., "Social Consciousness and the Consciousness of Meaning" in *Psychological Bulletin*, vol.

vii (1910) 397–405; Thurstone, L. L., "Attitudes Can Be Measured" in *American Journal of Sociology*, vol. xxxiii (1928) 529–54; Bernard, L. L., "A Theory of Rural Attitudes" in *American Journal of Sociology*, vol. xxii (1916) 630–49; Mead, G. H., "The Psychology of Primitive Justice" in *American Journal of Sociology*, vol. xxiii (1917) 577–602.

ATTWOOD, THOMAS (1783–1856), English advocate of currency reform and Chartist. Member of a family of Birmingham bankers he first became prominent in 1812 as leader of an agitation against the Orders of Council, which gravely threatened the trade of his native city. In 1819, as the most conspicuous member of the Birmingham currency school, he opposed Peel's policy of resuming specie payments. Holding that the extent of the market is determined by the amount of money in circulation he advocated that currency be freed from restriction. Inconvertible paper money, he urged, should be issued as credit against future production and a system should be adopted for altering the standard of value with the fluctuation of prices. In 1830 Attwood founded the Political Union, which did much to insure the success of the Reform Bill of 1832. From 1832 to 1839 he was a member of Parliament, where he usually voted with Cobbett and was popular as a sincere radical. To correct poor law abuses he proposed the abolition of relief to persons able to work and the creation of a legal right to work; "depots of industry" in every county were to provide employment at two thirds the normal rate of wages. Attwood was the leader of Midlands Chartists and together with Fielden introduced the Chartist National Petition in Parliament. However, he was not trusted by working class leaders, who felt that his participation in the movement was due to his interest in pushing the currency scheme rather than to a belief in genuinely democratic principles.

W. H. DAWSON

Consult: Wakefield, C. M., *Life of Thomas Attwood* (p. p. London 1885); Beer, Max, *A History of British Socialism*, 2 vols. (London 1921) vol. ii, p. 33–42, 77–81.

ATWATER, WILBUR OLIN (1844–1907), pioneer in American agricultural research and in the study of human nutrition. He was an early advocate of public support of experimentation in agriculture. He directed the first state agricultural experiment station (Middletown, Conn.) from its establishment in 1875 until 1877; from 1887 to 1902 he was the first director of the Storrs (Conn.) station. During part of this period (1888–91) he was also the first chief of the Office of Experiment Stations, representing the federal Department of Agriculture in its relations with the state stations. In these capacities he formulated policies and lines of work, selected and inspired later leaders and otherwise contributed materially to the effective development and operation of the experiment station system.

As chief of the nutrition investigations of the federal Department of Agriculture from 1894 to 1905, Atwater organized in about twenty states hundreds of carefully planned cooperative studies of foods and diets. With his associates he developed elaborate apparatus including the Atwater-Rosa-Benedict respiration calorimeters, demonstrated that the law of the conservation of energy holds good in the utilization of food in the human body, and carried on many other important investigations of food and metabolism. The results of his work were embodied in well over one hundred papers, some of which were translated into foreign languages. His writings were of great importance in stimulating both scientific and popular interest in what was then practically a virgin field in the United States.

HOWARD LAWTON KNIGHT

Consult: "Prof. W. O. Atwater" in United States, Department of Agriculture, *Experiment Station Record*, vol. xix (1907) 101–06; "Wilbur Olin Atwater" in *Science*, n.s., vol. xxvi (1907) 523–24.

AUBAINE, RIGHT OF, was the right according to which, under the feudal regime, a lord inherited the property of a foreigner (in old French *aubain*) who had died on his fief without leaving children to succeed him. In early feudal times the right of aubaine existed throughout most of Europe, but its later development was largely restricted to France, where it became a royal right exercised by the treasury. It originated in the old rights of "strayed goods" (*droit d'épave*) and of "escheat" (*droit de déshérence*), which gave to the lord goods without an owner and the property of a man who died without known heirs. At first exercised only with regard to unknown wanderers, who were not able to place themselves under the protection of a lord by commendation and who had no personal status, the right was extended by the lords, in search of revenue, to all foreigners. It is found in this form, with varying modifications, in the majority of the feudal customs books of the thirteenth

century. The kings at first exercised it only in their own domain, in their capacity of direct feudal lords; but as their royal power developed at the expense of their vassals they progressively extended the right to the entire kingdom as a means of satisfying their constant need for money. This had been accomplished by the fifteenth century, and the lawyers then developed the theory of the *droit d'aubaine*. According to this theory, since the foreigner under Roman law has neither the capacity to make a valid will nor the right to inherit, all his successions, where there were no naturalized children to succeed him, must revert to the king to the exclusion of any other lord.

Obviously, as the number of foreigners in France increased with the development of international intercourse, such a right could become, on the one hand, an important source of revenue for the treasury and, on the other, a great obstacle in the way of trade with neighboring countries. For this reason the kings soon learned to exercise their right with moderation. Exemptions were accorded to various groups: to the merchants who frequented the fairs of Lyons and Champagne; to the first German printers called to Paris by Louis XI; to the tapestry weavers brought from Flanders by Henry IV, etc. The exercise of the right was renounced in certain localities (Aigues Mortes, Nîmes, Dunkirk, Marseille) and even in certain provinces (Languedoc, 1484) or in favor of certain classes of persons (ambassadors, Scotch and Swiss soldiers enrolled in the French army). The king also authorized foreigners to purchase freedom from this burden by securing "naturalization letters" (*lettres de naturalité*), which gave them the status of Frenchmen for financial purposes; this, it may be noted, was the origin of naturalization. In spite of these exemptions the right exercised a profound influence upon the social and economic condition of France.

The philosophers of the eighteenth century declared the right of aubaine to be contrary to natural law and demanded its abolition. Under pressure of public opinion the government negotiated treaties with other powers for reciprocity in abolition of this right (Spain, 1762; Holy Roman Empire, 1766; Holland, 1773; etc.). A decree of the Constituent Assembly of April 6, 1790, abolished it unconditionally, with the statement that it is "contraire aux principes de fraternité qui doivent lier tous les hommes . . . et que la France libre doit ouvrir son sein à tous les peuples de la terre." The law of July 14, 1819, in abrogating the article of the Code Napoléon which still limited the right of inheritance by foreigners, definitely introduced this new principle into French legislation.

ED. ESMONIN

See: ALIEN; NATURALIZATION; INHERITANCE TAXATION; INHERITANCE.

Consult: Bacquet, Jehan, *Trois premiers traictez des droits du domaine de la Couronne de France avec l'établissement et jurisdiction de la Chambre du Trésor* (Paris 1580); Gaschon, J. B., *Code diplomatique des aubains* (Paris 1818); Demangeat, Charles, *Histoire de la condition civile des étrangers en France* (Paris 1844); Mathorez, J., *Les étrangers en France sous l'ancien régime*, 2 vols. (Paris 1919–21) vol. i, p. 138–51; Bernheim, A. C., *The History of the Law of Aliens* (New York 1885).

AUBURN SYSTEM. *See* PRISON DISCIPLINE.

AUCLERT, HUBERTINE (1851–1914), French feminist. Madame Auclert's first pamphlet, *Le droit politique des femmes* (Paris 1878), was a protest against the timidity of the first International Feminist Congress, held that year in Paris, which refused to commit itself to suffrage for women. To further this cause she founded a society called at first Droit des Femmes and later Suffrage des Femmes. In an address before the French Socialist Congress in Marseille, 1879, she introduced a motion advocating woman's equality with man in both social and political rights. The congress supported her motion and the principle involved has been retained as a doctrine of the party. In 1880 her refusal to pay taxes on contention that the denial by the state of political rights to women precluded the state's imposing fiscal obligations upon them attracted widespread attention. A decree of the Conseil d'État forced her to make payment. Madame Auclert founded in 1881 *La citoyenne*, a feminist periodical, which was published during the next ten years. Throughout her life she insisted on the importance of agitation for woman suffrage as an essential part of the feminist movement.

SUZANNE GRINBERG

Consult: Grinberg, Suzanne, *Historique du mouvement suffragiste* (Paris 1926) p. 71–79.

AUCOC, JEAN LÉON (1828–1910), French jurist and public servant. He was connected for the greater part of his life with the Council of State and was the only councilor retained on the commission which temporarily replaced the council after the Revolution of 1870. In this commission he was president of the section for reorganizing public education in law, and in the

reestablished council he was in charge of the section on public works. For many years Aucoc taught administrative law at the École des Ponts et Chaussées; he was also a member of the Académie des Sciences Morales et Politiques and president of the Société de Législation Comparée. Of his works the most important is the *Conférences*, representing his mature views on public administration and administrative law. Both as a practical administrator and as a writer Aucoc endeavored to build up a definite system of administrative law, with a jurisdiction distinct from ordinary civil and criminal jurisdiction and affording adequate recourse against any abuse of administrative power. Although there had been marked progress in this direction before his time, Aucoc's influence was considerable.

FREDERICK F. BLACHLY

Important works: *Des sections de commune* (Paris 1858, enlarged 2nd ed. 1864); *Voirie urbaine* (Paris 1862); *Conférences sur l'administration et le droit administratif*, 3 vols. (Paris 1869–76; vols. i–ii 3rd ed., vol. iii 2nd ed., Paris 1882–86); *Le Conseil d'État avant et depuis 1789* (Paris 1876); *De l'usage et de l'abus en matière de législation comparée* (Paris 1892); *Le code d'organisation judiciaire de l'empire de Russie* (Paris 1893); *Les controverses sur la décentralisation administrative* (Paris 1895).

Consult: Delpech, Joseph, in *Revue critique de législation et de jurisprudence*, n. s., vol. xl (1911) 65–69.

AUCTIONS. The auction is one of the oldest forms of merchandise sale. Although simple and effective as a marketing device the auction was long regarded by the "regular" channels of merchandise distribution with a deep seated disfavor. The "vendue masters" were bracketed with itinerant merchants or peddlers by the merchant aristocracy of the eighteenth century and were subjected to restrictions as severe as the merchant legislators dared impose. In the United States during the two decades following the War of 1812, auctions were unpopular because they facilitated the dumping of cheap foreign manufactures, hurt vested merchant interests and involved the use of questionable selling methods. Their opponents fought them through publicity, boycotting and strict state and federal legislation. In the main, however, the various hampering laws have disappeared and auctions now are conducted freely and with only such regulations as are necessary to insure fair competition, to avoid misrepresentation, to achieve satisfactory transfer of the goods when sold and sometimes to limit auctioneers' commissions and fees.

The essential feature of the auction is the open public bidding for specific items. Under a few simple rules mutually agreed upon, items are put up for bidding one at a time by the auctioneer, who receives successively higher offers. Especially when the bidders consist of a non-business group, as in auctions of personal effects, the auctioneer endeavors to keep attention focused on the item for sale and to keep himself alert to recognize the bidders in their proper order. The skilful auctioneer succeeds generally in arousing excitement on the part of the bidders and takes full advantage of crowd psychology to raise bids as high as possible. When all the bids which seem likely to come from the buyers have been made, the auctioneer with a stroke of a gavel declares the bidding stopped and the item sold to the indicated highest bidder.

The actual bidding usually is preceded by a detailed inspection of the goods to be sold; frequently this inspection is aided by a descriptive catalogue or even by sampling and physical examination of the offerings. After the bidding the transaction is closed as promptly as possible by payment for the goods and by their removal from the auctioneer's premises. All of this is done under simple rules plainly laid down and made known to bidders in advance. Legal and regulative safeguards are set up protecting sellers against collusion on the part of buyers to hold prices down and protecting the buyers against unfair efforts on the part of the seller to send the price abnormally high.

Under ordinary circumstances the auctioneer is the agent of the vendor. In most instances he not only is operating under official license but may also be bonded. Bonding insures his even handed efforts to guarantee the free play of all pertinent forces making for a fair price. The auctioneers in the United States have their associations to further their interests and to protect them against misrepresentations as to the ownership of goods and against other forms of imposition to which the craft is subject. Some of the most important auctions are not carried on by individual auctioneers but by large auction companies which perform a variety of services. In the case of perishable fruit auctions, for example, the auction company may even supply the building to which goods are taken and in which samples can be displayed, unless they are sold directly at the pier or railroad freight shed; it arranges brands for inspection and collects and remits proceeds from sales.

The company pays the seller promptly but gives the buyer a few days in which to make his payments. Auction companies generally are owned by men in the trade and are run for profit. They depend for their income chiefly on commissions paid by the sellers and sometimes on "terminal" fees charged to the buyers. To insure a constant supply of goods, an auction company handling goods periodically produced like vegetables or fruit usually has connections or agreements with leading producers and shippers.

Auctions have long been a conspicuous feature of the world's wool trade. Regular auctions for colonial wools began in London in 1835. With the development of wool growing in Australia it was found practicable to entrust the shipping and the insuring of wool in transit to mercantile firms or banking houses which advanced the owner 70 to 80 percent of its probable value. This led to careful and supervised baling and the drawing of samples, with which auction sale was easy. According to the arrangements followed in recent years the wool is shipped to London warehouses where prospective buyers examine samples, after which it is sold at auction by catalogue in the Wool Exchange Building. This practise is prescribed by law which compels the sale at auction of any Australian wool which has been made security for a loan. The London auction has become a popular market place for wools from other countries as well. Other less important wool auctions in England and on the continent follow in the main the methods and sales conditions of London. However, most of the wools produced in England are sold at local auctions, where growers come in direct contact with merchants and manufacturers. At the close of the war wool auctioneers from London came to Boston and other cities in the United States and conducted the sales at which the army surplus of wools and tops was disposed of. Otherwise auctions are not used regularly in the wool trade of this country, mainly because of the inadequate grading of American wools.

Most of the citrus fruit shipments coming into a dozen or more of the larger cities of the United States are sold at auction. In a few large cities bananas and even some deciduous fruits also are sold by this method; in fact the greater part of the banana crop coming into the country is disposed of at dock auctions. Fruit auctions have been conducted continuously in New York for over a century; in Philadelphia and Chicago since 1885; and in Baltimore, Minneapolis and St. Paul for over thirty years. Sales of Malaga grapes, raisins, currants, sweet potatoes, oranges and lemons were regularly reported as early as 1827. In recent years auctions also have been used for selling vegetables. In most of the cases the auction has furnished a rapid method of disposing of perishable products coming from long distances.

Sales of imported and domestic wool textiles were a regular feature of the dry goods business in New York until about the time of the Civil War. Of recent years they have been employed at rare intervals to rid this market of large surplus accumulations. Carpet and rug sales still are conducted in New York, where they often form an important feature of the market, relieving the ordinary channels of threatening surplus stocks. Auctions have been a feature of the fur trade in St. Louis ever since it was a frontier fur trading post. The auction system for moving large quantities of furs and skins has proved so satisfactory from the standpoint of convenience and economy that similar sales now are held in other fur centers including London, New York and Seattle.

Other important auctions at the present time include the tobacco sales in southeastern United States, which dispose of the majority of the American crop, and the sale of livestock in stockyards. Auctions have also been found the quickest way of selling small parcels of real estate in a new "development." The sale at auction of art works, antiques, household effects and similar objects for which there is no regular market is a well established tradition. Finally auctions are used frequently for disposing of surplus army or navy supplies or equipment and similar government property which the law requires to be sold to the highest bidder in an open market; also for public sales on court orders.

PAUL T. CHERINGTON

See: MARKETING; WAREHOUSING; AGRICULTURAL MARKETING; COMMODITY EXCHANGES; WOOL; TOBACCO; FRUIT INDUSTRY; FUR TRADE; REAL ESTATE.

Consult: Kröhne, Marie, *Die Grosshandelsversteigerungen*, Ergänzungsheft xxxii of the *Zeitschrift für die gesamte Staatswissenschaft* (Tübingen 1909); Westerfield, R. B., "Early History of American Auctions—a Chapter in Commercial History" in Connecticut Academy of Arts and Sciences, *Transactions*, vol. xxiii (1920) 159–210; Converse, P. D., *Marketing Methods and Policies* (2nd ed. New York 1924) ch. x; Weld, L. D. H., *The Marketing of Farm Products* (New York 1920) ch. vii; Clark, F. E., *Readings in Marketing* (New York 1925) p. 83–86, 151–60; Clapham, J. H., *The Woolen and Worsted Industries* (London 1907)

p. 90–102; Cherington, Paul T., *The Wool Industry* (Chicago 1916) p. 23–30, 65–70; Miller, A. D., and Hauck, C. W., "American Fruit and Produce Auctions," United States, Department of Agriculture, *Department Bulletin no. 1362* (Washington 1925).

AUDIENCIA. A royal court of appeals in Spain and the Spanish possessions in America. Its historical origins can be traced to the legislation of Alfonso X of Castile (1274), although the name audiencia or *chancillería* was not applied to it until a century later. Its judges were drawn from the clergy and *letrados* (men learned in the law), but its powers, composition, place of abode and effectiveness varied greatly until the accession of the Catholic kings. It not only had appellate jurisdiction but also tried cases of which the king claimed cognizance in the first instance, except those reserved to the Royal Council. From its verdicts there was, generally speaking, no appeal. By the fifteenth century the court was divided into two principal chambers, or *salas*, for civil and criminal suits. The judges of the former were called *oidores*, of the latter, *alcaldes*. An officer of increasing importance was the *procurador fiscal*, or royal prosecuting attorney.

The audiencia was definitely established at Valladolid by Ferdinand and Isabella in 1480, its independence of aristocratic influences assured and its personnel increased with the increase of business. In 1494 a second court was set up for the territory south of the Tagus and ultimately fixed at Granada (1505). These two came to be known specifically as the *Chancillerías*. A subsidiary audiencia was created for Galicia in 1486, others followed in subsequent reigns and by the eighteenth century there were eleven in all, including Majorca and the Canary Islands. Today, under the modern judicial organization of the kingdom, there are fifteen *audiencias territoriales*.

It was natural that similar tribunals should soon appear in the extensive Spanish possessions overseas. As early as 1508 Ferdinand had been requested to appoint a judge of appeals by the colonists of Española, and three years later he established at Santo Domingo the first American audiencia, consisting of three justices. Soon after, this court was instructed to meet regularly with the viceroy, Diego Columbus, and with officials of the royal exchequer to open the king's letters, to draw up replies and, in general, to discuss and decide all matters of policy. The practise was originally intended to curb the extended powers and pretensions of the viceroy. It was the occasion of continuous conflict during his lifetime, but it became firmly established and was the origin of the audiencia's important role in America as an advisory council of government. In 1520 a president was added by law, and a fourth judge, and after Viceroy Diego returned to Spain in 1523 the political government of the Indies was vested temporarily in this court. Finally, by decree of September 14, 1526, it was raised to the status of a *chancillería* of Spain and with its presidency was united the office of governor.

The authority of the audiencia extended also over the mainland until the creation in 1527 of another tribunal for New Spain. This latter, before the coming of the first Mexican viceroy in 1535, served likewise as an executive commission of government. Other audiencias were established: at Panama (1535–42 and after 1563), Lima (1542), Guatemala (1543–63 and after 1570), New Galicia (1548), Santa Fé de Bogotá (1549), La Plata (1559), Quito (1563), Chile (1565–75 and after 1609), Manila (1583), Buenos Aires (1661–71 and after 1778), Caracas (1786), Cuzco (1787) and Cuba (transferred from Santo Domingo, 1797).

The audiencia in America, unlike its prototype in Spain, came to possess both judicial and political functions. It was the highest court of law within its district and also a council of state for the governor or viceroy, who was usually its president. The tribunal in a viceregal capital, like Lima or Mexico, was larger than the rest and of higher rank. Next in importance was that of a captaincy general, a region within the viceroyalty but under an independent governor and captain general. Others in districts more immediately under viceregal control were called subordinate. Appeals lay to the Council in Spain; there was only one temporary exception to the rule that no appeal would be from one tribunal to another. The members of the court, appointed by the crown, increased in number with the colony's growth. Mexico, beginning with four judges and a president, had eight *oidores*, four *alcaldes del crimen* and two *fiscales* in the seventeenth century, as well as many subordinate officials. In minor tribunals the justices were by law usually four, serving in both civil and criminal suits, but the number actually in residence was frequently less.

As a court of law the audiencia exercised the same functions as a *chancillería* of Spain. The protection of the interests of the Indians was peculiarly its care. Because of the distance from

Spain and consequent delays, however, its jurisdiction included many matters normally reserved to the Royal Council, as, for example, local *residencias*, *visitas* and *pesquisas* (terms denoting various types of investigations of the administration of public office) and ecclesiastical cases touching the Patronato Real. It might also upon complaint sit in judgment on acts of the president and governor when the latter was excluded from the session.

As an advisory council the audiencia was associated with the governor or viceroy, who generally acted as its president, in the exercise of all his functions. Through administrative sessions, called *real acuerdos*, legislative and administrative powers were developed analogous to those exercised by the Council of the Indies for the whole empire. If a vacancy occurred in the executive, direction of political affairs was assumed *ad interim* by the bench of judges entire. In political matters the viceroy or governor usually held the whip hand. The judges "may advise, they may remonstrate; but, in the event of a direct collision . . . what he determines must be carried into execution." The audiencia's resort was to the Council of the Indies.

The audiencia was the most important and interesting institution in the government of the Spanish Indies. It was the center, the core, of the administrative system and constituted the principal check upon the exercise of arbitrary power by the executive. As viceroys came and went, the audiencia acquired a long line of corporate tradition. Even though it was Spanish policy to keep the office of *oidor* a monopoly of peninsular Spaniards, the institution took root in the colonies and became closely identified with colonial life. The audiencia districts in most cases foreshadowed the territorial limits of the present Spanish-American republics.

CLARENCE H. HARING

See: COLONIES; COLONIAL ADMINISTRATION; ASIENTO; COURTS, ADMINISTRATIVE.

Consult: Solórzano Pereira, Juan de, *Política indiana*, 2 vols. (last ed. Madrid 1776, with notes by F. Ramiro de Valenzuala); Ruíz Guiñazú, Enrique, *La magistratura indiana* (Buenos Aires 1916); Antequera, J. M., *Historia de la legislación española* (4th ed. Madrid 1895) chs. xix, xxvi, xxviii; Mendizábal, Francisco, "Investigaciones, acerca del origen, historia y organización de la Real Chancillería de Valladolid" in *Revista de archivos, bibliotecas, y museos*, 3rd ser., vol. xxx (1914) 61–72, 243–64, 437–52, and vol. xxxi (1914) 95–112, 459–67; Haring, C. H., "The Genesis of Royal Government in the Spanish Indies" in *Hispanic American Historical Review*, vol. vii (1927) 141–91; Cunningham, C. H., *The Audiencia in the Spanish Colonies as Illustrated by the Audiencia of Manila 1583–1800* (Berkeley 1919).

AUDITING may be defined as the examination or investigation of accounting books and records by one who has had no part in their preparation. The origins of auditing are somewhat obscure. It is known, however, that systems of check and countercheck existed from early times primarily in connection with public accounts. In Italy during the fifteenth century when the growth of trade and commerce resulted in the evolution of a fairly complete system of accounts for mercantile transactions, the duties of the auditor were considerably increased. The audit of business accounts did not become common, however, until the nineteenth century. With the growth in size and complexity of the business unit the increasing number of groups concerned felt a distinct need for trustworthy checks upon the honesty of management. Also corporate charters were granted in most cases only on condition of annual audits by licensed experts.

The purpose of audits is to ascertain the actual financial condition and earnings of an enterprise for its proprietors (partners or stockholders); for its executives (managers, officers or directors); for investors who are considering the purchase of its securities or bankers who are considering the granting of loans; for receivers, trustees and other fiduciaries, and creditors' committees; for owners of patents and other recipients of royalties or profit shares; and for the public and governmental regulatory bodies. It is expected that the employment of independent experts in auditing will lead to the detection of fraud and of errors, particularly those of principle. Indirectly auditing tends to prevent the perpetration of frauds and errors and to keep the work of an office staff sharply up to date.

The questions settled in an audit can easily be divided into a few large classes. The auditor must ascertain that all the assets and liabilities as shown by the books are actual and that the assets are properly valued and the liabilities properly incurred. He must also determine whether all assets and all liabilities, including contingent liabilities, have been properly recorded. To this must be added a check on the surplus, income and capital stock accounts. The verification for the latter includes an examination of the authorization for stock issues and a

comparison of the amount issued with the authorized amount. The thoroughness of this program is varied to suit the circumstances of each case. When internal supervision and scrutiny are of a high order, the auditor contents himself with tests. When little independent supervision has been exercised, many of the details in the records must be verified.

Even as a mere mechanical "checking" of accounts, auditing is necessary as long as those charged with the responsibility for money or other property may be guilty of fraud or carelessness. But auditing does more than this. It brings independent testing to act as a check upon the common human frailty of overstating assets and understating liabilities. Although the supervision necessary for this purpose may be partly exercised by staff or internal auditors, the only satisfactory and efficient audits are made by professional or independent practitioners charged with a high measure of responsibility. Professional auditing has gone even farther; it has gradually developed into a comprehensive survey and analysis of the entire administration of the financial and accounting branches of an enterprise.

Thus auditing is more than a branch of accounting. While the auditor obviously must have a thorough knowledge of accounting, he requires in addition a broad and adequate understanding of business and finance. The accountant compiles and records the facts of business. His work is highly important because the success or failure of a business may rest upon the accuracy and intelligence with which its accounting is done. But after the facts are recorded the auditor must determine whether or not they are accurately and honestly recorded and then interpret these facts and render judgment upon them. His report generally contains important suggestions for the future conduct of the business.

Those who have mastered the fundamentals of accounting and who by experience and education have become qualified to act as independent auditors and who hold themselves out as public practitioners are now generally recognized as members of a profession. In most parts of the United States and in many other countries those who are found to be qualified by state universities, boards of regents or other agencies are given governmental recognition and in some cases are supervised by the government. It is a well established practise to demand a certificate of auditing by independent firms of licensed auditors from any concern required to present financial statements to government agencies, public institutions like stock exchanges or to banking houses and other credit grantors.

R. H. MONTGOMERY

See: ACCOUNTING; ACCOUNTS, PUBLIC; FINANCIAL ADMINISTRATION; MERCANTILE CREDIT; CORPORATION FINANCE; FRAUD.

Consult: Montgomery, R. H., *Auditing Theory and Practice* (4th ed. New York 1927); Spicer, E. E., and Pegler, E. C., *Practical Auditing* (3rd ed. London 1920); Ziegler, Julius, *Bücher- und Bilanzrevision* (Berlin 1929).

AUER, IGNAZ (1846–1907), German Social Democrat. During his travels as journeyman saddler throughout southern Germany and Austria he came in contact with many working men's societies then in process of organization. In the early seventies he became prominent in trade union activities and in the Eisenach group of Social Democrats led by Bebel and Wilhelm Liebknecht. After the Gotha Congress of 1875, which led to the union of this group with the Lassalleans, Auer was appointed party secretary and also coeditor with Johann Most of the *Freie Presse* of Berlin. In 1877 he was elected to the Reichstag and with two short interruptions (1881–84 and 1887–90) retained the mandate to the end of his life. The antisocialist law of 1878 forced him, along with many other radicals, to leave Berlin. The hardships experienced by this group in the following decade are described by Auer in *Nach zehn Jahren* (2 vols., published anonymously in London in 1889, reissued in Nuremberg 1913). While working to the best of his ability to achieve the repeal of the law he also vigorously opposed the revolutionary tactics of the extreme wing represented by Most. On his return to Berlin in 1890 he was again elected party secretary and remained in that position until his death. As a party and Reichstag leader Auer was distinguished for his moderation and for an uncanny sense of political tactics.

EDUARD BERNSTEIN

Consult: Bernstein, E., *Ignaz Auer* (Berlin 1907).

AUGUSTINE, SAINT (Aurelius Augustinus) (354–430), church father. He was born at Tagaste in Numidia and educated in Carthage and Rome. With his conversion at Cassisiacum he turned from Manichaeism and neo-Platonism to Catholicism and became the most redoubtable controversialist, the most authoritative theologian and the most distinguished philosopher

of the rising church. He returned to Africa after his baptism and the death of his mother, Monica. The *Confessiones*, the first great autobiographical confession of the Christian era, throws an enduring light upon this episode as upon his whole spiritual development. The shock to Christendom caused by Alaric's capture of Rome in 410 led him to write his main work, *De civitate Dei*; its twenty-two books were written and published in the period 413–26. Augustine was bishop of Hippo from 396 to his death, which occurred during the siege of Hippo by the Vandals.

Augustine represented the conflicting forces of antiquity (Cicero, Plotinus) and Christianity (Bible, church fathers) and combined in himself the pagan and Christian currents and undercurrents of the first four centuries of Christianity. His work on the *City of God* marks the transition of Christianity from adolescence to maturity. It influenced radically the theology and philosophy, the political doctrines and economic precepts of the Middle Ages.

In contrast to the parallelism between the reality and the idea of the *polis* of antiquity, Augustine's Christian conception of the world is characterized by a dualism between *Civitas Dei* and *Civitas terrena*, the City of God and the mundane city. To the City of God belong the angels, the blessed and the people who live in the true faith according to God's will. Historically the latter manifests itself in a variety of forms, and its most recent embodiment is the church. To the mundane city, on the other hand, belong those who live according to man or who, like the mangy sheep of the church, follow now God, now man. In this way Augustine avoids any direct opposition between church and state. It is not merely membership in the church, but the God-fearing life, that constitutes citizenship in the City of God. Nor is the state necessarily evil: the nearer it approaches true justice, the more closely it approximates the City of God. This also is the purport of Cicero's dictum adapted by Augustine: "Remota itaque justitia quid sunt regna nisi magna latrocinia?" (What are kingdoms without justice but large robber bands?) (*De civitate Dei*, IV, 4). The answer here is implicit in the question: only to the extent to which mundane states practise justice can they be distinguished from robber bands. Justice is that virtue "which renders to each his due." This means above all rendering to God His due—all that man is.

Although Augustine carefully guarded against direct opposition by setting up an ethical hierarchy of fine gradations between the extreme of injustice and perfect justice, the mediaeval struggle between emperor and pope was waged with spiritual weapons borrowed from *Civitas Dei*. Not only did each side employ as a basis for its claims different interpretations of *justitia*, but the interpretations were varied to fit the changing balance of power. In times of weakness (Charles the Bald) the emperor humbly acknowledged in Augustinian phraseology the claims of the church, which in the succession of Peter represented the succession of the Lord and the City of God. In times of strength (Charlemagne) the emperor, again proceeding in the spirit of Augustine, set definite limits to papal power and claimed for himself the protection of the church at home and abroad.

Just as in the doctrine of Augustine there are different degrees of justice, so the doctrine distinguishes different degrees of peace. Augustine's threefold division of *pax* into a peace of God, a peace of the just and a peace of the unjust was also important in the following centuries. This division, however, is subject to two contradictory interpretations. On the one hand it makes it possible to consider eternal peace as the ultimate good, like the *summum bonum* of ancient philosophy and Christian theology. On the other hand it allows one to proceed from the conception of the peace of the unjust, which, like all virtues of the impious, is fundamentally blasphemous and no true peace. This leads to the equivocal concept of *bellum justum*, the just war, which is the war waged by the pious against evil and evildoers, designed to establish the true peace of God.

Another of Augustine's political doctrines worthy of mention is his ideal *imperator felix*, or just ruler. Augustine's characterization of the virtues of the model ruler (fairness, piety, humility) and the vices of his opposite, the tyrant, or in later terminology the Antichrist (impiety, haughtiness, craving for glory), decisively influenced the *Fürstenspiegel* of the Renaissance.

Augustine contributed much less to an elucidation of economic problems; like the ancient philosophers and Christian theologians he refused to recognize that economic activity constituted an autonomous department of life. However, some of his economic precepts have retained considerable influence down to modern times.

Like Clement of Alexandria and others before

him Augustine opposed the notion that the Gospels deprived the rich of eternal bliss, although he strongly emphasized the duty of the rich to support the poor. The same *humanitas* led him to prohibit the charging of interest. Labor was held by Augustine in very high esteem: it was a means toward moral perfection, from which even residents of monasteries were not exempt, although he did not believe one should be so engrossed in work as to have no time for the contemplation of God. To gain a livelihood one might engage in agriculture, industry and even trade, provided the buying and selling were done honorably (*honeste*), that is, if one charged and paid a just price. In *De Trinitate* (XIII, 3) he tells of a man to whom a manuscript was offered for sale; although the seller did not know its value, the buyer paid the just price. Thus Augustine narrowed the sphere of operation of the trade maxim, which he described in the well known phrase, "to buy cheap and to sell dear," and asserted *justitia* as the cardinal virtue even in the field of exchange. This served as a model for mediaeval price regulation and was the starting point of all scholastic investigations of the just price.

EDGAR SALIN

Works: *Opera omnia* in J. P. Migne's *Patrologia latina*, 221 vols. (Paris 1844–80) vols. xxii–xlvii; and in *Corpus scriptorum ecclesiasticorum latinorum*, vol. xii, xxv, xxviii, xxxiii, xxxiv, xxxvi, xl–xliv, li–liii, lvii–lviii, lx, lxiii (Vienna 1887–1923). For English translation of complete works of St. Augustine: *The Works of Aurelius Augustine*, a new translation edited by Marcus Dods, 14 vols. (Edinburgh 1872–76); and vols. i–viii of *A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church*, 14 vols. (New York 1886–90).

Consult: For the more recent treatments of St. Augustine: Montgomery, William, *Saint Augustine* (London 1914); Alfaric, Prosper, *L'évolution intellectuelle de Saint Augustin du Manichéisme au Néoplatonisme* (Paris 1918); Salin, Edgar, *Civitas Dei* (Tübingen 1926); Carlyle, R. W. and A. J., *A History of Mediaeval Political Theory in the West*, vols. i–v (Edinburgh 1903–28) vol. i, pt. iii; Bernheim, Ernst, *Mittelalterliche Zeitanschauungen* (Tübingen 1918).

AUGUSTINIS, MATTEO DE (1779–1845), Neapolitan economist. As a man of liberal sentiments he was persecuted by the Bourbon police and was forced to deliver his lectures on economics in a private study. He wrote several memoranda on problems of southern Italy and developed his ideas more systematically in *Della condizione economica del regno di Napoli* (Naples 1833), which is notable for its statistical comparison of the southern and northern provinces and for its stress on climatic conditions unfavorable to southern agriculture. His theoretical works are the *Istituzioni di economia sociale* (Naples 1837), the *Elementi di economia sociale* (Naples 1843) and the most illuminating monograph, *Studi critici sopra il corso di economia politica di Pellegrino Rossi* (Naples 1844).

Augustinis is one of the first writers to adopt the term social economy, to insist on the social character of economic phenomena and to recall attention to consumption, which had been generally neglected by the classical authors. He expounded their doctrine, often with his own comments. Even if he did not clearly understand the relation between utility and cost of production he established the existence of certain reciprocal relations between demand and supply. He also accurately distinguished profits based on superior ability from gains due to the market situation.

AUGUSTO GRAZIANI

Consult: Moreno, Vicenzo, "Elogio di Matteo de Augustinis" in Accademia Pontaniana, *Atti*, vol. iv (1839–51) 14–15, reprinted Naples 1846; Cesare, Carlo de, *La vita, i tempi e le opere di Antonio Scialoja* (Rome 1879) p. 12–13, 265–66.

AUGUSTUS (63 B.C.–14 A.D.), the founder of the Roman Empire. Gaius Octavius, the favorite grandnephew of Julius Caesar, was at Apollonia across the Adriatic when the news of Caesar's assassination on March 15, 44 B.C., reached him. Returning to Italy as a private citizen he became through sheer political genius master of the Roman world by 31 B.C. (Battle of Actium). Although he was the adopted son of Caesar the "tyrant," whose name he took, he had posed during the latter part of this period as the champion of the constitution against the un-Roman despotism represented by Antony and Cleopatra. Maintaining this pose, he reinstated the Republic in 27 B.C. From that time on, particularly after his surrender of the consulship in 23 B.C., he was from the legal point of view simply *princeps civitatis*, Caesar, the Republic's most distinguished citizen. True, in 27 B.C. he was hailed by the senate as *Augustus*, the "heaven sent" savior of society from turmoil. But this appellation connoted no prerogatives; it was only a recognition of his greatness. Nevertheless a real return to self-government was desired by none, save perhaps by a few nobles. The citizen body welcomed and even demanded Augustus' direction of public affairs; and the authorities referred all important decisions to him. He was

loaded with responsibilities despite his real or affected unwillingness to assume them. In particular he was appointed in 27 B.C. governor of those provinces in which important military operations were anticipated. These provincial commands were temporary in theory, but they were never surrendered; and by virtue of them he remained commander-in-chief of the bulk of the army. Again, from 23 B.C. on he was granted annually a tribune's right to veto acts of magistrates and to initiate legislation. In 12 B.C. he was elected Pontifex Maximus, guardian of Roman religion. The advantages of undisturbed public order and of just and efficient government reconciled the Romans to absolutism. The provincials had regarded Augustus as an absolute monarch from the first, and his encouragement of provincial cults of "Rome and Augustus" indicates that he was willing that they should. Consequently, when Augustus died, another *princeps*, in the person of his stepson Tiberius, who had been acting as his assistant in his last years, peacefully took over what was virtually a throne.

DONALD MCFAYDEN

Consult: For the present view of the Augustan Settlement: Boak, A. E. R., *History of Rome to 565 A.D.* (rev. ed. New York 1929) p. 221–43; Frank, Tenney, *History of Rome* (New York 1923) ch. xxii; Dessau, Hermann, *Geschichte der römischen Kaiserzeit*, vol. i– (Berlin 1924–) vol. i, ch. iv. For the older view, which overemphasized the statutory basis of the principate: Mommsen, Theodor, *Römisches Staatsrecht*, 3 vols. (3rd ed. Leipsic 1887–88) vol. ii, pt. ii; Greenidge, A. H. J., *Roman Public Life* (London 1911) ch. x. For the details of Augustus' career: Gardthausen, Viktor, *Augustus und seine Zeit*, 2 vols. (Leipsic 1891–1904); Shuckburgh, E. S., *Augustus* (London 1905); Holmes, T. R. E., *The Architect of the Roman Empire* (Oxford 1928).

AULARD, FRANÇOIS VICTOR ALPHONSE (1849–1928), French historian. As the first occupant of the chair of history of the revolution at the Sorbonne he must be regarded as the pioneer professional historian of the French Revolution. He first applied to this field the scientific methods of the nineteenth century: careful examination of sources, especially parliamentary debates, administrative papers, private correspondence, minutes of political clubs and newspapers; monographic study of detailed problems; synthesis according to interpretative leads derived primarily from political science. With the aid of his pupils he edited several invaluable collections of documents, *Recueil des actes du comité de salut public* (26 vols., Paris 1889–1923), *La société des Jacobins* (6 vols., Paris 1889–97), *Paris pendant la réaction thermidorienne et sous le directoire* (5 vols., Paris 1898–1902), *Paris sous le consulat* (4 vols., Paris 1903–09). Many of his studies in *La révolution française*, which he founded in 1881 and edited until his death, were republished as *Études et leçons sur la révolution française* (9 vols., Paris 1893–1925).

Aulard consciously took as his life work the defense of the great revolution against the school of Taine, represented in particular by Augustin Cochin. To him Taine was a romanticist who handled sources carelessly and who misjudged the revolution after the manner of Burke or Maistre. Aulard sought to establish the essentially practical character of the great revolutionists and to prove their excesses accidental, not idealistic. His interpretation, best brought out in his chief work, *Histoire politique de la révolution française* (Paris 1901, 5th ed. Paris 1905; tr. by Bernard Miall from 3rd French ed., 4 vols., London 1910), centered about the thesis that the Terror can be explained by the unavoidable pressure of circumstances—military defeat, civil war, dearth of food—on administrators determined to preserve the earlier work of the revolution. But he was a republican of the old school, for whom the Rights of Man were a political catechism, and he interpreted the revolution in terms of an old fashioned republican ideology He therefore quarreled violently with younger historians of the revolution—one of whom, Albert Mathiez, was his most promising pupil—because they had adopted the newer synthetic view which finds in economic and social history the clue to the abstractions of politics. The quarrel, taking a form which perhaps disguised its real depth, turned on the question of whether Danton or Robespierre was the hero of the revolution. Much of Aulard's work was a defense of Danton and an attack on Robespierre. Another source of embitterment lay in Aulard's disapproval of the collectivist and international sympathies of men like Mathiez. Aulard stopped well short of socialism and was attached to the Third Republic, in which he saw embodied the best heritage of the revolution. His political prejudices, as expressed in his frequent contributions to *Le quotidien* and other radical papers, were so obvious as to qualify his repeated claims to a monopoly of scientific detachment.

CRANE BRINTON

Consult: For conflicting views on Aulard, Cochin, A.,

La crise de l'histoire révolutionnaire (Paris 1909); *Révolution française*, vol. lxxxi (1928) 289–380, memorial number published after Aulard's death.

AURELIUS ANTONINUS, MARCUS (121–180 A.D.), stoic philosopher and Roman emperor, 161–80. He was born in Rome, the son of Annius Verus, and was adopted by the Emperor Antoninus Pius, whom he succeeded. As emperor, Marcus was chiefly occupied in maintaining the frontier. A war with the Parthians was won in 165, principally by Avidius Cassius, but the army brought back to Rome a frightful plague which was one of the great catastrophes of Roman history. The emperor's most serious wars took place on the Danube frontier, where the Germans and Sarmatians broke through in 166 and were conquered by Marcus in person in 172–75. Marcus brought about some legal reforms on behalf of slaves and freedmen, but his reign saw no important changes in imperial policy or administration. The burden of war created serious fiscal and economic difficulties.

Marcus' *Meditations* is the noblest expression of the popular ethical philosophy—stoic in tone—which was common after the first century A.D. His thought is similar to Seneca's but is closest to that of Epictetus. The logic, physics, metaphysics and even the ethical theory of systematic stoicism have nearly disappeared from his philosophy; his sole purpose is practical, to learn to spend worthily the brief span of life with its pettiness and monotony. His thought is unified not by logic but by a spirit of religious devotion. It hinges upon two ideas: that of the overmastering providence of divine reason, to which evil itself must minister, and the idea of the duty of rational beings to find happiness in voluntary cooperation with divine purpose. These conceptions imply the renunciation of selfish ends and the active pursuit of the good of others.

The latest edition of the *Meditations* is by H. Schenkl in the Teubner series (Leipsic 1913), with an introduction; the most exact English translation is by C. R. Haines in the Loeb Classical Library (London 1916). His decrees and rescripts are collected by G. F. Haenel, *Corpus legum ab imperatoribus romanis* (Leipsic 1857).

GEORGE H. SABINE

Consult: Jones, H. S., *The Roman Empire, B.C. 29–A.D. 476* (New York 1908) p. 204–28; Rostovtzeff, M. I., *The Social and Economic History of the Roman Empire* (Oxford 1926) chs. iv–viii; Dill, Samuel, *Roman Society from Nero to Marcus Aurelius* (2nd ed. London 1905); Arnold, E. V., *Roman Stoicism* (Cambridge, Eng. 1911); Zeller, Eduard, *Die Philosophie der Griechen*, 3 vols. (5th ed. Leipsic 1920–23) vol. iii, pt. ii, p. 254–61; Überweg, Friedrich, *Grundriss der Geschichte der Philosophie*, 5 vols. (12th ed. Berlin 1924–28) vol. i, p. 500–03.

AUSPITZ, RUDOLF (1837–1906), Austrian economist and politician. He came of a family prominent in industry and finance and was a leading sugar manufacturer. As a member of the Moravian diet from 1871 to 1900 he successfully advocated a number of measures for the development of that province. During the years of his membership in the Austrian lower chamber (1873–90 and 1892–1903) he had a prominent part in formulating some of the most important legislative enactments of that period. Foremost among them was the great financial reform of 1896 which culminated in the introduction of a modern income tax. A man of great public spirit and energy, he remained throughout his life an unflinching advocate of classical economic liberalism, strongly opposing the sugar cartel and various protectionist measures.

His fame as an economic theorist rests upon the *Untersuchungen über die Theorie des Preises* (Leipsic 1889, French translation Paris 1914), which he wrote in collaboration with Richard Lieben. Hardly noticed in Germany at the time, this book, one of the outstanding contributions to mathematical economics and especially to the geometrical treatment of economic problems, achieved prominence through the references to it of F. Y. Edgeworth and Irving Fisher. Even now it offers to the student a wealth of ideas and suggestions as yet but partially utilized. In judging the originality of its contributions—the fundamental concept of the symmetry between cost and utility, the apparatus of curves, as well as a number of details—account must be taken of the fact that the book appeared before Marshall's *Principles*.

JOSEPH A. SCHUMPETER

AUSTIN, JOHN (1790–1859), the chief figure in English analytical jurisprudence. His devotion to serious studies in history, ethics, politics and the classics led him to resign his commission in the army in order to study law. He was not satisfied with his career at the bar as an equity draftsman and retired in 1825. The next year he was appointed professor of jurisprudence at

the newly founded University College of London, and in order to prepare himself more thoroughly for this office he went to Germany to study modern Roman law. He established intellectual contacts with Thibaut, Savigny, Mittermaier, Mackeldey and other leaders of German legal thought, and thus brought to a knowledge of the English common law and to the utilitarian philosophic temper of the school of Bentham and James Mill the logical technique of the German writers of Institutes in the field of ancient and modern Roman law.

He began his lectures in 1828. Although his classes were always small they included an extraordinary proportion of the most distinguished men of the following decades, for example, J. S. Mill, George Cornewall Lewis, Samuel Romilly, William Erle and Whitehouse, the chief judge of Ireland. The substance of the first eleven of these lectures was published as *The Province of Jurisprudence Determined* (London 1832). England, however, cared little for theoretic study of the law, and Austin, too easily discouraged, abandoned the whole enterprise.

During the years 1833–34 he served on a commission to draw up a digest of criminal law and procedure, but the work was too limited in scope to give him any satisfaction. He was more effective on a commission to inquire into the grievances of the natives of the island of Malta, where he seems to have helped to liberalize the law and administration. Ill health, poverty and a certain benumbing scrupulousness which renders his writing tedious made the rest of his life pathetically barren, despite high mental gifts and most brilliant conversational powers.

In the *Edinburgh Review* of 1842 he attacked List and the principle of protective tariffs. Five years later in the same review he made an important distinction between centralization and overgovernment. Austin, however, like Macaulay and various other middle class radicals of 1832, distrusted the growing claims of democracy and was frightened by Chartism and the revolutions of 1848. Shortly before his death he published *A Plea for the Constitution* (London 1859) in which he advocated government by property owners, contending that the rest of the people do not know their own interests.

When H. S. Maine revived general interest in the nature of law, Austin's widow republished *The Province of Jurisprudence* together with his more or less expanded notes covering the remainder of the course given in the University College and also of one planned for the Inner Temple. This book, *Lectures on Jurisprudence* (London 1869; 5th ed. London 1911, by R. C. Campbell with the aid of J. S. Mill's notes), constitutes the standard text; it was translated into French by G. Henry (Paris 1894). An abridged or student's edition by Campbell was issued in London in 1875.

Austin's is the first English attempt to deal systematically and critically with the fundamental ideas and forms involved in any developed legal system. The Roman and the English common law only serve as examples. The work of Amos, Clark, Markby, Holland and Salmond in England, of Terry, Gray, Kocourek and Hohfeld in America, and of Roguin and Somlò on the continent continue this effort.

Just as Machiavelli separated the science of politics from that of ethics and Grotius made the theory of law independent of theology, so Austin made jurisprudence a distinct science by sharply distinguishing between the legal and the moral. The older theories of natural law—like the popular thought of this day—confused laws as the inviolable uniformities of actual happenings with laws as violable demands on human conduct; and they also confused the dictates of conscience, honor or private morality with the legal imperatives enforceable by the state. Austin did not himself always clearly distinguish between the logical, the ethical and the existential or historical, as can be seen in his treatment of utility as a command of God (Lecture ii) and in his theory of sovereignty (*q.v.*). He failed indeed to distinguish between political and legal sovereignty, between the existential question: Who in fact *does* originate the law that is actually obeyed; and the logical question: Which of conflicting authorities *should* a court of law regard as supreme in adjudicating diverse claims?

MORRIS R. COHEN

Consult: For the life of Austin, preface by his widow to *Lectures on Jurisprudence*. Expositions of Austin are found in Mill, J. S., *Dissertations and Discussions*, 3 vols. (London 1859–75) vol. iii, no. 7; Maine, Henry S., *Lectures on the Early History of Institutions* (London 1875) no. 12; Roguin, Ernest, *La science juridique pure*, 3 vols. (Paris 1923) vol. i; Somlò, Felix, *Juristische Grundlehre* (Leipsic 1917) §11; Affalter, A., "Zur Normentheorie" in *Archiv für öffentliches Recht*, vol. xxiii (1908) 361–418. Austin's lectures i, v and vi with essays by Jethro Brown were published as *The Austinian Theory of Law* (London 1906). A criticism of Austin's theory of sovereignty is given by John Dewey in *Political Science Quarterly*, vol. ix (1894) 31–52.

AUSTRALIAN BALLOT. *See* BALLOT.

AUTHORITY is the capacity, innate or acquired, for exercising ascendancy over a group. It is a manifestation of power and implies obedience on the part of those subject to it. One of the principal means of exercising authority is the dispensation of rewards and punishments.

The attitude of men toward authority may be positive or negative, as it may be rational or instinctive. It may be the instinctive, natural submission of the weak or conventional man who yields to any government, autocratic or democratic, national or alien, because he accepts without question the traditional values or the existing configurations of the rapidly shifting social forces. Often this veneration for authority is based upon an innate sense of inferiority, on what the psychoanalyst would call a need of prostration, frequently unconscious. In such a case rebellion against authority, as against any tabu, may be wholesome and indeed essential to civic progress. Opposed to this is the instinctive, negative attitude, the aversion to any kind of authority, represented by the anarchist who says with Stirner: "Away: you deprive me of sunshine."

Besides these two instinctive attitudes, which proceed directly from psychological predispositions, two rational attitudes may be distinguished. First, the negation of authority on the basis of its real or supposed incompatibility with a rational conception of society; second, the acceptance of authority for the very reason that it is essential for the preservation of liberty or at least is in harmony with the practical needs of society. For those who take the second attitude the problem of accepting a specific authority still remains; and if the latter is in their eyes unworthy their very respect for abstract authority leads them to oppose it. A still different attitude is that of the person who without any respect for abstract authority is naturally led to make an exception of the authority which destiny has placed in his own hands. Such a case illustrates the truth in Bakunin's warning to his friends not to assume any authoritative position, asserting that all who acquire power are fatally induced to abuse it.

Although always exercised by individuals authority may inhere in an objective entity like the state. A legitimate monarch derives his authority from a system of arrangements which necessarily and independently of his personality implies his appearance on the scene; an elected president even when raised to power because of his personal merits derives his authority from the state which he is legally called to represent. On the other hand charismatic leaders like Napoleon, Mussolini or Bismarck make themselves masters of the body politic independently of, or even contrary to, the traditional methods of conferring the authority of the state upon individuals. To their innate capacity to rule, political office merely adds conventional form and gives what amounts to a legal seal. Fundamentally their power rests on the worship which their personality inspires and is circumscribed by it. They are, in the phrase of Carlyle, "commanders over men."

In the field of politics the existence of authority always presumes faith in some power, present or future, or in a man who possesses or is believed to possess either power or special gifts of competence, wisdom or reasonableness. It is, however, equally true that faith may come as a result of established authority. Pareto's question as to whether authority is due to faith or faith to authority may be avoided by regarding authority and faith as interactive.

Whether authority is of personal or institutional origin it is created and maintained by public opinion, which in its turn is conditioned by sentiment, affection, reverence or fatalism. Even when authority rests on mere physical coercion it is accepted by those ruled, although the acceptance may be due to a fear of force. For submission to authority may result either from a deliberate recognition of it as a good or from an acquiescence in it as inevitable, to be endured permanently or temporarily with skepticism, indifference or scorn, with fists clenched but in the pockets.

The most ancient and enduring basis of authority is faith in its supernatural or heroic origin. Because the power of the king is derived from God—*Rex Dei gratia*—it is logically inalienable and eternal. The faith upon which authority is based attaches to different attributes depending upon the scale of values current among different groups or in different stages of development. Hence among traditional peoples authority is vested in certain families such as that of the king or a hereditary nobility; among peoples inclined to hero worship it is vested in the man of destiny, the dictator; among religious peoples, in the intermediaries between the divinity and man, the church hierarchy; among warlike peoples, in great warriors; in materialistic civilizations, in the money magnates; among democratic peoples, in the *vox populi*, in the sovereignty of the people who are thus collec-

tively apotheosized. Myths have grown up in support of the authority not only of dynasties or majorities but also of entire nations.

In the field of religion authority is by definition of divine origin. The Ten Commandments, being divinely ordained, are absolutely binding. Even the ethical doctrines which form part of philosophic systems may possess this quality of finality. The Kantian ethics admits only the law of the practical reason, derived from the categorical imperative, which itself exists unconditionally in the consciousness.

In certain instances scientific authority too is accepted as final. A man may possess so high a scientific reputation that his opinion will be taken as decisive in a burning controversy. In general a scientific school consists of two elements: the disinterested admirers of the master's theory and those ambitious to promote their own interests, who press the master's authority so far as to vitiate it ethically. The faith of the unsophisticated in the finality of scientific authority is illustrated by political movements which receive from the consciousness of conformity with a widely acknowledged scientific authority that strength and ardor which are always inspired by the illusion of final truth. Much of the political effectiveness of the labor movement, especially in Germany and Russia, is due to Marxism, which proclaims that capitalism will work its own destruction and thus explains "scientifically" to the proletariat the inevitability of its ultimate victory and appoints it testamentary executor of history.

Authority can neither arise nor be preserved without the establishment and the maintenance of distance between those who command and those who obey. The most typical illustration of this distance is found in the caste system, where closed social groups composed almost always of ethnically homogeneous elements preserve distance by special privileges like rigid endogamy among themselves. Such customs as that of refusing to dine with members of a different social class serve the same purpose: in the German phrase, *Am Tische scheiden sich die Klassen.* When different races are forced to live side by side in the same country the race which feels itself superior maintains *per fas et nefas* a color line, as do the whites in the United States. Hence arises biracialism or the coexistence within the same boundaries of two social pyramids, one of whites and the other of Negroes. Except where attempts are made to attenuate the color line these pyramids remain apart. Unlike caste and social class biracialism divides society by a vertical line, so that individuals may rise as high as their talents will take them but must remain on their side of the line. Whatever may be the wealth and intelligence of the individual Negro he is not allowed to rise to the dignity of equality with the white.

It is equally by preserving distance between themselves and their followers that the leaders of political parties are able to exercise authority. In this case the barrier may be official position or superiority in character or intellect. Leaders of labor parties and peasant movements are characteristically of aristocratic or bourgeois birth; or they may be officials born in the labor class who are distinguished by their intimate knowledge and competent manipulation of the political machine.

All social relations, whether they be those in the army and navy, in the civil service, in the schools or even in the family circle, show how necessary to authority is the maintenance of distance—if only by the assumption of an imposing bearing. In the case of ascetics and prophets their very freedom from indulgence and from personal needs keeps them aloof and renders them authoritative to the masses. When, however, they attempt to play a part in public life, where asceticism alone is inadequate to confer authority, they must be supported by the power to control others. When Savonarola lost his hold on the imagination of Florence his asceticism, devoid of power, was not even able to save his life and he became an object of mockery to Machiavelli.

Another means of preserving authority is the symbol, which forms a link between the masses and the distant personal or impersonal authority which it represents. Conventional meanings develop about such objects as banners, emblems, coats of arms, flags, images, which when displayed stimulate the faithful and thus serve to maintain the hold of the authority upon the minds of the masses.

It is futile to discuss the *raison d'être* of authority. Authority exists and will continue to exist as it has always existed in one form or another, because it has its basis in traits deeply rooted in the human mind and because it answers the practical needs of society. On the other hand the question of what concrete form authority should take must be treated historically and empirically; it cannot be answered definitively by abstract analysis. Perhaps history is nothing but the struggle between different

concepts of authority or between different groups personifying different kinds and degrees of authority. However, it may be said that authority is useful to society only when it possesses an ethical foundation, which alone distinguishes it from mere might. Of all theories that of Hobbes comes nearest to a sociological justification of authority. Hobbes taught that authority arises out of the social necessity of creating a body willing and able to mitigate the struggle of all against all, which presumably characterized all primitive societies. Thus may be justified the discretionary exercise of authority by some modern states, even when in order to alleviate class antagonism they constitute themselves final arbiters in matters of wages and provide, for example, compulsory arbitration in New Zealand or official regulation of labor questions in Fascist Italy.

ROBERTO MICHELS

See: OBEDIENCE, POLITICAL; ABSOLUTISM; STATE; SOVEREIGNTY; DIVINE RIGHT OF KINGS; PUBLIC OPINION; POWER, POLITICAL; PARTIES, POLITICAL; LEADERSHIP; PRIESTHOOD; EXPERT; SCIENCE; LAW; COERCION; PUNISHMENT; SOCIETY.

Consult: Simmel, Georg, *Soziologie* (3rd ed. Munich 1923) ch. iii, tr. by Albion W. Small as "Superiority and Subordination as Subject Matter of Sociology" in *American Journal of Sociology*, vol. ii (1896–97) 167–89, 392–415; Pareto, Vilfredo, *Trattato di sociologia generale*, 2 vols. (2nd ed. Florence 1923) vol. ii, p. 346–65 and vol. iii; Stein, Ludwig, "Autorität, ihre Ursprung, ihre Begründung und ihre Grenzen" in *Jahrbuch für Gesetzgebung, Verwaltung und Volkswirtschaft im deutschen Reich*, vol. xxvi (1902) 899–928; Mosca, Gaetano, *Elementi di scienza politica* (2nd ed. Turin 1923); Michels, Roberto, *Corso di sociologia politica* (Milan 1927); Bryce, James, *Studies in History and Jurisprudence*, 2 vols. (London 1901) vol. ii, ch. ix; Dickinson, John, "Social Order and Political Authority" in *American Political Science Review*, vol. xxiii (1929) 293–328, 593–632; Tocqueville, Alexis, *De la démocratie en Amérique*, 2 vols. (13th ed. Paris 1850), tr. by Henry Reeve, 2 vols. (New York 1912); Ostrogorsky, M. Y., *La démocratie et l'organisation des partis politiques*, 2 vols. (new ed. Paris 1901), tr. by F. Clarke, 2 vols. (New York 1902); Michels, Roberto, *Zur Soziologie des Parteiwesens in der modernen Demokratie* (Leipsic 1911), tr. by Eden and Cedar Paul as *Political Parties* (New York 1915); Schmitt-Dorotic, Carl, *Diktatur* (Munich 1921); Hubert, René, *Le principe d'autorité dans l'organisation démocratique* (Paris 1926).

AUTOCRACY. The fundamental characteristic of autocracy, as implied in the etymology of the word (*αὐτός*, self, and *κράτος*, strength), is that of inherent governmental power: governmental authority founded in itself, not dependent on any outside source, and embodied in a governmental machinery of such a type as to give the actual governor or ruler the supreme power in the state and to enable him to govern therefore without human control, politically speaking. In other words autocracy consists of the possession by the one who wields the legal sovereignty of the political or ultimate sovereignty in the state. As commonly used, the term indicates also a government in which this supreme power is in the hands of one person, the autocrat. Today this epithet usually carries with it a certain degree of opprobrium, inasmuch as the political conditions involved in autocracy are contrary to those now generally considered desirable in the political world.

The existence of autocracy is not conditioned upon the presence or the absence of a written constitution or of written laws, for although an autocrat may limit himself by promulgating a constitution, he may change or revoke it at will. Supreme though it is, this autocratic power residing in the individual is dependent, as is always the highest political power in the state, on the actual conditions, social, economic, moral, religious and intellectual, obtaining among the given social group. Autocracy finds its most appropriate social basis among a backward people, who through ignorance, superstition, economic dependence or the dead weight of tradition support the autocrat in enforcing obedience to his sovereign will. To their inferiority is opposed his superiority of personality, of intelligence or of economic or religious status, to win for him their unquestioning loyalty and their assistance in securing observance of his sovereign will. Except among very backward and politically undeveloped peoples, autocracy is in the nature of things a rare political phenomenon. For however autocratic the legal position of a ruler or governor may appear to be, there will be few cases where in issuing commands he does not have to take into consideration the reaction of his people; and just in so far as he must do this he is not in reality an autocrat, but a sharer with his people in ultimate sovereignty and as governor only a representative. As a matter of fact the term autocracy has been most commonly applied to the older oriental governments and to the czarist regime in Russia.

Among more advanced peoples autocratic tendencies are often to be detected in political systems which are not on the surface autocratic. In some cases forms apparently constitutional and representative are purposely devised to obscure the autocracy beneath. In others, under

certain conditions such as those of great stress and strain and public danger, an individual may succeed in so manipulating both the letter and spirit of a constitution as to render the government functioning under it in reality autocratic, as witness the recent illustrations to be found in the post-war autocracies in many European countries. It is to be assumed that this last is a temporary phase of governmental development, since the expanding political consciousness of the age stands in direct contradiction to autocracy.

ELLEN DEBORAH ELLIS

See: STATE; ABSOLUTISM; AUTHORITY; SOVEREIGNTY; POWER, POLITICAL; MONARCHY; DICTATORSHIP.

Consult: Bluntschli, J. K., *Lehre vom modernen Staat*, 3 vols. (6th ed. Stuttgart 1885–86), vol. i tr. as *The Theory of the State* (Oxford 1892) bk. vi, chs. iv and vii; Bryce, James, *Studies in History and Jurisprudence*, 2 vols. (London 1901) vol. ii, ch. x, and *Modern Democracies*, 2 vols. (New York 1921) vol. ii, chs. lxvii, lxx, lxxi and lxxiv.

AUTOMOBILE ACCIDENTS. *See* MOTOR VEHICLE ACCIDENTS.

AUTOMOBILE INDUSTRY.

THE UNITED STATES. *Manufacture and Sale.* Few mechanical contrivances in the history of manufacture have had so great and rapid a development as the automobile, and few have equaled it in social and economic importance. At the opening of the present century the motor vehicle had scarcely left the workshops of inventors; in 1929 more than 31,778,000 motor cars and motor trucks were in use throughout the world. In the United States, which far outranks all other countries in the production and use of automobiles, more than eight billion dollars are expended annually for the goods and services required for motor transportation; and in all countries the employment of motor vehicles is still rapidly expanding. The motor vehicle has risen so quickly to its present place of importance because it has provided a flexible and extraordinarily serviceable means of transportation. Motor transportation requires only common roads and is swift, convenient, easy to introduce and relatively low in capital cost. It is thus favorably contrasted with inland water transportation, which is of limited and uneven distribution, and with railroad transportation, which is restricted by its rigid routes and great capital costs.

Steam driven road vehicles were first produced in the eighteenth century, following the improvements of Watt and others in the stationary steam engine, but their great weight and bulky fuel requirements, among other factors, precluded their extensive use on the common roads of the time. The provision of iron and steel tracks, supported by special roadbeds, minimized these difficulties and brought the railroad into being. Shortly after the middle of the nineteenth century advances in distillation methods, following the discovery of extensive oil fields in the United States, made available large quantities of gasoline and kerosene, fuels of great energy per unit of weight. In 1863 a road vehicle employing ordinary coal gas ignited by an electric spark was produced by Lenoir in France; in 1865 Siegfried Markus in Austria produced a gasoline propelled carriage; in 1876 Otto in Germany invented an engine in which the gas was compressed before ignition, with the result that its propulsive power was vastly increased. Daimler made further improvements in the internal combustion engine; Levassor and others soon added marked improvements in the chassis of the vehicle; and in 1879 George B. Selden, of Rochester, New York, applied for the first American patent on the internal combustion hydrocarbon motor vehicle. The commercial production of the automobile became practicable only toward the close of the century after the efforts of scores of inventors had brought great advances in such diverse fields as metal working, spring suspension, lubricants, chassis design, electrical apparatus, pneumatic tire construction and the industrial arts generally. The subsequent growth in the practical importance of the automobile was made possible by thousands of additional improvements in design and manufacture. Except for recognition of its possible military uses, the automobile was at first regarded as little more than an expensive toy; and such indeed was its role in Europe for some years. Later it offered a new racing sport. Competition in speed, distance, endurance and power, conducted with great newspaper publicity, aroused widespread public interest and stimulated producers to make successive refinements in the vehicle.

Many factors conspired to bring about a very rapid development of the new industry in the United States. The income of the American people, both absolute and per capita, substantially exceeded that of any other nation. The country possessed an abundance of the required natural resources, inventive talent, manufacturing skill, capital goods and business initiative. Its large area and relative sparsity of population

accentuated the importance of all means of transportation. Then too the existence of a huge domestic market fostered the methods of large scale manufacture of standardized commodities which, produced in relatively few centers, obtained nation wide distribution. European countries, in contrast, possessed lower and less widely diffused incomes, smaller national areas kept economically distinct by tariffs, and traditions of local and less standardized manufacture. Of more immediate importance than these considerations, but intimately bound up with them, was the fact that there had grown up in the United States a technique of manufacture of complex mechanical goods that was peculiarly suited to the needs of the nascent automobile industry. This technique, almost unknown in Europe, was marked by three outstanding characteristics: first, diffusion of most of the manufacturing and capital burdens among a host of independent specialized enterprises, each of which contributed but a single one or a few of the component parts; second, rigid standardization of components and therefore interchangeability of parts regardless of the manufacturing source; and third, mass production of components and mass assembly of the final product, aided by great specialization in equipment and processes.

As a result of all these favorable conditions hundreds of substantial parts making enterprises had come into existence in the United States. With the advent of the automobile, the components of which were much akin to those of many other goods, these enterprises with their capital equipment, credit resources, technical skill and traditions of parts manufacture were readily marshaled for the new industry. Thus from the very beginning the American automobile industry was able to utilize the facilities and enjoy the economies of large scale manufacture. Moreover this type of industrial practise minimized the deterrent influence of risk, which commonly impedes the development of new industries. The automobile producers proper, who assumed the major risks, required surprisingly small resources; whilst the parts makers, who indirectly supplied the bulk of the required capital and credit, were not called upon to commit their large resources to the fortunes of automobile production proper. This diffusion of the capital and risk burdens was extended even to the sale of the completed vehicles. Advance deposits of 20 percent or more on all orders were exacted from wholesalers and retailers; cash payment was required upon delivery of the vehicles; and deliveries took place immediately upon production, according to prearranged schedules, regardless of current retail sales.

Little fettered by limitations of capital or by the risks commonly associated with new products, the rapid expansion of American automobile manufacture waited only upon demand. And demand grew with great rapidity. The "horseless carriage" was a conspicuous object on a city street, and its speed, ease and flexible response to the driver's desires aroused great interest everywhere. The producers were quick to adopt large and aggressive merchandising policies. Nation wide and indeed world wide organizations of wholesalers and retailers were established by each important manufacturer. All available means of publicity were utilized on a large scale. As the range of demand broadened, a number of producers, led by the Ford Motor Company in 1908, began to concentrate their efforts upon the potential market for low priced and medium priced passenger cars. The results were striking. By 1912 automobiles retailing at prices under $1000 formed 43.8 percent of the aggregate American output, and by 1915, 72.3 percent. The growth in demand was now accelerated by many influences. Each increase in production was accompanied by a multiplication of sales and service agencies. Government authorities undertook extensive programs of road construction. The Ford car selling at progressively lower prices obtained an enormous following and served to introduce the automobile to potential purchasers of higher priced cars. Both passenger cars and trucks found increasing employment in the ordinary conduct of business. Motives of emulation and display moved many to join the ranks of automobile owners. Each year saw a broadening of the market as the result of price reductions made possible by expanding output. Until the outbreak of the World War, when the facilities of the industry were largely diverted to military products, there was a sharp though varying annual increase in American automobile production.

Soon after the close of the war, when many thought that the market for automobiles had reached the "saturation point," a powerful new impetus to expansion was provided by the widespread adoption of the instalment payment plan in the retail sale of automobiles. Hundreds of thousands of wage earners now found it possible

to purchase motor cars. The marketing value of the new payment practise was reenforced by further substantial reductions in price and by important refinements in product. Sustaining and increasing the demand for new automobiles, also, were the frequent changes of models and the rapidly growing replacement demand. The development of an extensive market for "used" cars interfered but little with the demand for new cars; on the contrary it encouraged and facilitated the purchase of new cars by persons of higher income groups to replace two and three-year old models. Between 1918 and 1922 inclusive the output of American automobile factories exceeded the total of all the previous years; and again between 1922 and 1926 inclusive more motor vehicles were produced than had been manufactured previously in the entire history of the industry. It is estimated that by 1929 the replacement demand alone had reached 3,000,000 motor vehicles per annum in the United States.

The remarkable growth of the American automobile industry was made possible in large measure by the ability of producers to uncover successively lower layers of demand; this ability in turn must be explained in terms of the industry's manufacturing organization, technical processes and financial practises. The tradition of manufacture inherited by the industry was developed by it to an unprecedented degree and early resulted in the intensive specialization and the consequent economies of large scale production. The range of such economies was progressively increased first by cooperation among automobile producers through the agency of trade associations, which effected the pooling of patent rights and the standardization of many materials and parts, and later by the concentration of production into fewer hands. Constructed largely of metal and wood the automobile lent itself readily to the machine technique with its opportunities of progressively greater mechanization and simplification of manufacturing processes. The Ford Motor Company, concentrating its large resources upon a single type of vehicle, was able to introduce many radical innovations in factory practise. These innovations and numerous others originated by part makers and by students of "scientific management" were soon widely adopted. Materials came to enter the factories on their original freight cars, whence reloaded on belts, monorails, roller and factory trains they were carried mechanically from machine to machine to be cut, stamped and punched into finished components. The latter, still carried on moving apparatus, were passed down the assembling lines to be joined together in some major unit or in the completed vehicle. So accurate did this process become that the need for testing the finished vehicle disappeared. In order to reduce freight costs several of the larger producers established numerous branch assembling plants in this country and abroad. Labor tasks were progressively subdivided and redivided until hundreds of operations which previously required skilled mechanics were taken over by untrained workers, each of whom, aided by minutely specialized machine tools, performed but a single routine task. The rate of production was everywhere mechanically controlled and adjusted to experimentally determined standards. The clocklike distribution of materials and components, the studied arrangement of the sequence of operations and the mechanical enforcement of high standards of performance all combined to effect economies in manufacture that have been matched in no other industry.

The industry experienced surprisingly little difficulty in obtaining the large capital resources required for its growth. Capital and risk burdens were diffused among scores of independent parts making, assembling and sales enterprises, each of which possessed its own sources of capital and credit. As in most new industries, the profits of the successful, both among the automobile producers proper and the parts makers, were enormous; and as output expanded, these profits, directly reinvested by the various enterprises, provided the chief sources of the industry's growing capital. A recent study indicates that virtually four fifths of the present invested capital of the American automobile industry has been derived from the direct reinvestment of profits. Latterly, through further improvements in power machinery, tools, processes, organization and transportation, the efficiency of the industry's capital resources has been enormously increased, permitting great gains in output with relatively small additions to plant and equipment.

The American automobile industry is now showing many signs of approaching maturity. Huge as has been the growth of the home market, productive capacity has grown even faster and foreign outlets are now sought aggressively. In order to reduce tariff obstacles as well as to obtain the advantages of lower freight charges, lower labor costs and easier adaptation

of product to local preferences, the leading American producers have established assembling plants and partially integrated manufacturing units in nearly every large country throughout the world. Virtually all the motor vehicle factories of Canada are branches of American enterprises; the Ford Motor Company of England is one of the leading producers in the British Isles, and other subsidiaries of the parent American company are among the largest producers in Germany and France. The General Motors Corporation, in addition to operating numerous assembling plants abroad, has recently acquired a controlling interest in an important English automobile enterprise and in the leading German producing company, and it is reported to be negotiating to the same end with the largest manufacturers of France and Italy.

The decline in the rate of growth of domestic sales, coupled with still expanding productive resources, has also intensified competition at home; in consequence problems of marketing now dwarf those of production in the minds of the manufacturers. In the attempt to capture every passing fancy of purchasers in a market now dominated by the replacement demand, changes in models are being made with growing frequency and the standardized product is giving way in part to a multiplicity of models. In 1909 Henry Ford was able to say, "Any customer can have a car painted any color that he wants so long as it is black," but a belated recognition of the new importance of "style" in motor cars forced him in 1927 to close down his enormous plants for the better part of a year while his staff designed a new and larger series of cars.

The process of concentrating production in relatively few hands that early characterized the development of the American industry has steadily continued. As early as 1912 more than half the American output was produced by seven enterprises; by 1917 ten producers accounted for 75 percent of the total output; by 1923 these ten produced more than 90 percent of the total. Although a number of important mergers contributed to this result and present competitive conditions make further combinations likely, concentration has been achieved largely by the progressive expansion of a dozen preeminently successful enterprises. The demand for the more successful brands of motor vehicles grew cumulatively by force of reputation and example. Greater output brought economies in manufacture and an increase in the number and distribution of sales and service agencies. The manufacturing and marketing advantages of the successful producers were thus cumulatively augmented; and, since the bulk of the industry's capital came from reinvested profits, the successful producers likewise enjoyed an increasing advantage in financial strength. Combinations have played an important role, however, as a means of integrating and, more latterly, of diversifying the operations of the larger manufacturers. Scores of large parts making enterprises have been absorbed by the larger automobile producers. In order to continue the production of special products previously produced by such enterprises, to give fuller employment to their growing capital resources and to obtain the stability that may be expected to result from diversification of products, a number of automobile manufacturers have lately added such products as farm implements (chiefly automotive tractors), electric refrigerators, radios, airplanes and airplane and marine motors.

In recent years, in connection with the liquidation and distribution of the holdings of original owners, the securities of automobile companies have been widely marketed among investors and speculators, and banker representatives have become attached to the boards of directors of nearly all the important enterprises. Thus the professional financier and the organized capital markets—previously but little connected with the industry—have now become factors of some importance.

A few figures make apparent the present magnitude of the automobile industry in the United States. In 1928 motor vehicle manufacture outranked all other American manufacturing industries in wholesale value of product and in value of exports. Directly and indirectly it employed approximately 4,300,000 workers. The proportions of the total output of other industries consumed in automobile manufacture in 1928 were in part as follows: iron and steel, 18 percent; plate glass, 74; rubber, 85; upholstery leather, 60; nickel, 28; aluminum, 27.7; tin, 24.1; copper, 14.6; hardwood, 18.8. Of a total world production of 5,198,167 motor vehicles in 1928 the United States accounted for 4,358,748; England, for 208,400; France, for 210,000; Canada, for 242,382; Germany, for 89,950; Italy, for 55,010; Czechoslovakia, for 13,150; Austria, for 9160; Belgium, for 7000; Switzerland, for 1700; Sweden, for 1362. Direct

exports from the United States, exclusive of vehicles shipped as "parts for assembly," numbered 515,762, of which Europe took 152,094 and South America, 114,672; and the output of American owned factories located in other countries totaled 309,351 vehicles. It thus appears that American producers in 1928 accounted for more than 83 percent of the world's output of motor vehicles and that their exports alone were double the total production of any other country.

LAWRENCE H. SELTZER

Labor Conditions. The automobile industry of the United States, which in 1904 employed some 12,000 workers in 178 plants, now employs about 400,000 wage earners in 1400 plants. This figure includes more than 1200 establishments manufacturing bodies, parts and accessories as well as the scattered assembly plants of the car manufacturers; it does not include workers in repair shops and garage stations.

Because of the minute subdivision of work in automobile factories the labor is highly specialized and unskilled. The force in a typical plant may be divided into the tenders and assemblers who operate the machines and perform tasks as material flows by them on a conveyor line; the technical men who design, plan and cost the work; and the clerks, inspectors and foremen who record what is done, checking and watching the others. It has been estimated that 25 to 40 percent of the workers in a typical plant are tenders, 10 to 15 percent are assemblers, 5 to 10 percent are the traditionally "skilled workers" with a trade, 5 percent are inspectors and testers, 15 percent are helpers and 15 percent are laborers. The tendency is for tenders and assemblers to increase in number while "skilled workers" and common laborers because of improvements in machinery are decreasing. Roughly 85 to 90 percent of the workers at present are unskilled and can learn their tasks in a few days.

For this reason an increasing number of women are being employed especially in parts and accessories plants where lighter products are handled, but also on heavier jobs as in the foundries and metal pressing departments of larger plants. The increasing speed of the machinery as well as the low degree of skill required have led also to the employment of a larger number of young men to replace old men, or those reaching the age of 40 to 45, who are rejected by most companies. In 1920 it was estimated that from 9 to 12 percent of the total force were under 21 years of age.

The average hours of labor are between 50 and 51 a week. A considerable amount of overtime is common, however, chiefly because of the seasonal production of cars. Irregularity and unemployment are caused when models are changed, for plants may then be closed from three weeks to several months. Added insecurity of employment results from the frequent failure to reengage old workers when the plants are reopened. Part time work in the form of a three or four-day week program or on a part time schedule on given days is also common. The Bureau of Labor Statistics stated in 1929 that "the automobile industry shows the greatest instability of employment of any of the industries so far analyzed by the Bureau . . . not only does the industry as a whole make a very bad showing, but irregularity and uncertainty of employment conditions are the rule among practically all the establishments covered." The effects of this situation are reflected in lowering wages and standards of living for the workers.

The productivity of labor has increased faster in this than in any other industry in the United States with the exception of the rubber tire industry. In 1925 automobile labor was producing 2.72 times as much work per man-hour as in the period immediately preceding the war, and about 12 times as much as in 1900. This increased productivity has resulted from a number of causes, one of which is the speeding up of the workers. The speeding is achieved in various ways: by moving the production lines faster; by methods of wage payment designed to induce workers to hurry; by reduction in the number of operatives with an enforced maintenance of total production; by incentive systems used to focus the approval of the group on the fast worker, such as references to his production record in the plant bulletin or employee magazine; by the use of straw bosses and threats of discharge.

Wages have been higher here than in manufacturing as a whole, due largely to the high efficiency and productivity of the industry, but reductions have been increasingly frequent since 1925. Computations from the Census of Manufactures show that the yearly mean money wages of the workers rose from $594 in 1904 to a peak of $1675 in 1925, after which they fell back, according to computations made from figures of the Bureau of Labor Statistics, to $1603 in 1927. If these are the average earnings

for full time jobs they overstate the actual earnings of individual workers attached to the industry. Real wages show a less decided upward trend. They have increased from an index base of 100 in 1899 to 108.6 in 1927. The highest point reached was in 1925 when the index stood at 112.1. The average money wage even in 1923 for full time employment was over $350 below that required to maintain the minimum health and decency budget of the United States Bureau of Labor Statistics priced for the city of Detroit. As in other non-union industries, wages are fixed by the corporations; no collective bargaining is tolerated; consequently wages of automobile workers run well below the union wages paid in the majority of organized trades.

Automobile workers suffer from a high and increasing accident rate and an even higher and more rapidly increasing accident severity rate. In recent years, according to the American Engineering Council, the severity rate has increased even faster than the increase in the rate of production. The crowding of machinery, the mass of moving conveyors, belts and chains, the high speed at which machinery is operated, the efforts made to increase and cheapen production, combined with long hours and overtime work in certain plants, tend to increase the accident rate.

Health hazards are numerous especially in departments finishing bodies. Lead, wood alcohol and benzol are the most poisonous substances affecting the painters who use the spray gun, and anemia, hemorrhages, respiratory diseases, nose and throat infections, bronchitis and asthma are widespread in this group. The new chromium compounds, used in producing non-tarnishing headlights and other parts, have caused poisoning and ulcers of the skin. There are also many injurious fumes, vapors, smokes and dusts in certain departments. Skin eruptions are caused by oils used to cut down metals in some plants.

Methods to forestall labor unrest and prevent union agitation have been developed. Little use has been made of company unions and plans of employee representation. The corporations have, however, introduced a wide variety of mutual aid associations, recreational, social and athletic enterprises, group insurance, employee stock ownership, employee magazines, personnel and similar "welfare" schemes.

The difficulties of organizing the workers into labor unions are those found in most large scale American industries: the sheer size of the working force, its transient character, the existence of a large reserve army of surplus workers due to the irregularity of the industry and the low degree of skill required, to say nothing of the obstacles to be found in the racial and national composition of the labor force. It has been estimated that from 55 to 60 nationalities are represented in the automobile industry; in some plants Negro workers constitute 10 percent of the force. There is the antagonism between the Northerner and the Southerner, between white and Negro labor, to be overcome. There has been no tradition of successful unionism amongst the skilled workers, and the concept is new and alien to most of these national and racial groups, to the women workers and to the elements recruited from the rural sections. The craft unionism of the American Federation of Labor is diffuse and is weak when confronted with the concentrated strength of the few large companies in the industry. These companies have met any attempt at unionization with the deliberate and continuous policy of blacklisting through employers' associations, including the National Metal Trades Association and the Employers' Association of Detroit, through the use of labor spies and the discharge of "disloyal" workers.

The impossibility of organizing the industry through the separate efforts of the seventeen or more craft unions which have had jurisdiction over the workers was recognized by the American Federation of Labor in its 1926 Detroit convention. Conferences of these unions were called for the purpose of planning a general campaign, which has not, however, been initiated. Within the federation the union whose jurisdiction covers a larger proportion of the skilled workers than any other is the International Association of Machinists. During 1919 this union carried on a number of large strikes, the best known of which were those against the Timken-Detroit Axle Company, involving some 4500 workers, and the Willys Overland Company of Toledo, employing some 13,000 workers. Its present membership in the industry is chiefly confined to a very small percentage of skilled mechanics employed in the repair and maintenance shops. An independent industrial union, the United Automobile Aircraft and Vehicle Workers of America, has been the only organization to include all workers regardless of craft. It developed out of the Carriage and Wagon Workers' International Union of North Amer-

ica, once a part of the Knights of Labor and later affiliated with the federation but expelled in 1918 after a jurisdictional dispute. It claimed a membership of 45,000 in 1920, including workers in the large companies, and carried on strikes against many of them, including the Packard Company, the Seaman Body Company and the Fisher Body Company. In 1929 its membership, after the depression period of 1921–23, had dwindled to 1500. This union forms the nucleus of a new industrial union of automobile workers affiliated with the Trade Union Unity League. Recently some progress has been reported by the federation in its Canadian organization campaign.

ROBERT W. DUNN

EUROPEAN COUNTRIES. Despite an earlier start the development of the automobile industry in Europe has lagged far behind that of the United States. Steam driven omnibuses were in commercial operation in England before 1836, and English experimentation during this period gave great promise of further early developments in this field. Very soon, however, the opposition of horse haulage interests and others led to the imposition of prohibitive fees for the passage of mechanically propelled vehicles over turnpikes and bridges. Despite a favorable report of its Select Committee Parliament refused in 1833 to intervene in behalf of the operators of the new vehicles, and in 1861 and 1865 it enacted a series of stringent restrictions, popularly known as the "Red Flag Acts," which among other things stipulated that every mechanically propelled vehicle operating on the common roads be preceded by a man bearing a red flag and limit its speed to four miles an hour. These measures were not repealed until 1896, when the automobile had already reached the stage of commercial manufacture in France. In Germany the brilliant inventions of Otto and Daimler were not commercially utilized for want of capital and business daring. It remained for France, building upon Daimler's patents, which the Paris firm of Panhard & Levassor acquired, to initiate the commercial production of motor vehicles. A series of racing contests, beginning with one from Paris to Bordeaux in 1895, demonstrated the practical possibilities of the automobile and attracted substantial amounts of French capital to the industry. By 1899 the value of French automotive exports exceeded 4,000,000 francs, and in 1902 the French industry produced 16,500 motor vehicles as against an American output in 1903 of 11,000. However, the lack of an extensive domestic market, which resulted from her relatively small per capita income, and the early loss of foreign markets, due to the imposition of tariff barriers by other countries, soon limited the expansion of French automobile manufacture. The United States imposed an ad valorem import duty of 45 percent; and, with an eye to the military uses of the motor vehicle, England and Germany, no less than France, sought to encourage domestic manufacture both by tariffs and subsidies. In Germany the subvention came to amount to more than $2000, payable over a period of four years, for each motor vehicle earmarked for possible military use; in France, to about $1400; and in England, to about $584. These subventions had the unfortunate effect of encouraging the manufacture of relatively large and expensive vehicles ill suited for widespread sale in the domestic markets. Moreover such vehicles could find few purchasers in countries like the United States, Canada and Australia which combined a high per capita income and the need for more transportation facilities with poorly developed common roads. In these countries the cheap and sturdy American vehicles, adapted to rough roads and modest purses, possessed a superiority that enabled them to hurdle all tariff barriers. Profiting greatly by the adoption of American manufacturing practises, particularly after the World War, the automobile industry in England, France, Germany and Italy has shown steady expansion in recent years, but the limited domestic and foreign markets still operate to restrict the scale of manufacture.

SOCIAL INCIDENCE OF THE AUTOMOBILE. The increasing employment of the automobile has far reaching and many sided consequences of social importance. The multiplication of passenger cars made possible a great increase in the mobility of the population, particularly in the United States. Travel in the guise of "touring" has become very extensive. Although undertaken principally for recreation, it has also increased the role of deliberate choice as a determining factor in the distribution of population and has considerably stimulated the migration of families. Reenforced by other recent developments in the arts of communication, this increased mobility is contributing to the disappearance of distinctive local standards of conduct and belief and perhaps to a corresponding

decline in sentiments of local unity. The new accessibility of farm to village, of village to town and of town to city has brought about a vast increase in social intercourse; and, in the sense that urban standards of conduct, housing, education, dress, business and recreation are dominating all others, a general urbanization of American life is taking place.

It cannot be said, however, that the automobile is merely devitalizing rural civilization. Because of the extensive use of automobiles the isolated American farm of the recent past is rapidly giving way to organized country communities built about the consolidated rural school, the country church and the rural social center. To these communities, many of them not previously served by other means of rapid transportation, the motor truck daily brings the products of the city. The farmer's automobile gives him access to more distant marketing centers and increases the radius of profitable direct marketing of his products. By the use of car, truck and tractor the quantity and irksomeness of human labor on farms has been greatly reduced. Largely as a result of these applications of the gasoline motor the number of horses on American farms declined by approximately 40 percent between 1912 and 1926. As this tendency continues, thousands of acres of land now employed to raise hay and oats may be released for other crops.

The motor vehicle has also encouraged substantial enlargement of the physical areas of cities and thus vitally affected housing and working conditions, land values, urban transportation problems, city planning, recreation, retail merchandising and other elements of urban life. Through the use of cheap new or second hand automobiles workers have been enabled to withdraw from congested tenement districts to residences miles distant from their places of employment. New business sections, composed partly of branches of downtown stores and of units of chain store organizations, have sprung up in the new residential quarters. The chain store system of merchandising now spreading rapidly through the United States owes much to the motor vehicle, both because of the multiplication of residential districts and because it is the motor truck that makes possible a close coordination and administration of the units of such chains. Virtually the entire burden of urban freight transportation has been taken over by motor trucks.

In the realm of public transportation of freight and passengers motor trucks and busses are rapidly gaining ground. Possessing the great advantages of low capital costs, low overhead expenses, flexible routes, ease of expansion and contraction and relative economy for small loads, they are becoming increasingly employed both in urban and interurban service to replace or to supplement steam and electric railway service.

Various new problems have been raised by the motor vehicle. The congestion of traffic in the larger cities and the enormous loss of life and limb in automobile accidents are causing great sums to be spent for traffic regulation and for radical readjustment of city plans. More than a billion dollars annually are now being spent in the United States for highway construction. To the importance of the automobile is largely due the prevailing intense international rivalry for the world's oil and rubber resources. As in the case of other significant inventions, the indirect effects of the motor vehicle are so widespread as to affect virtually all human activities.

LAWRENCE H. SELTZER

See: MOTOR VEHICLE TRANSPORTATION; INSTALLMENT SELLING; ROADS; IRON AND STEEL INDUSTRY; MACHINES AND TOOLS; RUBBER; OIL; GLASS INDUSTRY; MOTOR VEHICLE ACCIDENTS; RURAL SOCIETY.

Consult: For the development of the automobile industry: Souvestre, Pierre, *Histoire de l'automobile* (Paris 1907); Klapper, Edmund, *Die Entwicklung der deutschen Automobil-Industrie* (Berlin 1910); Wyatt, H. M., *The Motor Industry* (London 1917); *The Romance of the Automobile Industry*, ed. by J. R. Doolittle (New York 1916); Gibson, C. R., *The Motor Car and Its Story* (Philadelphia 1927); Epstein, R. C., *The Automobile Industry* (Chicago 1928); Seltzer, Lawrence H., *A Financial History of the American Automobile Industry* (Boston 1928); American Academy of Political and Social Science, *Annals*, no. 116 (November 1924); Flügge, Eva, "Possibilities and Problems of Integration in the Automobile Industry" in *Journal of Political Economy*, vol. xxxvii (1929) 150–74; "Index of Productivity of Labor in the Steel, Automobile, Shoe, and Paper Industries" in *Monthly Labor Review*, vol. xxiii (1926) 1–19; Arnold, H. L., and Faurote, F. L., *Ford Methods and the Ford Shops* (New York 1915); Briscoe, Benjamin, "The Inside Story of General Motors" in *Detroit Saturday Night*, vol. xv (1921) nos. 3–6. For labor conditions in the American automobile industry: Dunn, Robert W., *Labor and Automobiles* (New York 1929); United States, Department of Labor, Bureau of Labor Statistics, *Wages and Hours of Labor in the Automobile Industry, 1922*, Bulletin no. 348 (Washington 1923), *Wages and Hours of Labor in the Motor Vehicle Industry, 1925*, Bulletin no. 438 (Washington 1927), and *Wages and Hours of Labor in the Motor Vehicle Industry, 1928*, Bulletin no. 502 (Washington 1929); La Fever,

M. W., "Workers, Machinery and Production in the Automobile Industry" in *Monthly Labor Review*, vol. xix (1924) 135-60; "Instability of Employment in the Automobile Industry" in *Monthly Labor Review*, vol. xxviii (1929) 214-17; Niebuhr, Reinhold, "How Philanthropic is Henry Ford?" in *Christian Century*, vol. xliii (1926) 1516-17, and "Ford's Five Day Week Shrinks" in *Christian Century*, vol. xliv (1927) 713-14.

AUTOMOBILE INSURANCE. There are six common types of automobile insurance: theft, fire, collision, transportation, confiscation and liability. The first three are described by their titles. Their social incidence is to facilitate the sale of automobiles. Their forms are standardized and the charges for carrying them are recognized by sellers and by most buyers of automobiles as items to be included among operating costs. Transportation and confiscation insurance are less well known. The former covers losses incurred while the vehicle is being transported under power other than its own as in boats, trains, elevators and trucks. The latter type of insurance protects the unpaid vendor against loss of the balance of the purchase price due to confiscation by the municipal, state or federal governments for violation of their respective laws. This phase of automobile finance has followed the enactment of national prohibition. All these types of automobile insurance are relatively simple and differ but little from similar kinds of general insurance.

Automobile liability insurance, however, calls for more extended discussion. General liability insurance originated in the latter part of the last century in connection with employers' liability, and with the advent of the automobile was adapted to the new purpose. The weight of the motor car, the speed at which it was propelled and the increasing number of motor cars on the highways all created new risks of injury to person and to property. Owners and operators of automobiles were faced with the prospect of jury verdicts which at best would be heavy burdens to bear and frequently would be impossible to pay. Self-interest compelled the prudent owner or operator to shift the risk to an insurance company and to list the premium cost among the operating expenses.

Automobile liability insurance is of two types. The first, covered by an indemnity policy, protects a particular person against loss incurred by reason of injuries to the person or property of a third person as a consequence of the operation of a particular car. The obligation of the insurance company to pay arises only with the payment of damages by the insured. The second type insures against liability rather than actual loss. Under this type the obligation of the insurance company becomes fixed as soon as the liability attaches to the insured person.

While voluntary liability insurance compensates the victims of injuries caused by insured persons, it offers no remedy in cases where owners or operators are not insured and otherwise not financially responsible. Cases of this type represent a majority of the whole. The social incidence of such unprotected risks has been increasing with the growing use of the automobile. The first step to meet the situation was the enactment of statutes in most of the states, or the passing of municipal ordinances, requiring an indemnity bond or liability policy covering motor cars for hire. In addition many states by statute allowed a remedy by the injured party directly against the insurance company, in case of both the private and the public carrier. A further requirement was that the insolvency of the insured should not relieve the insurer. These regulations obviously provided only a partial remedy because the private owner or operator was not compelled to carry any liability insurance. It was estimated in 1925 that not more than 25 percent of all owners or operators carried such insurance. Further, if the car was being driven by someone other than the insured owner, the latter was not liable unless the negligent act was committed by one acting within the business of the owner. The sole remedy of the person injured by an employee on a frolic of his own was against the employee, who was generally impecunious. This doctrine was extended in some states to the family car and resulted in exempting the head of the household from liability for the negligence of a child pursuing his own pleasure. While this exemption in turn led to the enactment in some states of laws making an owner liable when the car was being legally used or operated with his permission, such laws were quite generally interpreted by courts as merely changing the family car doctrine and not affecting the liability for an employee.

As a result of the inadequate protection provided, there was much agitation to secure the adoption of compulsory liability insurance laws. Many bills were introduced in various state legislatures, but only Massachusetts has enacted such a law (1925). Liability policies or bonds of at least $5000 are required in that state to provide for possible injury to, or death of, any

one person, and subject to such limits as respects injury to, or death of, one person, similar policies or bonds of at least $10,000 are required to provide for the possibility of any one accident resulting in injury to, or death of, more than one person. These policies or bonds must be secured from authorized companies. In lieu of such bond or policy one may deposit with the Department of Public Works $5000 in cash or approved securities. Such policy, bond or deposit is a prerequisite to registration. The security which the owner provides is made liable for claims against the owner or against any person responsible for the operation of the car with the consent of the owner. In this way some security is afforded those injured by members of a family or employees on frolics of their own—provided the owner consented to the use of the car. No accurate judgment can be made of the effect of the plan in its present stage on accident prevention. The act has been declared constitutional by the Supreme Court of Massachusetts and a similar ruling was obtained from the Supreme Court of New Hampshire on a similar bill.

Two states, Connecticut and New Hampshire, followed Massachusetts part way. In 1927 they enacted that after a person or property had suffered injury from a motor vehicle, the person responsible for the loss must furnish satisfactory proof of financial responsibility to pay the damage claim. In Connecticut the proof must show an ability to pay at least $10,000 for bodily injuries and at least $1000 for property damage. In New Hampshire the security necessary is not over $5000 for bodily injuries and not over $1000 for property damage. Both states accept liability policies or bonds as adequate security; Connecticut also permits the deposit of money or collateral. If the security is not furnished within a specified time, the certificate of registration is suspended. Although these statutes are criticized on the ground that the remedy provided comes too late, the possibility of loss of the certificate of registration is felt to be sufficient compulsion to secure financial responsibility.

Forceful arguments have been brought forward to the effect that these types of legislation do not adequately meet the needs of the situation. Thus it has been pointed out that liability under the policy or bond would not be imposed unless the insured were legally liable. Legal liability, it has been shown, must be established by the negligence suit—the outcome of which is conditioned by the degree of the driver's negligence, the absence of contributory negligence on the part of the person injured and the legal doctrine of proximate cause. The difficulty of proving the existence of these conditions and the legal refinements of proximate cause have been shown sometimes to present insuperable obstacles and quite commonly to make the jury's verdict turn on purely collateral matters. The additional drawbacks created by the slowness and cumbersomeness of the personal injury suit have been brought up, as has the point that the congested condition of court calendars and the attendant delays of procedure frequently result in the meting out of wholly inadequate compensation; while the inadequacy of the remedy is further accentuated by the large deductions from the verdicts for lawyers' fees. Moreover under the negligence suit no compensation can be awarded for the unavoidable accident. Accordingly it has been urged that fault as a basis of liability is an inadequate conception; that since the losses suffered are social, relief should be of the same nature. Those who operate cars or permit cars to be operated, it was argued, should be compelled to include such losses among operating expenses.

The relief suggested was a scheme comparable to workmen's compensation. Under this plan each driver of a motor car would carry insurance with a private company or in a state fund. Whenever a person was injured as a result of the operation of an automobile, he would receive compensation corresponding to the seriousness of the injury, regardless of who was responsible for the accident. Payment of compensation would be supervised by a state commission. The necessity of a hazardous jury trial for the collection of civil damages would be abolished. This plan would not, however, protect a driver from having a criminal suit brought against him. The enormous costs of litigation, the delays and congestion of court calendars connected with it would be obviated. The social gain resulting from the distribution of losses among all owners or operators would be considerable; such distribution would be more equitable, sudden financial strains in the family income would be lessened and the burden on charity would be reduced. Details of this plan remain to be worked out satisfactorily. The main problems pertain to the questions of administration and of constitutionality. The former is one which, it is thought, can be solved by reference to the experience under

workmen's compensation. The latter problem is more difficult, but most of the legal opinion is to the effect that there is no constitutional objection so long as the law is optional, giving the claimant either a jury trial or a claim under the statute. The constitutionality of the plan would be less certain should the right to jury trial be denied. No state has as yet adopted a compensation system for automobile accidents, although a number of bills have recently been introduced in several state legislatures. Opponents of such proposals object to them mainly on the grounds that the administrative difficulties would make the plan impracticable, particularly when accidents occur outside of the compensating state; that irresponsibility and accidents would be increased; and that the state would be performing an improper function to the injury of private insurance companies.

In other countries the situation with respect to liability insurance of compensation for automobile accidents is quite different. The ownership and use of motor vehicles is not so widespread and the personal injury trial is not attended with so many difficulties as in the United States. Denmark and Switzerland have adopted compulsory automobile insurance acts, the former in 1918 and the latter by the federal government in 1926.

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See: COMPENSATION AND LIABILITY INSURANCE; CASUALTY INSURANCE; FIRE INSURANCE; INSURANCE; MOTOR VEHICLE ACCIDENTS; NEGLIGENCE; LIABILITY; BONDING; WORKMEN'S COMPENSATION.

Consult: Berry, C. P., *The Law of Automobiles*, 2 vols. (6th ed. Chicago 1929); Simpson, John, *The Law Relating to Automobile Insurance* (2nd ed. New York 1928); *Select Articles on Compulsory Automobile Insurance Liability and Compensation for Personal Injury*, ed. by Edison L. Bowers (New York 1929); Marx, Robert S., "Compulsory Compensation Insurance" in *Columbia Law Review*, vol. xxv (1925) 164–93; Douglas, William O., "Vicarious Liability and Administration of Risk" in *Yale Law Journal*, vol. xxxviii (1929) 584–604; Snow, MacCormac, "Some Legal Aspects of Compulsory Automobile Insurance" in *Oregon Law Review*, vol. vi (1927) 193–204; Loman, H. J., "Compulsory Automobile Insurance" in American Academy of Political and Social Science, *Annals*, vol. cxxx (1927) 163–70; Constable, William J., "Compulsory Automobile Insurance" in Casualty Actuarial Society, *Proceedings*, vol. xiii (1927) 188–216; Bourgknecht, Jean, *La responsabilité civile de l'automobiliste* (Fribourg 1927).

AUTONOMY in its original meaning is a very general concept signifying the legal self-sufficiency of a social body and its actual independence. By a generally accepted narrowing of the term, however, autonomy implies group relationship not with a coordinate social body but rather with a more inclusive power to which it is subordinate or which demands its subordination. Since the demand for autonomy arises from the strained relations between subordinate and dominant groups, it is possible to find the specific conditions of tension in any epoch reflected in the prevailing demands for autonomy. In our own age the claims to autonomy are asserted by religious, ethnic, cultural and economic groups as against the omnipotence of the state, bound up as that is with the excessive emphasis given to the idea of sovereignty during the last centuries. As a result movements for autonomy bear a political stamp even where the normal activity of the group seeking autonomy is decidedly non-political.

This analysis affords a criterion for distinguishing between what may be called genuine and spurious autonomy, the premise of genuine autonomy being understood to be an essential heterogeneity of the two groups concerned. Since secular power and religion lie on different planes, genuine autonomy of religious associations is possible without the abnegation of the state. The more the two spheres of life resemble each other, the nearer does the autonomous character of the relationship come to disappearing, as for example in a federation of states where the autonomy of the individual state oscillates toward sovereignty.

Autonomy on a territorial basis would from this point of view easily conflict with the state, but the two are not irreconcilable. Territorial autonomy is sometimes frankly demanded of the state. This applies especially to imperial states of large territorial compass and to multinational commonwealths. If a state fails to induce interest in the continued maintenance of the state union on the part of frontier, outlying or racially alien regions, it incurs the danger of their being annexed or of their gaining independence. As a remedy it may grant to such regions a certain measure of self-government within the larger political framework. The British Empire, disposed toward such a course because of its lack of unitary character, pursues this policy on a large scale and grants its dominions and colonies a rather extensive quasi-state autonomy. Indeed Australia, Canada, South Africa and perhaps New Zealand have in so large a measure attained a quasi-state character that it is difficult in their case to speak of mere

autonomy in the strict sense. Before the World War the German Empire followed a similar policy in the imperial territory of Alsace-Lorraine, which had by 1911 attained an almost complete federal autonomy. Since the empire of 1871 had originated in a free union of sovereign states, Alsace-Lorraine before the war, on that theory, was already approaching a certain measure of sovereignty beyond the existing comprehensive autonomy. If the inhabitants of Alsace-Lorraine demand autonomy in France today, more serious, perhaps even insuperable, difficulties in its execution arise because the unitary and centralized organization of France would have to create an exceptional status in this case, whereas in the German Empire a far reaching quasi-state autonomy is the rule, as it is in the United States and in Switzerland. The purpose of statecraft in the instances of territorial autonomy which have been cited is to arrest and divert centrifugal tendencies by conserving or creating semi-independent regions within the state. And regardless of the question of threatened frontier areas a similar psychological effect can be attained without regional decentralization through the strengthening of local autonomy. If public life in local communities and rural districts gives play to the political energies of the population and permits the development of a regional individuality, forces are arrested and diverted which might otherwise pursue more far reaching, separatistic aims. Partly because of strongly developed local autonomy, conditions of national strain are not readily noticeable in Anglo-Saxon countries. On the other hand Romanic centralization in France and Italy and its imitation by the states of east central Europe generate, through the annihilation of local autonomy, a destructive force which may endanger the state.

This psychological basis of autonomy will bring out the significance of the role that it plays in the program of the Soviet Union for the territorial expansion of the state's power. Here autonomous frontier regions (e.g. Carelia on the Finnish border, White Russia on the border of Polish White Russia, the Moldavian Republic on the border of Bessarabia) are created with the avowed expansionist purpose of exerting an attractive force on neighboring territories. A border population satisfied by autonomy is to be exhibited to its kinsfolk on the other side of the border to increase the dissatisfaction of the latter and to dispose them socially and psychologically to annexation.

Such territorial autonomy for outlying regions may be incorporated organically in the prevailing structure of the state or it may be an exceptional arrangement. The latter may often occur because of the unique ethnical position of such regions, as in the autonomy of the Swedish Aaland Islands within the state of Finland or in the case of the German minded Memel region whose autonomy within Lithuania was demanded and carried out by the conference of ambassadors after its occupation by Lithuania (1923). A similar arrangement for Carpathian Ruthenia within Czechoslovakia was demanded by the Paris Peace Conference and formally carried out. There is of course always a danger that such autonomy may be tantamount to a preliminary step toward independence or toward annexation to another state. Examples of this are the Balkan states—Rumania, Greece, Bulgaria and Servia—which before their liberation from Turkey demanded autonomy within the Ottoman Empire and gradually increased it to complete independence. Nor are instances lacking in which a federal state becomes so disjointed by the autonomy of its constituent parts that it finally disintegrates. There is less likelihood of this in states that have originated in the voluntary union of independent states or territories, as is the case in Germany today, Switzerland and the United States. Here the sovereignty of the individual states is gradually absorbed by the sovereignty of the central power so that by the delimitation of functional spheres there is a clear division of authority between the central and the local government and the latter is converted into a stable autonomy. On the other hand, where the political unification of a territory with a heterogeneous population was early effected through force, conquest, dynastic politics or colonization, and where the ethnic and cultural differentiation has since increased, subsequent autonomy for the constituent parts will easily become a menace to the permanence of the whole. In the course of the nineteenth and twentieth centuries the Ottoman, the czarist and the Hapsburg empires have in this way been successively dissolved. And in Jugoslavia, Czechoslovakia, Soviet Russia and to a certain extent in Spain, Belgium and France the movements for autonomy are even today to be understood as indications of fundamental crisis in synthetic states.

Thus far we have been concerned with territorially conditioned autonomy, but the essential characteristics of autonomy are more clearly

revealed when they are embodied not in a territorial but in a social entity. Problems of this sort of autonomy arise from the close mingling of various confessional, denominational and ethnic groups. In such instances, instead of "territorial autonomy" we speak of "personal autonomy," better designated as "group autonomy."

A group that claims autonomy does not depend, as does a club, merely on the solidarity of its members; it must have at least the beginnings of a corporate organization that represents something more than the sum of its parts. It is organized for survival, and develops a tradition which forms an essential constituent of its existence. It is held together in public responsibility by devotion to an ideology, by discipline and by corporate self-consciousness. Corporate group autonomy of this sort was developed by class and professional associations of the most varied kinds in the Middle Ages and in early modern times. Guilds, corporations, craft brotherhoods, universities, military officers' corps, as in the Prussian army, are illustrative of the kind of autonomy which largely controlled social life in the Middle Ages and which has retained its original character in England more than in any other modern state. In France the autonomy of the estates was substantially destroyed by the great revolution. In Germany it fell into decay under the influence of English liberalism in the nineteenth century, although the autonomy of the high nobility, for example, survived down to the revolution of 1918. The latter instance shows that autonomous groups may consist not of individuals but of families, so that the legal privileges resulting from autonomy are hereditary.

A religious corporation may be autonomous, but the extent to which it may be so considered depends on the fundamental questions involved in the relation of church and state. Or a certain kind of autonomy may be conceivable within the church as well, as in the relations of clerical orders or monasteries with the central church authority or possibly the position of the parish within the Protestant state church. The problem of autonomy has become very important for religious minorities and sects ever since religious liberty became an accomplished fact during the Enlightenment. It is well known that the regulations for the protection of religious minorities like those imposed upon Turkey by the Berlin Congress were the direct forerunners of contemporary protection for national minorities.

In the latter field the doctrine of autonomy finds its most modern application. The idea of national autonomy on a group basis, that is, on the basis of the so-called principle of personality, was first discussed in pre-war Austrian literature (Herrnritt, Renner, Bauer), from which it passed into the comparatively unknown literature of the Russian Jews. Considerations of this sort became thereby familiar to Russian Bolshevism and likewise to the Peace Conference through the Jewish delegation in Paris. After the war, however, practical attempts at national cultural autonomy on a group basis were influenced only indirectly by these theoretical developments of the last pre-war decades. The most important attempt of this kind was undertaken in Esthonia on the initiative of the inhabitants of the German Baltic provinces under the leadership of Deputy Hasselblatt, with the result that the cultural autonomy first of the German, then of the Jewish, minority was acknowledged and administratively protected by the state. While in the religious field the state finds in the church a fully formed organism to serve as the bearer of ecclesiastical autonomy, such a medium in the national cultural sphere must first be created. The foundation is provided by that voluntary affirmation of ethnic individuality, uninfluenced by the state, which in the linguistic usage of central and eastern Europe is designated as "nationality." It may be mentioned that the divergent interpretation of "nationality" among western peoples as the qualities pertaining to the state has been a cause of misunderstanding in the sessions of the League of Nations. Although nationality has objective psychological and cultural foundations, the principle of national self-determination in political practise has of course chiefly a subjective emphasis: its premise is that the government shall be forbidden by positive law to assign its subjects to this or that nationality by reason of such external criteria as name, birth or residence. But this principle is but the point of departure for the establishment of a positive national system of registration which is one of the most important technical means for realizing cultural autonomy. The vital content of national cultural autonomy is the responsible self-maintenance of public education and welfare consistent with the preservation of the sovereignty of the state and under state supervision. These projects can be financed from state funds reenforced by self-taxation of the minority under state orders and protection. At the Geneva nationality congresses

(since 1925) a culture autonomy of this kind has become a common feature of the program of European minorities.

From the formal, juristic standpoint the concept of autonomy has recently undergone a narrowing process. Explanation for this is to be found in the state monopoly of legislative and administrative functions, especially in the Romanic or Romanically influenced countries of modern times, the result being that the state matches its own original power against the derivative power of autonomous bodies. Modern jurisprudence understands by autonomy the "competence of an association that is not a state to produce objectively established law" (Schücking). This law is acknowledged as such by the state in contrast, let us say, to the regulations of a club. Whether in such autonomous, public law associations we are dealing with a law making power that is delegated by the state or only acknowledged by it is contested in theory. Pluralistic legal thought tends to attribute to the state a declaratory and not a constituent power as against the domain of autonomous law, so that the state is considered as recognizing autonomy but not as granting it. It is important that the right to have the statutes confirmed by the state does not involve the corresponding right on the part of the state to nullify the statutes of the autonomous associations by its own administrative acts. Modern constitutions, taking as their point of departure the theory of the fundamental rights of a free personality, look forward under certain circumstances to a continuous renunciation by the state of regulative power in important provinces of law. In this way in the "state-exempt sphere" (Renner) the soil may be prepared for a true autonomy which, by means of a dualistic or pluralistic conception of law and society, can regain its character of independent law making.

The further development of autonomy is conditioned by the dominant social and intellectual forces of the day. In the two chief domains of institutional autonomy—the ecclesiastical and the ethnic cultural—a restless movement may be observed which in its search for new forms of social organization builds on the decaying but not yet extinct forms of older autonomies. There is a significant reversion to these older concepts in the designation of a culturally autonomous group in a multinational state as "national status" (Boehm, Hasselblatt). But more than with any other factor, the fate of autonomy is linked with that of the modern national state and the concept of state sovereignty. The omnipotence of the modern state—the result of the development of Romanic law from the fourteenth to the nineteenth century—is approaching a crisis. Especially are the young states of the new Europe unable to cope with the multiplicity of tasks and functions which the modern state has accumulated.

The immediately visible lines of development point on the one hand to a restriction of the overstrained traditional theory of state sovereignty by intervention from above through the activities of the League of Nations. On the other hand a reaction in favor of further state sovereignty may unmistakably be seen in the outcropping of dictatorships and in the concern of theory with the endangered claims of state sovereignty. The decisive question is whether there is a fundamental incompatibility between the sovereignty of the state and the existence of autonomous associations. Seen from the standpoint of the modern omnipotent state with its monistic monopoly of law, autonomy is essentially falsified. Genuine autonomy premises a conception of the nature of law according to which it does not flow from the power of the state alone but fluctuates between the two poles of state and society. The "state-exempt sphere" is not arbitrarily conceded by the state and freed from its regulatory claims, nor may it be arbitrarily withdrawn. It is controlled by norms and values which do not necessarily belong within the sphere of the state's power but demand its respect on their own ground. Religion, national culture, profession and household are spheres of life which may be exposed neither to anarchy and libertinism nor to the tyranny of state compulsion. They seek to evolve their own forms of law in the framework of society and under a state sovereignty which is necessarily self-restricted.

It cannot be denied that the contemporary demands for autonomy involve a possible danger to the state. The immediate cause of the formation of centralized omnipotent states since the fourteenth century was the growing social anarchy arising from the sheer numbers of socially rooted intermediate powers (*puissances intermédiaires* in Montesquieu's phrase). A state which, to conduct its wars, had to rely on the good will of feudal associations, which in its administration was dependent on the church hierarchy outside the state, which had to seek appropriations for both in the form of taxes from the rising estates, was extraordinarily

limited in its political power. The swing toward the absolute state in the struggle with outworn autonomous agencies was therefore historically consistent. The modern state after the French pattern assumed the socio-autonomic functions itself, destroyed institutional autonomy and evolved a group of social organizations dependent on the state (the army, the bureaucracy, political economy). If at present the arrogation of powers to the state is becoming notorious and autonomous associations press their demands for a measure of restitution, the danger points must nevertheless not be overlooked. The transcending of state boundaries by such social forces as the Catholic church, the oecumenical movement in the other churches, the con-national aspirations of minorities, the formation of world trusts and cartels and the workers' internationals constitutes under the guise of internationalism a set of phenomena similar to those which in the Middle Ages brought on the emergence of the absolutism of the state as a counteracting force.

Nor is the situation which an autonomously constituted society would have to face the same as it was in the Middle Ages. We have in the meantime passed through an individualistic age; the continuity of social development has been repeatedly interrupted; populations have increased many times over; the problem of mass organization is subject to new laws; mechanical instead of organic methods of social construction are often required. It would be a sociological romanticism that would fail to recognize this change in the world situation. The same technical problems which the democratic state faces —a system of representation, majority decision, bureaucracy, formalism—emerge in an autonomous society when it strives to fashion a unified organic will to meet modern mass conditions.

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See: STATE; SOVEREIGNTY; FEDERALISM; LOCAL GOVERNMENT; DECENTRALIZATION; REGIONALISM; ADMINISTRATIVE AREAS; HOME RULE; ORGANIZATION, ADMINISTRATIVE; MINORITIES, NATIONAL; NATIONALITY; SELF-DETERMINATION, NATIONAL; NATIONALISM; IMPERIALISM; INTERNATIONALISM; FEUDALISM; GUILDS; COMMUNE, MEDIAEVAL; CHURCH; ASSOCIATION; GUILD SOCIALISM; PLURALISM. See also "The Growth of Autonomy," vol. i, *Introduction*, pt. i, ch. v.

Consult: For general aspects: Herrnritt, Rudolph Hermann von, *Nationalität und Recht* (Vienna 1899); Bernatzik, Edmund, *Über nationale Matriken* (Vienna 1910); Renner, Karl, *Das Selbstbestimmungsrecht der Nationen in besonderer Anwendung auf Österreich*, vol. i (Vienna 1918); Wolzendorff, Kurt, *Grundgedanken des Rechts der nationalen Minderheiten . . . mit einem Exkurs über Nationalkataster* (Berlin 1921); Fouques-Duparc, Jacques, *La protection des minorités de race, de langue, et de religion* (Paris 1922); Bauer, Otto, *Die Nationalitätenfrage und die Socialdemokratie*, Marx-Studien, vol. ii (2nd ed. Vienna 1924); Boehm, Max Hildebert, "Die Nationalitätenfrage" in *Nation und Nationalität*, supplementary vol. i to *Jahrbuch für Soziologie* (Karlsruhe 1927) p. 116–51. For autonomy and the church: Dibelius, Otto, *Das Jahrhundert der Kirche; Geschichte, Betrachtung, Umschau und Ziele* (5th ed. Berlin 1928). For autonomy in the British Commonwealth: Keith, A. B., *Dominion Home Rule in Practice* (London 1921). For state autonomy in the American federal system: Willoughby, W. W., *The American Constitutional System* (New York 1904) chs. i–x; McBain, H. L., *The Living Constitution* (New York 1927) ch. ii. For the international aspects of recent movements for autonomy: Buell, R. L., *International Relations* (rev. ed. New York 1929) ch. ix.

AVERAGE. A statistical average is a single value which can be used to represent many divergent items for some specific purpose. Statistical analysis deals with measurable characteristics common to many cases such as weights of infants, prices of a certain commodity, wages of a labor group. Since the quantitative value of a characteristic varies for different objects which may possess it, the investigator studying the distribution of a characteristic within a certain group is generally faced with a multiplicity of numerical data which are not as such capable of being analyzed. He must reduce the great number of items to a few significant figures which may be treated as representative of the entire group. The average is one of the most important and widely used devices in this process.

The average is familiar not merely to the statistical technician; it is commonly used in everyday affairs, although not always with an articulate understanding of its nature and its limitations. Very frequently an average is regarded simply as an arithmetical result obtained by combining all the numerical items and dividing by their number. Thus average wage is computed from the total payroll and the number of workers, without knowledge of the individual wages or of their distribution. The average best understood by the layman is the value which occurs most frequently and around which other items cluster with greatest density. In this manner we describe the most common age of college graduation, the prevailing length of the work day, the typical individual contribution in a church collection, the usual price. The manufacturer of ready-to-wear clothing and the retail distributor must give careful attention to the sizes most frequently demanded and to the

relative frequency of other sizes grouped about them.

The astronomers Laplace and Gauss, who independently formulated descriptions of the normal curve of error, were the first to deal with the average in a scientific fashion. They employed it as a method of finding the most probable value of an observation by making a number of measurements of the same phenomenon and averaging them. In this case the average is a central value about which individual values cluster more or less closely and in symmetrical distribution. It is a part of the description of a distribution of data according to some definite principle or law of arrangement. The application of averages to statistical data in the field of social science owes its general use to Quetelet, who was impressed by the symmetry of the distribution of measurements of the physical and psychological characteristics of man and by the relative constancy of magnitudes shown by the statistics of crime. He developed the concept of the "average man," a type characterized by average height, weight, girth, lung capacity and other measurable characteristics. Quetelet regarded the average as a measure of central tendency about which similar measurements were grouped in accordance with a definite law of distribution. In contrast to Laplace and Gauss, however, he did not assemble many measurements of exactly the same object but many observations of the same characteristic common to many persons or things.

In modern statistical practise an average has several closely connected aspects. It serves as a summary value representative of many individual items for purposes of comparison; a measure of central tendency, descriptive of a distribution of observations in more or less symmetrical form about a central value; the most probable value in a large universe of which we have actually investigated only a part as a sample; a type value or norm from which to measure individual deviations and the dispersion of the entire distribution.

There are several types of average adapted to differences in purpose for which a group of measurements needs to be represented and to differences in the character of the distribution of measurements. Nothing short of the entire distribution of values is really a complete measure of a variable. Hence a single value may be selected to represent a series of individual measurements only for a particular purpose. The reliability of this value depends upon its representative character; the character of the distribution is the most important factor in determining this degree of representativeness. Are the cases closely grouped about a central value, or are they distributed with a wide dispersion? In the latter case there is less homogeneity and any single value is less typical of the whole distribution. Therefore in describing a specific distribution the average needs to be supplemented by a measure of dispersion. Sometimes there is more than one point of concentration along the scale; for example, in cases where wage data for men and women have been combined in the same distribution, probably no single value can fairly represent the entire group. Again, the distribution may be bell shaped, symmetrical about the central value (heights), or it may contain extreme variants at one end of the scale (income). In the former case one kind of average will serve as well as another, but in the latter care must be exercised in choosing the best average for the purpose.

The arithmetic mean, that is, the quotient of the sum of items over their number, is perhaps the most important and widely used type of average. It has the advantages of being rigidly defined, easily computed, capable of algebraic treatment and widely understood. However, since it is affected by each value in the series, extreme variants often influence it to such an extent that the result is not typical of the group, as, for example, in a distribution of the salaries of college teachers.

The difficulty of the undue influence of extreme variants is avoided by the use of the median or of the mode. The median is a position average obtained after arranging the items in order of magnitude; it is the value which has as many cases above as below it. Similar in character to the median are the quartiles, values preceded by one fourth of the cases from the lower and upper ends of the distribution. Together with the quartiles the median frequently offers a more complete description of the distribution than any other average. It is also useful when data at the extremes of the distribution are incomplete or presented in undistributed groups. While not so well adapted to algebraic treatment as the arithmetic mean, it is easier to determine provided the data are already grouped. Whether or not the median is a typical value must be determined by careful scrutiny of the entire distribution, especially in graphic form.

The mode is an average entirely unaffected by extreme items; it is the value occurring most frequently. The mode is easily understood by the layman and has numerous practical applications. For many distributions it is the logical choice of average, but it has definite limitations and should be used with caution. It has no significance unless the number of cases is fairly large and there is a distinct tendency to concentration along the scale. There may be more than one mode in the same distribution and this may indicate that the data have not been well classified from the point of view of homogeneity. While this form of average is not capable of algebraic treatment, the approximate mode is easily located. It lends itself readily to graphic representation and is especially useful in emphasizing a particular part of the distribution.

One of the less frequently used averages is the geometric mean. The geometric mean of n items is the nth root of the product of the separate items. It gives equal influence to equal ratios and therefore is especially useful in averaging rates and ratios. It is employed, for example, in combining relatives in the construction of index numbers and in determining the annual rate of growth of population between two census enumerations. Like the median it gives less weight to extreme variants than does the arithmetic mean.

Still less frequently used is the harmonic mean. It is the reciprocal of the arithmetic mean of the reciprocals of the individual items. It is useful in averaging time rates and in the analysis of price data for certain purposes. Generally the same result may be obtained by the use of a properly weighted arithmetic mean, which is much more easily understood.

ROBERT E. CHADDOCK

See: FREQUENCY DISTRIBUTION; INDEX NUMBERS; STATISTICS.

Consult: Zizek, Franz, *Die statistischen Mittelwerte* (Leipsic 1908), tr. by W. M. Persons (New York 1913); Edgeworth, F. Y., "Methods of Statistics" in Royal Statisical Society of London, *Jubilee Volume* (1885) p. 181–217; Bowley, A. L., *Elements of Statistics* (5th ed. London 1926) ch. v; Yule, G. U., *An Introduction to the Theory of Statistics* (5th ed. London 1924) ch. vii.

AVERROES (Abūl-Walīd Muhammad ibn-Ahmad ibn-Muhammad ibn Rushd) (1126–98), Arab philosopher, theologian and writer on jurisprudence, astronomy and medicine. Born in Cordova, Averroes held positions as judge (in Seville and Cordova) and as chief physician, under Ibn Yusuf and Al-Mansur. He was banished from Cordova and his books were burned when philosophy fell into disrepute under the criticism of orthodox theologians; he returned from exile shortly before his death.

The works of Averroes have been preserved chiefly in Hebrew and Latin translation; particularly his commentaries on Aristotle were early available in Latin (1230–40) and the Aristotelian debates of the thirteenth century were largely determined by them. As Aristotle was known as "the Philosopher," Averroes was known as "the Commentator." Of his commentaries on Aristotle one deals with the *Ethics*; he wrote none on the *Politics*, however, because the translation of this work had not yet come to Spain from the Orient. The mediaeval discussion of political theory, therefore, was determined in good part by his paraphrase of Plato's *Republic* until the *Politics* was translated. Latin Averroism was condemned in 1270 on 13 points, and in 1277 on 219 points; the Aristotelianism of Aquinas narrowly escaped suppression at the same time. The doctrine of the double truth, developed from Averroes' theory of scriptural interpretation, permitted a philosophic truth of reason in conflict with the revealed truth of religion. Such philosophic truths were stigmatized as errors; among them were the doctrines of the eternity of the world and of matter, the unity of the active intellect and its identity for all mankind, the denial of the freedom of the will, of God's knowledge of particulars and of the immortality of the soul, all of which were avowedly in contradiction to Christian doctrine. Averroism continued to flourish, however, particularly in the school of Padua, until the end of the sixteenth century.

RICHARD MCKEON

Works: The Latin translations were frequently printed in early editions of Aristotle, the best being that of Venice 1553.

Consult: Renan, Ernest, *Averroès et l'Averroisme* (5th ed. Paris 1893); Boer, T. J. de, *Geschichte der Philosophie im Islam* (Stuttgart 1901), tr. by E. R. Jones (London 1903) ch. vi; Gauthier, Léon, *La théorie d'ibn Rochd (Averroès) sur les rapports de la religion et de la philosophie* (Paris 1909); Mandonnet, Pierre, *Siger de Brabant et l'Averroisme latin au XIII^e siècle*, 2 vols. (2nd ed. Louvain 1908–11); Munk, Salomon, *Mélanges de philosophie juive et arabe* (Paris 1927) p. 418–58; Carra de Vaux, Bernard, *Les penseurs de l'Islam*, 5 vols. (Paris 1921–26) vol. iv, p. 65–93.

AVES, ERNEST (1857–1917), English labor investigator and chairman of the British Trade Boards. At the University of Cambridge he

came under the influence of Henry Sidgwick and after graduation became a resident of Toynbee Hall, London's pioneer settlement, where he was subwarden from 1892 to 1897. Aves' first important contribution to the literature of social science was the collaboration with Charles Booth on the *Life and Labour of the People of London* (5 vols., London 1892–95), a massive work several chapters of which (on furniture trade, vol. iv, p. 157–218, and on the building trades, vol. v, p. 31–172) were written and signed by him. Articles of his on labor topics, including the quarterly Labour Notes in the *Economic Journal*, which appeared between 1898 and 1906, display a sympathy with trade unionism tempered by a belief in the fundamental harmony of social classes. In 1906 Aves was appointed by the home secretary to report on the applicability to English conditions of wage boards and compulsory arbitration systems developed in Australia and New Zealand. His report (published in Great Britain, House of Commons, *Parliamentary Papers*, vol. lxxi, 1908), a thorough and honest piece of work, drew no conclusions as to the principle of a minimum wage and merely advised the establishment of wage boards in Great Britain. These were to investigate labor conditions in various trades and to formulate standards which would be adopted by employers under the pressure of public opinion. In 1909 Aves investigated wages, housing and cost of living in the United States for the Board of Trade. In 1912 came the appointment to the chairmanship of all the British Trade Boards, a position which allowed him to apply his wide knowledge and judicial cast of mind to the service of industrial conciliation.

J. J. MALLON

Consult: *Economic Journal*, vol. xxvii (1917) 293–97.

AVIATION

HISTORICAL DEVELOPMENT ..... C. H. BIDDLECOMBE
INTERNATIONAL ASPECTS ..... EDWARD P. WARNER
COMMERCIAL AVIATION ..... STUART DAGGETT
AVIATION INDUSTRY ..... MYRON W. WATKINS
AVIATION LAW ..... CHARLES G. FENWICK

HISTORICAL DEVELOPMENT. The romance of flight has appealed to humanity for many centuries, stories of attempted flying being numerous in the legends alike of Greece and Rome, India, Egypt and Scandinavia. The names of Daedalus and Icarus, Archytas of Tarentum, Oliver of Malmesbury and John Damian have survived the centuries because of their connection with the legends of aeronautics. In the thirteenth century Roger Bacon made actual experiments on the possibilities of flight, and Leonardo da Vinci in the fifteenth century carried on more extensive researches. On June 5, 1783, the Montgolfier brothers sent a hot-air balloon into the air and the remaining years of the eighteenth century saw many successful balloon ascents, one of the most notable of which was the crossing of the English Channel by Blanchard and Jeffries on January 7, 1785.

The birth of the airplane, or heavier-than-air machine, dates from the first years of the nineteenth century. Sir George Cayley, an Englishman born in 1774, was the real pioneer of this type of vehicle; his gliding experiments were highly successful and only the lack of an engine prevented him from obtaining power flight. Cayley was followed by Wenham, Stringfellow, Pilcher, the Lilienthals, Montgomery and Chanute, all of whom did much gliding in France, England, Germany and the United States during the years between 1850 and 1900. Others, notably Maxim, Langley and Ader, devoted years to the search for an engine sufficiently light and powerful to make flight possible with a heavier-than-air machine.

During the same period ballooning as a sport and for military purposes, as at the siege of Paris in 1870, was progressing rapidly in France and the United States; an American named John Wise made 440 balloon ascents between 1835 and 1879, traveling on one occasion from St. Louis, Missouri, to northern New York, a distance of somewhat more than 800 miles, in twenty hours.

Both forms of air travel, aerostation and aviation, were, however, seriously handicapped by the absence of a suitable engine with which to equip balloons and airplanes, and this handicap was not removed until the invention of the internal-combustion gasoline engine. The Wright brothers had started gliding in 1900, making many successful gliding flights without an engine. Meanwhile they built an especially light sixteen horse power gasoline engine of their -

own design, with which Orville Wright made the first power driven flight in December, 1903. As in the case of other inventions public recognition was slow. A modest degree of interest was aroused in Europe in the power driven airplane flights of Santos-Dumont and Ellenhammer in France in 1906, but widespread belief in the practicability of flying awaited the demonstrations made in France by Orville Wright in 1908. From then onward progress became sustained and rapid; in England and France particularly aviators and airplanes increased in number with surprising speed, so that by the end of 1910 there were 578 certified airplane pilots, of whom 353 were French, 57 British and 26 American. Concurrent with this general development of the airplane came the first crossing of the English Channel by a heavier-than-air machine, when Bleriot flew from France to England on July 25, 1909. The importance of this flight was recognized by only a few farsighted individuals although like the first cross channel balloon flight in 1785 it was a harbinger of the ultimate influence of aircraft on social, military and naval affairs throughout the world.

During the period of 1909 to 1914 aviation developed chiefly as a new form of sport. In this phase of its growth it was truly international; the United States and Europe became a common arena of contest for sporting supremacy. The Gordon Bennett race of 1911 is illustrative; a prize donated by an American was won for America in England by Charles Weymann, a West Indian of part native and part French extraction, flying a French machine. Thus even the early stages of aviation led to an unrestricted exchange of material and personnel by the nations engaged in aeronautic development.

From 1911 onward progress in airplane construction was fostered by the various governments of the world, cash prizes of varying amounts being offered for machines which would meet the specifications laid down. In addition flying branches of the naval and military forces were established in many countries and the airplane became recognized as a powerful weapon. The potential value of this new weapon brought rapid improvement in the airplane design during the period 1912 to 1914, and the four years of the World War gave a tremendous stimulus to aircraft production. Almost overnight the new adjunct of warfare became a vital factor in the continued existence of great nations, and the imperative demands of war, unhampered either by financial restrictions or by regard for human life, produced in four years technical results which would probably have come only during fifteen years of normal progress in times of peace.

Unlimited funds and the best available brains were devoted to the problems of obtaining better aerodynamic designs, improved engines, lighter and stronger metals, special guns, ammunition and bombs, special clothing for aviators, new flying instruments, novel aerial cameras and map making equipment and a host of other new and previously unthought of articles needed for aerial warfare. A complete new industry came into existence, manned by specialists in the fields of mathematics, chemistry, mechanical engineering and factory production and giving employment to large numbers of highly skilled and well paid artisans. Technical progress made during the decade ending in 1920 may be illustrated by three examples: the world's speed record for airplanes was 66.20 miles per hour in 1910, and 194.51 miles per hour in 1920; the airplane altitude record increased from 10,170 feet to 33,114 feet; and the duration of non-stop flight from 8 hours 13 minutes to 24 hours 19 minutes.

At the end of the war various attempts were made to develop commercial aviation with military equipment. In Europe unsubsidized air transport lines were started, but quickly became bankrupt through lack of sufficient use by the public and the impossibility of charging lower fares while operating surplus war equipment totally unsuitable for commercial use. Casual sightseeing flights—the so-called "gypsy" or "barn-storming" flying—with small war surplus airplanes purchased at scrap prices were, however, very popular. This form of aviation, conducted somewhat on the principles of the traveling circus, provided a more or less narrow margin of profit for small struggling companies and individuals in the United States and the British Empire during the period 1919 to 1926.

On the collapse of the unsubsidized transport lines in England the British government stepped in in 1921 and subsidized various companies to operate between London and the continent; the French, Dutch and Belgian governments also adopted the system of subsidizing air transport, and a regular service of air liners was soon in operation throughout various European territories.

The German government had meanwhile encouraged the development of commercial aviation within the technical restrictions of the

Versailles Treaty, and given a very considerable measure of financial support to manufacturers and operators in the search for means to overcome the limitations of engine power and aircraft performance laid down in the treaty. In the ultimate outcome the restrictions placed on German military aviation unquestionably assisted in the very satisfactory technical development of commercial aeronautics in Germany, where the heavily subsidized Luft Hansa now operates a network of transport lines. The basis of air transportation in Europe then became and has remained the subsidizing of one large transport company by each government. In the United States, government support was not provided and the few air routes started were definitely abandoned.

For reasons of national defense it was imperative for most countries that the skilled personnel and equipment in the aircraft manufacturing industry should not be entirely dispersed, and subsidies were also given to assist in keeping this industry in existence. In the United States, protected from potential aerial attack by the Atlantic and Pacific oceans, the urgency to support an aircraft industry did not exist and government participation in air transport development was limited to the operation of air mail service by the Post Office Department.

A broad survey of aeronautics throughout the world at the end of 1925 would have showed military preparedness paramount in all European countries except Germany; a general support by all European governments of commercial air transport lines carrying passengers and freight; no regular passenger transport in the United States, but a government operated air mail system between New York and San Francisco for which there was no parallel elsewhere; the gradual growth of military aviation in Japan and various South American republics; and an almost complete absence of private capital and public interest in air transportation.

In the period since the end of the war there had been, however, a number of spectacular flights by private individuals and military personnel in various parts of the world. Among the more notable episodes were the first transatlantic flight by the United States Navy flying boat NC-4 from America to Portugal via the Azores in 1919; the first direct transatlantic flight from Newfoundland to Ireland by a British airplane in 1919; flights from England to Australia and South Africa by British airplanes; flights across the South Atlantic by Portuguese, French and Italian aviators; flights around the world and across the United States and the Andes in South America by American aviators; the return flight of the British airship R-34 from England to the United States and back to England in 1919; and the flight of the Zeppelin airship *Los Angeles* from Germany to the United States in 1924.

There had thus been ample demonstration of the ability of airplanes and airships to make long journeys in safety although at great cost and with elaborate preparations in ground organization. These flights, together with the operations of "gypsy" flyers in the United States, the work of the United States Post Office air mail service and the subsidized passenger lines in Europe, served to keep alive a public interest in aeronautics in the abstract, even though they failed to demonstrate the economic value of aviation or to bring concrete support from the investing and traveling public.

At the end of 1925 a new period in the development of commercial aviation was initiated by the passage of the Kelly Act by the United States government. This bill authorized the Post Office Department to contract with private firms for the carriage of air mail. As the basis of the tremendous growth of aviation throughout the western hemisphere since 1925, the ultimate effects of which are influencing aviation in all parts of the world, the passage of this bill may well be considered one of the most important events in the history of commercial aviation.

Under the act the government operated line from New York to San Francisco was turned over to private companies, while new air mail lines were privately financed and operated throughout the United States and to Canada, Central and South America. Thus the government established at one stroke the foundations of a new industry, air transport, and gave a definite incentive to the investment of capital for the reconstruction of aeronautics as a public utility instead of a military necessity. This development was furthered by the Air Commerce Act of 1926, which authorized the formation of an Aeronautics Bureau within the Department of Commerce for the purpose of legal control and the provision of various aids for aerial navigation. The practical effect of the two bills has been to give commercial aviation in the United States an indirect subsidy from the government, inasmuch as the payment made to contractors for the carriage of mail is greater than the amount received by the Post Office in

revenue from the sale of stamps; the facilities of collection, delivery and advertising are also provided free of charge. In addition ground organization such as landing fields, route lighting, weather reporting and radio stations are established and maintained by the Department of Commerce.

Fresh stimulus to public interest in aviation resulted in 1927 from a series of spectacular and widely publicized flights across the Atlantic and Pacific oceans. The success of Lindbergh, Byrd, Chamberlin, Kingsford-Smith, Jensen, Goebel and others in America and flights from Europe to Australia, India, South Africa, China and other parts of the world by men and women pilots in 1927 and 1928 captured the interest of the whole world and particularly that of the United States.

These two years witnessed the culmination of a popular curiosity and attention toward aeronautics which had been growing slowly and steadily for over a decade. Ability to participate in the new industry existed to a peculiar degree in America because of the period of unusual prosperity through which the country was passing. Investors were captivated by the potential profit earning capacity of air transport to an extent which caused hundreds of thousands to buy any stock issues in which the word "air" appeared. For instance the stock of a railroad known as the Seaboard Air Line was purchased by many under the impression that the line was engaged in air transport. The general public in other countries was also affected by the same considerations, although to a lesser degree, and air transport and airplane manufacturing companies were readily financed and multiplied in almost all parts of the world.

This condition continued through 1928, with a corresponding growth of passenger and mail services in the Americas, Europe, India, Australia, Russia and South Africa. With a few rare exceptions, however, the only transport lines enjoying an excess of revenue over operating expenses were those subsidized either directly or indirectly; air mail contracts in the United States and foreign countries were in general profitable, but passenger lines unsupported by subsidies drew on their capital in most cases in order to meet expenses. The public were prepared to gamble with the stocks of aviation companies but not in general to fly in airplanes at the fares charged.

The manufacturing division of the industry enjoyed substantial profits during 1927 and 1928, but overexpansion of production facilities rapidly overtook the demand for airplanes so that by the middle of 1929 manufacturers met evident signs of an impending marked contraction of sales. The general industrial recession at the end of 1929 confirmed these indications, but in the meantime a number of mergers had taken place between the strongest units in the manufacturing and transport fields, which strengthened financial resources, eliminated much overlapping of effort and placed the large combines in a position to withstand losses without serious lasting effect.

Early in 1930 the passenger lines in the United States drastically reduced fares from an average of about 11 to 12 cents per passenger mile to about 5 cents; the result was immediate and startling, a fivefold increase in the number of travelers occurring in the first month. Even with the increased gross revenue obtained, the majority of airplanes are operated at a loss, as it is impossible for almost any existing aircraft to make profits at the low rate quoted. Further economies in operating costs are available, however, with improved airplanes and more efficient methods; the satisfactory stabilization and profit earning capacity of the passenger lines is thus assured, but another year or two is needed to effect the improvements possible. As an additional aid to passenger transport the Watres Bill was enacted by the United States government in April, 1930; this bill allows payment to air mail contractors for space made available for the carriage of mail in passenger airplanes and revises the rates paid for the carriage of mail only. In final result the bill will indirectly subsidize the passenger lines and increase the revenue of air mail lines now underpaid, but will reduce the profits of the mail lines admittedly overpaid at present under original contracts made on the basis of the Kelly Bill. A sales outlet for part of the production of airplane factories is provided by this promised stability of the transport lines, but there is still an uncertain market for the output of smaller airplanes intended for private or limited business use.

An important reason for the lack of patronage of air lines and the slow development of private flying has been the exaggerated view of the dangers of air travel existing in the minds of the majority of people. Reliable statistics regarding accidents were available only in England, Germany and France during the years 1919 to 1927 and in the United States from 1927 onward. The available figures are capable of varying interpre-

tations when comparisons are made between various countries and over various periods. At the same time it is clearly established that the number of accidents for mileage flown is decreasing each year in all countries and that this ratio of accidents to mileage is much less on the regular scheduled transport lines than in other types of flying. In general it is probable that over 90 percent of airplane accidents are traceable in first cause to errors of judgment on the part of the operating personnel, although secondary causes may appear as the final reason for many such accidents. This is indicated by the fact that on the regular scheduled air transport lines, those managed with systematic care, accidents are markedly less than in casual flying. Thus in the United States the total accidents on such regular lines in the last six months of 1929 numbered 76, of which 15 caused death; while in miscellaneous flying, including student instruction, experimental, commercial and pleasure flights, there were 848 accidents of which 168 were fatal. Similarly there were 14 pilots killed on the regular transport lines and 126 in other flying activities. During 1929 there was in the United States one fatal accident for every 15,940,161 miles flown on schedule and one for each 375,000 miles of other flying. It is thus very clear that careful management and good judgment lead to a very marked reduction in the dangers of flying and that by the exercise of care and the avoidance of obvious risks air travel can be conducted with a high degree of safety.

It is now well established that during the fine summer months and in territory where favorable weather is almost constant a safety and regularity of approximately 100 percent can be maintained by air transport operators using modern equipment and methods; under markedly adverse weather conditions the regularity of service decreases to about 90 percent of scheduled flights. This latter percentage is improving yearly with the increased use of better flying instruments, weather reporting systems and radio aids to navigation. The importance of maintaining the highest possible standard of safety in air transportation is fully recognized by the government and commercial agencies concerned, to the extent that in addition to the adoption of national safety measures in all countries the first International Aerial Safety Congress is being called in Paris in December, 1930. This congress will provide for the interchange of experience and information by all countries, thus placing at common disposal a vast and valuable accumulation of knowledge of the means to insure the maximum safety of air travel.

The use of airplanes has been further encouraged by the spread of aeronautical education. In the United States there are 61 universities and colleges offering an aviation course, of which 13 grant a degree in aeronautical engineering. A total of 226 elementary and secondary schools give aeronautic instruction of some kind. The universities of England, Germany, France and the British dominions also offer engineering courses in aeronautics. The tuition in nearly all universities, colleges and schools in all countries is of a technical nature chiefly based on theoretical and practical engineering and the actual operation of aircraft. Tuition in the business management of air transport is rare.

Education in the use of airplanes is also given by the flying clubs formed in large numbers since 1928 in England, Canada, Australia, New Zealand and various European countries. These clubs are government subsidized by the gift of airplanes or funds for their purchase and by bounty payments for each pilot trained to a certain standard of flying ability. In Canada there are 23 clubs with a total of 5000 members, each club receiving a subsidy of $100 per pilot trained; Australia has 6 clubs and New Zealand 21 clubs, receiving $150 for each pilot trained. There is a total of about 300 such clubs existing throughout the world, excluding the United States, Russia and Turkey, for which no reliable figures are available.

A similar club movement has not developed in the United States, where there is no government subsidy, although efforts are being made to obtain this assistance. The most successful attempt at the formation of clubs is the Aviation Country Clubs organization formed and operated by a group of wealthy sportsmen owning airplanes and preferring their own private airports for flying activities. At a very limited number of universities, including Harvard and New York, flying clubs have been fairly successful in the number of members secured and the amount of flying done.

The most outstanding private contribution to aeronautical education is the Guggenheim Fund for the Promotion of Aeronautics initiated and supported privately by Daniel Guggenheim. This organization has endowed educational facilities at various American universities, notably at New York University, by the estab-

lishment of a School of Aeronautical Engineering. The fund also financed such aids to the advancement of aviation as Lindbergh's nation wide tour by air in 1927, the $100,000 prize contest for the safest airplane and fog flying experiments aimed at the development of means to provide safe flying in adverse weather.

Public interest in aviation is also fostered by the Aeronautical Chamber of Commerce, an organization representing the whole industry and functioning as a cooperative association for the dissemination of information and the control of trade practises. The Society of Automotive Engineers serves as a liaison between the aviation and automotive industries, providing a clearing house for the discussion of common problems.

A widespread influence is wielded by the Fédération Aéronautique Internationale represented in the United States by the National Aeronautic Association with nearly 200 chapters and a large and growing membership. The Fédération is devoted to the promotion of all phases of aviation and is the governing body for all aircraft sporting matters as well as the channel through which all aircraft records are recognized.

Important in the provision of airports and landing fields and the growth of public support of aviation are the activities of aviation committees within the Chambers of Commerce in various cities throughout the country; in 1929 there were 366 such committees in 47 states.

The purely technical progress in aeronautic science is recorded by the National Advisory Committee for Aeronautics, a government agency entrusted with the collection and dissemination of technical data from all countries and functioning also as an experimental department with the necessary laboratory facilities. The results of the committee's work are made available to the public and particularly to the aircraft industry and to all educational bodies; a great portion of the experimental and research work carried out is of value to naval and military aeronautics as well as to the improvement of commercial aircraft.

The spectacular growth of aviation completely overshadowed for a time the current development of lighter-than-air craft. Within the past few years, however, the airship has again attracted attention as a possible and commercially feasible method of transportation. The forerunner of the present navigable airship was the free balloon. The first flight of a man-carrying balloon was made by de Rozier in France on November 21, 1783, one hundred and twenty years prior to the first airplane flight by Orville Wright in 1903. Balloon development continued through the eighteenth and nineteenth centuries, nearly all scientists and engineers interested in aeronautics devoting their major work to the lighter-than-air vehicle in the belief that flight with heavier-than-air machines would remain impracticable. Various semi-navigable balloons fitted with steam and electrically operated engines were constructed in the later years of the nineteenth century, and Santos-Dumont, a Brazilian living in Paris, started airship construction on a large scale in 1898. Between then and 1904 fourteen non-rigid airships were built and flown by Santos-Dumont; all were fitted with gasoline engines, which it may be noted made possible the practical use of airships and also at a later date of airplanes.

Nearly all important airship progress had been in France until 1900, when other nations entered the field. Between 1900 and 1914, 119 airships of various types and sizes are known to have been built; of these, 40 were made in France, 56 in Germany, 14 in England and 9 in Italy. Count Zeppelin was the leading producer during this time. In the United States, airship history dates from 1908 with the purchase by the War Department of a very small airship of 20,000 cubic feet capacity; a second ship of 50,000 cubic feet was bought from France by a private company in America in 1911. Progress then slowed down until 1916, when construction of various types was started by the Goodyear, Goodrich and Connecticut Aircraft companies, these three concerns building about sixty ships during the years 1916–19.

The first record of commercial passenger service by an airship was the operation of an "Astra"-built ship at Nancy, France, in 1909; in Germany airships were used for the same purpose during 1910–14, particularly by the Deutsche Luftfahrt A. G., a subsidiary of the Hamburg-America Steamship Line. During 1910–14 this company used six ships on 1600 flights, carrying 37,250 passengers without accident on a town-to-town service in Germany. Passenger revenue was amplified by a subsidy from the German government, thus giving the company a profit. The war period was marked by a great increase in airship development, especially in Germany, where zeppelin ships were used extensively for bombing and scouting purposes.

A remarkable demonstration of the capabilities of the airship for long distance travel was made in November, 1917, by the zeppelin airship L-59, which went from Bulgaria to East Africa and back without landing—a total distance of about 5000 miles in 95 hours. This flight was unequaled in importance until July, 1919, when the British ship R-34, 2,000,000 cubic feet in size, flew from England to the United States and back, covering 3600 miles in 108 hours on the westward journey and 3450 miles in 75 hours on the return.

During 1919 efforts were made to prepare for regular passenger services by airship in various parts of the British Empire, the government spending large sums in experimental work such as the conversion of ships designed for war to passenger carrying purposes. This proved economically impracticable and the adoption of a government program of construction for new and larger ships was delayed from year to year by national financial stringency; however, two large ships of 5,000,000 cubic feet each were completed in 1929 and flown in 1930. In Germany the zeppelins remaining at the close of the war were either destroyed to prevent their falling into Allied hands or taken over by the Allies for experimental purposes. Seven naval zeppelins and two commercial ships were surrendered in 1920 to England, France, Italy, Belgium and Japan, but were not utilized for commercial purposes. The United States failed to receive a ship at this time chiefly because of lack of interest. In 1921 the American government decided to accept a zeppelin ship as part of the reparations payments due from Germany, and the *Los Angeles* was built and flown to the United States in October, 1924.

In the United States the Goodyear-Zeppelin Corporation was formed in September, 1923, for the manufacture and operation of airships under the Zeppelin patents and built a number of small experimental non-rigid ships. The navy also built a ship during the period 1919–23, the *Shenandoah*, of 2,115,000 cubic feet gas capacity, which was accidentally destroyed in 1925. Accidents of this kind had been frequent in the history of airships, causing a lack of public confidence in the safety and practicability of this form of travel. Confidence was in a measure restored by the successful flights in 1927 and 1928 of the *Los Angeles*, operated by the navy; and in 1927 the five-year naval aviation program of the United States government included an appropriation not to exceed $8,000,000 for two rigid airships of about six million cubic feet capacity each. In 1928 the navy placed a contract with the Goodyear-Zeppelin Corporation for these two ships.

A further renewal of world interest in airships came in October, 1928, when the German *Graf Zeppelin* flew from Germany to the United States, covering 6000 miles in 111½ hours, having been delayed by storms. The return journey was made in 71 hours with 25 passengers and a crew of 40, a record voyage for airship travel. The *Los Angeles* in February, 1928, also made a non-stop long distance flight to Panama of 2178 miles in 40 hours, so that by 1929 public opinion had definitely come to accept the possibilities of the large airship.

That year witnessed greater and more varied activity with lighter-than-air craft than any year since the war; the *Graf Zeppelin* flew around the world in twenty-one days; construction was started on the two super-zeppelins for the United States Navy; two British dirigible ships, R-100 and R-101, were completed and made trial flights; the first all metal airship was completed and flown at Detroit and a fleet of six commercial airships of the small semi-rigid type were in constant operation in the United States. A giant zeppelin hangar was completed at Akron, Ohio; this building will house the large airships intended for transatlantic service by a German-American company which started preliminary work in 1930, partly as the result of the successful flights of the *Graf Zeppelin*. This ship's journey around the world was made in August, 1929, and was remarkable for one non-stop flight from Germany to Japan of 6800 miles in 101 hours, 53 minutes. The *Graf Zeppelin* flew a total distance of 72,648 miles in 1928 and 1929 during fifty voyages, carrying a crew of about 40 at all times and a total of 1574 passengers.

Great Britain has made preparations for an airship passenger service in England, Canada, Egypt and India and will eventually establish similar facilities in South Africa and Australia to make possible the world wide operation of R-100 and R-101, each of which will carry from 50 to 100 passengers in very luxurious accomodations. The ultimate development of air travel will without doubt be on the basis of airship use for distances of 1000 to 2000 miles non-stop over oceans and continents at speeds somewhat less than 100 miles per hour, with airplanes for overland distances up to about 1500 miles at speeds of around 150 miles per hour.

Because of the immense importance of such

TABLE I

GOVERNMENT EXPENDITURES FOR AVIATION

COUNTRY	1921	1922	1923	1924	1925	1926	1927	1928	1929
United States									
Military	101,959	84,093	71,689	97,778	82,131	87,586	102,194	98,291	107,726
Civil*	1,500	1,417	1,910	1,122†	2,012	1,567	1,454	3,791	5,434
Great Britain									
Military			57,310	70,530	73,700	75,650	73,440	76,960	76,560
Civil			1,390	1,720	1,800	2,250	2,260	2,040	2,190
France									
Military						18,720	27,200	32,940	49,800
Civil						5,380	6,600	8,660	12,200
Italy									
Military									35,565
Civil					365	721	1,620	1,870	3,158
Germany									
Civil					5,750	11,150	10,430	12,050	6,675

Note: All figures given in thousands of dollars. Table compiled by author. Detailed analysis of the figures for foreign countries may be found in *Aviation*, vol. xxviii (1930) 600. Figures represent appropriations for fiscal years (beginning July 1 for the United States and Italy, April 1 for Great Britain and Germany, January 1 for France). Wherever figures are not given they are not available. There has been no military aviation in Germany under the provisions of the Treaty of Versailles.

* Figures for 1921 through 1926 represent the difference between the operating expenses of the Air Mail Service and the revenue received in excess postage. The amount for 1927 is on the same basis for the eight months from January 1 to August 31, 1927, but also includes an appropriation of $550,000 made for the then newly formed Bureau of Aeronautics in the Department of Commerce. The 1928 and 1929 expenditures represent only the appropriations for the Department of Commerce.

In addition to the amounts shown in this table, civil aviation in the United States is directly or indirectly assisted by sums spent by the Post Office Department, the Bureau of Standards, the N.A.C.A., the Army and the Navy. It is estimated that the aids to air navigation, primarily installed for the benefit of the transport lines but open for use by all aircraft, and other similar expenditures made by the United States government cost some thirty million dollars annually; in addition the Post Office experienced a deficit of three million dollars in 1928 in the Contract Air Mail Division.

† Six months July–December, 1924.

new means of travel most governments have since 1919 adopted a definite policy of the establishment of a military organization for aeronautics; and many countries have also supported commercial aviation to provide a reserve of men and material in time of war. The strategic, political and financial problems involved in the provision of defense organizations vary widely in different countries, but it is clear that one of the chief factors which led governments generally to offer subsidies for the encouragement of air lines was the obvious military importance of an aircraft industry and the possibility of military employment of commercial aircraft. An industry built up for the manufacture of airplanes for commercial uses still stands as one of the most important elements of a nation's industrial preparedness. The direct convertibility of commercial and military machines is also a possibility for certain military services, but appears less important now than it did in the period 1919 to 1924. Types have become more specialized, with the consequence that airplanes cannot be at the same time fully efficient for military and for commercial purposes, although it is possible that a very satisfactory military machine might be slightly modified and operated commercially at rather low efficiency, if sustained by a subsidy. There are indications in some countries that this is being done, but on the whole it is clear that the design of commercial aircraft has taken account only very slightly, if at all, of military factors. This possibility of conversion or of disguise remains, however, one of the most serious difficulties in the way of any effective limitation of aerial warfare.

Reliable statistics regarding military or civil expenditures for aviation are difficult to obtain in countries other than the United States and Great Britain, and direct comparison of the figures for various countries may therefore be misleading, because of the varying prices of aviation material, the widely different scope of "aviation" budgets, the indirect support given by agencies other than governments and the wide variation in the basic systems of subsidy in force. Thus in the case of military aeronautics in

Great Britain and France the pay of personnel is included in the aviation budgets, but in the United States it appears in the general funds for payment of navy and army. Research and experimental costs are charged to civil aviation in Germany, but to the military appropriation in other countries. Various commercial airports in England are established, maintained and operated from the civil appropriation, but such airports are provided by municipalities or private agencies in the United States. Expenditures for buildings and land are shown in the aviation budget in some countries, but not in others.

Comparison is further complicated when the basic systems of subsidy are considered; in some countries, notably the United States, the support given to civil aviation is definitely a return for services rendered to the community by the carriage of mail; in Great Britain mail and passengers are carried, of course, but the subsidy is based on the mileage flown, so that an empty airplane earns as much as one loaded with passengers. In France the mileage basis also obtains, and in Germany and other European countries gifts of airports, hangars, gasoline, etc. are made with no obligation on the part of the transport companies other than the ownership of airplanes operated at their own will. The figures shown in Table I should thus be considered with the reservations outlined above.

Although comparison of governmental expenditures in various countries is difficult, an approximate calculation can be made of the total civil aviation costs in relation to the miles flown by regular transport planes. Such a survey indicates that Great Britain spends about $2.00 for every transport mile flown, France $2.00, Italy $1.75, Germany an average of $1.50 for 1927, 1928 and 1929, and the United States about 70 cents.

In the field of military aeronautics it is impracticable to make even the most general comparison of expenditures in relation to military efficiency, beyond stating that the pacification of territories such as Somaliland, Iraq, the Indian northwest frontier, etc. has been carried out by air power at a fraction of the cost involved in the use of any other means.

C. H. BIDDLECOMBE

INTERNATIONAL ASPECTS. The problems of aeronautics are essentially international in their nature. There are few parts of the world where commercial flying does not inevitably become international, simply because of the range and speed of the aircraft. Even more dramatically the military importance of the airplane and airship makes them an important factor in international relations.

The airplane has imported a new element into warfare, radically revising not only certain general strategic doctrines but especially the strategic position of certain nations. Insularity is no longer assured by a narrow body of water like the English Channel. Where the stretch of water is very wide, on the other hand, the airplane is unable to make an effective attack by coming under its own power and must be carried to somewhere near the intended striking point in ships. In such a case, except for sporadic raids, the introduction of air power is likely to strengthen a country's defense rather than to weaken it.

There is hardly a city in all of western or central Europe which could be considered safe from direct attack by air from within the territory of some potential enemy in the event of war. The United States, on the other hand, unless the enemy should gain a strong air base in the territory of one of the United States' immediate neighbors, is in the present state of aeronautical art beyond the reach of direct attack by airplanes coming under their own power and carrying any substantial military load. The problems of air defense and of the organization of air forces are thus entirely different for the United States, and in a lesser degree for Japan, than for any European country. The fact that an air attack upon the territory of the United States would be most likely to come from airplanes that have been brought from overseas on ships makes the coordination of aerial and naval operations of the utmost importance to America. For England, France, Germany or Italy, on the other hand, the military aeronautical problem is almost entirely one of readiness to meet and to repel air attack with air defense on very short notice. One result of these conditions has been that the air power in the United States has been kept an instrument of the army and of the navy, worked into the operations of the two services independently, while in most European countries, notably Great Britain, Italy and, since the summer of 1928, France, there have been created independent air forces, unifying all air operations in a single command and divorcing them from the immediate direction of surface warfare.

The airplane has gone far to eliminate in one respect the element of surprise from war, while

it enormously augments it in another. It has introduced a new form of surprise attack more certain and rapid than any previously known, but it has also provided a means of scouting to safeguard against surprise upon the surface, either of land or of water. The most serious of its effects upon the conduct of war, however, is the prospect that it brings of the termination of the immunity of civil population from direct injury. The prospect of attack upon centers of civilian population is one that is viewed with abhorrence by many military leaders. Nevertheless it is the prevailing belief that there can be no assurance against such attack in view of its great possible military advantages and that in a long and hard war in the future, if not indeed in every outbreak of hostilities, such raids as were made on London in a small way from 1914 to 1918 would become a daily event. The advantages of an attack on, and destruction of, centers of munitions production are obvious, and unfortunately industrial centers are always centers of civil population as well. No less striking are the possible military advantages of the demoralization resulting from destruction of governmental buildings and records. The effect of constant air attack on the morale and will to continue the war of a civilian population, while it does not furnish a satisfactory argument for permitting such attacks under the laws of war which have been developed in the past, is nevertheless clear and cannot be overlooked by military leaders, whether they consider the desirability of air attacks on civilian centers for their own use or merely as a weapon likely to be employed by an enemy and having to be countered.

Various attempts have been made since the war to bring warfare under some sort of control. The Commission of Jurists which sat at The Hague in the winter of 1922–23 declared in its report, Article 22, that: "Aerial bombardment for the purpose of terrorizing the civilian population, of destroying or damaging private property not of military character, or of injuring non-combatants, is prohibited." The report of the commission has not entered into full effect, and in any case the violation of such regulations is so easy and can be so subtle that it is almost impossible to draft a treaty, especially one unaccompanied by very severe sanctions, which will give any real feeling of security against aerial attack upon the civilian population to nations actually engaged in war or immediately threatened by it. In the wording just cited there exists the greatest doubt as to what would constitute "private property not of military character." Moreover the report went on to state that bombardment would be legitimate when directed against factories constituting important centers engaged in the manufacture of distinctively military supplies. In time of war between major powers that could include most of the nation's industrial plants.

These considerations lend a grave importance to the limitation of aerial armaments. It is to be anticipated that such limitation will finally be arrived at, if at all, upon that method of ratios which has proved the only one capable of effecting any limitation of naval construction. The necessary prelude, however, is the development of a means of measurement, of a general principle of limitation. It seems probable that the best results will be obtained by the simultaneous use of several forms of partial restriction. The limitation of subsidies alone, often suggested, involves extreme niceties of discrimination between what is and what is not a subsidy. Limitations of appropriation are obviously unfair to those countries where the general level of costs is high, but they might be made to work if the modifying factors were taken into account. Limitations upon numbers of pilots involve undue restrictions upon the free development of private and commercial flying. To limit the airplanes themselves simply raises another question, that of the means of measuring the effectiveness and fighting power of the individual aircraft entering into the summation. Results might be secured, if it proves practicable to arrive at any agreement at all, by a combined use of limitations of the number of pilots actually enrolled in military units, active or reserve, and of the amount of active training given to the reserve, of the number or aggregate power of certain specific types of airplanes, such as fighting machines, and of the aggregate appropriations for military aeronautics. These methods, or any of them, should be combined with a definite agreement on the part of all nations not to use the promotion of commercial aeronautics for any military purpose. Provisions to that end have now been unanimously accepted and included in the draft convention prepared by the League of Nations' Preparatory Commission on Disarmament. Without such an agreement and appropriate safeguards for it any direct limitation upon purely military aeronautics would lose much of its value, as the same problem might reappear in disguised form

through the organization of commercial pilots in military units or through specifications that commercial airplanes must be suitable for certain military conversions before they can be registered.

Aviation has thus become a new source of danger in international relations. At the same time it has made possible new forms of communication which will affect international relations and policies in a variety of ways. It is a striking fact that almost all commercial aviation is international. To develop properly the utility of aircraft in transportation it is necessary that they be used on routes of from two or three hundred up to two or three thousand miles in length; only in the United States and a very few other countries have many useful air lines been created without crossing international boundaries. The very first passenger air route to be operated with any regularity was an international one—that between London and Paris, upon which service began on August 25, 1919. In the United States there has been built up within the last two or three years a splendid and far reaching system of internal air communication, but in Europe such a thing is virtually unknown. At present only Germany has an internal network of any importance. The air lines originating in Great Britain and under British management run on to the continent. Those under French control connect France with northern Africa and with various points of central Europe and the Near East as well as with Great Britain. The smaller countries, such as the Netherlands, Belgium and Switzerland, some of them very active in air transport promotion, must run their planes onto foreign territory or find themselves virtually unable to run them at all. Under the circumstances the international law of the air and the political arrangements between governments which facilitate or place limitations upon the free flow of international air transport are obviously of the utmost importance in the progress of air communication. Even in the United States, especially through the interest of the government in communications with the countries of South and Central America, the effect of international relations upon commercial aviation is important. In western Europe it is absolutely vital. The taking of full advantage of technical progress has often to wait upon legal and political arrangements.

It is not only the negative factor of limited geographical extent of individual countries, and consequent limited scope for the development of air lines within the bounds of any one, that is responsible for the large proportion of commercial air transport activities that are conducted on international lines. There have been explicit and positive reasons for the encouragement of flight into foreign territory. The airplane has been hailed with delight by countries holding dominion over large overseas territories as a new instrument for the furtherance of imperial loyalty, for the facilitation of understanding among the several parts of the empire and of its efficient government as a whole. The possibility of the provision of means for travel and for the dispatch of mail from the farthest dominions of an empire to the mother country in five or six days, instead of in almost as many weeks, has both sentimental and practical value. Improved communications make it easier, for instance, to secure the desired class of personnel to represent the home government overseas. They make it easier for emigrants to the colonies or dominions to feel themselves still a part of the life of the center of the empire.

Recognition of the imperial advantages of commercial aviation has been especially clear in the British Empire. In a report on *The Approach Towards a System of Imperial Air Communications* issued in 1926 will be found the most general study of British air transport. Of the several air lines at present operated under British management the most important in its bearing upon probable future development is that which was opened in January, 1927, between Cairo in Egypt and Basra in Iraq. It formed the first link of what was destined to be a through service from England to India and Australia. The interruption at Basra was temporarily enforced by political difficulties in arranging for passage across Persian territory, but this obstacle was overcome in the early months of 1929, and the line extended to Karachi soon thereafter. A survey is now under way for a London to Capetown service which will link England and Africa.

French lines to Morocco, Algiers and to French West Africa have been backed by similar motives and have already been in operation for several years. The first flights upon a Dutch service from Amsterdam to the Dutch East Indies were made during the latter part of 1928, but the service was shortly suspended because of difficulties raised by the government of India.

Not only imperial communications but those with foreign countries as well are of obvious political interest. They permit of easier ap-

proach to foreign markets, of quicker communication by mail with representatives abroad and of prompter dispatch of samples or of repair parts for damaged machinery. They serve also to promote political prestige, for the aircraft registered under the flag of a great power, constantly running to and fro across the territory of smaller or less highly developed countries, are recognized as having an excellent effect in political advertising. Naturally the Powers are especially anxious to secure and maintain aerial communication with those nations with which their political relations have been especially close. One of the earliest of postwar French air lines operated under the name of the Franco-Roumanian Company (since become the Compagnie Internationale de Navigation Aérienne) and has connected Paris with the countries of the Little Entente, with Warsaw, Prague, Belgrade, Bucharest and Constantinople. German initiative has been especially active in the Baltic states, in Russia and in Austria and Hungary, although German air lines, lacking any opportunity for communication with German colonies overseas, have more recently come to touch upon most of the countries of Europe.

The case of the United States is one of the aptest of all, for the interest of American government and industry in securing aerial communication with all the countries of the western hemisphere, and especially with those bordering the Caribbean, has been constantly and actively displayed. At the beginning of 1928, with the exception of an air mail line from Miami to Havana, no air line connection existed between the United States and countries beyond its southern border. Early in 1930 there were in full operation air lines touching upon practically all of the Caribbean and Central and South American countries, with continuous through service as far south as Buenos Aires on the eastern coast and Santiago on the west.

At the same time the consciousness of community of interest with Latin America based upon racial, linguistic or merely traditional or commercial grounds was strongly felt in certain European countries. Plans were studied for connecting South America with Europe, both by the use of airplanes under the management of a French company and by an airship service under German-Spanish direction. Airplane service liberally subsidized by the French government is being constantly pressed forward and has already reached the stage of actual commercial carriage of mail by airplanes from Paris to Dakar in French Equatorial Africa, to Natal and thence to Rio de Janeiro and Argentina. The first delivery in Buenos Aires by the all-air service was made three and a half days after the mail had left France.

Governmental interest in these imperial and foreign air lines has led to a general provision of subsidies for their encouragement. Practically all European countries have been granting direct subsidy payment to their air transport companies at least since 1922, while some of them began the practise as early as 1920. Although internal air communication in the United States has been developed without direct cash subsidy payments, the general principle of the subsidy for international lines has been accepted in America as well as in Europe, and the services which communicate with South and Central America and the islands of the Caribbean are given a guaranteed payment per mile flown, irrespective of the traffic.

The rivalry which the various governments have waged through the medium of subsidy-backed companies has been especially keen in the Near and Middle East and somewhat less so in Central and South America. British plans for communication across the Middle East and ultimately to Australia have already been mentioned. The French line through the states of the Little Entente was subsequently extended to Constantinople and for a time to Angora, and further extensions across Asia Minor to Bagdad have been planned. Proposals for entry into Russian territory by French lines in continuation of the one that now runs to Warsaw have been made but never put into effect. German enterprise was very forehanded in both the northern and southern parts of the eastern territory. A company under combined German and Russian management has run an air service from Berlin to Moscow since 1922. Its extension to Peking is planned as soon as political conditions permit, and trial flights over the route have already been made. A German company has also secured important concessions in Persia to operate sundry short lines there, connected with the German services to the north by the operation of a Russian company between Moscow and Baku and Teheran. There are three converging lines of approach to Mesopotamia and Persia by air—the German from the north, the French in the center and the British from Egypt in the south.

In so complex a network of conflicting international lines and conflicting national interests

there is obvious danger of stalemate by mutual obstruction. This was especially clear immediately after the war, when the military dangers of the free travel of aircraft were present in every statesman's mind. The doctrine of a "freedom of the air" as well as that of a vertically limited sovereignty corresponding to the three-mile limit in maritime affairs, both of which had been espoused by eminent jurists prior to 1914, appeared in the light of war experience obviously untenable in practise. Recognition of complete national sovereignty over air space was inevitable. Fortunately for the development of air transportation that recognition embodied in Article 1 of the International Convention for Air Navigation, drawn up at Versailles in 1919, was coupled with assurance of the mutual granting of freedom of innocent passage by contracting states. On the other hand Article 15 of the convention provides that: "The establishment of international airways shall be subject to the consent of the states flown over." The maintenance of a regular international service is therefore the necessary subject of a special agreement among the states concerned, and a certain amount of jockeying for advantages before consent to the inauguration of a new air line is given still takes place, even among states having ratified the International Convention.

The International Convention was signed by the representatives of all the Allied Powers at Versailles and has been ratified by a substantial number of them and by some neutrals as well. Germany and the United States, among others, have declined to ratify. Refusal has in some cases been due to objection to relatively minor points in the convention or to the rigor of the technical annexes drawn up in connection with it, in others to an unwillingness to accept as sound the fundamental principle upon which the document was based. The representative of the Persian government, for example, presented during the International Civil Aeronautics Conference at Washington in December, 1928, a memorandum setting forth the unwillingness of his government to consider the complete freedom of innocent passage through air space as necessarily or universally desirable. The U. S. S. R. has taken a similar position.

The German government had no opportunity to ratify the convention at the time of its drafting, and European air transport was much complicated and harassed thereby. Under the Treaty of Versailles, Germany was permitted no military or naval air forces, and the Allied authorities responsible for administering those clauses defined the purely commercial aircraft upon which German industry was allowed to work in such a way as to place severe restrictions upon their performance and upon the development of aircraft manufacture and operation. The treaty provided freedom of passage over German territory to Allied aircraft until January 1, 1923, but thereafter the German government regained liberty of action and promptly placed similar restrictions upon the operation of the aircraft of Allied states. Since Germany occupied a very strategic position in the center of Europe, aerial communications between France and Great Britain and the eastern part of the continent were for the time being virtually severed. Not until 1926 was a new and generally satisfactory agreement reached with increased freedom of action for the German aircraft industry and with free permission for British and French airplanes to operate across German soil without danger of confiscation in case of descent.

In the western hemisphere there was drawn up at Havana in the spring of 1928 a Pan-American Air Convention on Commercial Aviation designed to serve the same purpose as the International Convention of Versailles eight years earlier. The two conventions have much in common, but the Pan-American includes no such elaborate technical annexes as have been attached to the earlier document and it is designed to insure the utmost freedom of regular international transportation as well as of occasional and sporadic flying. The differences are not so great as to seem irreconcilable; and the desirability of arriving at an understanding which will make it possible to evolve a single convention which will serve the purposes of the entire world has been generally recognized. At Paris in June, 1929, the differences were frankly discussed in meetings at which the principal non-ratifying Powers, with the exception of Russia, were represented. A group of amendments to the convention was drafted, which it is hoped will, when duly ratified and in full effect, make possible virtually universal acceptance of the convention.

A very serious problem in international flying in the western hemisphere is the Isthmus of Panama and the necessity of insuring the defense of the Panama Canal. It has been treated as a military area, and special regulations have been drafted governing the passage of aircraft above the canal and the surrounding territory. Under the Pan-American Convention as well as under

its predecessor at Versailles such reservations are possible provided only that the restrictions placed upon foreign aircraft must not be more severe than, or different from, those to which machines of native registry must submit.

EDWARD P. WARNER

COMMERCIAL AVIATION. Extensive commercial use of the airplane dates from the close of the World War. What little flying had been done previous to the war was either experimental or for stunt and exhibition purposes. The rapid technical advances of the war years resulted in the creation of a practical machine, and the availability for commercial and civil uses of planes and personnel released from war work gave a sudden impetus to aviation. Most European governments, with a ready appreciation of the military value of a continuing supply of aircraft, encouraged the formation of aviation transportation companies, offering both technical and financial assistance. In the United States the government was slower in formulating a policy and the development of commercial aviation was for some years sporadic and unorganized. The distribution of large numbers of former military planes led to a spectacular amount of stunt and taxi flying in the United States immediately after the war. This discouraged the development of regular air transportation by giving an exaggerated impression of the dangers of flying. It could not prevent, however, the discovery of new and important uses for the airplane, such as forest patrol and forest survey work, the dusting of cotton fields to combat the boll weevil, the spraying of trees and tobacco, and aerial photography and map making. Such operations, carried on at first irregularly and by individual operators, have within recent years been developed on a profitable basis by large companies using special equipment. With the growth of regular transport companies and the purchase of airplanes by an increasing number of industrial corporations, the "special charter" flying activities of these service companies have somewhat decreased in importance although not in extent. On the other hand new uses for aerial photography or air surveys are continually developing and establishing more firmly the commercial position of service aviation.

Largely because of the early development of regular air transport, special passenger and baggage carriage did not develop in Europe to anything approaching its extent in the United States, although taxi service may be found in most countries. On the other hand aerial photography has been extensively developed in Europe, often by large and specialized companies; it is used for map making, for the preparation of engineering plans of all kinds and for general exploration work; it has been of particular importance for flood control and river development in India and for map making in Africa. Technical advances in photography indicate an increasing importance for such aviation services in the future. In a number of tropical and semi-tropical countries poison dusting by airplane has been widely used to combat insects or plant pests.

The following table gives summary figures covering all such forms of non-transport commercial aviation in the United States for the years 1926–29; the figures are based on reports of operating companies. Unfortunately, similar figures for Europe are unavailable except in scattered form.

TABLE I

AERIAL SERVICE SUMMARY—UNITED STATES

YEAR	PLANES IN SERVICE	MILES FLOWN	PASSENGERS CARRIED
1920	1,000*	3,136,550	115,163
1921	1,200*	2,907,245†	122,512
1922	450	2,846,037	75,268
1923	429	3,014,611	80,888
1924	217	922,048	48,904
1925	676	5,396,672	205,094
1926	969	7,656,492	380,201
1927	768	8,341,517	476,724
1928	489	8,411,889	526,203
1929	7,408	104,336,560	2,995,530

Source: These figures are taken from the *Aircraft Yearbooks* for 1922–30. They represent figures gathered by the Aeronautical Chamber of Commerce of America through circularization of its members and other operators. No comparable government figures are available. The figures through 1925 are reported as commercial operations of fixed base operators and represent all commercial flying for hire during that period. After 1925, when an appreciable number of transport companies first appeared, the statistics for air transport and aerial service are given separately (for air transport see Table II). For none of the years are air mail figures included. After 1925 the number of operators (companies) reporting are recorded:

for 1926–420
1927–357
1928–168
1929–800 (estimate).

* Estimated.
† Decrease explained by fewer free and more paid flights.

Despite the extent of such developments and the increasing importance of individual flight for sport or business purposes many observers feel that the significant future of commercial aviation lies in the field of common carriage. In Europe the development of air transportation

routes began immediately after the war. Service was instituted on the London-Paris route in the latter part of 1919 and the first German line was opened the same year. Germany, forbidden by the Treaty of Versailles to construct military planes, was free to concentrate all her attention on civil aviation and within a few years had developed an extensive internal network. By 1924 most of the capitals of Europe were connected by air routes. The bulk of the business of European aviation companies has always been passenger traffic, although they have also carried mail and freight. Rates have been comparatively low, arrangements for through rail and airplane service were early made and the development of air transportation has been on the whole gradual and steady.

In the United States, on the other hand, regular air transport can scarcely be said to have existed before 1926, and until the end of 1928 passenger service was of relatively slight importance in comparison to the mail, which constituted the principal traffic. The initiative in the development of commercial air service was taken by the Post Office Department when it established a line between Washington and New York on May 15, 1918. In 1919 plans were made for a transcontinental air mail route, and plane and night rail transcontinental service began on September 8, 1920. Through transcontinental service entirely by air began July 1, 1924, after the lighting of sections of the route for night flying. Thus a series of air routes became available for commercial aviation. During 1925 and 1926 there was considerable popular discussion of the failure of the United States to develop air transportation service comparable to that of European countries. A prominent army officer made charges of corruption and mismanagement of military air services. The ensuing investigations led to the formulation of a five-year military program and the passage of the Air Commerce Act of 1926. This formulation of a policy of regulation and encouragement gave impetus to the development of commercial air transport. The Kelly Bill, passed in 1925, had provided for the contracting out of air mail routes, and at the close of June, 1927, the Transcontinental Airway was transferred to the Department of Commerce; the Post Office Department sold its planes and by September 1, 1927, the entire air mail service was in the hands of private companies. It was some time, however, before these companies developed an extensive passenger or freight business beyond the carriage of mail. With this start and with the added stimulus of the general commercial optimism of 1928 all types of aviation and air transport activities in particular developed at an unprecedented rate. Passenger traffic advanced from its place of minor importance. It had increased less than 50 percent in 1927; suddenly it multiplied sixfold in 1928 and more than tripled again in 1929. One cannot look for the maintenance of this rate of development for any length of time; but it is already clear that commercial air transport has found a definite place for itself in the United States.

A similar outburst of rapid development of air transport facilities has begun to manifest itself in other parts of the world. The South American countries have extensive air routes with most of the planes operated by foreign countries. Mexico is developing an air service. Japan, long hindered by geographic difficulties, has built up a record for civil aviation since 1928.

It is still almost impossible to get accurate statistics as to aviation development. Data are unreliable, particularly for the earlier years. In few countries were air ministries or separate departments established before 1924 or even 1928; in some cases, however, transportation departments have collected a few statistics for aviation, and trade associations in various countries have secured data of considerable value. The information in Table II is perhaps as accurate as can be secured at the present time. In spite of gaps it shows clearly the general trends in the development of commercial aviation.

The striking contrasts between the development of air transport in the United States and that in Europe are due largely to the early adoption by most of the European governments of a policy of direct subsidy payment to transport companies. Particularly in the case of France and Italy a part of the payments to civil transport agencies is really disguised military subsidies, but whatever the purpose large sums have been devoted to the development of air transport. No important governments have engaged directly in the operation of civil transport lines but all have exercised a fairly extensive control over their development. In most countries the granting of subsidies has been contingent upon the rendering by the companies of certain services such as the free carriage of mail and the conformity to certain conditions, most frequently that of use of nationally made motors or materials. The state usually sets up technical specifications and determines methods of ac-

counting. In the early years considerable confusion existed and governments were frequently paying subsidies to each of two companies competing on the same route. Such a condition was both politically and economically undesirable and there set in a period of consolidation, culminating in 1924–25, which resulted in the formation of monopoly transport companies in many countries. In Great Britain Imperial Airways was created in April, 1924, and given a subsidy monopoly until 1934. In Germany the companies formed by previous consolidations were merged in 1926 in the Deutsche Luft Hansa, which now has the monopoly of all regular German air transport. In the Netherlands all European and colonial air transportation was brought under the control of the Koninklijke Luchtvaart Maatschappij, popularly known as the K. L. M. In France consolidation has not gone beyond the creation of four or five important companies, none of which operates over the same routes. The methods of subsidy payment have been varied, ranging from the granting of lump sums to payment on a sliding scale on the basis of mileage flown. Most contracts provide for the repayment of subsidies when total profits exceed certain fixed sums. France, in addition to granting subsidies, has participated in the capitalization and guaranteed the interest on approved loans of its companies. In many European countries, the railroads have also participated in the capitalization of new air companies, a form of indirect state aid where the railroads are government owned. The direct subsidy payments of the various countries have reached rather imposing totals. The British government has estimated that during the eight years ending March 1, 1929, it expended £1,613,380 in direct subsidies. From 1925 through 1929 France appropriated approximately $18,900,000 in subsidies, while during the same period the Luft Hansa in Germany received $17,800,000. These figures of course are exclusive of appropriations for aids to aviation. While there is no indication of a cessation of the granting of subsidies for air transport a decreasing reliance on such aid is to be expected. Thus it may be noted that in 1929 Imperial Airways of Great Britain flew 94 percent more mileage than was required in order to earn its subsidy; this meant that about half the mileage flown during 1929 was unsubsidized. In Germany the subsidy granted the Luft Hansa in 1929 was only half that for 1928. In France and Italy, on the other hand, direct subsidies are still increasing at a fairly rapid rate.

TABLE II

CIVIL AIR TRANSPORT OPERATIONS

YEAR	I MILES OF AIR LINES IN OPERATION	II ANNUAL AIRPLANE MILEAGE IN AIR TRANSPORT	III PASSENGERS CARRIED	IV PASSENGER MILES	V LBS. OF MAIL CARRIED	VI LBS. OF EXPRESS CARRIED	VII TON MILES OF MAIL AND EXPRESS TRAFFIC
UNITED STATES*							
1920	930	549,244			526,578		117,000
1921	3,509	1,554,985			1,120,852		204,000
1922	2,738	1,537,927			1,224,723		302,000
1923	2,842	1,590,637			1,696,896		326,000
1924	3,010	1,522,763			1,500,034		242,000
1925	2,813	2,076,764			232,513†		146,500
1926	8,404	4,318,087	5,782	983,000	810,855	1,733,090**	270,800
1927	9,122	5,870,489	8,679	3,400,000	1,654,165	2,263,580**	574,600
1928	16,667	10,673,450	49,713	15,350,000	4,063,173	1,848,156**	1,082,000
1929	36,000	22,000,000	150,000	48,000,000	7,700,000	2,000,000**	2,458,000
GREAT BRITAIN							
1920	691	644,000	5,799[b]	1,305,000		306,880	30,900
1921	446	225,000	5,256[b]	1,270,000		43,456	4,400
1922	958	717,000	10,393[b]	2,220,000		480,704	42,500
1923	2,096	943,000	15,552[b]	3,010,000		734,944	64,300
1924	1,906	936,000	13,601[b]	2,620,000		1,215,872	104,200
1925		862,000	11,193	2,645,000		1,232,000	147,567
1926	1,368	840,000	16,775	3,746,000	86,464	1,520,960	159,031
1927	2,355	873,000	20,015	4,028,000	114,240	1,348,480	135,882
1928	2,215	1,135,910	29,300	6,380,000	280,692	1,702,400	246,500

TABLE II

(CONTINUED)

Year	I Miles of Air Lines in Operation	II Annual Airplane Mileage in Air Transport	III Passengers Carried	IV Passenger Miles	V Lbs. of Mail Carried	VI Lbs. of Express Carried	VII Ton Miles of Mail and Express Traffic
FRANCE							
1920	3,487	530,309	1,379	382,000	6,449	106,042	24,980
1921	4,032	1,461,496	9,427	2,562,000	20,902	367,047	84,100
1922	6,217	1,737,785	6,799	2,165,000	88,994	856,515	192,300
1923	5,175	2,103,448	7,822	2,600,000	162,201	1,552,610	284,500
1924	4,684	3,265,300	10,758	3,338,000	242,896	1,487,146	337,500
1925	6,744	2,926,703	14,196	3,895,000	437,857‡	1,635,795	405,000
1926	7,620	3,241,983	13,634	4,090,000	339,080‡	1,692,445	389,300
1927	11,542	3,755,380	15,857	4,795,000	276,215	1,645,643	431,000
1928	14,743	4,531,439	19,698	6,160,000	287,447	2,549,437	639,000
1929	17,497	5,658,418	25,155		316,714	3,532,115	
GERMANY							
1920	894	298,113	3,975	598,000	14,110	12,566	2,000
1921	2,252	1,027,134	6,820	1,028,000		68,343***	5,030
1922	3,224	747,485	7,733	1,165,000	70,548	81,571	11,400
1923	3,606	445,780	8,507	1,282,000	11,023	85,980	7,320
1924	4,149	983,349	13,422§	2,030,000	48,502	156,528	28,410
1925	10,913	3,073,739	55,185§	6,600,000	632,726	1,148,607	122,000
1926	12,673	4,062,060	56,268§	9,090,000	1,214,417	2,329,928	213,000
1927	16,326	6,191,367	102,681	16,720,000	1,054,542	3,225,695	466,500
1928	18,540	6,345,085	111,115	17,820,000	1,057,402	4,170,205	597,500
1929		5,643,458	87,019	3,160,000§§	897,878	4,190,268	141,000§§
ITALY							
1926	2,987	324,859	3,991	657,024	3,466	90,187	10,500
1927	2,896	824,474	9,757	1,998,774	14,769	308,250	36,000
1928	5,368	1,236,913	15,629	3,485,082	46,954	502,757	70,000
1929	8,279	1,839,574	25,298	4,400,000	135,540	998,747	132,000

Source: Wherever possible figures for the respective countries have been secured from official government sources. All figures in columns IV and VII were taken from *Aviation*, vol. xxviii (1930) 602. In the case of all other columns:

For the United States, figures for years 1920 through 1925 taken from U. S., Dept. of Commerce, *Aeronautics Bulletin no. 1*, March 15, 1928, p. 5; for years 1926 through 1929 from U. S., Dept. of Commerce, *Air Commerce Bulletin no. 17*, March 1, 1930.

For Great Britain, figures taken from Great Britain, Air Ministry, Directorate of Civil Aviation, *Annual Report on the Progress of Civil Aviation*, 1927 and 1928.

For France, Germany and Italy figures supplied by the United States Bureau of Foreign and Domestic Commerce. These figures came from special reports and from the following official sources: for France, for Column I years 1920 through 1926 from Comité Français de Propagande Aéronautique, *Le développement et l'état actuel du trafic aérien français* (Paris 1928); for Column II years 1920 through 1926, and Columns III, V, and VI years 1920 through 1927 from Flandin, P. E., "International Air Convention of October 13, 1919," in International Civil Aeronautics Conference, *Papers* for 1928, p. 97–111; for 1929 from *Les ailes*, May 1, 1930. For Germany, for Column I years 1920 through 1924, and Column II years 1920 and 1921, from the Joint Committee of Civil, Aviation of the U. S. Dept. of Commerce and the American Engineering Council, *Civil Aviation, A Report* (New York 1926); for other columns years 1920 through 1926 from Germany, Reichsverkehrministerium, Luftfahrtabteilung, *Deutsche Luftverkehrsstatistik*, 1927; other figures from reports of Deutsche Luft Hansa A. G. For Italy, for 1926 through 1928 from Italy, Aviazione Civile e Traffico Aero, *Statistica della linee aeree civile italiane.*

[b] Passengers or goods carried by stages.

* Before 1926 regular air transport companies were of negligible importance. Records of their operations included in aerial service summary (Table I). Figures in this table for 1920 through 1925 represent air mail operations only.

† After 1925 only mail with postage prepaid at the higher or special air mail rate was carried.

** The bulk of this was private freight of Ford Motor Company carried in its own plane service.

‡ Air mail increased because of military operations in Morocco.

§ Deutsche Luft Hansa A. G. only.

§§ First five months of year only.

*** Mail included.

Except in the case of lines to South and Central America, which are given a guaranteed payment per mile flown irrespective of the traffic, the United States has not granted direct subsidies to aviation companies. The air mail contracts undoubtedly represent a form of concealed subsidy the size of which it is impossible to estimate. The Post Office advertises for bids on each mail route and fixes rates according to offers received; in the past two years the rates have been decreasing. On the whole, passenger transport has been developed by separate com-

panies with the emphasis on safety and comfort rather than on the regularity of service necessary for the air mail. During 1927 and the early part of 1928 there was a rapid multiplication of new companies, but a tendency to consolidation soon manifested itself, being particularly effective at the end of 1928. A brief period of outright mergers was succeeded and overshadowed in importance by the formation of "groups," holding companies and loose associations of air transport operators, aircraft or engine manufacturers and air service operators generally supported by certain financial interests. In some cases railroads interested in the establishment of combined air-rail services have participated in these groups. At present most of the aviation activities in the United States are under the control of four major groups, although there are still many small independent operating and manufacturing companies in existence. The passage of the Watres Bill at the end of April, 1930, presages a form of indirect subsidy to passenger as well as to mail operators and may be expected to establish the transport companies on a more profitable basis.

If the United States government has not fostered the growth of air transport through direct subsidy payment it has like all other governments contributed indirectly through the provisions of various "aids to aviation." Most important among the prerequisites to aviation are the marking of routes and the provision of landing fields. The first steps in this direction were taken by the Post Office and the Army and Navy departments. Under the Air Commerce Act of 1926 the secretary of commerce is responsible for the establishment and maintenance of civil airways, the operation of intermediate landing fields, the provision of signal and radio direction finding apparatus and other necessary aids. The provision of airports has been left to municipal or private enterprise, but the Department of Commerce has encouraged their construction and aided with technical advice. It has rated them according to the adequacy of their equipment but it has not given financial support. Since municipal airports are used for local and recreative as well as for business and interstate flying such an arrangement is easily justified. Several recent court decisions have upheld the use of municipal funds for this purpose. Many cities have built airports in the hope of deriving commercial advantages from them; airports have been financed also by commercial transport companies, by chambers of commerce or by promoters. In 1927, for instance, two large corporations were formed with the purpose of building long chains of modern up to date airports on a commercial basis. The progress of construction has been unsteady; it proceeded rapidly in 1924 and 1925, then slowed down, but was speeded up again by the tour of the country organized in 1927–28 by the Department of Commerce and the Guggenheim Fund. At the end of 1929 there were in the United States 453 municipal airports, 495 commercial and private airports, 285 lighted Department of Commerce intermediate fields and 235 marked auxiliary fields in operation with 1413 additional airports proposed or planned. At the end of the same year there were 36,000 miles of commercial airways in operation, 12,448 of which were lighted for night flying. Considerable progress has been made in the installation of radio communication and radio beacon stations, while the weather bureau has established a number of upper-air meteorological stations in the service of aviation.

Corresponding developments have occurred in most of the European and South American countries, and large sections of Africa and the Orient have been covered with transport routes. In general the marking and lighting of routes and the installation of radio and weather devices have been undertaken and financed by the respective governments with considerable international cooperation in the perfecting of signaling devices and in the standardizing of route indications. The sums spent on these aids to aviation have usually been far in excess of the direct subsidy payments to transport companies. Different governments vary greatly in their policy as to airports. In England the entire expense of the maintenance and operation of Croyden Field, the London airport, and other major airdromes, has been borne by the government, although there are also municipal and commercial fields. In France and Italy too the governments have undertaken the provision of the major airports. In Germany the federal government has established and maintained most of the main routes; the states devote their grants to lesser routes and control devices, and the municipalities have constructed most of the landing fields and terminals. In South America this work has been done partly by the governments, partly by commercial companies. The number and adequacy of such aids to flight have been increasing rapidly in all countries. Provisions for night flying are multiplying in Europe,

while several of the European countries have been particularly active in the development of new radio devices and, especially in the case of Germany, have made the use of radio equipment mandatory on all transport planes.

Every government has developed a more or less elaborate system of the licensing and registering of pilots and aircraft, the drawing up of specifications for craft and air devices, the inspection of planes and the formulation of air traffic rules. A considerable degree of international conformity has been achieved through the activities of the International Convention for Air Navigation set up in 1919, which meets twice each year and maintains a permanent secretariat at Paris.

The growth in all forms of aviation and the consequent increased burden of regulation have led to the establishment of separate air ministries or departments in most countries. In some cases the civil and military air authorities are combined; more frequently they are separate. Regulation has been accepted by the industry without question, indeed has been welcomed as the only source of technical standardization. The obvious public interest in the safety of air transportation makes it probable that government regulation will increase rather than decrease in scope.

The development of commercial aviation was considerably retarded in the early years by the absence or inadequacy of aviation insurance. The first aviation insurance policy was written in England by Lloyds in 1912; but there was no possible basis for real underwriting until after the war. Even then the risks to be insured were so great and unknown that insurance companies hesitated. The realization of the necessity of a distribution of losses led several of the European governments to take an active part in overcoming this objection. The French government in particular as early as 1919 exerted pressure on the aero clubs and through them on the insurance companies to develop aviation policies. A pool was formed but it met with great difficulties in establishing satisfactory rates. In England Lloyds organized an aviation department to prepare an aircraft register and a pilot register as the basis of an insurance schedule. In England too a pool of insurance companies was formed; but despite the caution with which it proceeded most of the companies became discouraged and began to withdraw from aviation insurance activities. Since 1925 it has been built up again, however, and all forms of aviation insurance are now handled by the British Aviation Insurance Group, which writes many policies for the continent as well. Germany had a somewhat similar experience, the German Aviation Pool developing into one of the strongest insurance groups. The fact that the German government requires the taking out of public liability insurance by the operators of all aircraft before granting a license has created a sure market for underwriters. While the operators of transport companies can legally escape liability to their passengers, the Luft Hansa has made an arrangement with the Stuttgart Versicherungs-Verein whereby every passenger is insured to the extent of $5955 by the purchase of his ticket, and facilities for the taking out of additional individual policies are available at the fields. The Scandinavian countries have also been active in the development of aviation insurance. The groups and pools in the different countries work in fairly close cooperation, and an added degree of safety is achieved by the almost universal practise of reinsurance.

In the United States a number of insurance companies made tentative entrance into the aviation field in the post-war years. Their difficulties were augmented by the fact that there was no pilot's register in existence until 1921 and that "gypsy fliers" were particularly numerous in the United States. Early in 1920 the National Aircraft Underwriters Association was formed to assist in the pooling of information. By 1924 and 1925 most of the members had withdrawn and only two companies were writing any aviation insurance. The rapid development of the industry on a regular commercial basis has stimulated a revival of insurance activities; in 1926 it was first possible to obtain complete coverage in one policy; but there is still a hesitancy on the part of some insurance companies to enter the field and a feeling on the part of the industry that its development is being retarded by the lack of facilities and high rates. The great need at present is for the wider development of adequate information on which to base insurance tables. With the multiplication of experience and the increased governmental activities in the licensing and recording of pilots and craft, the requisite knowledge is being rapidly acquired. Within a few years insurance companies should be serving not as checks on the development of aviation but as agencies exerting pressure for the achievement of continually greater safety and regularity.

STUART DAGGETT

AVIATION INDUSTRY. The fundamental problem confronting aeronautics as an industry is the determination of what particular type and range of transportation service it can supply at a price above cost which will attract demand, in competition with, or in addition to, other modes of transportation.

In respect to the medium in which they operate, aircraft possess several great advantages over other modes of transportation. For aircraft alone it is theoretically possible to go from a given point to any other point whatsoever on the surface of the earth without stopping. Practically, moreover, this advantage is not dependent upon the eventual development of a globe-circling cruising range for aircraft. Even in the present stage of technical development, by aircraft alone would it be possible to send goods from any of the great commercial centers of the world to every other without trans-shipment. Theoretically not only direct transit but the shortest route is always available to aircraft. While in practise deviation from the direct line may be expedient, this does not detract appreciably from the advantage of short route flight which aircraft possess as compared with all other means of transport.

Another advantage of aeronautics, its free right of way, is shared with water transportation. Aircraft like water craft may operate wherever their owners will, and can operate without investment or expense for pathways. It is true that both require for safe operation the maintenance of numerous fixed "aids to navigation"; and from the social if not from the private standpoint this constitutes a part of the cost of the service. Moreover the government expense of maintaining airways is undoubtedly now, and will probably remain, higher in proportion to the volume of traffic facilitated than the expense of maintaining waterways, exclusive of river channels. But in either case this right of way cost is far less, considered in relation to the potential traffic for which it provides, than the cost of maintaining highways or railway roadbeds for land transportation. In the social reckoning it makes slight difference that in the case of highway, water and air transportation the maintenance is at government expense, while in the case of rail transportation it is at private expense. In either case it is the source of tremendous social cost which will eventually be reflected in the relative utilization of these various modes of transport.

Offsetting these advantages of air transport are two major handicaps also arising from the peculiarities of the atmospheric medium. The first is the unreliability of the weather. Fog in particular is the nemesis of air navigators. Much research has been devoted to the problem, and advance has been made, most noticeably in the direction of increased precision of "blind flying" by the aid of radio and navigation instruments rather than in the discovery of means for piercing or dissipating the fog.

The second of these handicaps of air transport is the instability of the craft. Until technical developments insure reasonably simple and certain recovery from "stalls" and reasonably safe landing for aircraft after motor trouble, air transport will continue to forfeit a large part of the competitive advantages which its superior speed and flexibility potentially afford it. Aerodynamic research has been active in the investigation of this problem, and progress has already been made especially in the direction of devices for reducing the stalling speed without reducing the pay-load margin. The most promising development has been the invention of the automatic slotted wing, which without appreciably increasing the resistance or decreasing the speed in normal flight allows of a marked increase in the maximum lift in emergencies and at taking off and landing.

The economic possibilities of the use of aircraft as an agency of transport rather than for "stunt" or exhibition purposes or for military manoeuvres are also dependent upon the characteristics of the vehicle of carriage. Here it will be necessary to distinguish sharply between the two basic types of aircraft and their operation—aviation, or the operation of heavier-than-air craft, and aerostation, or the operation of lighter-than-air craft. For the purposes of the discussion which follows we shall disregard lighter-than-air craft because aerostation is still in the experimental stage both in Europe and in America. The airplane has one outstanding feature which gives it its prime advantage as a means of transport: its speed. With a cruising range for commercial craft of approximately 135 miles per hour already achieved and with the prospect of raising this well above 175 miles per hour within a few years, aviation can count upon a superiority over the fastest alternative mode of transport of two or even three to one. It requires no citation of figures either hypothetical or actual to show that such an acceleration in transit will be taken advantage of, on a substantial scale, if the cost is not too high. The im-

portant inquiry then becomes how much greater than the cost of alternative modes of transport the cost of air transport must be, and how much traffic may be forthcoming at this necessarily greater cost.

It will not be possible, obviously, to give exact data of the cost either of construction or of operation of airplanes. Cost varies greatly from manufacturer to manufacturer, from operator to operator and above all from one type of plane to another. Even if detailed cost figures were available, moreover, and it were certain that these represented in every respect the minimum cost thus far realized, they would be useless in the present connection for they would soon be out of date. It is much more appropriate, for present purposes, to consider why the original cost and operating cost of airplanes are comparatively high.

The fundamental reasons are two: the necessity of combining great strength with lightness in the structure and the necessity of great power consumption per pound of load. The first requirement can be met only by the use of costly materials and painstaking, skilled assembly. Neither can be provided in large volume with attendant low unit cost. Even when structural members were chiefly of wood and wings were covered with silk fabric the cost was disproportionately high in comparison with the cost of a land vehicle or water craft of like capacity. The discovery of duralumin, alclad and similar alloys combining lightness with strength has established a trend toward metal construction which has helped somewhat to speed up the manufacturing process but has not materially reduced total cost, on account of the higher cost of raw materials. Moreover the nature of the completed airplane structure necessitates continuing high cost for inspection; and depreciation, despite the utmost care, is bound to be rapid. This is true whether the airplane structure is of wood, wire and fabric, metal frame or all metal. While the advantages are by no means all on one side, the pronounced tendency in current design toward the monoplane, for which some adaptation of the principle of metal construction is particularly suitable, is believed to indicate that this type of construction affords a substantial saving in depreciation.

Table 1 shows the number of monoplanes and biplanes produced in the United States in 1928 and 1929 and the percentage which each formed of the total output in these years. The figures relate solely to non-military production and exclude, moreover, the output of multi-engined craft, seaplanes and amphibians, in almost all of which metals are unquestionably utilized to an extent greater than average. In partial explanation of the predominance of the biplane it should be noted that it has the prestige of tradition running back to the first successful "flying machine" demonstrated by the Wright brothers in 1903. It is unfortunate that direct figures for the comparative output of the wood, wire and fabric type and the types of planes constructed entirely or in major part of metal cannot be obtained. But in the absence of such data the trend toward the monoplane may perhaps be interpreted as evidence of the substantiality of the saving in depreciation effected by the use of metals in certain items of construction, although it is recognized that other factors have influenced this trend (on this entire question see fifteenth *Annual Report*, National Advisory Committee for Aeronautics, Washington 1929, p. 83, 84, 88).

TABLE I

Year	No. of Monoplanes	No. of Biplanes	Percent of Monoplanes	Percent of Biplanes
1928	1079	2492	30	70
1929	2060	3126	40	60

The second factor in high cost of operation is the high ratio of horse power to weight, which is indispensable to sustained flight. The lift of the craft depends entirely on the speed; high speed means high resistance and high resistance requires heavy power consumption. At very high speeds, however, say 150 miles per hour, the airplane is more efficient in the technical sense of the ratio of output to input of energy than any other vehicle of transport. Its great promise for the future lies in this fact. Nevertheless it does need much more power per pound of weight moved, dead and useful load combined, than is necessitated by, or would be economical for, any other mode of transport. It may be remarked here that, contrary to popular assumption, the ratio of useful load to total weight is not exceptionally low for airplanes; useful load factors of 50 percent are not uncommon in the best current practise—a ratio higher than that ordinarily attained in motor, rail or water transport. But relatively high power consumption per unit of weight exerts exceptional pressure on the airplane designer to keep the weight of engine and plane structure down to a minimum in order to

maximize the margin of pay load. As far as the engine is concerned, the outstanding development in this direction has been the steady improvement and constantly widening adoption of the air cooled motor, chiefly of the radial type. In 1928 no less than 93 percent of all airplane engines produced in the United States were of this type.

Despite the inescapable influence of these factors the industry has succeeded in keeping cost within limits which the superiority of airplane service in speed and flexibility justifies incurring upon a commercial basis. This general conclusion seems warranted from a survey of the development of the aviation industry in America. It is doubtful whether the same deduction could fairly be made from foreign experience. In Europe all the great powers have followed the policy of subsidizing civil aviation for the obvious benefits which it affords as a potential arm of national defense. Indirectly, moreover, by the purchase of military planes, by the lease of airport facilities free or for a nominal sum and by other means, substantial additions are made to these fiscal contributions fostering aviation. It is therefore difficult to estimate to what extent the industry in foreign countries is approaching a position of self-support.

Whatever the extent to which the aeronautical industry in the leading countries of Europe is subsidized, it is certain that in these countries the manufacturers of aircraft are dependent upon government orders, domestic or foreign, for the major portion of their sales. Estimates from reliable sources place the percentage of production for government account, i.e. destined primarily for military purposes, at upwards of 90 percent in France, for example. In this instance a substantial part of these government purchases are made by foreign governments, the major share of French aeronautical exports being destined for Czechoslovakia, Rumania, Greece, Poland and other countries closely allied politically with France. In the case of Germany such purchases for export appear to constitute the bulk of the business, since domestic sales are limited by the fact that the German Republic is prevented by the terms of the Treaty of Versailles from arming itself with military planes.

Furthermore, the dependence of the aircraft industry in Europe, and particularly in continental Europe, upon government orders is reflected in the comparative scale of output in different countries and in the close relationship between variations in budget appropriations for aviation and manufacturing output. In Table II are presented such estimates as it has been possible to assemble regarding the recent development and present extent of the aircraft manufacturing industry abroad. It should be emphasized that the pertinent facts in this matter are not published but are regarded everywhere in Europe as "official secrets" of the most confidential character. It is only through such disclosures as are made in the course of parliamentary debates on the air budget, and from the piecing together of statistics on exports and trade reports of industrial activity and employment, that approximately accurate estimate of the volume of production may be made. Between

TABLE II

AIRCRAFT INDUSTRY IN EUROPE

YEAR	NUMBER OF MANUFACTURERS			UNITS PRODUCED			VALUE OF AERONAUTICAL PRODUCTS *	VALUE OF AERONAUTICAL EXPORTS *		
	FRANCE	GERMANY	GT. BRIT.	FRANCE	GERMANY	GT. BRIT.	FRANCE	FRANCE	GERMANY	GT. BRIT.
1927		15		1,150	301			8,000		
1928	26			1,440	352	600	27,000	5,650	1,250	6,500
1929	22	12	24	1,900	338	800	32,000	8,577	1,340	10,000

* In thousands of dollars.

Perhaps the most striking facts brought out by the data in this table are first, the comparative extent of the industry among the several countries, which certainly does not reflect comparative technical superiority but only the influence of government support; and second, the relatively great importance of the export trade for all European producers. It is to be borne in mind in the latter connection that the "units produced" refers to complete aircraft, while the value of exports, converted here into dollar values, represents in considerable share engines

and accessories which are sold separately.

The proof that in America the aviation industry as a whole is not only self-supporting but increasingly prosperous may be found in the record of its growth from 1921 through 1929 as indicated by the figures given in Table III.

TABLE III

AIRCRAFT INDUSTRY IN THE UNITED STATES

YEAR	TOTAL VALUE OF PRODUCTS OF AIRCRAFT INDUSTRY †	TOTAL VALUE OF AIRCRAFT ENGINES	NUMBER OF WAGE EARNERS ‡	AIRCRAFT UNITS	
				NUMBER PRODUCED	PERCENT PURCHASED BY GOVERNMENT
1921	$ 9,232,538	$ 5,099,430	1,395	302	99
1923	16,813,875	9,076,806	2,901	587	53
1925	15,653,955	8,102,106	2,701	789	60
1926				1,186	45
1927	31,081,869	14,505,000	4,422	1,995	31
1928	64,662,491	19,915,624		4,346	18
1929	98,000,000 *	26,495,830	22,082	6,034	12

Source: Figures compiled from publications of various government bureaus.

† Prior to 1928 "Aircraft Industry" in common usage and as defined by the U. S. Bureau of the Census included only companies primarily engaged in the manufacture of aircraft; the specialized group manufacturing primarily aircraft engines was considered separately. In 1928 in a special census conducted by the Aeronautics Branch of the Department of Commerce, "Aircraft Industry" was used to include both manufacturers of aircraft and manufacturers of aircraft engines. Succeeding censuses will follow this practise. For this column, therefore, figures for years prior to 1928 have been recomputed from tables in U. S. Census of Manufacturers, *Aircraft Industry*, and *Machinery*, 1927, on the new basis. Figures for 1921 and 1923 do not include value of spare parts, which were not reported separately; it may be estimated that $500,000 would cover this item for either of these years.

‡ Figures for 1921 through 1927 cover employees in establishments primarily engaged in the manufacture of aircraft. Figure for 1929 from a special survey of the U. S. Department of Labor (reported in *Monthly Labor Review*, vol. xxviii, 1929, p. 62–63), made on the new basis, includes employees engaged in manufacture of airplane engines.

* Figure taken from *Aircraft Yearbook* for 1930; it includes $70,953,130, given as the value of aircraft and of aircraft engines and probably accurate, plus a sum for value of parts admittedly an overestimate.

This tremendous growth of the industry, a twentyfold increase in output and a tenfold increase in value product in nine years, could not have been appreciably influenced by other than strictly economic considerations. The government today is buying only twice as many planes as it was a decade ago. Even if it were assumed that the prices paid by the government were exceptionally liberal, even exorbitant, which there is no reason to believe, this fact could not account for the stupendous growth of sales to private purchasers.

It may be suggested that the purchases of airplanes for private use have been artificially stimulated by government aid, as is so generally the case in Europe. The sole possibility of establishing the validity of this contention lies in an analysis of the air mail contracts. That a very large portion of the existing system of commercial air transport has been established in reliance upon, and continues to depend primarily upon, the revenue from carrying the mails is unquestionable. An analysis made by the writer on the basis of computations of postal receipts from air mail poundage indicates that the contract mail payments are approximately 30 percent in excess of the postal receipts from the mail carried, a not inconsiderable indirect subsidy. The amount of this subsidy is decreasing, however, with the periodical readjustment of contract rates by the Post Office Department under the authority reserved in the original contracts.

It is also to be noted that at the outside not more than 20 percent of the total number of airplanes in civilian use at present are operated by commercial air transport enterprises. As the air mail contractors all fall into this category, which also includes many other operators who do not carry mail, it is manifest that a substantial part of the demand for airplanes comes from buyers whose purchases receive no artificial stimulus whatever. No doubt a considerable part of this purely private demand springs from a sporting interest in aviation. But many industrial enterprises have bought airplanes for business use on strictly profit and loss calculations of their serviceability. In addition it was estimated that over 25 percent of the total number of planes registered at the end of 1928 were engaged in "air service" operations, such as taxi service, crop dusting, photography, forest patrol, sight seeing and flying instruction, all on a commercial basis.

The rapid expansion of airplane production shown in Table II required a corresponding inflow of capital. In the year ending December 1, 1929, alone the new financing in the United States for the aviation industry exceeded $150,000,000. A computation of the market value of outstanding stock of companies engaged in this field, including manufacturers of airplanes, engines and accessories, air transport operators, air service operators and airport operators, in September, 1928, showed a valuation of over $500,000,000. By September, 1929, this market valuation had mounted to approximately $1,000,000,000. It goes without saying that neither of these sums represents actual capital investment in the production of airplanes and the rendering of aviation services. Both include holding company stocks, and the latter, in particular, reflect the wildly inflated notions of future earning power attendant upon the speculative movement which collapsed in October, 1929. Nevertheless, these figures are indicative of the absorption of aviation securities by the general public. Their significance can be better appreciated if it is remembered that aviation as a field of business enterprise had, properly speaking, no financial status at the beginning of 1926, the entire industry being then represented by a mere score of scattered, struggling airplane manufacturing concerns.

As might have been expected, owing to the speculative risks inherent in any new industry and magnified in one like aviation, the capitalization rests entirely upon stock issues. At least in the case of the companies included in the above computations not a single bond issue was noted. The fact is eloquent testimony of the extent to which the attraction of new capital to the industry has been influenced by anticipated rather than demonstrated earning power. But this was a circumstance which no newborn industry could avoid. That the net profits of some of the enterprises which have the benefit of pioneer experience, competent technical staffs and sound management have been gratifying, even fabulous, has not escaped attention. Unfortunately many new enterprises have been started with little more than ungrounded hopes as their basis: no technical knowledge, no definite commercial prospects and no organizing capacity. Many of these have already failed and more will follow in their footsteps—this is the price of experience which each new generation, so it appears, must purchase for itself.

It is patent that the flow of capital to the industry was excessive. No competitive industry under any conceivable circumstances can justifiably be capitalized, as was this industry in 1928 and most of 1929, at from nine to ten times its gross income. This meant a capitalization of net income, as actually occurred in the case of numerous concerns in the industry, at rates of from 1.6 percent up to 3 percent. It should be noted, moreover, that this happened in a new and extremely speculative industry.

Who were the eager investors? No one knows with certainty. It is known, of course, that five or six influential investment banking houses and at least one prominent commercial banking institution sponsored the issue of a considerable part of this great mass of aviation securities. But whether, in the main, the banking interests were simply taking advantage of the profitable opportunity afforded by the popular mania for aviation stocks, particularly of aviation mergers and holding companies, or whether on the other hand they shared in that mania and so continued to hold a substantial fraction of these stocks, no outsider will ever be able to ascertain. All that can be said is that if the banking interests represent the ultimate and not simply the intermediate source of much of the capital which has flowed into the aviation industry, the industry is in a better position to weather the reaction which inevitably follows such periods of commercial exuberance and financial folly.

The rapid expansion of the industry gave rise also to somewhat similar problems in respect to the recruiting of its personnel. In some ways producers in European countries were in a better position to overcome this difficulty than were American enterprises. The maintenance there, more fully and in greater vigor than in this country, of the tradition of skilled handicraft as a basis for manufacture made readily available, particularly in the circumstances of the disruption of the older established industries following the war, an ample complement of trained artisans. American manufacturing industries, on the other hand, have characteristically and progressively displaced skilled handicraft in productive processes by specialized machinery, until competent mechanics habituated to careful workmanship constitute a comparatively small element in the laboring class. Moreover, with the general conditions of prosperity which have prevailed in the United States since 1923, the class of skilled artisans has not lacked employment opportunities.

The aviation industry has been compelled in

these circumstances to draw its working force away from other industries, and it has had to bid well for the services it desired. It has attracted its corps of machinists, welders, painters and general mechanics in large measure, probably, from the automotive industries. It has drawn upon the furniture industry for its complement of cabinet makers and skilled wood workers. The clothing trades have furnished some part of the industry's requirements for skilled needle workers in the construction of fabric covered wings. But in all of these and in other cases of diversion of employment there are reasons for believing that the organizers of aircraft production in the United States have faced a more difficult task of adaptation and training of the workers to new standards and unfamiliar processes than have European producers. The one advantage of the American as compared with the European industry in respect to recruiting a labor force has been the more migratory habits of American workmen. Both here and abroad the industry has profited in some degree from the allurement which its pioneering and adventurous nature has had for potential workers. This feature seems bound to assure it in the future, moreover, a "first call" upon the better elements of the youthful workers who enter industrial employment every year. It may be noted that this feature also tends to forestall unionization. Flying and even making machines to fly is still more than half "adventure"; and until it becomes thoroughly routine "trade" the prospects of effective labor organization will remain remote.

In substantial part, no doubt, the dependence of the industry upon skilled labor is transitory. Already there are a few manufacturers operating upon a sufficient scale to permit continuous quantity production of standardized parts either in specialized machines or by simple operations not requiring skilled craftsmen in the actual processes of production. And strenuous efforts are being made to organize production still more completely upon this model, thereby relieving the industry of high labor costs. But some standardization of product is indispensable to standardization and simplification of process. In a new industry like aviation the manufacturers are confronted with the necessity of continuous experiment upon the product in order to keep abreast of the development of the art. The constant changes in specifications and design resulting from this unremitting urge to experimentation tend to forestall the development of mechanized processes in which manual skill and careful "fitting" are unnecessary. With the gradual settling down upon the major features of airplane design, however, there seems no reason to suppose that the aviation industry may not be nearly as fully released from dependence upon skilled labor as the automobile industry has been.

The organization of the industry at the inception of its great commercial expansion, which began in 1926, was extremely specialized. For the most part the engine makers, the plane builders, the accessory manufacturers, the transport and service operators represented separate and distinct branches of the industry. Gradually at first, and latterly with accelerated momentum, the integration of these several branches has proceeded. Usually the combination has been achieved through holding companies, although in a few instances outright absorption has brought units in several branches of the industry within a single corporate structure. No single branch has been the nucleus of these mergers. Of the two largest and most comprehensive concerns in the industry one began primarily as a commercial transport business, the other sprang from airplane and more particularly airplane engine manufacture. The accessory manufacturers have apparently retained a greater degree of independence than the other branches of the industry. This is chiefly due to the fact that aircraft accessories are often produced in conjunction with automobile accessories, which constitute the bulk of their business. Despite the example of one or two successful consolidations merging airplane and even engine manufacture with commercial air transport, it cannot be said that there exists a pronounced tendency toward the integration of the manufacturing division of the industry and the operating division. More evident is a tendency toward the formation of "groups," holding companies or loan associations of companies engaged in all branches of aviation. There were four or five such dominant groups in the United States in 1929. This tendency has not manifested itself in European aviation, and even in America, according to a recent computation, there are more than sixty independent manufacturers of aircraft and aircraft engines quite outside of these groups. It is worth noting also that some of these integrated units have been far from successful. Furthermore there appears to be no theoretical likelihood of a general development in that direction, for the advantages which it

offers, especially in a closer check of performance on designing and the provision of a wider distribution of risk, are probably more than offset by the loss of the benefits of specialization.

The development of aircraft marketing agencies has shown, at least in the United States, a pronounced tendency to affiliate with the branch of the industry engaged in the operation of airports. Probably this will continue to be the line of development for some time, at least until the general public becomes better acquainted with the advantages of air travel and better assured of its safety, and until the maintenance of adequate and convenient airports becomes a recognized municipal function. Transport planes are in a special class as far as marketing is concerned; they are distributed almost entirely by direct sale from the factory. The large mergers with a variety of aircraft products to dispose of are tending to build up centralized sales organizations. Other companies have relied either upon dealers in direct touch with the factory or upon special distributors. These independent distributors have played an important part in the financing of airplane sales; and although this is bound to remain for long one of their important functions their value to the industry will probably derive in increasing measure from their other services, such as demonstration, indirectly in connection with "sight-seeing rides" and air taxi service and directly in connection with sales, and from their inspection and repair work. In Europe up to the present independent marketing agencies have had only a minor development. Possibly the frequent requirement that subsidized air transport operators must purchase their equipment from domestic manufacturers, together with the fact that government purchases constitute such a preponderant part of the current demand, sufficiently accounts for this situation.

The organization of the export market has only recently been undertaken by American manufacturers. The comparative neglect of opportunities for expansion in this sphere is evidenced by the fact that only a minor portion of the American aeronautical production reaches foreign markets: 6 percent by value in 1927, 8 percent in 1928 and 14 percent in 1929. These figures contrast sharply with the 40 percent exportation of Germany and the 25 percent exportation of France. Again, while the United States produced approximately 65 percent of the world output of airplanes in 1928, its share in the world export trade in aeronautical products in that year amounted to only 17 percent. Latterly,

TABLE IV

AMERICAN AERONAUTICAL EXPORTS

	1928			1929		
	NUMBER OF UNITS	VALUE	PERCENT OF TOTAL VALUE	NUMBER OF UNITS	VALUE	PERCENT OF TOTAL VALUE
AIRCRAFT						
Canada	62	$ 685,712	38	80	$ 799,353	14
Mexico	20	190,133	11	85	1,624,501	29
Central & South America	45	467,433	27	113	1,869,398	34
Europe	9	121,428	7	15	252,944	4
Asia	18	238,075	14	57	1,013,730	18
Scattered	8	56,872	3	4	14,554	1
Total	162	1,759,653	100	354	5,574,480	100
ENGINES AND PARTS						
Canada		718,161	37		964,751	27
Mexico		45,935	2		227,232	6
Central & South America		189,594	10		777,041	22
Europe		685,698	36		1,159,422	32
Asia		261,416	14		448,074	12
Scattered		4,266	1		26,536	1
Total		1,905,070	100		3,603,056	100
Grand Total		3,664,723			9,177,536	

Source: Figures for 1928 taken from United States, Bureau of Foreign and Domestic Commerce, *Foreign Commerce and Navigation* for 1928, p. 172. Figures for 1929 taken from United States, Bureau of Foreign and Domestic Commerce, Aeronautics Trade Division, *Special Circular no. 17*, February 8, 1930.

however, American manufacturers have been turning their attention more and more to foreign markets and in 1929 the American share in the aeronautical export trade of the world had increased to about 29 percent. To develop this branch of the trade three fairly distinct types of organization have been evolved. The most thoroughgoing exploitation of foreign trade is achieved through cooperative exporting organizations. The larger mergers have been chiefly responsible for the formation of these sales agencies, designed to handle the varied products of all their constituent producing units. Intensive advertising campaigns and the maintenance of foreign offices, with demonstration and servicing facilities, can ordinarily be undertaken only by these cooperative export marketing agencies. A second method by which manufacturers enter the foreign field is through a traveling representative who sells directly and judges credit risks and sales possibilities as he goes. The third, and perhaps least satisfactory, method of reaching the export demand is through local resident agents. These have the advantage of knowledge of local conditions and exemption from alien prejudice, but they are handicapped severely by the lack of familiarity with the product and with the want of funds for sustaining a long and costly campaign for cultivating a spontaneous demand for aeronautical products.

By these means American aircraft manufacturers have been able recently to expand their export trade even more rapidly than their domestic trade. Table IV shows the amount and destination of American exports in 1928 and 1929. Whether upon a quantity basis or upon a value basis, it will be seen that the export trade more than doubled in these two years. At the same time, the total production of airplanes was increasing only 27 percent (Table III). Perhaps the most important facts disclosed by these figures are the predominance of the markets of the western hemisphere for American aeronautical exports, especially of airplanes; the enormous expansion of the trade with Latin American countries recently; the contrast of the comparative insignificance of the European demand for complete American aircraft with the substantial and growing European demand for American engines and accessories; and the responsiveness of the demand for engines and parts, many of which are used as replacements, to the cumulative increase of American aircraft in service abroad. Up to the present American export has been restricted by the failure of the United States to ratify the International Convention for Air Navigation and thus to secure mutual validation of its certificates of airworthiness. Arrangements for an agreement on this point are in process, and it is to be expected that this obstacle to trade will soon be removed.

It is worthy of note that the principal source of the foreign demand for aircraft is still from governments and governmental agencies. It is reported that sales abroad to private parties and business concerns are the exception. Nevertheless the steady expansion of international commercial air lines will undoubtedly tend to change this situation. The extension of the air mail routes from the United States to several Central and South American countries in recent months was one of the factors responsible for the remarkable increase in the aeronautical trade between these countries. Eventually there seems no reason to doubt that the distribution of the foreign demand between private and governmental sources will approach the distribution of the domestic demand in the United States, although the extent and rapidity of the growth of private and commercial use of aircraft will depend upon the growth of wealth and industry.

This review of the industrial and commercial organization of the aviation industry indicates clearly that it has established for itself an independent status or place in the economic structure. Without overlooking the substantial interests of three or four of the larger automobile manufacturers in certain branches of aviation, one can say definitely that it has not developed as an adjunct of the automobile industry, although it has many similar problems, has had to look to that industry for much of its trained personnel and during the experimental stage was dependent upon it for assistance in perfecting and providing suitable motors. Somewhat similar is its relationship as a transport agency to the railroads. The aviation industry is establishing its own lines, or "channels of trade," and is developing its own distinctive traffic. The experience of one or two railroads which have made attempts to develop aviation as a mere auxiliary to rail transportation lends no support to an opposite conclusion.

In all this, industrial history is repeating itself. A new industry does not generally develop as an adjunct to an old, established line of manufacturing, even though in its early stages it may borrow extensively from its predecessors. Not only does each new industry present new tech-

nical and commercial problems, but the managers and directors of older industries seem to lose their adventurous inclinations when they become absorbed in the complicated routine of their own affairs. There must then be new adventurers, adventurers with money, with skill, with labor, to found new industries. The aviation industry has been no exception. It illustrates again the resourcefulness and ingenuity of human kind in "outwitting" nature and still more in escaping from the dead hand of social custom and inertia.

MYRON W. WATKINS

AVIATION LAW. The invention and successful operation of navigable airships at the beginning of the present century promptly called for new rules of law to govern the unusual conditions thus created. In the early days of the airship it was natural that the absence of statute and treaty should be met by recourse to the general principles of common and civil law and of customary international law. Within the past decade, however, there has been a rapid growth of regulatory legislation in both fields; and the adoption of a body of specialized rules governing every phase of the use of aircraft, private and commercial, as well as domestic and international, may be expected.

International Regulations. The regulation of aerial navigation was first attempted at a congress of European nations which met at Paris in 1910 at the invitation of the French government. An elaborate code of air law was drafted, but it failed of adoption because of disagreement among the leading powers as to the use of the air space over national territory by foreign aircraft. Nine years later, during the deliberations of the Peace Conference, the Supreme Council appointed a commission of seventeen members to study the problem and to prepare a draft of an international convention. On October 13, 1919, the Convention for the Regulation of Aerial Navigation, or International Flying Convention, providing a uniform rule for the navigation of aircraft across national lines, was signed at Paris by twenty-six states, including the United States. The convention, which has become the basis of the law of aviation in most countries, has not yet been ratified by the United States; it had, however, been ratified by nineteen countries by March, 1929, and seven others had adhered to it.

Article 1 of this convention recognizes that "every Power has complete and exclusive sovereignty over the air space above its territory," including adjacent territorial waters. Article 2 provides that each state undertakes in time of peace to accord freedom of innocent passage above its territory to the aircraft of the contracting states without distinction of nationality, provided the conditions laid down in the convention are observed. Succeeding articles contain provisions with respect to the courses to be followed by foreign airships, the determination of the nationality of aircraft by their ownership and registration, a minimum standard of competence of the officers and crew of the airship and the restriction of the right of passage to the aircraft of the contracting states. The convention further creates an International Commission for Air Navigation, organized so as to secure predominant voting power to the Five Great Powers and placed under the direction of the League of Nations. The duty of the commission is to consider proposals for amending the convention, to collect information concerning air navigation, to publish official maps and to prepare opinions. Customs fraud is prevented by a provision that aircraft must depart from and alight in specially designated "customs aerodromes" exclusively and that frontiers may be crossed only at points indicated on aeronautical maps. The papers of the aircraft are to be examined at the customs aerodromes after the manner of the examination in port of the papers of a marine vessel. Two protocols amending the convention have been adopted under date of October 27, 1922, and June 30, 1923, both coming into force on December 14, 1926; the effect of these amendments has been to permit states, parties to the convention, to enter into separate agreements with other states not parties and also to change the composition of the International Commission so as to substitute for the control of the five powers a single vote for each of the states represented. On June 15, 1929, a conference of forty-three states called by the International Commission for Air Navigation adopted resolutions embodying a draft protocol of amendments to Articles 3, 5, 7, 15, 34, 37, 41 and 42 of the convention of 1919, the primary object of which was to facilitate the ratification of the convention by the signatory states which had not yet ratified it and the adhesion of noncontracting states. The presence at the conference of seventeen states, including the United States, not then parties to the convention would indicate the probability of their becoming parties in due time.

Because of its failure to ratify the International Convention it has become necessary for the United States to obtain special permission from foreign governments when American airmen undertake flights into or across foreign territory, unless such flights are covered by the terms of existing treaties. The Air Commerce Act of 1926, section 6, makes provision for reciprocity of treatment in accordance with which the secretary of commerce may authorize aircraft registered under the law of a foreign nation and not a part of its armed forces to be navigated in the United States if the foreign nation grants a similar privilege in respect to aircraft of the United States. The act provides further that ports of entry be designated for civil aircraft from abroad and that the customs and public health laws be applied to civil air navigation to such extent and under such conditions as the secretary of the treasury shall deem necessary. Similar provisions cover the admission of aliens arriving in the country by aircraft under the terms of the immigration laws. Navigation by foreign military aircraft is specifically forbidden, and the general principle is laid down that the United States has complete sovereignty of the air space over its territory.

More recently, at the Sixth International Conference of American States held at Havana, the United States signed on February 20, 1928, the Pan-American Convention on Commercial Aviation. The provisions of this convention follow in general the lines of the International Convention of 1919. Without setting up a commission corresponding to that created by the convention of 1919 the parties obligate themselves to cooperate in the distribution of meteorological information, in the establishment of a uniform system of signals and in the promotion through the agency of the Pan-American Union of uniform laws and regulations governing aerial navigation.

The rules of law governing aerial navigation in peace time give way in time of war to the complete sovereignty of each belligerent over the air space over its territory. In pursuance of a resolution of the Washington Conference, February 4, 1922, a commission of jurists met at The Hague from December 11, 1922, to February 19, 1923, and adopted a draft code of sixty-two articles dealing with the classification of marks of aircraft, the rights of neutral powers to forbid or to regulate the entrance of belligerent aircraft within their jurisdiction, the lawfulness of the position of airmen as combatants, the instruments and methods of aerial warfare, including bombardment, and with visit and search, capture and condemnation. Pending the adoption of this draft code the older law of war, which is in part customary and in part embodied in The Hague Conventions of 1907, still prevails; but because of the controversies concerning the application of the old law to aircraft the whole question of the law of aerial warfare is still debatable.

National Regulations. Before 1914 a number of European countries had passed laws regulating aviation. Since the war these laws have in most cases been considerably modified. The comprehensive French law of 1913, for instance, has been supplemented by later decrees, one of June 6, 1919, providing for elaborate administrative control over and coordination of commerce and manufacture. In like manner the legislation of Germany, Italy, Holland and other countries, which antedates the International Convention of 1919, has been modified to bring it into accord with that agreement. In countries where there was no prior legislation the provisions of the convention of 1919 have in general formed the basis of national legislation. Thus the British Air Navigation Act of 1920 carries with it the ratification of the International Convention of 1919 and gives the government power to carry out the convention by issuing orders in council covering the details of licensing, inspection, commerce and traffic regulations. Absolute liability for damage is imposed, and penalties are prescribed for dangerous flying.

In the United States the separate states have in the exercise of their police powers the right to regulate the use and operation of aircraft to the extent necessary to protect the lives and property of their citizens, provided only that such regulation does not encroach upon the power of Congress to regulate interstate and foreign commerce and that the state statutes are not in violation of the due process of law required by the Fourteenth Amendment. The individual states were thus called upon to determine rights of jurisdiction and property in the air, the former on the part of the state itself as against the United States, the latter on the part of the owner of the particular area of land as against those who might seek to fly over such land. It was also necessary to adjust the ordinary law of torts to meet the special condition of injury caused by aircraft to persons or property on the land beneath. Again special provisions were required to make clear the jurisdiction of the state over crimes or torts committed by aircraft in passage

as well as provisions fixing the criminal liability of aircraft. Lastly there were the problems of the registration of aircraft, the licensing of pilots and the prescription of special "rules of the road."

The problems thus presented to the individual states were at first solved, if solved at all, by each state without reference to the action of others. The resulting confusion created a demand for uniform state legislation; and by 1929 twenty states had adopted the Uniform State Law of Aeronautics drafted by the Committee on Air Law of the American Bar Association. According to this law the sovereignty in the space above the lands and waters of a particular state is declared to rest in the state except where granted to and assumed by the United States pursuant to a constitutional grant from the people of the state. On the other hand the ownership of the space above the lands and waters of the state is declared to be vested in the several owners of the surface beneath, subject to a right of flight by others which is held to be lawful unless it is conducted at such low altitude as to interfere with the then existing use to which the land or water or the space above it is put by the owner, or unless the flight is so conducted as to involve imminent danger to persons or property on the land or water beneath. The landing of aircraft is unlawful without consent of the owner except in the case of a forced landing. The owner of the aircraft is made absolutely liable, irrespective of negligence, for injuries to persons or property on the land or water beneath, unless the injury is caused in whole or in part by the negligence of the person injured or of the owner of the property injured. Considerable objection to this section of the law has developed; it was omitted by three of the twenty states which have adopted the Uniform Law, and the American Bar Association is considering this objection in preparing its code of aeronautical law. Under the existing Uniform Law liability in cases of collision of one aircraft with another is determined by the rules of law applicable to torts on land. Crimes and torts committed during flight and contracts and other legal relations entered into are to be governed by the laws of the state as if committed or entered into on land. It is made a misdemeanor to engage in trick or acrobatic flying or to fly at dangerously low levels over a thickly inhabited area or over a public gathering, and it is also a misdemeanor while in flight to kill or to attempt to kill birds or animals.

Since the Uniform Law contains no provision for the licensing of pilots or the registration of aircraft, further drafts of proposed legislation have been submitted. These suggest either that a federal license be required for all pilots and all aircraft operating within the state or, where state constitutional requirements prevent this, that a state or a federal license be required, leaving it to the state to arrange that its license requirements be made identical with the federal requirements. At the end of 1929 eighteen states had adopted a law requiring a federal license for all pilots, seven had required either federal or state license and only nine states had no license requirements.

The federal government has the power to regulate all aircraft operating in interstate commerce and thus has control over most commercial aviation. Since 1926, when the Bingham-Parker bill, known by title as the Air Commerce Act of 1926, was passed, the federal government has taken an active part in the regulation of aviation. The act makes it the duty of the secretary of commerce to foster air navigation; he is also authorized to determine upon regulations for the registration of aircraft and for the issuance of registration, aircraft and airman certificates. Penalties are imposed upon the navigation of aircraft in violation of the rules thus issued. Pursuant to the provisions of this act the Department of Commerce has issued a series of "Air Commerce Regulations" setting forth in detail such matters as the conditions of the licensing and registration of aircraft. These regulations also restrict acrobatic flying, prescribe fixed minimum heights over congested areas and set forth other similar air traffic rules which apply to all civil and commercial aircraft licensed or unlicensed, whether flown privately or engaged in interstate or intrastate commerce. Finally it may be noted that the powers of the secretary of commerce are sufficiently broad to enable him to impose the necessary restrictions upon civil aircraft in the event of war between the United States and another state.

CHARLES G. FENWICK

See: TRANSPORTATION; INVENTION; INDUSTRIAL REVOLUTION; ECONOMIC ORGANIZATION; SUBSIDIES; RAILROADS; AUTOMOBILE INDUSTRY; RADIO; SPORTS; WARFARE; ARMAMENTS; DISARMAMENT; WORLD WAR.

Consult: FOR THE HISTORY OF AVIATION AND THE PROBLEMS OF AIR TRANSPORT OR OF THE AIRCRAFT INDUSTRY: Vivian, E. C., and Marsh, W. L., *A History of Aeronautics* (London 1921); Pratt, H. B., *Commercial Airships* (London 1920); Holt, Thomas G., *Aerial Transport* (London 1920); Hodgson, J. E., *The His-*

tory of Aeronautics in Great Britain (Oxford 1924); Spaight, J. M., *The Beginnings of Organised Air Power* (London 1927); Edwards, I. A. E., and Tymms, F., *Commercial Air Transport* (London 1926); Hirschauer, L., *L'aviation de transport* (Paris 1920); Bonomo, Oscar, *L'aviation commerciale* (Paris 1926); Lampué, Pierre, *Les rapports entre l'état français et les compagnies de transport publics aériens* (Paris 1927); Comité National d'Études Sociales et Politiques, *L'aviation, problème national, problème mondial; communications de Louis Breguet et d'autres* (Boulogne-sur-Seine 1928); Tilgenkamp, Erich, *Der Luftverkehr* (Uster 1924); Wüst, A., *Die Bedeutung des Luftverkehrs für das Wirtschaftsleben* (Bergisch-Gladbach 1927); Breuer, R., *Die Wirtschaftlichkeit des Luftverkehrs* (Cologne 1928); Pollog, C. H., *Der Weltluftverkehr: seine Entwicklung, Geographie und wirtschaftliche Bedeutung* (Leipsic 1929); Kennedy, T. H., *An Introduction to the Economics of Air Transportation* (New York 1924); "Aviation," ed. by F. A. Trihenor in American Academy of Political and Social Science, *Annals*, vol. cxxxi (1927); Bureau of Railway Economics, *Cost and Development of Commercial Aviation* (Washington 1928); Dickman, E. W., *This Aviation Business* (New York 1929); Black, A., *Transport Aviation* (2nd ed. New York 1929); Woolley, J. G., and Hill, E. W., *Airplane Transportation* (Hollywood 1929); Bennett, R. R., *Aviation: Its Commercial and Financial Aspects* (New York 1929); Goldstrom, John, *A Narrative History of Aviation* (New York 1930); Joint Committee on Civil Aviation of the United States Department of Commerce and the American Engineering Council, *Civil Aviation* (New York 1926); York, B. V., "Civil Aeronautics in the United Kingdom," United States, Bureau of Foreign and Domestic Commerce, *Trade Information Bulletin*, no. 518 (Washington 1927); United States, Department of Commerce, Aeronautics Branch, *Commercial Aeronautics in Germany*, Information Bulletin no. 22 (Washington 1927); United States, Department of Commerce, Aeronautics Branch, *Civil Aeronautics in the United States*, Aeronautics Bulletin no. 1 (Washington 1928); Great Britain, Air Ministry, *The Approach Towards a System of Imperial Air Communications* (London 1926). For discussion of special aspects of commercial aviation: Black, A., *Civil Airports and Airways* (New York 1928); Sweeney, S. B., *The Nature and Development of Aviation Insurance* (Philadelphia 1927).

For Discussion of the Military Aspects of Aviation: Spaight, J. M., *Air Power and War Rights* (London 1924); Sherman, W. C., *Air Warfare* (New York 1926); Dörnberg zu Herzberg, Ernst, Freiherr von, *Das Luftfahrzeug als Kriegsfahrzeug in Völkerrecht* (Hamburg 1926); Thomson, C. B. T., *Air Facts and Problems* (London 1927); Royse, M. W., *Aerial Bombardment and the International Regulation of Warfare* (New York 1928); Burney, C. D., *The World, the Air, and the Future* (London 1929).

For the Law of Aviation: Hazeltine, H. D., *The Law of the Air* (London 1911); Moore, John Bassett, *International Law and some Current Illusions* (New York 1924) ch. v; Zollmann, C. F. G., *Law of the Air* (Milwaukee 1927); Fixel, R. W., *Law of Aviation* (New York 1927); Tissot, Jean, *De la responsabilité en matière de navigation aérienne* (Paris 1925); Savoia, Cesare, *La responsabilità civile del vittore aero* (Rome 1928); Henry-Coüannier, André, *Éléments créateurs du droit aérien* (Paris 1929); Davis, F. J., *Aeronautical Law* (Los Angeles 1930).

For Statistics and Current Information: United States, National Advisory Committee for Aeronautics, *Annual Report*, published in Washington since 1916; United States, Department of Commerce, Aeronautics Branch, *Domestic Air News*, semi-monthly (Washington, April, 1927 – June, 1929); United States, Department of Commerce, Aeronautics Branch, *Air Commerce Bulletin*, semi-monthly (Washington 1929–); Great Britain, Air Ministry, Civil Aviation Directorate, *Annual Report on the Progress of Civil Aviation*, Parliamentary Papers by Command (London 1919–); Germany, Reichsverkehrministerium, Luftfahrtabteilung, *Deutsche Luftverkehrsstatistik*, published in Berlin since 1926; League of Nations, *Armaments Year Book*, vols. i–iv (Geneva 1924–29); *Aircraft Yearbook*, published annually in New York since 1919; *Jahrbuch für Luftverkehr*, published annually in Munich since 1924, vols. i–iii (1924–27); *L'année aéronautique*, published annually in Paris since 1919; *Aviation*, published weekly in New York since 1916, statistical numbers and supplements published irregularly since October, 1929.

AVOIDANCE. In virtually every primitive society behavior toward certain relatives by blood or marriage follows prescribed patterns. A male Crow Indian, for example, is friendly to a brother-in-law but circumspect in discussing sexual matters before him; he indulges in ribaldry with his sister-in-law and offers presents to his father's kin whenever he secures booty. Since such terms as "brother" and "sister" are generally extended to more remote kin, all one's relatives may thus be treated according to fixed standards. Such predetermined conduct falls largely into two categories, which have been labeled respectively "avoidance" and "privileged familiarity."

Of the avoidance rules affecting blood relatives, that regarding the relation between brother and sister is most interesting. In some Melanesian groups they never utter each other's name, and neither may enter a hut occupied by the other; in Lepers' Island the separation occurs about the time of the girl's puberty, when she leaves the parental roof to forestall contact with her brother. "If after the separation brother and sister meet on a path, the girl will get out of the way and both will look down so as to avoid seeing one another. . . . The avoidance continues even after death, for if one dies the other will not enter the house where the corpse is lying but will mourn outside" (Rivers, W. H. R., *The History of Melanesian Society*, 2 vols., Cambridge, Eng. 1914, vol. i, p. 213). Such rigor has not been noted in America, but several Plains tribes, such as the Crow and Arapaho,

forbid adult siblings of opposite sex to converse freely. It is likely that this rule occurs more commonly than printed evidence suggests and has merely eluded the attention of observers.

Parent-in-law tabus are instances of avoidance most commonly recorded. That between son-in-law and mother-in-law is especially intense and widespread. It may be accompanied by avoidance between a man and his wife's father, but this obligation is almost uniformly less rigorous. On the other hand a woman and her husband's father (or elder kinsmen) have social relations strictly tabued in certain areas (Siberia), but the distribution of this rule does not approximate that of the mother-in-law and son-in-law tabu, which is found in many parts of America, Africa and Australia. A Crow Indian never speaks to his wife's mother nor she to him; neither is supposed to utter the other's name; and any word forming part of the name of one is superseded in the other's speech by a roundabout phrase. Among the Lango Negroes of the Upper Nile a man will go so far as to send messages to prevent his wife's mother from getting into his way when he has to pass through her village.

Because of their striking character these customs, especially of the last mentioned type, have elicited various interpretations. Freud tries to solve the problem in psychoanalytic terms, but insuperable difficulties arise from the fact that even the most widespread avoidance rules are capriciously distributed. In North America, where alone systematic inquiries have been instituted, large groups of tribes lack avoidance rules and sometimes neighboring and kindred peoples present striking differences. Thus the Navajo strictly forbid speech between mother-in-law and son-in-law, but the Hopi next door to them have no such custom; and of the vast Shoshonean family the Lemhi in central Idaho seem to be the solitary member to recognize the tabu. It is therefore inadmissible to suppose that the relationship between these affinities intrinsically precipitates a tabu. Tylor proposed a correlation with rules of residence: when the young couple took up their abode with the wife's kin he assumed that there would be a tabu between son-in-law and mother-in-law; while the contrary rule of residence would be linked with a tabu between daughter-in-law and father-in-law. Tylor attempted a statistical proof, which fails partly because he assumes gratuitously that all occurrences are due to independent development, partly from the deficiency of his empirical data. His idea, however, is suggestive and should be tested in the light of present knowledge and with proper regard to the influence of diffusion. One psychological interpretation, while by no means covering the whole range of avoidance, seems valid for many relevant phenomena. Avoidance rules apply largely to persons of opposite sex who by the tribal rules are forbidden to mate, while licensed familiarity obtains between potential mates.

ROBERT H. LOWIE

See: TABU; KINSHIP; INCEST.

Consult: Thurnwald, Richard, "Meidung" in *Reallexikon der Vorgeschichte*, vol. viii, p. 121–31; Goldenweiser, A. A., "Totemism" in *Journal of American Folk-Lore*, vol. xxiii (1910) 179–293; Tylor, E. B., "On a Method of Investigating the Development of Institutions" in Anthropological Institute of Great Britain and Ireland, *Journal*, vol. xviii (1888) 245–72; Frazer, J. G., *Psyche's Task* (2nd ed. London 1913) p. 75–91; Freud, Sigmund, *Totem und Tabu* (Leipsic 1913), tr. by A. A. Brill (London 1919) p. 16–28; Lowie, R. H., *Primitive Society* (New York 1920) p. 91–97.

AXELROD, PAVEL BORISSOVICH (1850–1928), Russian social democrat. The son of a Jewish innkeeper, he was strongly influenced in early life by the writings of Lassalle. Originally he was a follower of Bakunin, but in 1880, when "Land and Freedom," the organization of the *Narodniki*, split into a faction advocating political struggle and the terror and a faction opposed to them, he joined the latter. He soon became a Marxist, however, and with Plekhanov and three others founded the first Russian social democratic organization, "The Emancipation of Labor" (1883). Throughout the eighties and nineties Axelrod was active in the Marxist propaganda in Russia and participated in the controversies which the Marxians waged with the *Narodniki*. In the late nineties he strongly opposed that Marxian group which represented the antipolitical tendency called "economism." He was one of the six founders and first editors of the famous social democratic organ *Iskra* (The Spark). At the second party congress of the Russian social democrats at London in 1903 he sided against Lenin with the minority which afterward became the Menshevik faction and party. Throughout the rest of his life he played a prominent role in developing the policies of the Mensheviks. In the Revolution of 1905 Axelrod advocated collaboration with the bourgeois liberals, and in 1908 was prominent in the movement to reorganize the Russian party along western European lines. It was hoped that

after this reconstruction the party would be in a position to supplement its underground operations with a range of activities tolerated by the law. During the World War he attended the internationalist congress at Zimmerwald and signed its manifesto. He did not return to Russia in 1917 and denounced the seizure of power by the Bolsheviks. In the last years of his life Axelrod was a member of the executive committee of the Second International. Together with Plekhanov he was regarded as personifying "westernist" elements in Russian Marxism. While Plekhanov's talents lay in the field of theory, Axelrod was chiefly concerned with problems of organization and tactics.

MAX EASTMAN

Consult: Kautsky, Karl, "Was uns Axelrod gab" in *Die Gesellschaft*, vol. ii (1925) pt. ii, 117–25; Dan, Theodor, "Paul Axelrod" in *Die Gesellschaft*, vol. v (1928) pt. i, 485–96; Martow, J., and Dan, Theodor, *Geschichte der russischen Sozialdemokratie*, tr. from the Russian by Alexander Stein (Berlin 1926).

AYALA, BALTASAR (1548–84), Spanish jurist and political theorist. He was born in Antwerp, educated at Louvain and served under the Prince of Parma as the advocate general of the armies of Philip II in the Netherlands. He was a devout Catholic and had some influence in the royalist party opposed to the Prince of Orange, in whom the Flemish party of independence saw a symbol of political and religious liberty. In 1582 he published the famous *De jure et officiis bellicis et disciplina militari* (Douai; tr. by J. P. Bate, with an introduction on the life and work of Ayala by John Westlake, 2 vols., in Classics of International Law series, Washington 1912), to which Grotius often refers in his *De jure belli*. Although he was strongly influenced by the Spanish juristic school of Franciscus of Victoria, for political reasons Ayala differed from it on a number of important issues.

Ayala recognized several legitimate objectives of war, such as the avenging of injustice, national defense, the suppression of infidels who oppose the spread of the Gospel, and the punishment of rebellious subjects. Ayala maintained that the punishment of rebels is not subject to the laws of war and that the principle *fides servanda hostis* need not be observed in this connection. The prince as a divine representative is endowed with absolute power and has the right to resort even to cruelty in the treatment of a rebellious subject: *legitimus enim princeps quamvis crudelis et iniquus*. The people cannot judge the prince; only the pope can force him to conform to the laws of justice. Regicide is impious. There is no religious objection to the execution of a subject who rises against the king.

FERNANDO DE LOS RÍOS

Consult: Knight, W. S. M., "Balthazar Ayala and his Work" in *Journal of Comparative Legislation and International Law*, 3rd ser., vol. iii (1921) 220–27; Nys, Ernest, *Les origines de droit international* (Brussels 1894) p. 76.

AYCOCK, CHARLES BRANTLEY (1859–1912), American political leader and educational reformer. He was born in North Carolina and graduated from the university of that state in 1880. As the Democratic nominee for governor in 1900 Aycock led a notable campaign to secure an amendment to the state constitution, requiring literacy as a qualification for suffrage. It was largely through his influence as governor (1901–04) that North Carolina committed itself to a program of universal education.

Although eminent as lawyer and orator it was as leader of the movement for public education that Aycock rendered his most effective service to his state and to the South as a whole. He organized and led campaigns to arouse the people on the subject of better schools. Larger legislative appropriations for schools, a lengthened term, increased local school taxes, facilities for training teachers, increases in teachers' salaries, the reduction of illiteracy, the establishment of rural high schools, the enactment of compulsory school laws—these improvements and others resulted from the revival movement which he inspired and led. Much of the progress in schools for both whites and blacks which North Carolina has made since 1900 and the present friendly race relations in that state are due to the work of Aycock and of those who followed his leadership.

EDGAR W. KNIGHT

Consult: Connor, R. D. W., and Poe, Clarence, *The Life and Speeches of Charles Brantley Aycock* (New York 1912); Knight, Edgar W., *Public School Education in North Carolina* (Boston 1916); Alderman, E. A., "Charles Brantley Aycock" in *Southern Pioneers in Social Interpretation*, ed. by H. W. Odum (Chapel Hill, N. C. 1925).

AZCÁRATE, GUMERSINDO DE (1840–1917), Spanish jurist, sociologist and social reformer. He was professor of comparative law at the University of Madrid. His works on law include: *Constitución inglesa y la política del continente* (Madrid 1878), *El régimen parla-*

mentario en la práctica (Madrid 1885, 2nd ed. Madrid 1892), in which he analyzed and advocated the English parliamentary system, and *Ensayo sobre la historia del derecho de propriedad* (3 vols., Madrid 1879–83), which included a study of the Irish agrarian law of 1881. In *Estudios económicos y sociales* (Madrid 1876) and *El problema social* (Madrid 1881) he espoused state intervention and social reform. The theoretical foundation of his work is to be found in *Concepto de la sociología y un estudio sobre los deberes de la riqueza* (Madrid 1904). Deriving his ideas from the organismic-spiritualistic school represented by Krause, he concluded that "the laws of the evolution of society," the study of which he understood to be the peculiar object of sociology, could not resemble the laws of physics, since they governed a spiritual organism.

In 1903 the Spanish government founded the Instituto de Reformas Sociales to formulate programs for social legislation. Azcárate was appointed a member of this organization and soon became president, an office which he held until his death. He participated in the initiation and elaboration of projects, later approved by parliament, concerning the labor of women and children, apprenticeship contracts, industrial accidents, Sunday rest, councils of industrial conciliation and arbitration, cheap housing and factory inspection. Azcárate enjoyed a personal prestige great enough to make him virtually a final arbitrator between employees and employers.

FERNANDO DE LOS RÍOS

Consult: Posada, Adolfo, *España en crisis; la política* (Madrid 1923); Worms, René, "Gumersindo de Azcárate" in *Revue internationale de sociologie*, vol. xxvi (1918) 113–16.

AZEGLIO, MASSIMO D' (1798–1866), author, statesman and one of the most prominent leaders of the Italian national movement. D'Azeglio's political writings, especially his *Degli ultimi casi di Romagna* (Florence 1846), made him famous throughout Italy. He had no faith in the power of the papacy to regenerate the Italian people and vigorously opposed Mazzini's republican revolutionary propaganda which was carried on in secret and resulted merely in sporadic local revolts. D'Azeglio believed that the restoration and independence of Italy were to be achieved by instituting conservative constitutional reforms in the various Italian principalities and by forming a united front of all the Italian states against foreign domination. He rendered his greatest service to the national cause as prime minister of Piedmont under Victor Emanuel II (1849–52). He assured the maintenance of the constitution, paved Cavour's path to power, restored credit after the depression of 1848–49 and in general prepared Piedmont to become the center of the victorious national movement. He retired from the government with a position of great authority, remained one of the foremost figures in the national, constitutionalist movement and was often consulted by Cavour. After Italian unity had been achieved in 1861, D'Azeglio in his senate speeches, his political monographs and in the pages of his *I miei ricordi* (2 vols., Florence 1867; tr. by Count Maffei as *Recollections of Massimo d'Azeglio*, London 1868) emphasized the necessity for the reconstruction of national education.

PIETRO SILVA

Works: *Scritti postumi*, ed. by Matteo Ricci (Florence 1871, 2nd ed. 1872); *Scritti politici e letterari*, ed. by Marco Tabarrini, 2 vols. (Florence 1872).

Consult: Vaccalluzzo, Nunzio, *Massimo d'Azeglio* (Rome 1925); Rubris, Marco de, *L'araldo della vigilia*, Biblioteca Storica series, vol. cxxi (Turin 1929); Battesti, D., *Un patriote Italien: Massimo d'Azeglio, sa vie, ses écrits, son rôle politique* (Bourges 1913); King, Bolton, *History of Italian Unity, 1814–71*, 2 vols. (London 1899).

AZO, mediaeval jurist. He studied Roman law in his native Bologna under Johannes Bassianus and became the leading teacher in the law school which was then—toward the end of the twelfth century—at its zenith. Azo had many famous pupils, and business records in the years 1190–1220 indicate that he also participated to some extent in public life. His known writings consist of glosses, tending to expand into proper apparatus, on various parts of the *Corpus juris civilis*; dogmatic expositions, title by title (*Summae*), written before 1211, of *Cod.* i–ix and of the *Institutes*; *Brocardica*, a collection of legal maxims with commentaries; *Distinctiones* and possibly *Quaestiones*. To these must be added his *Lectura in codicem* preserved by a pupil from a course Azo delivered between 1229 and 1235. By far the most influential are the two *Summae*, which with supplements from other hands formed for centuries the civilian's textbook, as is evidenced by the saying *Chi non ha Azzo, non vada a Palazzo*. Striking proof of their influence outside Italy is found in Bracton's treatise as well as in the numerous manuscripts

of an early French translation, *La somme Ace.*

Azo's work must be judged as the culmination of the school of Glossators who carried the exegesis of Justinian to the furthest point attainable by pure dialectic. How much he took over from predecessors and whether he made due acknowledgment are minor questions. His work superseded the older literature and survived in spite of Accursius. His style is clear, his thought logical and his knowledge of the texts profound. Less purely academic than the earliest Glossators he refers often to customary and feudal law, canon law and the *Lombarda.*

F. DE ZULUETA

Consult: Savigny, F. C. von, *Geschichte des römischen Rechts im Mittelalter*, 7 vols. (2nd ed. Heidelberg 1834–51) vol. v, p. 1–44; Maitland, F. W., *Select Passages from the Works of Bracton and Azo*, Selden Society Publications, vol. viii (London 1894); Vinogradoff, Paul, *Roman Law in Medieval Europe* (2nd ed. Oxford 1929).

AZUNI, DOMENICO ALBERTO (1749–1827), Sardinian jurist and writer on the history of the international law of the sea. His first considerable work was on mercantile law, the *Dizionario universale ragionato della giurisprudenza mercantile* (Nice 1786). In 1795 appeared his *Sistema universale dei principi del diritto marittimo dell' Europa* (2 vols., Florence 1795–96), a work more important in the two French versions of 1798 (translated, with Azuni's additions, by J. M. Digeon) and 1805, which were accepted as authoritative commentaries by the French tribunals of prize and secured for Azuni the presidency of the Imperial (Napoleonic) Court of Genoa. From the angle of scholarship Azuni's discussions of the history of the Rhodian laws and the Consolato were important. Politically he voiced the moderate continental opposition to many aspects of the British naval policies of his day, especially in regard to "paper blockades," exaggerated definitions of contraband and the treatment of neutral commerce. When discussing French practise Azuni showed indulgence and even subservience.

S. MACCOBY

Consult: Manno, Giuseppe, "Azuni" in *Biografia degli Italiani illustri nelle scienze, lettere ed arti del secolo XVIII*, ed. by Emilio de Tipaldo, 8 vols. (Venice 1834) vol. i, p. 26–33.

BAADER, FRANZ XAVER VON (1765–1841), German Catholic theologian and social philosopher. He practised medicine for a short while and later devoted himself to science. In the years 1792 to 1796 he studied mineralogy in England, where he became acquainted with English rationalism, particularly with that of Godwin. The clash of these rationalist ideas with his own mystic bent involved Baader in a spiritual conflict which is described in his diaries for this period. Upon his return to Germany he delved into the mystic writings of St. Martin, Böhme and the Jewish Kabbala. In 1826 he was appointed professor of philosophy and speculative theology at the University of Munich, a position which he held until his death.

Baader's mysticism is of the late romantic period. Like Adam Müller, Clemens Brentano and Friedrich Schlegel he reacted to the individualistic rationalism of the eighteenth century by accepting Catholic politics and the Christian social doctrine. According to Baader society must possess organic unity and every part forego its individuality for the sake of the whole. Such unity cannot be achieved by social contract, but must be based upon the principle of love. "Natural" society necessarily implies general voluntary submission to a highest authority. Authority and faith, the fundamental elements of such society, are found only in the universal church. Civil and political societies governed by law and force are merely temporary empirical arrangements. By making the individual independent and by establishing a direct relation between him and the government, modern states undermine genuine communal life. It is unwise to replace *Stände* and guilds, the intermediary organs between the government and the individual, with the unsubstantial makeshift of representative assemblies.

Although Baader was a reactionary in politics his views on social problems were rather advanced for his age. He maintained that revolutionary sentiments are due not to the shortcomings of the government but to the impoverishment of the masses. This condition is a result of the system of economic liberalism and machine production which, while increasing the national product, has nevertheless materially reduced the welfare of the greater part of the people. "An adequate wage should surely be the care of a well managed estate quite as much as good, cheap production." The worker is enslaved by money power and the constitutional system founded on property. Moreover his growing indifference to religion robs him of spiritual security. The social problem may be solved by granting the proletariat a system of

representation similar to that enjoyed by the serfs in the Middle Ages. This involves government by estates to the assemblies of which elected delegates of the workers would present their petitions and grievances. As an immediate measure Baader advocated the revival of the old clerical office of deacon with its function of extending relief to the poor; this would protect them from the influence of wrangling lawyers and materialistic demagogues.

GOTTFRIED SALOMON

Works: *Sämtliche Werke*, ed. by Franz Hoffman and others, 16 vols. (Leipsic 1850–60); *Franz von Baaders Schriften zur Gesellschaftsphilosophie*, ed. by Johannes Sauter, Herdflamme series, vol. xiv (Jena 1925), containing also a biographical sketch of Baader.

Consult: Baumgardt, David, *Franz von Baader und die philosophische Romantik* (Halle 1927).

BAAL SHEM TOB, ISRAEL. *See* CHASSIDISM.

BABBAGE, CHARLES (1792–1871), English mathematician, mechanician and economist. He graduated from the University of Cambridge in 1814, held the Lucasian chair of mathematics at this university in 1828–39 and was cofounder of the Analytical, Astronomical and Statistical societies and of the British Association for the Advancement of Science. As the result of years of experimentation he devised a great calculating "engine" which won almost universal acclaim from the scientists of his day.

Babbage's work on machinery and manufactures is perhaps the first adequate exposition of the economic bearings of machine industry. Although characterized by J. A. Blanqui as a "hymn in honor of the machine" it is a far more critical analysis of the factory system than is Andrew Ure's *Philosophy of Manufactures* (London 1835). The book is distinguished by the wide range and accuracy of the concrete material used as well as by keen analysis. His observations on the advantages of division of labor improved upon those of Adam Smith, and his distinctions between machine and tool were later adopted by Karl Marx.

W. H. DAWSON

Important works: *On the Economy of Machinery and Manufactures* (London 1832, 4th ed. London 1835); *Reflections on the Decline of Science in England and on Some of Its Causes* (London 1830); *A Comparative View of the Various Institutions for the Assurance of Lives* (London 1826); *Thoughts on the Principles of Taxation, with reference to a Property Tax and Its Exceptions* (London 1848, 3rd ed. London 1853); *The Exposition of 1851, or Views of the Industry, the Science and the Government of England* (London 1851). His last work, *Passages from the Life of a Philosopher* (London 1864), is autobiographical.

BABELON, ERNEST (1854–1924), French numismatist. He endeavored, by consolidating the results of past numismatic research and by interpretative studies, to rescue his subject from a sterile, though dignified, isolation and to induce the fuller exploitation of its resources by historians, archaeologists and economists. His *Traité des monnaies grecques et romaines* (8 vols., Paris 1901–28), left incomplete at his death, unfortunately lacked those volumes in which he intended to give a generalized account of early media of exchange, the evolution of money and coins, the weight units used for coins and the monetary laws of the Greek and Roman world. His study, *Les origines de la monnaie considerées au point de vue économique et historique* (Paris 1897), covers most of this ground and also includes a discussion of the quantity and value of precious metals in ancient times. Babelon made the novel suggestion, well supported by evidence, that where social organization was not strongly developed, coining was permitted to individuals without restriction; he traced the rise of the state monopoly of coining and found that it was contemporaneous with the concentration of political power. In *La théorie féodale de la monnaie* (Paris 1908) he made a study of the shift of the coinage prerogative from the time of the fall of the Roman Empire in western Europe to the end of the fourteenth century, and of the monetary policy of the period. The right of coinage granted to the lords, lay and ecclesiastic, was exploited by them for profit in the same spirit as their monopoly of milling corn, and public opinion was aroused only when it was felt that the right had been immoderately used. Reduction of the bullion content of the coins was preferred to direct imposts as a method of raising public funds: it was more speedy, less clear in its incidence and less open to partiality in administration.

ARTHUR ROBERT BURNS

Consult: Julian, Camille, "L'oeuvre d'Ernest Babelon" in *Revue de deux mondes*, vol. xix, période 7 (1924) 795–806; Cagnat, René, "La vie et les travaux d' Ernest Babelon" in *Revue internationale de l'enseignement*, vol. lxxx (1926) 321–33, and vol. lxxxi (1926) 18–23.

BABEUF, FRANÇOIS NOEL. *See* BABOUVISM.

BABOUVISM. The conspiracy of the Equals or Babouvists was the last episode in the French Revolution and the first in the history of socialism in France if not in the world. Its leaders were Babeuf, Buonarroti, Darthé, Sylvain Maréchal, Clémence, Germain, Bertrand and Didier.

François Noel Babeuf (1760–97) spent an impoverished youth in the service of the landed aristocracy and in 1789 ardently embraced the principles of the revolution. He published first the *Correspondant Picard*, which attacked the wealthy, then the *Journal de la liberté de la presse* (or the *Tribun du peuple*, as it was later called), in which he attacked both Robespierre and the enemies of the revolution. After being imprisoned several times he organized the club of the Panthéon enlisting those who subscribed to complete equality. When this society was dissolved by Bonaparte under order of the Directory, February 27, 1796, Babeuf, Buonarroti and others formed a plot to overthrow the government by violence. Their purpose was to enforce the constitution of 1793 and to introduce community of property. The leaders of the plot, which first took root among the troops and found strong support in the Parisian workshops, expected to profit by the general misery and by the hatred inspired by the profiteers, but they were betrayed by one of the soldiers who had joined their ranks. After a trial that lasted three months Babeuf and Darthé were condemned to death and executed; seven others were exiled.

The tenets of the Babouvists are contained in several documents. The *Manifeste des égaux* proclaimed that "the French Revolution is only the precursor of another, far greater revolution which will be the last" and stated that the Babouvists were "striving toward something more sublime, more equitable, than the agrarian law: common property." The *Analyse de la doctrine de Babeuf* imposed upon all men the obligation to work and assigned them equal rights in the enjoyment of property. The *Acte d'insurrection* furnished the plan for the uprising. After the victory society was to be reorganized according to the *décrets*, which provided for the reversion of all property to the community through the suppression of inheritance rights and prohibited private individuals from trading with foreign countries.

In short the Babouvists would have instituted by force a communistic regime based on an extension, in the economic sphere, of the principles of the constitution of 1793. The French Revolution established merely political equality; socially it represented the triumph of small scale private property, which had been achieved in the beginning by the parceling out of the feudal estates. Thus, while the Babouvists took as their point of departure the principles of the Revolution, their communism was actually an innovation.

Babouvism had a profound influence on the ideology of the secret societies in France during the first half of the nineteenth century. Its connection with Blanquism is obvious. The only important survivor of the plot, Filippo Michele Buonarroti (1761–1837), was the connecting link between the Babouvists and the socialists of the July monarchy. He carried on propaganda in Belgium and in Switzerland, and his *Conspiration pour l'égalité* furnished a popularization of the doctrines of the *Manifeste*. Babouvist ideas cropped up again in the Revolution of 1848 and in the Paris Commune of 1871. An authoritative judgment on Babouvism was pronounced by Marx and Engels, who attributed the "necessary failure of these early attempts at direct action to the embryonic state of the proletariat and to the absence of the material conditions for its emancipation."

PAUL LOUIS

See: FRENCH REVOLUTION; SOCIALISM; COMMUNISM; DIRECT ACTION.

Consult: Babeuf, F. N., *La doctrine des égaux* (Paris 1906), reprints of excerpts ed. by Albert Thomas; Buonarroti, Filippo, *Conspiration pour l'égalité*, 2 vols. (Brussels 1828, last printing Paris 1850), tr. by Bronterre O'Brien as *Buonarroti's History of Babeuf's Conspiracy for Equality* (London 1838), containing reprints of many documents· Advielle, Victor, *Histoire de Gracchus Babeuf et du babouvisme*, 2 vols. (Paris 1884); Dommanget, Maurice, *Babeuf et la conjuration des égaux* (Paris 1922); Robiquet, Paul Pierre, *Buonarroti et la secte des égaux* (Paris 1910); Espinas, Alfred, *La philosophie sociale du XVIII^e siècle et la révolution* (Paris 1898) p. 195–401; Sencier, G., *Le babouvisme après Babeuf* (Paris 1912); Weatherly, U. G., "Babeuf's Place in the History of Socialism" in American Economic Association, *Publications*, 3rd ser., vol. viii (1907) 113–24.

BABY FARMING. *See* CHILD, NEGLECTED.

BACALAN, ANDRÉ TIMOTHÉE ISAAC DE (1736–69), French writer on economic subjects. He was counselor to the *parlement* of Bordeaux, intendant for commerce and professor at the University of Bordeaux. He wrote several short works, of which none was published except *Paradoxes philosophiques sur la*

liberté du commerce entre les nations (written 1764, printed Paris 1903). Probably the first clear formulation of the doctrines of the liberal school, it furnishes the essential elements of the theory of international trade and the theoretical basis of free trade policy. Bacalan states that international trade is an exchange of commodities, money having only an instrumental and regulative function. If at any moment the balance of trade is favorable, the influx of money raises prices and automatically restores equilibrium. The prosperity of one country is never dangerous to other countries because the economic interests of all nations are harmonious. He urges therefore the immediate adoption of unlimited free trade, without waiting for the simultaneous action of other countries.

These ideas of Bacalan may have been inspired by the liberal tendencies of the intellectual circles of Bordeaux, where Montesquieu had a large following, and by the Bordeaux commercial traditions, which favored unrestricted foreign trade. Bacalan was also familiar with Hume's essays on commercial jealousy and balance of trade. He was original, however, in taking a clearer position than that of Hume and in resolutely proclaiming the wisdom of a free trade policy even if it be only unilateral.

ROGER PICARD

Consult: Sauvaire-Jourdan, F., *Isaac de Bacalan et les ideés libre-échangistes en France* (Paris 1903).

BACH, ALEXANDER (1813–93), Austrian statesman. A brilliant Viennese lawyer, Bach was closely connected with the democratic revolution of 1848, but after its collapse he made common cause with the absolutist and reactionary forces. As minister of justice and later of the interior he became the most active force in the renewed absolutism of the Emperor Francis Joseph and was made a baron in 1854. His leadership was uncontested and the whole system came to be known as the "Bach system." It was characterized by three outstanding measures. The Germanization of the entire empire was undertaken and was now extended without any check even into Hungary; a real army of German and Germanized Czech officials, popularly known as the "Bach Hussars," flooded the country. The former police and spy system was extended, strengthened and ultimately carried so far that the chief of the system, Bach himself, came under police control. By the Concordat of 1855, a "printed Canossa," the empire was practically surrendered to Catholicism and especially to the Jesuits. Some of the economic measures of the Bach system, however, were progressive. The liberation of the serfs was carried on with great energy, and although the land reforms freeing the peasants from their feudal obligations were incomplete the newly created free peasantry gave fresh vitality to the state. Communication and commerce were also developed and protected. On the whole, however, the system was felt to be an anachronistic burden. The defeats of the imperial army on the Italian battlefields put an end to it, and the period of constitutional experimentation began. Bach was compelled to resign (1859) and was later appointed Austrian ambassador to the Holy See.

OSCAR JÁSZI

Consult: Redlich, Josef, *Das österreichische Staats- und Reichsproblem*, 2 vols. (Leipsic 1920–26) vol. i, sect. iv, and *Emperor Francis Joseph of Austria* (London 1929).

BACHEM, JOSEF and JULIUS, German journalists. Josef Bachem (1821–93) entered his father's publishing house in 1840, where he manifested inflexible determination and unusual skill in business. He soon succeeded in setting a definite Catholic stamp upon all the publications of the house and under his purposeful leadership the concern became a veritable center for cultural and political propaganda. After acquiring sole ownership of the business Bachem was able to assume the risk of founding a newspaper. The *Kölnische Blätter* (1860–69), known since 1869 as the *Kölnische Volkszeitung*, was from the very beginning the leading organ of the Catholic movement and later of the Center party in the Rhineland. Although Bachem edited the paper only through the first decade of its existence he is justly known as the *Altmeister* of the Catholic press.

Julius Bachem (1845–1918) succeeded his uncle Josef as editor of the *Kölnische Volkszeitung* in 1869. He had studied law in preparation for a commercial career, but turned to journalism and politics, giving himself unreservedly to the Catholic cause. He devoted his life to "the spread of the Center idea and the advocacy of Center policies" and was particularly important at the time of the Kulturkampf. In his work on the newspaper he endeavored to preserve a consistent editorial policy despite confiscations, adverse court judgments and financial difficulties (during the Franco-Prussian War). His reports in the paper constitute a

primary source for the day to day history of the Center party. Julius Bachem was a member of the municipal assembly of Cologne (1875–1901) and of the Prussian Diet (1876–91). In 1906 he supported the view that the Center party should not limit its political activity to the defense of the interests of Catholicism. Some years after his death the newspaper passed into the hands of the Center party of the Rhineland.

HANS TRAUB

Consult: Bachem, Karl, *Josef Bachem, die Geschichte der katholischen Presse und ein Beitrag zur Entwicklung der katholischen Bewegung in Deutschland*, 2 vols. (Cologne 1912), and *Vorgeschichte, Geschichte und Politik der deutschen Zentrumspartei*, vols. i–vi (Cologne 1927–29); Hölscher, Georg, *Hundert Jahre J. P. Bachem* (Cologne 1918).

BACHILLER Y MORALES, ANTONIO (1812–89), Cuban social scientist and public figure. He was professor of philosophy and law, and dean of the faculty of philosophy at Havana. The range of Bachiller's scholarly interests was truly encyclopaedic, but he was best known for his *Cuba primitiva* (2nd ed. Havana 1883) which deals with the language, customs and history of the West Indian aborigines. His preoccupation with the early history of the American continent was reflected also in his treatise on the Maya language, and in *Antigüedades americanas* (Havana 1845), concerned with the European discoveries of America before Columbus. Bachiller studied also the evolution of landed property in Cuba and adjoining countries, and enriched the cultural history of his country with a three-volume collection of data and observations on public education and university reform (*Apuntes para la historia de las letras y de la instrucción pública de la isla de Cuba*, Havana 1859–61). In connection with his university courses he published *Elementos de la filosofía del derecho* (Havana 1857), in which he displayed an unusual familiarity with German philosophy; Bachiller's views in this field were closely akin to those of Krause.

JORGE ROA

Consult: Montoro, R., *Elogio del Sr. D. A. Bachiller y Morales* (Havana 1889); Heredias, N., in University of Havana, Faculty of Letters and Science, *Discoursos leídos* (Havana 1901) p. 47–59.

BACHOFEN, JOHANN JAKOB (1815–87), Swiss anthropologist and cultural historian. He was intended by his father for mercantile pursuits but managed to enter on classical and philological studies instead. He studied law and legal history at Basel, Berlin (where he came under the influence of Savigny), Oxford, Cambridge and Paris. Upon his return to Basel he was appointed to the chair of Roman law at the university, but he resigned in 1844 to devote himself to the history of art, in which his interest had been aroused by his visits to the museums in Italy during his travels. Soon thereafter he accepted a judgeship in the criminal court at Basel, a position which he held until 1877, fulfilling his duties conscientiously.

Bachofen's major interests, however, were his researches in ancient Roman law and Greek antiquity. His most important works belong to these fields: *Ausgewählte Lehren des römischen Civilrechts* (Bonn 1848); *Versuch über die Gräbersymbolik der Alten* (Basel 1859, 2nd ed. 1925); *Das lykische Volk und seine Bedeutung für die Entwicklung des Altertums* (Freiburg 1862); *Die Sage von Tanaquil, eine Untersuchung über den Orientalismus in Rom und Italien* (Freiburg 1870). But the work upon which his reputation chiefly rests is *Das Mutterrecht: eine Untersuchung über die Gynaikokratie der alten Welt nach ihrer religiösen und rechtlichen Natur* (Stuttgart 1861, 2nd ed. 1897), which was followed by the two-volume study, *Antiquarische Briefe, vornehmlich zur Kenntnis der ältesten Verwandtschaftsbegriffe* (Strasbourg 1880–86). In his investigations Bachofen found numerous myths and reports of a very early matriarchate, especially of the descent of name and property in the maternal line. Attempting to explain its origin he collected and compared with amazing persistence all the relevant material in the writings of the ancients. The existence of a matriarchate among many of the ancient peoples had been noted as early as Herodotus; and the reports of travelers and missionaries indicated a similar social organization among the American Indians. While this had been previously regarded as an aberration from the social norm and as a cultural freak, Bachofen considered that it had probably been common among all primitive peoples at a certain stage in their development. He concluded that mankind had once lived in a state of unregulated promiscuity and that the difficulty of establishing paternity in such a society had led to the tracing of descent through the mother and to her dominant role in the community.

More recent anthropological investigations have partially disproved this theory. Regardless of the validity of his thesis, however, Bachofen

must be given credit for having pointed out the existence of a historical sequence among the various marriage and family forms and for having thereby stimulated present day interest and research in the family customs of primitive peoples.

HEINRICH CUNOW

Consult: For selections from Bachofen's works, *Der Mythus von Orient und Occident*, edited by Manfred Schroeter (Munich 1926), with an introduction by Alfred Bäumler containing a bibliography; and *Johann Jakob Bachofen, Mutterrecht und Urreligion*, ed. by Rudolf Marx (Leipsic 1927). See also Andler, C., "J. J. Bachofen, son oeuvre et sa méthode" in *Revue de l'histoire des religions*, vol. xciii (1926) 224–41; Deubel, W., "Der Kampf um Johann Jakob Bachofen" in *Preussiche Jahrbücher*, vol. ccix (1926) 66–75; Fehrle, Eugen, "Johann Jakob Bachofen und das Mutterrecht" in *Neue Heidelberger Jahrbücher* (1927) 1–18; Winter, Karl Ernst, "Bachofen-Renaissance" in *Zeitschrift für die gesamte Staatswissenschaft*, vol. lxxxv (1928) 316–42.

BACK-TO-THE-LAND MOVEMENTS.

The movement of population from the cities to the country has been a feature of almost every period of society. Although it has not been so marked as the movement from the country to the city it has been a continuous phenomenon which has taken many forms. Back-to-the-land movements include both the return to agriculture as an occupation and the return to the country as a place in which to live. This drift to the country has usually represented a trend toward social decentralization. Unlike migrations from the country to the city, back-to-the-land movements have frequently been organized and actively promoted by governments and by other groups.

Diverse as the forms of these movements have been, certain main types can be distinguished. Most outstanding is the continual migration from other occupations to agriculture, which is just as constant as the migration from agriculture to other occupations, although it has rarely been as widespread. The individuals who make up this movement may be former agriculturists or their children; men who have left agriculture in order to earn money to buy farms and who return when they have saved a sum sufficient for a first payment. Another group consists of those who have acquired wealth in cities and desire to become manorial lords, plantation owners and large landlords. There are also the aged, the failures or misfits in city life and the sick, as well as those who return to the country in search of an occupation during years of agricultural prosperity.

A second type of back-to-the-land movement is characterized by measures adopted by various governments to encourage settlers to take up land holdings. The homestead acts and the soldier settlement acts were laws of this kind. The settlement of military *coloni*, the Licinian laws, the works of the Gracchi in ancient Rome and the policy of the Tokugawa administration in Japan (1600–1850) are other examples of such measures. Movements of this nature are apt to arise in a number of situations. They occur when countries are undeveloped, menaced by enemies or laid waste by war; when agricultural lands are ravaged by invaders who capture large numbers of former agriculturists; or when a nation tries to make terms with invaders by offering certain agricultural settlements or farms. Occasionally such movements arise when a large urban proletariat forces the confiscation of lands from landlords. This last situation may be observed in land settlements following confiscations by the Gracchi in the Roman Republic or in certain back-to-the-land movements in contemporary Russia.

Closely associated with this type of movement is a third, in which governments also participate. Following conspicuous periods of over-urbanization, of numerous civil and foreign wars, or in general periods of high social mobility which exhaust the nervous energy of a population, governments often force their peoples back to the land and require those on the land to stay. This type of back-to-the-land movement is always connected with other measures designed to reduce the mobility of the population and to secure peace and social stability. Such measures contributed to the development of the colonate in the latter days of the Roman Empire in the West, and similar aims inspired the drastic measures to preserve caste distinctions taken by the Tokugawa administration in Japan after 1600. In this form back-to-the-land movements are followed and accompanied by an extreme regimentation of society, low mobility and a type of military civil social organization in which every individual has his recognized place and a responsibility to some superior, whether a house father, village head, manorial lord or king.

A fourth type of back-to-the-land movement develops with the scattering of thousands of urbanites in catastrophes which make a previous complex urban society impossible. The population of the city of Rome decreased from a million to fifty thousand with the decline of

the empire in the West. In a similar manner the revolutions and the pauperization after the World War caused thousands, where circumstances allowed, to leave the cities.

In recent years two other trends in the back-to-the-land movement have become apparent: the movement of urban populations to the residential suburbs and the removal of industry to the smaller cities. According to H. P. Douglass, between 1910 and 1920, while New York City grew 17.9 percent in population and all suburbs 24.2 percent, suburbs of New York City with a population numbering less than 10,000 grew 43.5 percent and those with 10,000 to 25,000 inhabitants grew 31.6 percent. This movement has been going on rapidly since 1900, principally as a result of improvements in transportation. Similar tendencies exist in other large cities in the United States and Europe. The decentralization of industry has resulted in the development of industrial suburbs, and the location of small factories in cities near sources of power or raw materials. Heavy industries, which require considerable ground space and are not readily adapted to many storied factories, lead the way in the formation of industrial suburbs. The increased cost of transportation is causing some refining of the heavy raw materials, especially minerals, at the centers of production.

The break up of the agricultural village and the greater development of the geographically isolated family farm may be considered still another type of back-to-the-land movement. Interesting examples of such movements are found in New England in the seventeenth and eighteenth centuries and in Russia in the period 1905–17; Mormon villages in Utah are undergoing a similar break up at the present time. The transformation of the English countryside as a result of the enclosures may well serve as another illustration. Developments of this kind are conditioned by a variety of factors such as changes in methods of agricultural production which make profitable larger farms. Favorable governmental policies are also important in the development of these movements.

With the advance in modern means of transportation and communication the cultural differences between city and country tend to disappear. In the western hemisphere the "rurban" town is developing, with its chain stores, syndicated newspapers and metropolitan amusements. The country town itself is beginning to assume some of the characteristics of the city. Urban standards and ideals are gradually invading even the isolated farm. These considerations affect the general significance of back-to-the-land movements.

CARLE C. ZIMMERMAN

See: MOBILITY, SOCIAL; MIGRATION; URBANIZATION; RURAL EXODUS; LAND SETTLEMENT; ALLOTMENTS; SMALL HOLDINGS; COUNTRY LIFE MOVEMENT; RURAL SOCIETY; VILLAGE; FARM; LOCALIZATION OF INDUSTRY.

Consult: Laur, E., Konig, R., and Nater, H., *Mesures à lutter contre la dépopulation des communes montagnardes et rurales*, Bulletin of the secretariat of the Union Suisse des Paysans (Brougg 1919); Vandervelde, Émile, *L'exode rural et le retour aux champs* (Paris 1903) pt. ii; Zimmerman, C. C., and others, "The Migration to Towns and Cities" in *American Journal of Sociology*, vol. xxxii (1926–27) 450–55, and vol. xxxiii (1927–28) 105–09 and 237–41; Middle West Utilities Company, *America's New Frontier* (Chicago 1929); Douglass, H. P., *The Suburban Trend* (New York 1925).

BACKWARD COUNTRIES. Backwardness is a relative term as applied to peoples and regions and commonly implies the assumption that the standards of comparison are ourselves, that is, in the present time, a small but dominant group of western European states and others sprung from, or modeled after, them. Language difficulties have always been prominent in these composite judgments, as indicated by the words *barbaros* and *barbarus* in the classic tongues, signifying unintelligible speech. It is interesting to note, however, that most of those who were "barbarians" to the Greeks and Romans were tribesmen bound together by kinship rather than by political government in the strict territorial sense. As in subsequent times, the "barbarous" language was in such cases the symbol as well as the vehicle of an inconvenient type of social organization which did not lend itself to the introduction of the conquerors' ideas and ways, including a system of taxation and the economic basis for it.

A new historic barrier and basis of judgment became important with the rise of the two great proselytizing religions, Christianity and Mohammedanism. This figured largely in the Arab conquests and also in the advance of Christendom into the two thirds of Europe never held by ancient Rome. Most of the oversea ventures which ushered in the modern era had as one of their aims the carrying of true religion to those who sat in darkness. From the beginning, however, the means if not the ends of religious proselytism have been largely economic. Thus the mediaeval monks spread agriculture and

industry in order to create favorable conditions for their religious propaganda, and the Spanish missions in the Americas owed their success in large measure to the attack upon the cultural differences as a whole, including the material ones. In the contemporary world the missionary among backward peoples is likewise as much an evangelist of our mode of life in general, including our political ideas and habits of consumption, as he is of any set of theological beliefs or religious practises. How well integrated the notions of advancement and backwardness have become is suggested by the word progress.

Backwardness has a tangible economic basis in the fact that each well defined region has its own measurable possibilities for the maintenance of human numbers, standards of living and fixed property. From an economic standpoint a backward people might be defined as one which makes ineffective use of its resources. For example, in Tunis before the French occupation large areas of perfectly good agricultural land were used to maintain a sparse, disorderly and illiterate herding population whose property was small per person and almost negligible per square mile. Effective territorial specialization was impossible in the absence of suitable means of communication, and these could not be provided by the loose central framework of government superimposed upon the tribes. Even the frontiers were vague, as many of the outlying nomadic and semi-nomadic tribes did not occupy exactly the same lands from year to year. The great phosphate beds of southern Tunis, now bringing in millions in profits annually for a product which rejuvenates the fields of Europe, lay untouched.

Considered from this practical angle of neglected opportunities, the connection of backwardness with imperialism becomes clear. Remote peoples—even those living under primitive conditions—are not backward in the context of their own culture. It is only when these regions are brought into the circle of economic imperialism that their neglected economic possibilities take on significance.

The improvement of deep sea navigation on the eve of modern times gradually brought the important geographic areas of the world into direct contact for the first time. Europe's political influence upon the more remote parts of Asia and Africa had been sporadic or absent, and there had been little pressure to reorganize distant areas as either markets or sources of goods. Early modern trading companies and colonizing groups attempted this reorganization on a large scale, changing fauna, flora and political and social organization where the old conditions stood in the way of profitable commerce. The slave trade even transported populations and with them social and sanitation problems as well as more strictly economic ones. The development of the latest phase of this process was coincident with the age of cheap steel, which got well under way during the final third of the nineteenth century. Together with an expansion of the exchanges of consumers' goods there has grown up an export of capital itself in its related aspects of investments and instruments of production. Factories have sprung up in India and China to turn out such products as the coarser textiles in competition with Europe, forcing home manufacturers to shift constantly to finer grades or entirely new lines. New tariff walls have arisen to protect home markets, the search for privileged markets farther away has revived and the customs barriers have even been extended to these distant possessions. A constantly increasing demand in industrialized countries for metals, fuels, fertilizers and raw materials, like rubber, which cannot be produced economically in the north temperate zone, has led trained agriculturists, scientists and engineers as well as traders to attempt a reorganization of backward regions to meet these opportunities and pay profits.

There is more than the technical competency of occidental society back of this expansion of capitalism. From the standpoint of the backward peoples it is important to note that the now inevitable direct contact with more elaborate standards of living furnishes an answering demand which is the other side of sales pressure. Forcible occupation—even the mildest form of protectorate—tends to grow increasingly unpopular through the rise of local nationalism and the resentment of natives at seeing outsiders in the best paid and most honorific positions. Nevertheless it is rare for a people once thoroughly exposed to what Europeans call progress to wish for the return of the old conditions. For example, the native opposition in French Indo-China is disconcertingly French in its premises and logic and faultlessly French in its expressions by leaders.

But transformations of backward regions to produce goods for one set of Europeans or Americans and profits for another have not been an unmixed benefit for the natives. The con-

solidation of grazing lands, small farms or primitive village systems into huge plantations to raise sugar, rubber, fruits, etc., for export often reduces the earlier holders to wage labor for a livelihood. If they have sold their land at prices based on the previous type of exploitation they reap nothing from the later rise in values. Temporarily, at least, there is likely to be no active competition for their labor, with the result that wage scales fall below the European subsistence level and tend to shut out the native by poverty from the supposed blessings of "progress." The "White Man's Burden" is a noble idea; but it needs to be borne with some disinterestedness and not too much prejudice. That profit seeking individuals and corporations with influence at home in the ministries and parliaments are not the ideal instruments is rather obvious. This is particularly clear where European property law has been set up suddenly by force, fraud or misunderstanding of customary rights, and the natives are then accused of the want of a foresight they have never had any chance to acquire because they sell their land and sink into indigence.

This same general type of reasoning applies to the political as well as to the economic organization of backward states. Neglected resources are opportunities for profit only under conditions of tolerable political stability. Men who risk their capital, time or persons in these situations try to restrict the hazards as far as possible to the natural ones. A government like that of old Tunis borrows money or grants a concession in return for real or promised advantages to itself or its people. In either case capital, protected by agreement, goes into the backward country to stay for a period of years before recovery is possible. As often as not these loans and concessions are solicited by the native government itself for application to public improvements which will make economic effort more effective. If the government then acts in bad faith or fails through incompetency to meet the stipulated conditions, there is trouble —in the end perhaps intervention by the government of the lenders or concessionaires. The people of the backward country, as taxpayers or otherwise, can usually get the benefits of such capital at lower rates if the transaction is somehow underwritten by the more powerful government as a guaranty that the terms of the agreement will be lived up to; but this creates a direct menace of intervention in case of non-fulfilment. On the other hand the high rates necessary to cover the risk, if the possible trickery of irresponsible statesmen enters as a factor, are a direct burden on the investment and a threat to its success. Since enterprise is attracted to these undeveloped regions in any case, this question of control and guaranties is an important one. Thus we get the political problem of the "White Man's Burden," which is theoretically one of bringing all governments up to certain standards of honesty, competency and responsibility. In practise, pressure from lenders, concessionaires and foreign business people is likely to stress the responsibility of a weak government to outsiders rather than to its own citizens and taxpayers.

The practical solutions proposed for this group of problems may be summarized as follows: first, the gradual improvement and standardization of human organization in its various technical aspects in different parts of the world; second, the propagation of a keener ethical sense which will prevent the exploitation of millions of people under the more or less honest pretense of improving or punishing their irresponsible governments; and third, the growth of international administrative machinery which will provide more disinterested agencies of control, both to prevent unfortunate incidents from arising through the clash of cultures and to see that justice is done in cases where these have occurred in spite of such precautions.

MELVIN M. KNIGHT

See: CIVILIZATION; COLONIES; IMPERIALISM; RAW MATERIALS; CONCESSIONS; SPHERES OF INFLUENCE; PROTECTORATE; MANDATE; FORCED LABOR; FOREIGN INVESTMENT; MISSIONS; INTERVENTION; DIPLOMATIC PROTECTION.

Consult: Bryce, James, *The Relations of the Advanced and the Backward Races of Mankind* (Oxford 1902); Johnston, H. H., *The Backward Peoples and our Relations with Them* (London 1920); Reinsch, P. S., *Colonial Government* (New York 1902); Cromer, Evelyn Baring, *Ancient and Modern Imperialism* (London 1910); Seillière, Ernest, *L'impérialisme démocratique*, La Philosophie de L'Impérialisme series, vol. iii (Paris 1907); Buell, R. L., *International Relations* (rev. ed. New York 1929) pt. ii; Lindley, M. F., *The Acquisition and Government of Backward Territory in International Law* (London 1926).

BACON, FRANCIS (1561–1626), English philosopher and statesman. Bacon's preeminence in natural science and philosophy has always raised the presumption that he had ideas of equal value upon the social sciences, if only they could be found. The world has been slow to reach the modern conclusion that in the social

sciences his contribution has been indirect rather than direct—a method of thinking necessarily applicable to the social sciences rather than a system of thought. He left no extended treatise on political science, law, statesmanship, history or political economy. Nevertheless if it is true, as Spinoza held, that Bacon advanced what we call the social sciences further than all the scholars who preceded him because by putting himself to "the school of experience" he transformed these disciplines from explanations of conditions into investigations of them, his indirect influence upon the development of modern political and economic thought has been far reaching and fundamental.

Only three of the social sciences seem today to reckon his direct influence important. To the theory of education Bacon's *New Atlantis* and the "Arts of Teaching" (*Advancement of Learning*, bk. vi, ch. iv) contributed vitally. The former treated education as the main prop of the ideal state, the link binding man to man and man to God. The latter was a strong plea for organized teaching in schools and colleges and laid down the modern idea that instead of insisting on a uniform curriculum these institutions should permit a choice of studies adapted to the needs of the pupil. To Bacon many attribute the liberalization of English and even of continental education in the seventeenth century. He was influential in widening the scope of learning and his insistence upon the importance of the natural sciences was the entering wedge making possible their inclusion in the normal curriculum. Many sociologists look upon the *New Atlantis* as an important step in the growth of a broader conception of human relations. Finally the historians have long found Bacon's *Life of Henry VII* a model biography in style and design, and this work has even been called the first attempt at philosophical history in the language. To all these views there has been much dissent.

The direct influence of Bacon upon economics has been generally regarded as slight, if not negligible; nevertheless statements scattered through his works prove that he appreciated the fallacy of the mercantilistic notions on gold and that he recognized the necessity of encouraging agriculture as a means of increasing national wealth; he was also one of the first modern writers to defend the legitimacy of interest charges. It has been thought that the *Essays* and a speech delivered in 1620 show that Bacon appreciated the future of the British Empire. Certainly his plan for the conciliation of Ireland, his scheme for the effecting of a gradual but complete union with Scotland and his attitude toward colonial expansion indicate considerable political vision.

Bacon's career in legal office has been the subject of much dispute. He was made solicitor general in 1607 and attorney general in 1613. From this date until 1621 (in 1618 he was appointed lord chancellor) he was one of the first public men in the kingdom, but his record during these years—particularly in connection with the Peachams trial and the Commendams case and in his conflicts with Coke—has been generally regarded as characterized by servility to the crown. In 1621 he was charged with corruption and deprived of office. Bacon's ability as a lawyer is unquestioned but his influence on English legal thinking has been held inconsiderable. His legal career has, however, not been fully known or understood. As a political thinker Bacon has been regarded by modern liberal and democratic thinkers as the champion of monarchy and of benevolent despotism and the enemy of parliaments. It has been charged that while he sought to free the mind from the "idols" of the past, he wished to preserve in the state and in society the rule of the many by the few, to establish the supremacy in social relations of the educated over the ignorant. Thus he became a refuge of the conservatives in the nineteenth century and to the twentieth merely an anachronism. It seems probable, however, that the concept of the state ordinarily ascribed to him has been based on unauthentic documents and that the authentic material has been misunderstood by modern liberal and democratic thinkers. Bacon was not advocating absolute power in the king, opposing the liberties of Parliament or approving of a subservient judiciary. Rather he was attempting to state in the semi-feudal language then in use that the executive rather than the legislature must administer the state, that the tyranny of the legislature was as possible as that of the executive. The judiciary should administer not make the law, uphold and not direct the policy of the state. "Let them be Lions but yet Lions under the throne."

ROLAND G. USHER

Works: The chief edition of Bacon's works is by J. Spedding, R. L. Ellis and D. D. Heath, 14 vols. (London 1857–74). The *New Atlantis* has been edited by G. C. M. Smith (London 1900), and *The Advancement of Learning* by W. A. Wright (5th ed. Oxford 1900).

Consult: FOR BACON'S CAREER: Spedding, J., *The*

Letters and the Life of Francis Bacon, 7 vols. (London 1861–74); important additional material is in Usher, R. G., *Reconstruction of the English Church*, 2 vols. (New York 1910).

FOR BACON'S PLACE IN SOCIAL THOUGHT: Heussler, H., *Francis Bacon und seine geschichtliche Stellung* (Breslau 1889); Hearnshaw, F. J. C., "Bacon as an Historian" in *Contemporary Review*, vol. cxxiii (1923) 606–14; Roscher, W., "Zur Geschichte der englischen Volkswirtschaftslehre in 16. und 17. Jahrhundert" in Sächsische Akademie der Wissenschaften zu Leipzig, *Abhandlungen*, Philologisch-Historische Classe, vol. ii (1857) 1–146; Robertson, J. M., "Bacon as a Politician" in *Contemporary Review*, vol. cii (1912) 338–49; Cockburn, J., "Bacon as Empire Builder" in *United Empire*, n.s., vol. xiv (1923) 272–80.

BACON, ROGER (*c.* 1214–*c.* 1292), early scientist. Bacon was born in England, became a Franciscan friar and lectured at the universities of both Oxford and Paris. Bacon was once regarded as "a voice crying in the wilderness" of Gothic barbarism, a persecuted forerunner and martyr of modern science and a marvelous phenomenon centuries ahead of his period. More careful study of his own writings and of his contemporaries and surroundings convinces us that he was rather a leading representative of the learning and scientific activity of his time. He reveals its encyclopaedic tendencies, writing on all fields of knowledge then recognized, from theology and philology to mathematics and medicine. Bacon's works were not buried in oblivion until modern times, as it has been supposed, but were repeatedly cited in detail during the fourteenth and fifteenth centuries. His occupation with Greek and Hebrew and his recognition of the need for calendar reform were shared by others, and a sizable group of writers was concerned with his favorite subjects of perspective or optics, astrology, alchemy, "experimental science"—although its connotation then was scarcely that of today—and natural magic. He did not invent gunpowder but shows that it was already known. He was somewhat more individualistic in his outspoken criticism of methods and even of individuals in contemporary learning and education, but he had no intention of condemning scholasticism or thirteenth century learning as a whole. He was, however, interested in tracing the causes of error, as was Francis Bacon later.

LYNN THORNDIKE

Works: The most informing is the triad written for Pope Clement IV, *Opus maius* (1266–68), *Opus minus* (1267) and *Opus tertium* (1267–68). The *Opus maius* was edited by J. H. Bridges, 3 vols. (Oxford 1897–1900), tr. by R. B. Burke, 2 vols. (Philadelphia 1928). Bacon's writings, a number of which are still unprinted, are more suggestive than complete. The most significant of the fragments which have been published are *Fr. Rogeri Bacon opera quaedam hactenus inedita*, ed. by J. S. Brewer (London 1859) and *Opera hactenus inedita Rogeri Baconi*, ed. by Robert Steele, vols. i–ix (Oxford 1905–28).

Consult: *Roger Bacon Essays*, ed. by A. G. Little (Oxford 1914); Carton, Raoul, *L'expérience physique chez Roger Bacon*, and *L'expérience mystique de l'illumination intérieure chez Roger Bacon*, and *La synthèse doctrinale de Roger Bacon*, Études de Philosophie Médiévale series, vols. ii, iii and v (Paris 1924); Thorndike, Lynn, *A History of Magic and Experimental Science*, 2 vols. (New York 1923; second printing with corrections, New York 1929) vol. ii, p. 616–91; Steele, Robert, "Roger Bacon and the State of Science in the Thirteenth Century" in *Studies in the History and Method of Science*, ed. by Charles Singer, 2 vols. (Oxford 1917–21) vol. ii, ch. iii; Little, A. G., *Roger Bacon* (London 1928).

BAER, ABRAHAM ADOLF (1834–1908), German prison physician and criminologist. In 1871 he published a work on prison hygiene which after some revision took final form in *Die Hygiene des Gefängniswesens* (Jena 1897). A first hand study of prisoners convinced him that, contrary to the theories of Lombroso, crime is produced by the interplay of social factors. This conviction was forcibly stated in *Der Verbrecher in anthropologischer Beziehung* (Leipsic 1893). Like Lombroso he found in recidivists, in particular, a number of "stigmata," but unlike his famous opponent he considered that they were symptoms of physical or mental degeneration rather than characteristics of an anthropological "criminal type." Baer believed that living conditions among the poor provoked and perpetuated such inferiorities, and in *Der Alkoholismus* (Berlin 1878), a standard work in its day and perhaps his most important contribution to science, he studied what to him seemed the most sinister of all degenerative agents.

THORSTEN SELLIN

Consult: Hoppe, Hugo, in *Münchner medizinische Wochenschrift*, vol. lv (1908) 1026–28; Pagel, J., *Biographisches Lexikon hervorragender Ärzte des neunzehnten Jahrhunderts* (Berlin 1901) cols. 73–75.

BAER, GEORGE FREDERICK (1842–1914), American corporation director. After thirty years of law practise in Reading, Pennsylvania, during most of which time he was counsel for the Reading railroad as well as Morgan's local attorney, Baer became in 1901, through the influence of Morgan, president of the Reading

railroad and of the Reading Coal and Iron Company. In the anthracite strike of 1902 Baer acted as leader of the coal operators in refusing to deal with the United Mine Workers. When appealed to as a notably religious man he was reputed to have answered that labor "will be protected and cared for, not by the labor agitators, but by the Christian men to whom God in His infinite wisdom has given the control of the property interests of the country." This exposition of the "divine right" of property was given sensational display in the newspapers and helped to win popular approval for the strikers. Baer subsequently disowned the letter as well as another statement attributed to him that "the strike was a private affair which did not concern the public." He maintained that he merely opposed "unreasonable" interference with the ordinary management of business, and arbitration of the demands for higher wages and a uniform anthracite wage scale. When in September Senator Hanna, acting on behalf of the administration, reached a tentative agreement with John Mitchell, president of the union, and J. P. Morgan, Baer "absolutely refused to entertain it." The strike was ended in October after further administration pressure led to the establishment of an arbitration commission.

PAUL WEBBINK

Consult: Lloyd, Caro, *Henry Demarest Lloyd*, 2 vols. (New York 1912) vol. ii, chs. xxii–xxiv; Mitchell, John, *Organized Labor* (Philadelphia 1903) chs. xl–xlv; Glück, Elsie, *John Mitchell, Miner* (New York 1929) chs. vi–vii.

BAGEHOT, WALTER (1826–77), English social scientist and literary critic. Largely because his Unitarian father objected to the doctrinal tests at Oxford, Bagehot escaped its conventional literary-religious atmosphere. At Bristol College he came under the influence of the ethnologist Prichard and at University College, London, he was deeply attracted by the skeptical and introspective mind of Clough. After some dabbling with economics he studied law and was called to the bar, but a breakdown caused by his mother's insanity sent him to France in 1851, and from there he sent back articles on Napoleon's coup d'état which show a germinating cynicism and a realistic sense of the political scene. On his return to England he entered his father's banking firm. To these early years, restless because of Bagehot's impatience with what seemed an arid business technique, belong those essays on English literary figures (collected by R. H. Hutton as *Literary Studies*, 2 vols., London 1879) which have given Bagehot's criticism an importance comparable to that of Matthew Arnold. In these critical essays the approach is chiefly that of a penetrating psychological analysis of the relation of the writer's mind and personality to his work.

The insight into creative individuals and the literary charm manifested in these studies were later carried over to Bagehot's work in the field of social science. His marriage to the daughter of James Wilson, editor of the *Economist*, and a maturing interest in the banking profession led him to turn his interests to a continuous commentary on economic affairs in the weekly columns of the *Economist*, and on Wilson's death he took over the editorship. He strengthened its already considerable influence and his counsel was sought by Treasury officials on matters of national banking policy. The most permanent result of Bagehot's interest in banking was his *Lombard Street* (London 1873; new ed. by Hartley Withers, London 1927), which has become classic for its realistic description of the English banking system and its analysis of the logic of its functioning. The importance of this work is that it shifted the emphasis in banking literature from a discussion of banking legislation and mechanics to an examination of the body of working rules and their effect. It resulted also in a new understanding of the function of the Bank of England in keeping the banking reserves of the whole community. In his *Economic Studies* (collected by R. H. Hutton, London 1880) several essays are devoted to an analysis of the two fundamental postulates of English economic theory—the transferability of labor and of capital—and an examination of their validity in the changed contemporary economic world. In these and in a series of essays on Smith, Ricardo and Malthus he effectively refuted any notion of the eternal validity of the economic theory of the founders and showed its necessary context in the England of their own time. Coming at a period when criticism of classical economics was maturing in England, these essays were influential for the cogency with which they called for a revision of the classical body of theory within the limits of its own logical premises.

Much the same approach had far reaching results in the political field. In the *English Constitution* (London 1867) Bagehot abandoned the contemporary preoccupation with political forms and a set of preconceptions derived from

physics, and sought to substitute a discussion of the actual functioning of a political institution in its cultural and traditional setting. His exposition of the theory of cabinet government, the survival value of such political institutions as the English monarchy and House of Lords and the function of the House of Commons as an organ of administrative control has been formative for all subsequent discussions. This book has indeed attained so complete an acceptance as representing the reality of English government that, looking back at it now, it seems difficult to decide which was the reality and which the representation. Resting its ultimate explanations of British political institutions on the nature of the British mind it takes its place as a pioneer essay in national political psychology. Bagehot's essays on particular British statesmen such as Peel, Gladstone, Disraeli and Brougham (collected by R. H. Hutton as *Biographical Studies*, London 1881) show him at his best in his delineation of that political leadership of which he held political institutions to be the shadows. Aristocrat at heart and brilliant in his domestication of Carlyle's *o altitudo* concept of leadership, Bagehot showed the myopic spots in his political vision mainly in his underestimation of the democratic masses as a creative political force. The masses were to him, as to Carlyle, merely so much material to be governed well.

Bagehot's most original and ambitious writing in social science is his *Physics and Politics* (London 1872), in which "physics" is metonymy for natural science and "politics" for social science. It is the first important attempt to bring out whatever implications Victorian science, especially Darwinism and the new ethnographic writings of Tylor and Lubbock, possessed for the study of the political community. Although its principal premises are thus those of biology—evolution and natural selection—and its material largely anthropological it is in its essence a brilliant essay in social psychology, mapping the significance for human history of such forces as custom and revolt, innovation and imitation, conflict and discussion. Modern social psychology has for the most part followed in the wake of these leads. The range of Bagehot's interests in this and his other works gave him a versatility which almost conceals the unity of his approach. He had that rare combination of balance and daring which makes him one of the few first rate minds in social science.

MAX LERNER

Works: *The Works and Life of Walter Bagehot*, ed. by Mrs. Russell Barrington, 10 vols. (London 1915), containing a biographical volume.

Consult: Stephen, Leslie, in *National Review*, vol. xxxv (1900) 936–50; Wilson, Woodrow, "A Literary Politician" in *Atlantic Monthly*, vol. lxxvi (1895) 668–80, and "A Wit and a Seer" in *Atlantic Monthly*, vol. lxxxii (1898) 527–40; Laski, H. J., in *New Republic* vol. v (1916) 313–14; Barnes, H. E., in *American Journal of Sociology*, vol. xxvii (1922) 573–81; Murray, R. H., *Studies in the English Social and Political Thinkers of the Nineteenth Century*, 2 vols. (London 1929) vol. ii, ch. vi; Read, Herbert, *The Sense of Glory* (Cambridge, Eng. 1929) ch. viii.

BAGLEY, SARAH (dates of birth and death unknown), nineteenth century American labor leader. Sarah Bagley, who called herself "a common-schooled New England female factory operative," was the first woman to rise from the ranks to leadership in the American labor movement. Under her direction the women textile operatives of Lowell, Massachusetts, formed the Female Labor Reform Association in 1845 after the agitation among wage earners in New England which followed the depression of 1837–42. The Association took over the *Voice of Industry*, the longest lived labor paper of the period, and Sarah Bagley became its editor in 1845. She took part in the numerous conventions of the New England Workingmen's Association (1845–47) and held throughout to a strictly working class program of trade union organization and agitation for the ten-hour day. Through petitions and public meetings she carried on a vigorous campaign which resulted in the appointment by the Massachusetts legislature of the first commission to investigate labor conditions in the textile mills. Her influence was felt also in local politics and in the defeat of legislators unfriendly to labor, but no legislation controlling the hours of women was enacted in Massachusetts until the seventies. The changing character of the mill operatives destroyed her following and, after fifteen years of mill work, combined with the teaching of evening classes for operatives and a vigorous political-industrial campaign, she retired in 1848. By 1850 a new group of workers had entered the mills and the Female Labor Reform Association disappeared.

NORMAN J. WARE

Consult: Andrews, J. B., and Bliss, W. D. P., "History of Women in Trade Unions" in United States, Department of Labor, *Report on Condition of Woman and Child Wage-Earners in the United States*, 19 vols. (Washington 1910–13) vol. x, p. 54–56, 71–78; Ware, Norman, *The Industrial Worker, 1840–60* (Boston 1924).

BÄHR, OTTO (1817–95), German jurist, parliamentarian and publicist. In 1848 Bähr was appointed member of a commission engaged in drafting a code of civil procedure for the electorate of Hesse. Later he held high judicial offices in Hesse, in Prussia and finally under the empire. As coeditor and contributor to Ihering's *Jahrbücher für die Dogmatik des heutigen römischen und deutschen Privatrechts* from 1873 to 1887 he was a relentless critic of German judicial procedure. His experience as member of the Reichsjustizkommission, of the Bundestag and later of the Reichstag led him into the controversy over the draft of the new federal civil code. His opposition, which caused him to submit a counterdraft, was based on the belief that the aim of the theorists to provide for all possible legal emergencies left too much to the interpretation of the litigants and of the courts.

Although Bähr's work was not entirely unrelated to that of the historical school it was based essentially on scientific positivism. History and Roman law interested him as approaches to a free and living law, for the sake of which he abandoned theory and form in his exposition of the law of obligation. His later critical commentaries on the decisions of the Reichsgericht show his growing conservatism and increasing leaning toward Roman law. In his *Rechtsstaat* Bähr shares with Gneist the distinction of first developing among German writers a realistic conception of constitutionalism and of a system of administrative jurisdiction as the foundation of constitutional government.

JOHANNES MATTERN

Important works: *Die Anerkennung als Verpflichtungsgrund* (Cassel 1854, 3rd ed. Leipsic 1894); *Der Rechtsstaat* (Göttingen 1864); *Urtheile des Reichsgerichts mit Besprechungen* (Munich 1883).

Consult: Teichmann, A., in *Allgemeine deutsche Biographie*, vol. xlvii, p. 747–48; reviews of Bähr's books in *Zeitschrift für das Privat- und öffentliche Recht der Gegenwart*, vol. xii (1885) 513–18, and in *Zeitschrift für vergleichende Rechtswissenschaft*, vol. x (1891–92) 474–76; Stintzing, R., and Landsberg, E., *Geschichte der deutschen Rechtswissenschaft*, 3 vols. (Munich 1880–98) vol. iii, pt. ii, p. 639–47.

BAIL, as applied to the administration of criminal law, is the delivery (bailment) of a person who has been arrested to a surety or sureties who join with the person bailed in giving security for his appearance at trial or at some other step in the criminal process. It is thus a device to secure the release of accused persons pending their trial. The term recognizance is also frequently used to describe bail, although the latter is generally applied to an act including the drawing up of an instrument which is filed with the court, while recognizance may merely consist of the making of an acknowledgment before a magistrate or judge by a surety whose obligation is not signed but appears in the court record.

The genesis of bail is according to Holdsworth to be found in the mediaeval frank pledge system but according to Hazeltine in certain pledges presented for the payment of the wergild. In England there were apparently two sorts of surety, bail and mainprise, of which the former was the more stringent. Under bail the surety was usually liable to suffer the punishment hanging over the head of the released prisoner. Under mainprise those who offered themselves as sureties were not bound *corpus pro corpore*, but in case of default were liable only for amercement. Bail was first allowed not by magistrates, but by sheriffs who were subject to control by special writs. The early history of bail makes it clear that the origins and early growth of the device had little to do with civil liberties. It was used because it was safer to turn men over to their friends than to entrust their custody to the inefficient jails of the time. Abuses finally led to the formulation of a demand against excessive bail in the Bill of Rights of 1689.

Elsewhere the history of bail was not dissimilar. For instance, French practise with regard to bail (*sou caution*) developed largely under feudal forms. It is interesting to note that as long as appeal by battle existed the accuser as well as the accused had to furnish bail or remain incarcerated. Esmein concludes that in feudal times "liberty on bail was a matter of right except when an offense had been committed which might entail the loss of life or limb." After the French Revolution the first impulse toward law reform embodied a determination to extend the right of bail, but the liberality of the first revolutionary proposals was greatly limited by the restrictions of the Napoleonic period.

The appearance of guaranties of bail in the American constitutional fabric indicates that by the eighteenth century it had become a part of the system of protection of those accused of crime, which was so important a factor in constitutional civil liberty. In the federal constitution and in those of Alabama, Georgia, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Virginia and West Vir-

ginia there is a negative type of guaranty, expressed in the federal constitution in the terms of the Petition of Right that "excessive bail shall not be required." In the other states the constitutional guaranty of bail is clear and unequivocal. The Missouri provision is typical: "All persons shall be bailable by sufficient sureties except for capital offenses when the proof is evident or the presumption great." The question of what is meant by excessive bail has been variously interpreted. The best opinion seems to be that the standards should rest upon the seriousness of the offense, the ability of the prisoner to give bail and the probability of the appearance at trial of the accused. It has of course been much easier to curb the present abuses of bail practise by legislative enactment in states where the constitutional guaranty is negative rather than positive.

There is no valid evidence that bail ever worked as an effective factor in the administration of criminal justice and the present state of its administration in most of the states and in the federal courts is very unsatisfactory. This is particularly true in the large cities. Under present law and practise the unwilling surety is not adequately bound. It is true that sureties are allowed wide power in dealing with the accused; indeed they may at any time seize and surrender the accused to the court and be discharged from the obligation of suretyship. But they are not particularly encouraged to do so. The obligation of bail does not rest specifically upon a stated piece of property, and although it is customary to require that the surety provide a statement or schedule of his property it may be listed at such an exaggerated valuation that its real worth is inadequate to cover the liability. If the surety desires to divest himself of responsibility he may in many jurisdictions divest himself of the ownership of the property listed. Only in a few jurisdictions is a bail bond a lien upon it. This results naturally in the collection of very few judgments upon forfeited bonds and is one of the primary reasons for the failure of the bail system to operate effectively.

Moreover the system works a great injustice because those defendants who have friends of property or who themselves have property (frequently acquired by criminal methods) can obtain their release while the poor and the friendless remain in jail. The injustice of this condition is augmented by the fact that those who are in jail are usually tried first, which gives the great advantage of delay to those out on bail. When professional criminals are involved, bail even in large amounts can be furnished and the period of liberty is marked by increased efforts to acquire by new crimes material compensation for the approaching trial and possible prison sentence. Finally the present administration of bail provides innumerable possibilities for official corruption. Political and sometimes economic pressure can be used to induce a judge or other official to accept unsatisfactory surety. In order to gain the advantages of official favor professional bondsmen are likely to establish exceedingly questionable relationships with public officials.

Indeed much of the criticism of the bail system as it now operates in large American cities centers upon the so-called professional bondsmen. These persons are available for service as sureties and for such service they exact a fee, the size of which is determined roughly upon the basis of the amount of the bond which they sign. Some of them do a very considerable business from which they apparently derive a large income. There is nothing particularly objectionable in a professional bondsman *per se;* presumably he performs as socially useful a service as a criminal lawyer. It is the way in which his business is transacted that brings him into ill repute. He usually gives bail for amounts far beyond the value of his property and establishes with public officials relationships which are contrary to the public interest. Often he is so closely related to the underworld that he is practically a partner in crime with his clients.

Professional bail is also provided in a number of cities, notably New York, by surety companies which are usually established and incorporated for the specific purpose of furnishing bail bonds. While these companies are often guilty of the same practises as individual professional bondsmen they are more easily regulated and are accordingly more responsible.

Many measures have been brought forward for the reform of the bail system. Legislation making a bond a lien upon the property of the surety has been frequently proposed. Other proposals include a centralization of administrative responsibility (in cities), a more strict examination and regulation of bondsmen by state banking and insurance departments, the making of bail jumping a crime, insistence upon cash bail only and the bonding of professional bondsmen themselves. There is in addition the important suggestion that a proper study of the

jail population would make it possible to release many of those unable to get sureties upon their own recognizance. It is obvious, however, that the bail problem is involved to such an extent in the whole question of increasing the promptness of criminal trials that its ultimate solution must depend upon the improvement in efficiency and promptness of court administration generally.

In Europe criminal procedure in general provides forms of release not radically different from those in practise in the United States and in England although there is perhaps somewhat more formal variety and flexibility. Four conditions of release are practised: first, a mere private promise entered into between the judge and the accused which is frequently reduced to writing and kept from the public in order to protect the person accused from unfair influences; second, the release of an accused person without definite security under the surveillance of the police; third, a pledge by sureties of things of value to secure the presence of the accused; and finally, the deposit of cash bail to be forfeited in case of non-appearance.

RAYMOND MOLEY

See: CRIMINAL LAW; JUSTICE, ADMINISTRATION OF; PROCEDURE, LEGAL; ARREST; PENAL INSTITUTIONS; SURETY AND GUARANTY; BILLS OF RIGHTS; CIVIL LIBERTIES; CORRUPTION, POLITICAL.

Consult: Holdsworth, W. S., *A History of English Law*, 9 vols. (3rd ed. London 1922–26) vol. iv, p. 525–29; Hazeltine, H. D., "The Formal Contract of Early English Law" in *Columbia Law Review*, vol. x (1910) 608–17; Esmein, Adhémar, *Histoire de la procédure criminelle en France* (Paris 1882), tr. by J. Simpson as *A History of Continental Criminal Procedure*, Continental Legal History series, vol. v (Boston 1913); Stephen, J. F., *A History of the Criminal Law of England*, 3 vols. (London 1883) vol. i, p. 233–43; Harris, S. F., *Principles and Practice of the Criminal Law* (14th ed. London 1926) p. 301–05; Moley, Raymond, *Our Criminal Courts* (New York 1930) ch. iii, and "Bail Bonds" in Missouri Association for Criminal Justice, Survey Committee, *The Missouri Crime Survey* (New York 1926) pt. v; Beeley, A. L., *The Bail System in Chicago* (Chicago 1927); Chicago Crime Commission, *Bulletin* (1923–26), and *Criminal Justice* (1927–28); New York State, Crime Commission, *Report of the Crime Commission Submitted February 28, 1927* (Albany 1927); American Law Institute, *Code of Criminal Procedure: Tentative Draft*, vols. i–ii (Philadelphia 1928–29) vol. i, ch. iii.

BAILEY, SAMUEL (1791–1870), English economist. He was the son of a Sheffield artisan who rose to be master cutler in 1801. Himself an active man of business, Bailey became in the course of time chairman of the Sheffield Banking Company. His interest in active politics lapsed after an unsuccessful attempt to enter Parliament. He wrote a number of economic and philosophical works, which earned him the title of "the Hallamshire Bentham." The most important of these is the anonymous *A Critical Dissertation on the Nature, Measure, and Causes of Value; Chiefly in Reference to the Writings of Mr. Ricardo and His Followers* (London 1825), described by Macleod as "one of the most able little volumes on Political Economy in the language" (*A Dictionary of Political Economy*, London 1863, vol. i, p. 59). Bailey denied the existence of intrinsic value and the possibility of equating values by reference merely to the quantities of labor embodied in commodities. A typical example of his criticism, which is in general negative rather than constructive, is his tabulation of seven different senses in which Ricardo used the term value. The *Westminster Review* (vol. v, 1826, p. 157–72) contains a fierce attack (probably by James Mill) upon the book; Bailey replied with *A Letter to a Political Economist* (London 1826).

HENRY HIGGS

Other works: *Money and its Vicissitudes in Value* (London 1837); *A Defence of Joint Stock Banks and Country Issues* (London 1840); *The Theory of Reasoning* (London 1851, 2nd ed. 1852); *Letters on the Philosophy of the Human Mind*, 3 vols. (London 1855–63).

Consult: Seligman, Edwin R. A., *Essays in Economics* (New York 1925) p. 83–86.

BAILMENT, from the French word *bailler*, to deliver, is a legal term which denotes the transaction between the owner of an article and the person into whose possession he has put it for safe keeping or for some other temporary purpose. The extent to which legal recognition is given to the right to possess property, as distinguished from absolute ownership thereof, is the extent of the existing law of bailments. Broadly speaking, the more advanced the commercial development of a community, the more important is the institution of bailment.

In primitive communities possession and ownership are coextensive, since there is very little occasion for relinquishing possession except to transfer the entire ownership of the property. Accordingly in early times we have no law of bailments. Whatever rights are given to the possessor by custom or by law are against thieves. However, as soon as people begin to travel it is necessary for them either to dispose of their property by sale or to entrust it to another for safe keeping. It may be conjectured

that the earliest travelers combined both transactions into one; the transfer was regarded as a sale if the owner did not return and as a bailment if he did.

Of necessity the development of commerce increases the number of occasions upon which an owner must part with possession of his property for a temporary purpose. Innkeepers, warehousemen, carriers and pledgees have an origin coincident with the rise of travel and commerce. The law must thereupon begin to recognize the relations between bailor and bailee and to afford rights to each as against the other.

In most early systems of law the rights of the bailor against the bailee are absolute. One who has been entrusted with an object of value must hold it safely and return it on demand. There are no extenuating circumstances. It was so at the very early common law; it is so provided in the Twelve Tables; and even the book of *Exodus* contains the provision that a bailee is responsible to a bailor for the safe return of an object even "if it is stolen from him." We are told that the absolute liability of a bailee at common law is a procedural accident arising from the failure of the common law in its early stages to differentiate ownership from possession. An action against a wrongdoer who has stolen the object from, or injured it in, the possession of the bailee could not be brought by the bailor. Consequently the bailee, who alone could claim the protection of the law for the object in his possession, was answerable to the bailor. However, the presence of this liability in earlier systems of law would seem to throw some doubt upon this hypothesis.

The absolute liability of the bailee continued even after the bailor acquired the right to bring an action on his own behalf, largely because in law it frequently happens that rights and duties continue long after their causes have disappeared. Again, the rights of the bailee to sue the wrongdoer, which were originally the cause of his absolute liability to the bailor, have survived because of the argument that the bailee, being answerable to the bailor, must be entitled to an action against the wrongdoer.

Refinements of procedure, however, as well as absolute liability regardless of fault, are not appropriate to a later age when many types of bailments begin to make their appearance. In Roman law we soon see the original *depositum* (deposit for safe keeping) differentiated into several types: the *commodatum* (gratuitous loan), the *mandatum* (delivery to an agent) and the *pignus* (pledge).

In modern times even this somewhat extended classification is too simple to fit the new needs of an increasingly commercial society. As a result many new types of bailments are recognized. When a railroad company receives an object for transportation there is a point at which its position changes from that of a safekeeper to that of a common carrier. The bill of lading or the baggage check is now the emblem of the relation between the carrier and its customer. While the innkeeper is a bailee of very ancient origin, the warehouseman is a more modern one. In modern commerce one is constantly entrusting articles to others: to consignees; to carriers, private and public; to pledgees for security; to banks for special purposes; to agents, servants and employees; to executors, administrators and trustees; and so on through the whole gamut of modern commercial life. While the problems raised by these increasing types of bailment are to a large extent new, their solution could not help being affected by the history of the law. It was Lord Holt, in whose opinions we see the first traces of the fusion of the Law Merchant with the common law, who crystallized the common law of bailments in the celebrated decision of Coggs *v.* Barnard (2 Lord Raymond 1909), by introducing many of the notions of Roman law. In Rome this crystallization is an achievement of the *jus gentium*.

It is obvious that a modern bailee, be he borrower, pledgee or simply a safekeeper, should not be charged with liability beyond his culpability for loss or damage. Whether the primitive absolute liability of the bailee be explained as an accident of procedure or as a usual concept of early law, it has no place in a system of jurisprudence which aims to protect "the reasonable man" and surrounds his conduct with immunity. It was this new requirement which Lord Holt attempted to meet. He made negligent conduct the essential ingredient of the bailee's liability. To be sure, there are various degrees of negligence. Thus a gratuitous bailee is liable only in the event that he commits gross negligence and the borrower is liable for the "least neglect." In Roman law the *depositum* (our gratuitous bailment) imposed upon the bailee only the duty of answering for extreme negligence and in the case of the *commodatum* (our gratuitous loan) the *commodatarius* (borrower) must exert all the care of a prudent

paterfamilias. The same rules are to be found in the modern continental civil codes.

To some extent, however, the absolute liability of a bailee still lingers in the law. This is so in the case of special bailees whose business is said to be charged with a public interest and which had a very early origin in the law—common carriers and innkeepers. Lord Holt gives the reason for the rule in these words: " . . . this is a politick establishment, contrived by the policy of the law, for the safety of all persons, . . . that they may be safe in their ways of dealing; for else the carriers might have ways and opportunity of undoing all persons that had any dealings with them, by combining with thieves. . . ." The common carrier and the innkeeper were not important in Justinian's day and no such absolute liability is found in the *Digest* or the *Pandects*, but modern continental codes have recognized the rule as stated in Coggs *v.* Barnard.

In modern times most of the relations of bailment have been treated by statutes which have tempered the liability of the various bailees as well as that of innkeepers and carriers. The tendency has been to give greater effect to the agreement actually existing between the parties. Limitations of liability of the bailee are thus effectively created by contract, and even the carrier and the innkeeper are permitted to escape absolute liability by judicious provisions looking to the safeguard of individuals dealing with them.

MAURICE FINKELSTEIN

See: OWNERSHIP; POSSESSION; PROPERTY; AGENCY; NEGLIGENCE; LIABILITY; PAWNBROKING; HOTELS AND RESTAURANTS; BANK DEPOSITS; WAREHOUSING; COMMON CARRIER.

Consult: Pollock, F., and Maitland, F. W., *History of English Law*, 2 vols. (2nd ed. Cambridge, Eng. 1905) vol. ii, p. 151–83; Holmes, O. W., *The Common Law* (Boston 1881) ch. v; Story, Joseph, *Commentaries on the Law of Bailments* (9th ed. Boston 1878); Jones, William, *An Essay on the Law of Bailments* (4th ed. London 1833); Hübner, Rudolf, *Grundzüge des deutschen Privatrechts* (4th ed. Leipsic 1922), tr. by F. S. Philbrick as *A History of Germanic Private Law*, Continental Legal History series, vol. iv (Boston 1918) §§58, 77.

BAILY, FRANCIS (1774–1844), English astronomer and actuary. He developed an interest in life insurance and astronomy while he was a broker on the London Stock Exchange. In 1825, having amassed a considerable fortune, he retired from business and devoted the remainder of his life to his scientific interests.

Baily made important contributions to the study of life contingencies. His monumental treatise, *The Doctrine of Life-Annuities and Assurances Analytically Investigated*, served for many years as an authoritative text of actuarial essentials. He was the first to give the subject a symmetrical form of treatment and to introduce a uniform system of notation. He furnished extensive life tables based on those of Deparcieux and on the experience of Sweden. Moreover he attracted wide attention to the work of George Barrett who, independently of J. N. Tetens, invented the method of "commutation columns," a labor saving device in the preparation of life insurance and annuity tables from original mortality data. On several occasions Baily was consulted by parliamentary committees on questions of insurance, friendly societies and related subjects.

EDWIN W. KOPF

Important works: *Tables for the Purchasing and Renewing of Leases* (London 1802, 3rd ed. London 1812); *The Doctrine of Interest and Annuities* (London 1805, 2nd ed. London 1808); *The Doctrine of Life-Annuities and Assurances Analytically Investigated* (London 1810; enlarged ed. by H. Filipowski, 2 vols. London 1864–66), French tr. by Alfred de Courcy, 2 vols. (Paris 1836), German tr. by C. H. Schnuse (Weimar 1839); *Account of the Several Life-Assurance Companies in London* (London 1810, 2nd ed. London 1811).

BAIN, ALEXANDER (1818–1903), Scottish psychologist, logician and educator. He began his academic career by filling successively various lectureships in several British institutions. From 1860 to 1880 he was professor of logic at the University of Aberdeen, of which he was later twice elected rector. He was a founder of the journal, *Mind*, and until 1894 one of its frequent contributors.

Bain's work in psychology is generally considered the culmination of the English association school. He followed Hartley in emphasizing the role of the nervous system in mental activity and James Mill in employing the analytic method in dealing with mental phenomena, making full use of the advances in these branches of science since their times. He also revised the earlier statements of the laws of association, which he applied systematically to all mental phenomena. His most effective contribution to later psychology is his demonstration of the importance of motor phenomena and effort in mental life. Although he was a contemporary of Darwin and Spencer he did not incorporate their evolutionary doctrine into his work. On

this account his system of psychology had less influence upon later texts; but his general plan of treatment and special contributions had a marked influence upon William James and other subsequent writers.

Bain was early interested in the elaboration of the practise and philosophy of education and was widely influential in the adoption of new methods of teaching grammar and composition and in the raising of educational standards in north Scotland. Actively interested also in many social movements he wrote numerous pamphlets on political and social subjects.

HOWARD C. WARREN

Important works: *The Senses and the Intellect* (London 1855, 4th ed. 1894); *The Emotions and the Will* (London 1859, 4th ed. 1899); *Mental and Moral Science* (London 1868, 3rd ed. 1872), an abridgement of the two preceding works; *Logic* (London 1870); *Mind and Body* (London 1872, 11th ed. 1910); *Education as a Science* (London 1879, 4th ed. 1880). Bain also contributed many important notes to J. S. Mill's edition of James Mill's *Analysis of the Phenomena of the Human Mind* (London 1869).

Consult: Bain, Alexander, *Autobiography* (London 1904); Davidson, W. L., "Professor Bain's Philosophy" in *Mind*, n. s., vol. xiii (1904) 161–79; Warren, Howard C., *A History of the Association Psychology* (New York 1921) p. 104–17.

BAINES, EDWARD (1774–1848) and his son of the same name (1800–90), English journalists. The elder Baines was apprenticed to a printer in Preston at the age of sixteen and emulated the life of Benjamin Franklin. Settling in Leeds in 1795 he joined the Independents and in 1801 became proprietor of the Leeds *Mercury*, which, with the assistance of his son Edward, he raised to eminent influence in the political thought of northern England. In 1834, on Macaulay's departure to India, he was elected Liberal member of Parliament for Leeds and held the seat until 1841. An authoritative account of his career, *Life of Edward Baines* (London 1851, 2nd ed. London 1859), was prepared by his son.

The younger Baines at the age of eighteen assumed the editorship of his father's paper. Later he studied social questions both at home and on the continent. In a letter to the unemployed in 1826 he tried to discourage destruction of looms in Yorkshire and Lancashire by pointing out that the French competitors of the English textile industry were improving their machinery instead of destroying it. In his *History of the Cotton Manufacture in Great Britain* (London 1835), a temperate, well documented book, he admitted the evils of urban industry, but emphasized the national importance of the cotton manufacture and placed the hope for relief in the public spirit of the mill owners. In 1837 he founded the West Riding Union of Mechanics' Institutes and thereafter was a prominent leader in adult education in Yorkshire. He advocated total abstinence from alcohol, but did not propose prohibition of the liquor trade. He represented Leeds in Parliament as a Liberal, 1859–74. In later years he was chairman of Yorkshire College, now the University of Leeds.

Both father and son were representative of nonconformist liberal opinion in the north of England. They took an active part in the movement for the removal of civil disabilities of nonconformity. They supported Cobden and the Anti-Corn Law League because they identified the industrial prosperity of Britain with hopes of world peace. Like their contemporary, Samuel Smiles of Leeds, they prized individual initiative in self-culture. Both acknowledged, however reluctantly, the need for some degree of state action in the encouragement of education, but they regarded voluntary effort as essential to its permanent success; they were apprehensive of the ultimate effects of governmental restraints on courses of study and on the appointment of teachers. Both resented legislation which was likely in their day to reenforce the influence of the Church of England. Their writings show the curve of opinion in English individualistic philanthropy between 1820 and 1870: assent to the beginnings of parliamentary aid to popular education, extreme alarm in 1846 at Kay Shuttleworth's design for the enlargement of the educational responsibilities of the state, and later acquiescence in the inevitable extension of state action. The *Crosby Hall Lectures on Education* (London 1848) by the younger Baines, embodying the opinions of father and son, are a statement of the theory of extreme voluntaryism in the political philosophy of education. In 1868, however, Baines signed the recommendations of the Schools Inquiry Commission in favor of governmental inspection of endowed secondary schools and of powers of local taxation for secondary education for boys and girls in town and country.

MICHAEL E. SADLER

BAINES, JERVOISE ATHELSTANE (1847–1925), statistician of British India. Baines was educated at Rugby and at Trinity College, Cambridge, and in 1869 entered the Indian

Civil Service, in which he remained until 1895. In 1894–95 as secretary of Lord Brassey's opium commission he drafted its report. After returning to England to live in 1895 he devoted his time to various public activities, especially education. In 1909 he was elected president of the Royal Statistical Society. The numerous papers which he contributed to its journal during the last thirty years of his life reveal his wide interest in the social problems not only of India but of the empire as a whole.

Baines was preeminently a census maker. In the first synchronous census of India in 1881 he acted as superintendent for Bombay, achieving thereby a reputation which ten years later at the time of the second census led to his appointment as commissioner for the whole country. In this capacity he introduced an elaborate occupational census. According to the methods previously employed a Brahman might have been classified as a priest although he had never exercised a priestly function, and a member of the barber caste might have gone into the records as a barber even if he had derived his income from agriculture. Baines distinguished clearly between traditional occupation, as connoted by caste, and actual means of livelihood, and succeeded in enumerating for the first time all those who subsisted by each occupation. This work paved the way for the differentiation of dependents from actual workers, accomplished by the census of 1901.

G. FINDLAY SHIRRAS

Consult: Royal Statistical Society, *Journal*, vol. lxxxix (1926) 182–84.

BAIRD, HENRY CAREY (1825–1912), American publisher and economist. He was a disciple of his uncle, H. C. Carey, and most of his writings were devoted to the exposition of Carey's doctrines. Baird contended that material progress is achieved to the extent that men associate more intensively to complement each other's labors, and that the "unit of association" ought to be the nation. Accordingly he vigorously supported the protective tariff and urged the adoption of a currency system suited to national needs rather than to international standards. He was one of the founders of the Greenback party in 1874, argued against demonetization of silver and opposed the resumption of specie payments in 1879.

He wrote more than one hundred magazine articles and books on economic subjects. Perhaps the two most important of these are *Political Economy* (New York 1875), and *Carey and Two of His Recent Critics, Eugen v. Böhm-Bawerk and Alfred Marshall* (Philadelphia 1891).

A. D. H. KAPLAN

BAKER, GEORGE (1722–1809), British epidemiologist. Baker was the son of a Devonshire vicar and received his education at Cambridge. In 1761 he settled in London and began to practise medicine. In 1767 he read before the Royal College of Physicians his classic *Essay concerning the Cause of the Endemical Colic of Devonshire*, published in the same year in London (2nd ed. 1814). This is the first recorded instance in Britain of an epidemiological investigation carried out on strictly scientific lines, and is the more remarkable because it came at a time when the progress of medicine was hampered by tenaciously held prejudices. Cider drinking in the west of England had long been associated with the occurrence of abdominal colic. In 1703 Musgrave had attributed the colic to the effect of sharp cider and Huxham had noted its excessive incidence in 1724, when apples were particularly abundant. Baker observed that Huxham's description of the disease coincided with the symptomatology of painter's colic brought on by lead poisoning. It seemed to him unlikely that two causes so different in character should "make similar impressions on the human body." He noted further that the cider drinking counties bordering on Devonshire did not suffer from colic. This led to his preliminary conclusion that the cause of Devonshire colic was to be found "not in the pure cider but in some either fraudulent or accidental adulteration" which he suspected was lead. By a careful investigation of the methods of manufacture supplemented by chemical analysis of Devonshire cider Baker proved the presence of lead in the cider and traced its source to the action of the cider upon the lead fillings of the stone troughs in which the apples were ground. This condition of manufacture obtained in Devonshire and not in the surrounding counties. The presence in the cider of a sufficient amount of lead to cause the symptoms, together with the similarity of the disease to plumbism, led to the conclusion that Devonshire colic was lead poisoning. His contribution to science was recognized during his lifetime; he was made a Fellow of the Royal Society and was nine times elected president of the College of Physicians.

ARTHUR NEWSHOLME

BAKER, HARVEY HUMPHREY (1869–1915), pioneer in the adoption of modern procedure in the American juvenile court. As a college student he had interested himself in the problems of children, and in 1895, a year after his graduation from Harvard Law School, he became secretary of a Conference of the Child Helping Societies of Boston. In this capacity he edited a manual for use in cases of juvenile offenders. He was also an early president of the National Probation Association and of the Massachusetts State Conference of Charities and Corrections.

In 1906 Baker, who had for eleven years been successively clerk and special justice of the Municipal Court of Brookline, was appointed the first judge of the Boston Juvenile Court and served in this capacity until his death. Although he was not a creator in theory or in method, his achievement is remarkable in that he modified the traditional common law jurisprudence of Massachusetts to serve as a new instrumentality toward social justice. His administration was characterized by a dignified informality which made the child, not the offense, the core of the inquiry, but which did not preclude his bringing a profound legal knowledge to the solution of the problem; by his development of cooperation with private and public agencies in his treatment of both the child and his family; and by his scientific attitude in seeking out the causes for the offender's misbehavior. In his judicial capacity Baker never departed from the idea of parental responsibility for the child's conduct and for this reason he held evening sessions for the convenience of working parents. He visited institutions and, to a degree rare among judges, knew the facts and conditions of the life from which his cases came. He was among the first of the children's judges to turn to science for aid and was a supporter of the newly created Boston Psychopathic Hospital. Genuine ability in research is shown in his *Review of the First Five Years of the Boston Juvenile Court* (included, with other material on Baker and the court, in *Harvey Humphrey Baker, Upbuilder of the Juvenile Court*, publication no. 1 of the Judge Baker Foundation, Boston 1920). The ideal which he sought was the creation of a clinic for the scientific study of the problems of child delinquency; after his death the Judge Baker Foundation was established for the purpose of carrying out this ideal on a large scale.

MIRIAM VAN WATERS

BAKEWELL, ROBERT (1725–95), English agricultural innovator who revolutionized the art of stock breeding. Bakewell, a practical farmer, had been in virtual control for five years before succeeding his father as occupant of the farm in Leicestershire in 1760. Before his day cattle were valued as draft oxen or as milkers, and sheep were kept for their wool or as manure carriers. Length of limb and largeness of bone were prized in animals that drew the plow through stiff clay or roamed for miles in search of food. Tall, wall sided cattle and lean, leggy sheep were the unpromising material on which Bakewell began his work. His object was to perpetuate a breed of animals which weighed heaviest in the best joints and most quickly repaid the cost of the food that they consumed. For this purpose he concentrated on compactness of form, smallness of bone, propensity to fatten and early maturity. Hitherto breeding had been understood to mean the mixture of two breeds one of which was relatively inferior. Bakewell adopted the new principle of breeding in-and-in, using animals not merely of the same native type but of the same family. The singular success of his experiments drew the praise of Arthur Young and of important visitors from the continent, although he himself was most secretive about his methods. The effect of his innovations was to provide better and more abundant meat for millions at a time when no foreign country could supply the means of feeding the vast new centers of industry and commerce. His improvements in the grazier's art, applied both to the "New Leicesters" sheep and to cattle, added a new impulse to the progress of enclosures. Together with the other four great figures of the agricultural revolution in the eighteenth century he paved the way for the industrial revolution which followed.

ERNLE

Consult: Ernle, Lord (Prothero, R. E.), *English Farming, Past and Present* (4th ed. London 1927).

BAKING INDUSTRY. *See* FOOD INDUSTRIES.

BAKUNIN, MICHAEL (1814–76), anarchist, thinker and propagandist. He was the son of a Russian aristocrat of eighteenth century liberal culture, and early renounced a military career in favor of philosophical studies at the universities of Moscow and Berlin. In the years 1841–46 he was much impressed by Arnold Ruge's radical Hegelianism and Feuerbach's philosophical humanism as well as by Weitling's com-

munism, by early Marxism and Proudhon's anarchism. In the next phase of his career, covering the period 1847–63, he was preoccupied with the plan of an anti-czarist federation of various Slavic nations designed to effect their national emancipation. Implicated in the Dresden uprising of 1849 he was sentenced to death by the Saxon government, turned over to the Austrian government, and coming finally into the hands of the Russian authorities, suffered imprisonment in a fortress dungeon and exile in Siberia, whence he escaped in 1861. Making his way to Italy, Bakunin organized in 1864 a secret international brotherhood known later as the International Alliance of Social Democracy; it gathered adherents in Italy, Spain, Russia and, through the Jura Federation, Switzerland. In 1868 he joined the First International, but the followers of Marx and the moderates opposed Bakunin's revolutionary doctrines and from time to time expressed lack of confidence in his character. After the resulting split in the International (1872) the Bakuninists continued as a separate organization; Bakunin retired from the movement in 1874 after the abortive Bologna insurrection.

Bakunin's forceful personality developed first in the family circle, where he rebelled against parental authority, and later in the society of radical youth. His stormy career, which brought him into contact with militant activist individuals, further accentuated his early traits. Throughout his life he was the center of many controversies, in some of which even his personal integrity was questioned. At present, however, so many personal records, memoirs of his contemporaries and official documents (including the "confession" made by Bakunin during his Russian imprisonment) are available that almost all details and disputed points are cleared up.

Recent investigations show that Bakunin was a thinker of wide range and lasting influence. The central elements of his thought were aspiration for complete freedom in all spheres—intellectual, political, social, moral—and belief in the natural solidarity of men. At first he sought the realization of these ideals in religious fervor, in spiritual union with God. He shifted later to the ideal of brotherhood of man based on philosophical enlightenment. After the forties he felt that his aims could be achieved only by complete destruction of the present social and political order and of the mentality which it upheld, and by the substitution of "federalism, socialism and anti-theologism" or, in the later phrase, of "anarchism, collectivism and atheism." According to Bakunin, in place of the state which would be destroyed there would arise a free federation of autonomous associations enjoying the right of secession. The new order would guarantee complete personal freedom and would provide equal opportunities for all to enjoy free secular education and the full product of their labor. This transformation would be accomplished by means of a universal rebellion inspired and initiated by small secret groups with a coordinating center. Bakunin, who could always dominate small circles by the sheer force of his personality, did not perceive that the last proposition was a rationalization of the method of agitation natural to him and was open to criticism as wanting in respect for the freedom of others. In practise, however, it led to the establishment for the first time of organized anarchist propaganda.

MAX NETTLAU

Works: No complete edition of Bakunin's works is available. There exist selected editions in French (*Oeuvres*, 6 vols., ed. by James Guillaume, Paris 1895–1913), German (*Gesammelte Werke*, 3 vols., ed. by Max Nettlau, Berlin 1921–24) and Spanish (*Obras completas*, 5 vols., Buenos Aires 1924–29); they overlap only in part.

Consult: Nettlau, Max, *Michael Bakunin*, 3 vols. (reproduced by autocopyist, London 1896–1900), and *Der Anarchismus von Proudhon zu Kropotkin*, Beiträge zur Geschichte des Sozialismus, Syndikalismus, Anarchismus series, vol. iii (Berlin 1927) chs. ii–xii; Kornilov, A. A., *Molodie godi Mikhaila Bakunina* (The youth of Michael Bakunin) (Moscow 1915), and *Godi stranstviya Mikhaila Bakunina* (The wander years of Michael Bakunin) (Leningrad 1925); Polonsky, Vyacheslav, *M. A. Bakunin*, vol. i (2nd ed. Moscow 1925), in Russian, covering the period to 1861; Brupbacher, Fritz, *Marx und Bakunin* (Munich 1913); Guillaume, James, *L'internationale*, 4 vols. (Paris 1905–10).

BALAKSHIN, ALEXANDER NIKOLAYEVICH (1844–1921), pioneer in dairy cooperation in Siberia. He was the son of a merchant in Tomsk and studied for a time at the University of Kazan. In 1902 he was appointed president of a commission established by the Witte-Ermolov government to study the possibilities of cooperation as a means of developing the dairy industry. Interest in this field had been stimulated by the completion of the Trans-Siberian railway, which made feasible the transportation of Siberian dairy products to European Russia and other countries. Balakshin encouraged the organization of new cooperatives and assisted

them in the early stages of their development. Within five years nearly three hundred cooperative societies were established, with a combined membership of over fifty thousand. In 1907 Balakshin established the Union of Siberian Creamery Associations in Kurgan, which replaced the government commission and thus achieved cooperative autonomy. This organization included not only the dairy cooperatives but also purchasing societies and consumers' societies. In the following decade, 1908–18, the number of affiliated dairy cooperatives increased to 2000, the exports were multiplied thirty-six fold and export agencies were established in Boston, New York and London. Balakshin remained at the head of the union throughout this entire period. The success of his enterprise made him an important figure not only in the field of dairy cooperation but in the general cooperative movement in Russia as well.

V. TOTOMIANZ

Consult: Kayden, E. M., and Antsiferov, A. N., *Cooperative Movement in Russia during the War*, Carnegie Endowment for International Peace, Division of Economics and History, Economic and Social History of the World War, Russian series (New Haven 1929) p. 385–91.

BALANCE OF POWER is a phrase current in discussions of international relations. It means such a "just equilibrium" in power among the members of the family of nations as will prevent any one of them from becoming sufficiently strong to enforce its will upon the others. As an obvious maxim of common sense in politics it was advocated and applied among the ancients and again in modern times during the past four centuries.

As Hume pointed out in his essay "On the Balance of Power" (*Essays*, vol. ii, no. 7) the principle was familiar to both the political theorists and the practical statesmen among the ancients. It inspired the league which was formed against the growing domination of Athens and which produced the Peloponnesian War. After the decline of Athens, when the Thebans and the Lacedaemonians disputed for hegemony, the Athenians in turn always threw themselves into the lighter scale in their endeavor to preserve the balance. Upon the rise of Macedon, Demosthenes exhorted the other Greek states to join together for their own self-preservation against the imperial ambitions of Philip and Alexander.

Similarly Hiero of Syracuse sought to maintain a balance and check against the rising power of Rome by sending assistance to the Carthaginians. He rightly concluded, as Polybius points out (lib. i, cap. 83), that to retain his own power in Sicily, Carthage must be supported, "lest by its fall the remaining [Roman] Power should be able, without let or hindrance, to execute every purpose and undertaking. And here he acted with great wisdom and prudence, for that is never on any account to be overlooked; nor ought such a force ever to be thrown into one hand, as to incapacitate the neighbouring States from defending their rights against it" (as quoted by Phillimore, vol. i, p. 576). This is the classical statement of the essential principle of balance of power.

With the establishment of overwhelming dominion successively by Macedon, Rome, Charlemagne and the Holy Roman Empire, balance of power vanished from Europe as a practical principle. It did not reappear until the Renaissance and the rise of modern national states. The Medici and the other Italian princes sought to secure an equilibrium between themselves, and between the Spanish, French and German kings who attempted to interfere in Italian politics.

In the sixteenth century the enormous territorial possessions of the Emperor Charles V rendered him so powerful that a natural apprehension was felt by the other states of Europe. Francis I therefore took upon himself the task of adjusting the equilibrium of power in Europe by making a treaty of alliance with the infidel Turk—to the great scandal of Christian Europe —and by constituting himself the friend or protector of the minor German states. In this enterprise he was assisted by Henry VIII of England. The preservation of this balance against the danger of Hapsburg hegemony was later one of the main motives which caused so many states to take part in the Thirty Years' War. By the Treaty of Westphalia at its close (1648), arrangements were made which were intended to interpose an effectual barrier against the undue preponderance of the House of Hapsburg, and thereby to secure the equilibrium and peace of Europe.

During the next half century France in turn was lifted to a position of threatening preponderance through the ruthless ambitions of Louis XIV. There resulted a new series of wars and treaties in which her apprehensive neighbors, led by Holland and England, sought to establish a new balance of power. Many writers, like Fénelon, and practical statesmen generally

were becoming more strongly convinced of the need of establishing firmly in Europe a true balance of power (*équilibre européen* or *europäisches Gleichgewicht*). Accordingly in the Peace of Utrecht (1713) various arrangements were made, including the division of the Spanish inheritance between the Hapsburg and Bourbon dynasties, with the expressly stated purpose *ad conservandum in Europa equilibrium*. During the next two hundred years, from the Peace of Utrecht until the World War, many of the most important treaties, as has been pointed out at length by Phillimore (vol. i, pt. iv, §§403–06), were likewise designed to set up or preserve the balance of power against the overwhelming domination of any one state or combination of states.

The prevailing view of this concept was ably set forth by Fénelon in his "Supplément à l'examen de conscience sur les devoirs de la royauté," written toward the close of Louis XIV's reign for the instruction of the king's grandson, the Duke of Burgundy. Neighboring states, in their own interest as well as for their common good, ought to form a kind of family of nations. The strongest will in the long run tend to prevail over the others and overthrow them, unless they unite to establish a balance. "To hinder one's neighbor from becoming too strong is not to do harm; it is to guarantee one's self and one's neighbors from subjection; in a word, it is to work for liberty, tranquillity, and public safety; because the aggrandizement of one nation beyond a certain limit changes the general system of all nations connected with it. . . . The excessive aggrandizement of one may mean the ruin and subjection of all the other neighbors. . . . This attention to the maintenance of a kind of equality and equilibrium between neighboring states is what assures peace for all" (*Oeuvres*, vol. iii, Paris 1835, p. 361). Hence the necessity for defensive alliances, and also under certain circumstances for offensive alliances.

The principle of the balance of power as stated by Fénelon remained popular until the World War. Not only was it frequently cited by writers on international law as "an indispensable condition of the very existence of International Law" (Oppenheim, L. F., *International Law*, vol. i, sect. 2, §136), inasmuch as there were no superjudges, superpolice or superstate to declare and enforce international justice otherwise, but rulers and statesmen also pointed to it as justification for their actions. Nicholas II on August 2, 1914, justifying the Russian general mobilization and referring to the German declaration of war on Russia, telegraphed to George V: "Object of that action [the Austrian ultimatum] to Servia was to crush Servia and make her a vassal of Austria. Effect of this would have been to upset balance of power in Balkans, which is of such vital interest to my Empire as well as to those Powers who desire maintenance of the balance of power in Europe. . . . I trust your country will not fail to support France and Russia in fighting to maintain balance of power in Europe" (*British Documents*, vol. xi, p. 276).

The most important British foreign secretary of the past half century has declared, curiously enough: "I have never, so far as I recollect, used the phrase 'Balance of Power.' I have often deliberately avoided the use of it, and I have never consciously set it before me as something to be pursued, attained and preserved" (Grey, Edward, *Twenty-five Years, (1892–1916)*, 2 vols., London 1925, vol. i, p. 5). This post-war declaration of Sir Edward Grey's may be taken as foreshadowing the better view at present prevailing among the ablest statesmen, rather than as expressing England's actual policy in the past. England as a matter of fact, perhaps more than any other European state, has been deeply concerned with the preservation of the balance of power. She has formed the backbone of the successive coalitions which prevented in turn excessive domination by Charles V, Philip II, Louis XIV, Napoleon and Wilhelm II. As was correctly stated in an influential secret memorandum of January 1, 1907, by Sir Edward Grey's senior clerk, Mr. Eyre Crowe: "History shows that the danger threatening the independence of this or that nation has generally arisen, at least in part, out of the momentary predominance of a neighbouring State at once militarily powerful, economically efficient, and ambitious to extend its frontiers or spread its influence, the danger being directly proportionate to the degree of its power and efficiency, and to the spontaneity or 'inevitableness' of its ambitions. The only check on the abuse of political predominance derived from such a position has always consisted in the opposition of an equally formidable rival, or of a combination of several countries forming leagues of defense. The equilibrium established by such a grouping of forces is technically known as the Balance of Power, and it has become almost a historical truism to identify England's secular policy with the maintenance of this balance by throwing her weight now in this scale and now in that, but

ever on the side opposed to the political dictatorship of the strongest single State or group at a given time" (*British Documents*, vol. iii, p. 403).

A balance of power aims primarily to preserve peace and the status quo. It presupposes for its success a static condition in nations. But herein lies its fundamental weakness. Nations are almost never static; some are growing, others declining. Equilibrium between them is therefore unstable and is affected by a great variety of factors.

Perhaps the most important factor influencing the balance of power is the possession of territory, implying as it does a definite area in the division of the world, the possession of certain natural resources and a population more or less capable of self-defense or aggression. Changes may take place in the political organization of a definite territorial area which may greatly alter its influence on the international equilibrium. The Italian peninsula, formerly divided into a dozen small political units, counted for little in the European balance of power before 1870, but political unification into the Kingdom of Italy made of this same territorial area a strong factor in the *équilibre européen*. The same is even more true of the transformation of Germany from a loose confederation of some three hundred heterogeneous political units, weakened by the rivalry between Prussia and Austria-Hungary, into a strong German Empire from which Austria-Hungary had been excluded

Armaments are another important factor. In the eighteenth century, when armies were largely professional or mercenary, a small state might have an army so efficient and so large in proportion to its territory as to secure to it an altogether disproportionately large influence in the European balance. This, for example, was the case of Prussia under Frederick the Great. But in the nineteenth century, with the general adoption in continental Europe of the system of universal military service, the military weight of a state in the European balance was necessarily more nearly proportioned to the size of the population. Yet it was by no means directly so proportioned. It is estimated that France, in the two decades before 1914, trained approximately 82 percent of her young men liable for military service, Germany approximately 55 percent and Russia a very much smaller percentage (Montgelas, M., *The Case for the Central Powers*, New York 1925, p. 107). Armament strength, however, depends not merely on man power but also on efficiency, equipment, natural resources, morale—factors in which Germany excelled. Moreover a country may adopt or develop a new form of armament, greatly altering thereby its weight in the international balance, as when Germany, for instance, created a strong navy in addition to her strong army.

Population is an important factor because it forms the essential basis of the fighting force of a country and of its economic productivity. But the rate of increase of population varies greatly from country to country and from generation to generation even within the same country. It is to be remembered also that in estimating armament strength this population factor lags a quarter of a century or so behindhand; that is, the theoretical proportion between the men capable of military service in France and in Germany, for instance, immediately prior to the World War is not the proportion between 39,000,000 people in France and 66,000,000 in Germany in 1914, but that between the respective populations in the 1890's (roughly 38,500,000 and 55,000,000) when the men were born who would be of an age to bear arms in 1914.

Economic expansion and colonial power must also be reckoned as considerably affecting the balance of power. In modern times colonies furnish no small part of the food, rubber, oil, copper and other resources for war, as well as much of the economic strength of the mother country. They may also furnish some of the actual fighting forces in case of war, as did the British and French colonial troops in the World War. This was not nearly so patent or important in the age of Louis XIV as at the opening of the twentieth century. Consequently it is not surprising that when the balance of power was fixed in the Peace of Utrecht, England's great economic expansion and colonial preponderance were rather neglected. But in the half century before 1914 such factors were more clearly recognized. With the diminution of unappropriated colonial areas and with the entrance of Germany and Italy into the colonial race after the completion of their political unification at home, the realization of the importance of colonial possessions gave a new intensity to economic and colonial rivalry. Even in these matters the Great Powers sought to bring about a certain balance, as in the treaties for the partition of Africa, for spheres of influence in China and the Middle East and in agreements to maintain the "open door" policy.

The element of chance involved in the uncertain and unforeseeable character of monarchs must also be taken into account, although it has been less important during the last century, with the general introduction of parliamentary government. A timid Frederick William I of Prussia may be followed by a Frederick the Great, a well meaning but incompetent Louis XVI by an adventurous and exceedingly competent Napoleon I, a Bismarck and Wilhelm I by a Wilhelm II with Bülow and Bethmann-Hollweg. Dynastic somersaults such as these may deeply affect the international equilibrium.

Because of the wide variability of all these forces the balance of power policy, based on the false premise of static conditions, has never achieved a satisfactory equilibrium for any long period of years and has signally failed in its purpose of preserving peace and the status quo or even of preventing states or groups of states from imposing their will upon others. Any international system to be successful in the long run must take cognizance of the inevitable factor of growth and change. In fact Lecky, in his *History of England in the Eighteenth Century*, goes so far as to say: "The belief that no State should be suffered to add anything to its territory without a corresponding adjustment of the frontier of its neighbours, or even of distant States, has done much more to subvert than to promote the security of Europe, and it has produced far more warfare than it has prevented" (vol. vi, 1893, p. 95–96). Temporarily a balance of power, buttressed by a system of alliances, may succeed in keeping the world in a nervous state of armed "peace," in which one group of powers not only is afraid to attack another group but also stands in constant fear of being itself attacked. But it is a principle based not upon justice but upon expediency and force. It creates universal fears and jealousies and there is no satisfactory way of determining when a real equilibrium has been reached; each group is likely to fear that the opposing group weighs heavier in the balance and therefore to look for the first opportunity to redress the balance in its own favor. If it occasionally prevents small wars it makes war more general and devastating when it does come.

In the eighteenth century the four Great Powers and their satellites were relatively well balanced, but this did not prevent wars over the Polish, Austrian and Bavarian successions. In fact the principle of balance was rather a contributing cause of these wars. It was also responsible to some extent for the partitions of Poland—flagrant violations of international justice designed to give equivalent compensation to the interested parties. The coalitions of Old Europe were unable to effect a successful balance for a quarter of a century against revolutionary France and the genius of Napoleon. The settlements of the Congress of Vienna were dictated mainly by the old doctrine of the balance of power and the policy of erecting barriers against a new French outbreak. But they were made in blind oblivion of the dynamic nationalism of the new post-revolutionary age, which caused wars in Italy, Germany and the Balkans and completely upset the settlements of the Congress of Vienna. After 1894 the Franco-Russian Alliance established a sufficiently satisfactory balance against the Triple Alliance to prevent either group from risking a decision by war. But the close friendship of England with France after 1904 and with Russia after 1907 caused Germany and Austria to fear that the Triple Entente overbalanced the Triple Alliance. Yet at the same time there were men in the Triple Entente who feared that the balance inclined in favor of the Central Powers; a good deal depended on which group should secure a dominant influence in Turkey and the Balkans, where unsuccessful attempts had been made to establish a little local balance between the minor powers. This uncertainty as to which nations the European balance really favored kept Europe in a perpetual state of suspicion and nervousness, caused alarming increases of armaments and made it very likely that a local war would develop into a general European or even a world war.

With the realization of these difficulties the old balance of power doctrine, which tended to group states in hostile combinations and rested on force rather than on justice, has now fallen into general discredit. The League of Nations, on the other hand, tends to group all states in a position of theoretical equality (with due allowance for the Great Powers) and at the same time to provide a machinery which will unite the great majority in checking aggression against any one of the League members. This theory is not perfectly executed in practise, nor has the "League idea" wholly supplanted the old doctrine. The League itself for some years was to a certain extent a continuation of the combination formed to prevent German hegemony. The Treaty of Versailles was accompanied by the Treaty of Guarantee by which England and the

United States undertook to come to the assistance of France. France, by opposing the union of Austria with Germany and by making treaties with states on the far side of Germany, has sought to build up a strong balance against her late enemy. But on the whole, especially since the Locarno pacts, it may be said that the League idea has gone a long way toward displacing the principle of the balance of power as a means of preserving peace and the status quo.

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See: CONCERT OF POWERS; ALLIANCE; AGGRESSION, INTERNATIONAL; IMPERIALISM; WAR; AGREEMENTS, INTERNATIONAL; LEAGUE OF NATIONS; OUTLAWRY OF WAR.

Consult: Dupuis, Charles, *Le principe d'équilibre et le concert européen* (Paris 1909); Donnadieu, Léonce, *La théorie de l'équilibre* (Paris 1900); Stieglitz, Alexandre de, *De l'équilibre politique du légitimisme et du principe des nationalités*, 3 vols. (Paris 1894) pt. i; Höijer, Olof, *La théorie de l'équilibre et le droit des gens* (Paris 1917); Nys, Ernest, "La théorie de l'équilibre européen" in *Revue de droit international et de législation comparée*, vol. xxv (1893) 34–57; Kaeber, E., *Die Idee des europäischen Gleichgewichts in der publizistischen Literatur vom 16. bis zur Mitte des 18. Jahrhunderts* (Berlin 1907); Phillimore, Robert, *Commentaries upon International Law*, 4 vols. (3rd ed. London 1879–89) vol. i, p. 574–614; Fay, S. B., *The Origins of the World War*, 2 vols. (New York 1928).

BALANCE OF TRADE.

HISTORY OF DOCTRINE. Until early in the seventeenth century the main economic objective of English commercial policy was to maintain English currency at the proclaimed rates of exchange with foreign coins and to augment the national stock of coin and bullion. In pursuit of this policy there was developed, beginning with the thirteenth century, a complex system of regulations, the "bullionist" system. It attempted to prevent an excess of English purchase of foreign goods over the sale of English goods to foreigners by regulating each individual transaction. Richard Jones called it the "balance-of-bargain system," to distinguish it from the later emphasis on the general or total balance of trade ("Primitive Political Economy of England" in *Edinburgh Review*, vol. lxxxv, 1847, p. 426–52; reprinted in Jones, Richard, *Literary Remains*, London 1859, p. 293–335).

During the sixteenth century the pressure of the growing commercial interests especially of the Merchant Adventurers, against the restrictions which hampered their activities forced the repeal or non-enforcement of much of the bullionist legislation. By 1600 only the prohibitions of the export of coin and bullion remained, and even they were being nullified by extensive smuggling. However, the old system continued to have strong supporters. They charged the Merchant Adventurers with draining England of its bullion through their operations in bills of exchange, and urged the revival of the office of King's Exchanger to regulate such transactions. They attacked even more vigorously the East India Company, which had been given by its charter in 1600 the right to export substantial amounts of bullion. To meet these criticisms the spokesmen of the Merchant Adventurers, such as Misselden (*The Circle of Commerce: or the Balance of Trade*, London 1623), and of the East India Company, such as Mun (*A Discourse of Trade*, London 1621; *England's Treasure by Forraign Trade*, written about 1628, published posthumously, London 1664), developed the general balance of trade theory. They were the first to insist that commercial policy should be concerned primarily with the promotion of an export surplus by regulations which would encourage exports in the mass and restrict imports in the mass. They maintained that this was preferable to the bullionist policy of direct interference with the individual transactions and of arbitrary control over exchange rates. They did much to give the balance of trade concept general currency as the measure of a vital aspect of the country's economic status.

Mun's *England's Treasure by Forraign Trade* contains the fullest and best statement of the early balance of trade doctrine. A country without mines can ordinarily secure coin and bullion (i.e. "treasure") only through foreign trade by having an excess of exports over imports. The king must accumulate treasure against emergencies, and the annual excess of exports over imports sets the maximum limit to the additions which the king can make to his treasure without encroaching on the amount available for his subjects. Trade with a particular country is not to be condemned if it results directly in an excess of imports over exports, provided it gives rise indirectly to a profitable reexport trade with other countries. The restrictions on the export of bullion are futile where the balance would be directly or indirectly favorable, and otherwise are harmful through their injury to trade. The proper method of promoting a favorable balance of trade is to place restrictions on the consumption of foreign goods and to encourage frugality in the consumption of exportable domestic goods.

Later writers, with rare exceptions, followed

Misselden and Mun in their criticism of bullionist restrictions. However, it was not until 1663 that the restrictions on the export of bullion and foreign coin were finally repealed and not until 1819 that English coin could be freely exported.

Following Mun the exponents of the balance of trade theory endeavored to strengthen the argument for the importance of an indefinite accumulation of coin and bullion, because it had lost some of its axiomatic character as a result of the development of clearer notions regarding the nature and functions of money. Their principal argument was based on an analogy with personal finance: since an individual could get rich only by spending less than his income, so also a nation could get rich only if it spent (imported) less than it sold (exported). This analogy, dating from Elizabeth's time and used by Mun and later writers, was criticized by Barbon and was first effectively exposed as fallacious by Adam Smith. Closely related was the argument that internal production and domestic commerce add nothing to a country's wealth unless they result in an excess of exports over imports.

Still another argument for the importance of a favorable balance of trade was the need of accumulating state treasure for war emergencies. But when the establishment of the Bank of England, the general improvement in credit facilities and the development of a more productive and elastic taxation system were making England's reliance upon state treasure less necessary, this argument appeared in a new form. This was the belief in the mutual dependence of the political and military "balance of power" and the economic balance of trade. This notion was based on the realization of the importance of economic strength for success in expensive warfare and on the confusion between national wealth and national monetary stock. It was first clearly formulated by Harrington (*Commonwealth of Oceana*, London 1656) but was stressed by many other writers.

"Scarcity of money" was a recurrent complaint, for which a favorable balance of trade was regarded as the only adequate remedy. But as even Mun had pointed out, complaint of this "evil" is chronic. To some of the writers scarcity of money signified low prices; to others high prices, since money is scarce in relation to prices demanded for goods. Most of the later writers, however, were really complaining about the scarcity of capital as shown by the high rate of interest. Many others, assuming that more money meant more trade, had also stressed the importance of increasing the amount of money in circulation in order to stimulate trade, although Mun had stated, without apparently seeing its significance for the rest of his argument, that more money meant higher prices and therefore less trade.

It was not until a late stage in its development that the balance of trade doctrine became closely associated with the doctrine of protection of domestic industry against foreign competition. During the bullionist period the customs duties were levied primarily for fiscal and sumptuary purposes or for reasons of foreign policy. Protection of domestic industries first became a prominent objective of customs policy in the customs reorganization of 1608–16, and the customs were not systematically overhauled so as to eliminate all provisions in drastic conflict with the protectionist principle until Walpole's "reform" of 1721. The early balance of trade writers, like Misselden and Mun, and many of the later ones were merchants more interested in freeing commerce from restrictions than in supporting a new type of restriction in the interests of other economic groups. In the second half of the seventeenth century, however, many of the writers who urged the importance of a favorable balance of trade payable in money also supported protectionist measures in the interest of domestic industries. In most cases they did not explicitly connect the two doctrines, and where such connection was made it was simply by arguing that restrictions on imports of manufactures in the interest of domestic industries would also operate to make the trade balance favorable. Instances are to be found of adherence to the balance of trade theory together with attacks upon all restraints of trade for protectionist or other reasons and, on the other hand, of the acceptance of protectionist measures by writers who rejected the balance of trade doctrine. But during the first half of the eighteenth century these two doctrines were definitely associated through the doctrine of a favorable "balance of employment." An excess of exports over imports was desirable because it indicated an excess of employment of English labor as represented by the exports over loss of employment of English labor resulting from the imports. Duties on, and prohibitions of, importation of manufactured goods and restriction of the export of raw materials were justified, therefore, because they tended to produce a favorable balance of employment. Decker (*Essay*

on the Causes of Decline of the Foreign Trade, London 1744), however, used the balance of trade theory as an argument for freer trade, on the ground that free trade would promote a favorable balance of trade. In general the more enlightened writers from about 1675 to 1750 approached the free trade position without abandoning the balance of trade doctrine.

On its monetary side the balance of trade theory received its definite refutation at the hands of Hume (*Political Discourses*, Edinburgh 1752). He employed the doctrine, enunciated previously by others, that an automatic and self-regulating mechanism effects a distribution of the precious metals throughout the world in response to changes in price levels. Reasoning from it he was the first to demonstrate the futility of attempts to maintain a continuously favorable balance of trade.

Adam Smith completed the refutation of the theory by systematizing and presenting more effectively most of the arguments of his predecessors. He ridiculed the identification of money and wealth, which he attributed with some exaggeration to the mercantilists; money had no importance except as an instrument of commerce; every country automatically got the amount of money it needed and could not retain more than that amount; treasure was no longer adequate or important for the financing of a costly war; and most important of all, whether a country is growing richer or poorer does not depend upon the balance of trade but upon "the balance of annual produce and consumption." A favorable balance of production over consumption can exist in a country entirely separated from the rest of the world and "may be constantly in favor of a nation, though what is called the balance of trade be generally against it."

Before Hume and Smith demolished the whole balance of trade doctrine, writers had continued to examine separately England's trade with each country and to condemn particular trades which resulted in unfavorable balances. The only criticism raised against this emphasis on particular balances, especially by the spokesmen for the East India Company, was along the lines of Mun's argument that if a particular trade resulted directly in an unfavorable balance it should nevertheless not be condemned if it was instrumental in bringing about a reexport trade sufficient to offset this balance. Until the establishment of free trade in the nineteenth century, government policy continued to discriminate between the various trading interests within the country and between the trade with different countries, according to the character of the balances in which they resulted.

The theory was imported into the continent from England and passed through a similar development there. It was largely through the influence of Hume and the physiocrats that the theory was first seriously questioned. While in England no important writer after the publication of the *Wealth of Nations* continued to adhere to the doctrine, it survived much longer on the continent and has not yet been as thoroughly eradicated from continental as from English economic thought. Among nineteenth century economists of some repute it was an American, Henry Carey (*Principles of Social Science*, 3 vols., Philadelphia 1858–59, especially vol. ii, chs. xxxi–xxxii), who adhered most stubbornly to the doctrine and who most emphatically and explicitly rejected the criticisms of Hume and Smith. It still has a strong hold on popular thought and on official policy, especially as an argument for protection. Most economic historians who have dealt with the mercantilist period have shown tendencies to minimize the extent of its error and to find justification for its popularity during its period of predominance, largely on the basis of sympathy with its protectionist implications, failing fully to realize the extent of its inconsistency with modern monetary and international trade theories.

COMPUTATION OF THE BALANCES. The first statistical sources for foreign trade, the early English customs house rolls, recorded only the physical quantities of exports and imports. Beginning with 1615, estimates of the trade balance were made by government officials on the basis of these records, the duties collected and the rates. Mun and Misselden accepted this method although they recognized that it was subject to error. Later writers, however, maintained that the customs data were too inaccurate and incomplete to provide an adequate basis for computing the trade balance. Proposals to use exchange rates as a test of the state of balance were also criticized. It was pointed out that they were subject to temporary fluctuations and that the range of fluctuations set by the gold points varied with exchange rates of different countries. The use of figures for English mintage of coin as a test was found inadequate because this method failed to take account of the free circulation of foreign coin in England

and of the melting of coin for export. It was the moderate mercantilists who threw doubt on the adequacy of the current tests of the state of the balance in order to meet the arguments of the extremists who, on the basis of pessimistic estimates of the balance, were urging a stricter regulation of foreign trade.

In England annual statistics of the total quantities of exports and imports were first presented to Parliament in 1663 and statistics of the trade with particular countries in 1697. On the continent such information was kept secret as a matter of policy until much later. In England reliable trade statistics, computed from actual valuations of the exports and imports, were not compiled until late in the nineteenth century; they are of recent origin in most countries. Even today official trade statistics must be employed with caution because of the use of arbitrary official values, undervaluations by importers, smuggling, omissions of certain items, variation between countries in the use of foreign or of delivered values for imports, and similar factors.

The primary objective of the mercantilists in computing the balance of trade was to ascertain the net movement of specie, which could not be measured directly because of the prevalence of smuggling. A computation of the commodity balance of trade was obviously insufficient for this purpose. Although they are often charged with failure to realize this, they were well aware of the incompleteness of these computations. Thus Misselden mentioned gains from the fisheries and shipping freights and Mun listed freights, military expenditures abroad, remittances to Rome, travelers' expenses abroad and similar items which he thought necessary to include in computing the balance. Later writers added other items not accounted for in the trade returns. The general balance of transactions, including what later came to be known as the "invisible items," was called by Sir James Steuart (1767) the "balance of payments" and by Adam Smith the "state of debt and credit."

As Goschen pointed out, the balance useful in explaining the causes, direction and extent of specie movements is really a balance of immediate liabilities to payment, or a balance of matured indebtedness; this Goschen proposed to call the "balance of indebtedness." The computation should include only current and past transactions involving immediate and honored liabilities to pay or claims to receive payment; specie transactions themselves were excluded or included as the balancing item This is the only balance to which the term balance of payments can be appropriately applied. With the growth of international movements of capital in recent years interest has centered largely on the computation of balances which would show the net changes from year to year in a country's outstanding indebtedness to or from the outside world. This balance is most appropriately called the balance of indebtedness, although it is now commonly termed balance of payments.

To ascertain the annual balance of payments or the net movement inward or outward of specie it is necessary to set the debit or outward items against the credit or inward items. All transactions, past or current, which gave rise to honored obligations to make outward cash payments during the unit year should be listed as debits. These include imports payable during the unit period; cash purchases of foreign securities or loans abroad; transfers abroad of bank funds for deposit; tourist expenditures abroad; cash purchases of foreign shipping, insurance or banking services; interest payable on borrowings from abroad; gifts sent abroad. Conversely all transactions, past or current, which gave rise to honored claims to receive payment from abroad during the year should be listed as credits. To the extent that the honored liabilities to pay and claims to receive during the year do not balance, and therefore cannot be offset against each other through exchange transactions or otherwise, the balance or remainder would have been paid in coin or bullion and would be the true balance of payments for the year. If there were no errors or omissions, a balance calculated in this way would correspond exactly to the actual net movement of coin and monetary bullion.

To compute the net annual balance of indebtedness there should be included as debits all transactions originating in the unit year which have given rise to obligations to foreign countries regardless of their maturity date, or which have liquidated past or current claims to receive payment from abroad; and there should also be included as credits all transactions originating in that year which have created claims to receive payment from abroad regardless of their maturity date, or which have liquidated past or current liabilities to make payment abroad. The net balance between these items would be the true balance of indebtedness for that year or the net change in the course of the year in the country's outstanding indebtedness to, or claims on, the outside world. If there were no errors

or omissions a balance calculated in this way would correspond exactly with the "balance" between loans and credits received from abroad plus payments received in liquidation of loans due from abroad on the one hand, and loans and credits granted abroad plus payments made in liquidation of debts due to foreigners on the other hand. Strictly, however, allowance should also be made for the wiping out of claims to receive or obligations to pay through delinquencies, bankruptcies and compositions with creditors.

The current official computations, although generally labeled "balances of payments," are often "general purpose" computations, intended to provide estimates of both types of balances, and are more appropriately given such a non-committal title as "balances of international transactions." All items involving debits or credits are included to the extent that they can be computed or estimated. On the assumption that current items are paid currently the balance of payments is obtained by including long and short term loans and liquidations of loans and by excluding specie movements or including them as a balancing item. By including specie movements and excluding loans granted or liquidated or including them as balancing items the balance of indebtedness is obtained.

Before the war official computations of the general balances were made only occasionally, as special investigations. During the present post-war period many countries regularly estimate their annual international balances, with varying degrees of completeness and accuracy. The United States and Canada publish the most complete and probably the most carefully compiled and estimated balances. Under the auspices of the Economic and Financial Section of the League of Nations there has been some progress toward the adoption of a uniform method of presentation of the balances, and the League of Nations now publishes annually a compilation of the estimates of all the reporting countries (twenty-five in 1927).

ECONOMIC SIGNIFICANCE OF THE BALANCES. Since the balance of payments ordinarily forms a very small fraction of the total volume of international commodity, service and capital transactions, it is not safe to infer the state of the balance of payments from the state of the commodity balance of trade. But a moderate amount of information about the extent and direction of the balances of service transactions and of capital movements generally suffices to explain approximately the state of the commodity balance of trade. A debtor country tends to pass through several stages with respect to its commodity trade balance. In the period of "immature" borrowing imports tend to exceed exports. The period of "mature" borrowing sets in when foreign capital is still coming in, but the annual interest payments on the old indebtedness have grown to exceed the annual net increment of new indebtedness. During this stage the exports tend to be in excess of the imports. The next period is that of repayment, when in addition to the annual interest payments on the outstanding indebtedness some of the principal is also being repaid. During this stage there is likely to be a substantial excess of exports over imports. We may distinguish also a fourth stage, in which a country that was formerly a debtor becomes a creditor country. Similar stages can be defined for the creditor country. In the first, initial loans are made to foreign countries and the commodity balance is characterized by an export surplus. The next stage represents an excess of interest receipts on old loans over the granting of new loans. There appears a moderate import surplus. In the final stage capital is withdrawn from abroad and interest receipts on outstanding foreign assets tend to result in a substantial import surplus.

Table 1 presents the commodity balances of trade of a number of important countries for the last pre-war year. Assuming that the debit

TABLE 1

COMMODITY BALANCES OF TRADE, 1913
(Millions of dollars)

COUNTRY	IMPORTS	EXPORTS	BALANCE*
Argentina	407	467	+ 60
Australia	388	365	− 23
Canada†	634	432	−202
France	1642	1327	−315
Germany	2563	2403	−160
Italy	702	483	−219
Japan	363	315	− 48
Netherlands	1575	1239	−336
New Zealand	108	112	+ 4
Russia	708	783	+ 75
Switzerland	371	266	−105
Union of South Africa	187	317	+130
United Kingdom	3208	2556	−652
United States‡	1894	2330	+436

Source: *Statistical Abstract of the United States*, for the year 1914, p. 688, and for the year 1915, p. 716.

* A debit balance or import surplus is indicated by a minus, while a credit balance or export surplus is given a plus.

† Year ending March 31, 1914.

‡ Year ending June 30, 1914.

and credit items in the balance of indebtedness not specifically accounted for in the following discussion approximately offset each other, certain inferences can be made from this table. Of the debtor countries Canada and Japan were still in the first stage of new borrowings exceeding interest payments on old indebtedness. Argentina and Russia were definitely in, and Australia and New Zealand were in or were approaching the second stage, in which the indebtedness continues to increase, although annual interest payments on old indebtedness exceed the net inflow of new capital. The United States and apparently also South Africa were in the third stage, where annual reduction of outstanding indebtedness plus interest payments were operating to produce a substantial export surplus. Soon after 1913 the United States was to reach the stage of transfer from the debtor to the creditor status, during which an export surplus to pay principal and interest on indebtedness became an export surplus representing additions to net investments abroad. It has at present (1929) reached the second creditor stage, where annual interest receipts on outstanding investments abroad exceed the annual net increments to investments abroad. Nevertheless, a large debit balance on tourist services, remittances to relatives abroad and other non-commodity items still leave the United States with a credit commodity balance. Italy was probably a debtor country in the first stage, but the receipts of remittances from Italian emigrants abroad were also an important factor in explaining the large debit balance on commodity account. The other five countries were all creditor countries, and since all had import surpluses the inference is that they were all lending less new capital abroad than they were receiving as interest on their outstanding foreign investments. England and Switzerland, however, had probably not yet reached this stage. In the case of England new investments abroad and interest receipts on old investments were approximately equal in amount and the commodity import surplus was to be accounted for mainly by the earnings from British shipping services to foreigners. In the case of Switzerland services to tourists were an important factor in the large import surplus.

Table II presents the partial balances and the total balances of indebtedness for twelve coun-

TABLE II

INTERNATIONAL BALANCES OF INDEBTEDNESS *

COUNTRY AND UNIT	YEAR	COMMODITY BALANCE	COIN AND BULLION BALANCE (BALANCE OF PAYMENTS)	INTEREST AND DIVIDENDS BALANCE	BALANCE OF OTHER SERVICE AND REMITTANCE ITEMS	BALANCE OF INDEBTEDNESS
Argentina 1,000,000 Pesos	1925–26	−52.2	−1.65	−153.35	−37.0	−244.2
Canada 1,000,000 Dollars	1926	+279.6	+32.5	−214.0	+93.0	+191.1
Denmark 1,000,000 Kroner	1927	−109	+30	−50	+118	−11
Germany 1,000,000 Reichsmark	1927	−2,827	−189	−430	−1,181	−4,627
India 100,000 Rupees	1926–27	+35.82	−20.17	−29.78	−34.72	−48.85
Japan 1,000,000 Yen	1925	−361.4	+21.1	−10.5	+185.4	−165.4
New Zealand 1,000 Pounds Sterling	1926	−6,302	+443	−7,561	−425	−13,845
Norway 1,000,000 Kroner	1927	−244	—	−60	+241	−63
Poland 1,000,000 Zloty	1926	+625.6	−4.3	−160.0	+183.2	+644.5
Sweden 1,000,000 Kroner	1927	+33	−1	+19	+194	+245
United Kingdom 1,000,000 Pounds Sterling	1927	−39?		+333	+155	+96
United States 1,000,000 Dollars	1927	+379	+6	+514	−394	+505

Source: League of Nations, *Memorandum on International Trade and Balances of Payments, 1913-1927* (Geneva 1928) vol. I.
* Minus sign indicates a debit balance, plus sign a credit balance.

tries for recent years. Some points are worthy of notice. On the basis of these returns the net export of capital from the United States in 1927 did not greatly exceed that from England. Charges against reparations (1455 million marks) accounted for some 30 percent of Germany's debit balance of indebtedness. In only two cases of the twelve were the commodity balances different in direction from the balances of indebtedness, but in five out of the ten cases for which such comparisons could be made the balances of payments differed in direction from the balances of indebtedness. The estimates of balances of indebtedness given here are in all cases indirect estimates. In a number of instances direct estimates based on data as to new loans and credits liquidated were also reported; they differed more or less radically from the indirect estimates.

Because old errors are still prevalent it is necessary to emphasize that the balance of indebtedness of a country for a particular year shows only the change in the relative amounts of assets abroad owned by residents of the country and assets in the country owned by non-residents. The balance itself or even a series of balances extending over a long period of years will not suffice to indicate whether or not the economic status of a country has improved or deteriorated. In order to appraise properly the significance of the balance of indebtedness it must be interpreted in the light of the greater balance of which it is only an arbitrary fragment, the national balance of production and consumption. It reveals nothing about national income or about the welfare of the people of a country. As to national wealth it shows only what changes have occurred in one class of assets and one class of liabilities. Attempts such as are still made to draw close analogies between the international balance of indebtedness and the standard forms of private accounting, whether the balance sheet or the profit and loss statement is employed, rest, therefore, on fallacious reasoning of the mercantilist type. It is a similar error to maintain that one can infer the extent of a country's capacity to make payments to foreign countries from the state of its balance of indebtedness for any particular year or series of years. If in 1929 the United States has made a net reduction in its outstanding investments abroad it will have an outward or debit balance of indebtedness. But this does not mean that its capacity during that year to lend abroad or to make payments abroad of any sort was any less than in previous years when it had a credit balance of indebtedness. Attempts to measure the capacity of Germany to make reparations payments by the amounts of its balance of indebtedness rest on misinterpretations of the sort which would lead to a denial that a rich and growing country, which offers a profitable field for the investment of foreign capital and therefore has a debit balance of indebtedness, has any capacity to lend, to pay reparations or even to make ends meet.

Similarly the economic significance to a country of the status of its balance of payments cannot be ascertained from inspection of that balance without reference to its internal currency and credit conditions. Under modern conditions of large bank credit superstructures resting on relatively small gold reserves, a moderate change in the balance of payments may mean, unless counteracted, the loss of a large fraction of the gold reserves and consequently a sharp contraction of credit. The development of internal credit facilities has tended greatly to increase the significance of international gold movements when they actually occur in substantial amounts. On the other hand, however, the development of international credit facilities and of a spirit of cooperation between the great central banks has tended to lessen the danger of the actual occurrence of excessive drains on any country's gold reserves. There are, moreover, certain factors which tend to check any serious outflow of gold from a country lacking supplies of gold in excess of its reserve requirements. The movement of the exchanges against a country with an adverse balance of payments stimulates postponement of liquidation of debit obligations and tends to bring about an increase of interest rates in that country. This in turn tends to result in the withdrawal of funds held abroad, the sale of securities having a foreign market and the inflow of foreign short term credits of various types. If this is not sufficient to correct the adverse balance, the reduction in gold reserves will lead to contraction of bank credit, reduction in prices, increase in exports and decline in imports. Through regulation of the rates of discount of central banks, adjustment factors of this sort can be brought into operation more quickly and thus prevent serious consequences which would follow a long and constant drain on the gold reserves. Under these conditions only the serious mismanagement of paper cur-

rency or of bank credit or the occurrence of some national or international catastrophe like the outbreak of war can result in so serious and continued a drain on a country's gold supply as to bring about a credit collapse. Nevertheless, a country which is decidedly a debtor may encounter difficulties if unusually large foreign obligations fall due at a time when credit conditions are unfavorable in the important foreign money markets. Conservative management of the currency and banking system of a country and a reasonable amount of cooperation between the banks of different countries are sufficient under ordinary circumstances to protect a country against a dangerously adverse balance of payments.

JACOB VINER

See: BULLIONISTS; MERCANTILISM; PROTECTION; ECONOMIC POLICY; INTERNATIONAL TRADE; CENTRAL BANKS; FOREIGN EXCHANGE; FOREIGN INVESTMENT; REPARATIONS.

Consult: Heyking, Edmund, *Zur Geschichte der Handelsbilanztheorie* (Berlin 1880); Yanzhul, I. I., *Angliyskaia svobodnaia torgovlia* (English free trade) (2nd ed. Moscow 1882); Suviranta, Br., *The Theory of the Balance of Trade in England* (Helsingfors 1923); Petritsch, Leo, *Die Theorie von der sogenannten günstigen und ungünstigen Handelsbilanz* (Graz 1902); Dubois, Auguste, *Précis de l'histoire des doctrines économiques* (Paris 1903); Taussig, F. W., *International Trade* (New York 1927); Viner, Jacob, *Canada's Balance of International Indebtedness 1900–1913* (Cambridge, Mass. 1924); Lewis, Cleona, *The International Accounts* (New York 1927). The League of Nations publishes, since 1924, compilations of annual balances of international payments and of foreign trade for the period beginning 1910. Since 1922 the United States Bureau of Foreign and Domestic Commerce publishes in its series of *Trade Information Bulletins* annual estimates of the American balance of trade and of international payments.

BALBI, ADRIANO (1782–1848), Venetian geographer and statistician. At first a professor at Murano (Venice) and Fermo, he lived from 1821 to 1832 in Paris. In 1833 he became imperial counselor in geography and statistics at the Viennese court.

His geographical treatises, *Balance politique du globe en 1828* (Paris 1828) and *Abrégé de géographie* (Paris 1832, 3rd ed. 1838), which has been translated into several languages, were notable for accuracy, completeness and interesting methodological discussions. After analyzing several possible criteria for the classification of the human race, Balbi selected four as fundamental: political boundaries, stage of cultural development, anthropological characteristics and religious beliefs. The first of these he employed in the descriptive portion of his work as a convenient framework for the presentation of continuously revised and expanded compilations of statistical and other data, many of which were not relevant to the subject. Consideration of cultural stages led him to analyze the concept of civilization and the tripartite scheme of savagery, barbarism and civilization. The classification by anthropological charcteristics he reduced eventually to a language basis as distinct from one of political nationality. In this connection he compiled an impressive table of languages and the first fairly complete *Atlas ethnographique du globe* (2 vols., Paris 1826).

Of Balbi's statistical works the most notable is "Essai sur la population des deux mondes" (in *Revue des deux mondes*, 2nd ser., vol. i, 1830, p. 5–26, and vol. ii, 1830, p. 100–16), in which he attempted to estimate the population of the earth on the basis of judiciously selected statistics and of ingenious indirect calculations. His *Essai statistique sur le royaume de Portugal et d'Algarve* (2 vols., Paris 1822), a statistical description of Portugal, is superior to any other available at the time.

CARLO ERRERA

Consult: Balbi, Eugenio, in Società Geografica Italiana, *Bollettino*, vol. xviii (1881) 528–32; Jaja, Goffredo, *Adriano Balbi* (Rome 1903).

BALBO, CESARE (1789–1853), Italian historian and statesman. He was a native of Piedmont and took part in the Piedmont revolution of 1821. After a short exile he devoted himself to study until Charles Albert of Sardinia appointed him president of the first constitutional ministry in 1848. He became disillusioned with politics, however, and returned to scholarly pursuits and journalistic activities.

Balbo's *Delle speranze d'Italia* (Paris 1844, 5th ed. Florence 1855; reprinted with introduction and notes by Achille Corbelli, Turin 1920) is one of the most important documents of the early nationalist movement in Italy. Widely circulated, it inspired both directly and indirectly Italian political writing from 1844 to 1847. Balbo did not consider it possible to achieve complete Italian unity; he proposed instead a confederation of Italian princes under the hegemony of Piedmont. Although he was an admirer and follower of Gioberti he did not rely on the papacy for political regeneration. The most pressing problem was neither unity nor con-

stitutional liberty but liberation from foreign rule. This would be accomplished by the break up of the Ottoman Empire, which Balbo predicted; Austria would there receive compensation for her losses in Italy. He also insisted on the importance of an Italian policy based on a strong and harmonious public opinion which in the absence of parliamentary discussion must be created by the press. There were three immediate objectives: a single, well planned railroad system, a regime of commercial liberty and a customs union of the Italian states.

As a historian Balbo belonged to the Catholic-Liberal, called the neo-Guelfian school, which extolled the papacy as the instrument of progress and liberty and guardian of Latin Christian civilization. In the *Pensieri sulla storia d'Italia* (Florence 1858) he indicated the main currents of Italian history and in the *Sommario della storia d'Italia* (Turin 1846, 10th ed. Florence 1856; reprinted and extended to 1922 by Arrigo Solmi, Milan 1927) he told its story. In the *Meditazioni storiche* (Turin 1842–45, 2nd ed. Florence 1854) he developed a philosophy of history, which he conceived as the guidance of Providence.

Balbo was one of the collaborators of the *Antologia italiana* (July, 1846–February, 1848) and contributed to Tuscan newspapers and others. With Cavour he founded the *Risorgimento*. In the *Della monarchia rappresentativa in Italia* (Florence 1857) he outlined his theory of representative government.

G. SOLARI

Consult: Ricotti, E., *Della vita e degli scritti del conte Cesare Balbo* (Florence 1856); Passamonti, Eugenio, *Cesare Balbo e suoi tempi* (Turin 1923); Croce, Benedetto, *Storia della storiografia italiana nel secolo decimonono*, 2 vols. (3rd ed. Bari 1927).

BALDUINUS. *See* BAUDOUIN, FRANÇOIS.

BALDUS, PETER (de Ubaldis) (1319 or 1327–1400), Italian mediaeval jurist. He studied civil law at Perugia under the famous Bartolus, whose reputation he quickly equaled, and under other masters acquired a complete acquaintance with canon law. Although his name is always associated with Perugia, Baldus' teaching career, which lasted for more than half a century, began at Bologna when he was a very young man. He was equally famed as a teacher in every branch of law and as a legal consultant; yet it would be difficult to prove that Baldus was responsible for marked changes either in law teaching or in law interpretation. In his courses he followed the vicious practise of contenting himself with the exposition of mere portions of the Roman law texts, leaving his pupils without guidance in the remainder. His important work on procedure, the *Practica judicaria*, suffers from the typical mediaeval failing of the scholastic method: instead of straightforward handling of fundamentals it contains arguments on 283 arbitrary *Quaestiones*. However, the 2000 *Consilia*, Baldus' opinions on actual cases, are a most valuable mine of varied mediaeval law and exhibit his acuteness and strong practical sense at its best.

S. MACCOBY

Works: *Opera* (Parma 1473, Venice 1572, 1615 and 1616, Turin 1576, Lyons 1585).

Consult: Savigny, F. C. von, *Geschichte des römischen Rechts im Mittelalter*, 7 vols. (2nd ed. Heidelberg 1834–51) vol. vi, p. 208–48; *L'opera di Baldo* (Perugia 1901) published by the University of Perugia on the fifth centenary of his death; Wilson, J. D., "Baldus de Ubaldis" in *Yale Law Journal*, vol. xii (1902) 8–20; Holtius, A. C., *Het wisselregt in de XIV^de eeuw, volgens de Consilia van Baldus* (Amsterdam 1840); Bethmann-Hollweg, M. A. von, *Der Civilprozess des gemeinen Rechts in geschichtlicher Entwicklung*, 6 vols. (Bonn 1864–74) vol. vi, p. 247–51; Lainé, Armand, *Introduction au droit international privé*, 2 vols. (Paris 1888) vol. i, p. 166–78; Laspeyres, E. A. T., *Über die Entstehung und älteste Bearbeitung der Libri Feudorum* (Berlin 1830).

BALDWIN, ROBERT (1804–58), Canadian statesman, "the father of responsible government" in Canada. Throughout his public life, which began in Upper Canada, he persistently urged upon the British government that the only solution for colonial troubles was to permit the colonists to work out their self-government under an executive responsible as in Great Britain to the elected chamber. Baldwin's most clear cut expression of this belief was laid down in two famous letters, one to Glenelg, the colonial secretary (July 13, 1836), the other to Lord Durham (August 23, 1838), printed in the *Report of the Public Archives for 1923* (Ottawa 1924, p. 326–37). In them he expounded a political philosophy which not only influenced Durham's report but also proved fundamental in the evolution of the autonomy of the dominions. Baldwin lived to put his theory into practise. With the assistance of L. H. La Fontaine he formed in 1842 a ministry dependent for support on the House of Assembly; and after a period of political stagnation he formed with the same statesman his second ministry (1848–51), which completely vindicated his political phil-

osophy and became the permanent model for political developments throughout the British dominions. The Baldwin-La Fontaine Alliance was of further significance in that it furnished a precedent for successive ministries in United Canada, each of which took its name from a similar partnership of French and British leaders. It introduced the new principle of co-operation between the two national groups which has since governed the destinies of the country.

W. P. M. KENNEDY

Consult: Leacock, S., *Mackenzie, Baldwin, La Fontaine, Hincks*, ed. by W. P. M. Kennedy (Oxford 1926); Davin, N. F., *The Irishman in Canada* (Toronto 1877) p. 172–73, 385–589; Kennedy, W. P. M., *The Constitution of Canada* (Oxford 1922) p. 182–269; Morison, J. L., *British Supremacy and Colonial Self-Government, 1839–1854* (Toronto 1919).

BALFOUR, ARTHUR JAMES, FIRST EARL OF BALFOUR (1848–1930), British statesman and philosopher. Balfour was educated at Eton and at Cambridge and received his political training under the guidance of his uncle, Lord Salisbury. He was elected to the House of Commons in 1874 and won recognition as a caustic although somewhat flippant debater. In 1886 Lord Salisbury appointed him chief secretary for Ireland, a post which he held for five years to the discomfiture of the Irish Nationalists, who considered him a dilettante and regarded his appointment with contempt. In 1891 he became first lord of the treasury and leader of the Conservative party in the House of Commons. This latter post he held continuously for twenty years.

At the conclusion of the Boer War Balfour succeeded Lord Salisbury as prime minister. His ministry (1902–05) was a stormy one. He retained leadership of his party by effecting compromise after compromise to bridge the gap within the party between the protagonists of imperial preference and protective tariff led by Joseph Chamberlain, and the minority which stood by the free trade traditions of the nineteenth century. As leader of the opposition after 1906 Balfour fought bitterly the liberal legislation of 1906–11. He retired from active politics in 1911 but returned to office in 1915 as first lord of the admiralty and then as foreign secretary in the coalition ministry. He represented Great Britain in Washington as the head of the War Commission (1917), was one of the British peace plenipotentiaries at the Peace Conference (1919), principal British representative at the first League of Nations Assembly (1920) and head of the British delegation to the Washington naval conference (1921–22). His name is associated with the Balfour Declaration (1917) promising the support of the British government for the creation of a Jewish national home in Palestine, and with the Balfour note defining the British attitude on inter-Allied war debts. He was made first earl of Balfour in 1922, when he retired from active participation in public life. He spent his last years preparing the first volume of his memoirs.

Balfour throughout his long career completely mystified both friend and foe. His personality remained as elusive as it was charming. Indifferent to power, he clung to it; bored by politics, his political career was protracted; gentle and yielding in manner, he held his own easily against the redoubtable Chamberlain. He will go down in history as a great conservative; but whether his conservatism was born simply of distrust in the power of the mind and will to accomplish anything really worth while in human affairs or whether it was based on more positive premises is not clear.

WALTER PHELPS HALL

Important works: *A Defense of Philosophic Doubt* (London 1879, new ed. 1920); *Essays and Addresses* (Edinburgh 1893, 3rd ed. 1905); *The Foundations of Belief* (London 1895, 8th ed. 1901); *Economic Notes on Insular Free Trade* (London 1903); *Theism and Humanism* (London 1915); *Theism and Thought* (London 1923).

Consult: *The Mind of Arthur James Balfour*, ed. by W. M. Short (New York 1918); Raymond, E. T. (E. R. Thompson), *Mr. Balfour* (London 1920).

BALFOUR DECLARATION. *See* ZIONISM.

BALKAN PROBLEM. *See* NEAR EASTERN PROBLEM.

BALLANCE, JOHN (1839–93), New Zealand statesman. He was born in Ireland, the son of a tenant farmer, and as a youth emigrated to New Zealand. Here he ran a store, turned to newspaper work, fought in the Maori war and in 1875 entered politics. In the conflict between Conservative large landowners and the middle class Liberals he took the side of the latter and eventually became their leader. From the Manchester school and its laissez faire stand he turned eagerly to the works of Toynbee, Sidgwick, Marshall, Hobson, Henry George and the Fabians and to the belief that the state must play an active part in destroying social evils

and in carrying out constructive plans. His chief interest was in breaking up the large estates, in covering the country with small farms and in keeping for the crown the title of land yet to be alienated. In 1878 he carried a short lived land tax on unimproved value; between 1884 and 1887 he settled in villages a thousand families on small holdings with perpetual leasehold tenure. But his real chance came when the election of 1890, the first fought under manhood suffrage, returned him to power. Under his premiership, 1891–93, six labor laws and four land laws were passed. The latter included a graduated land tax with higher rates on land held by absentees and exemption of improvements; the repurchase of estates suitable for closer settlement; and the alienation of crown lands and of repurchased estates on "lease in perpetuity." These measures were a considerable factor, along with the upward turn of the general price level and the production of mutton and butter for export, in revolutionizing the country. Other reforms, including labor laws, women's suffrage, abolition of plural voting, a graduated income tax, the repeal of the personal property tax and a conciliatory policy towards the Maoris, took the middle and lower classes by storm, gave the Liberal party a long lease of power, delayed the rise of a strong Labor party and provided a program much of which was copied later by Australia. Ballance died in the midst of his work, and the completion of his measures formed part of the work of Reeves and Seddon.

HERBERT HEATON

Consult: Stout, R., "The Hon. John Ballance" in *Review of Reviews for Australasia*, vol. ii (1893) 107–15; Reeves, W. P., *State Experiments in Australia and New Zealand*, 2 vols. (London 1902); Le Rossignol, J. E., and Stewart, W. D., *State Socialism in New Zealand* (New York 1910).

BALLANCHE, PIERRE SIMON (1776–1847), French philosopher of history, a liberal member of the traditionalist school and a disciple of Vico and Bonnet. He forsook orthodox Catholicism in *Du sentiment considéré dans ses rapports avec la littérature et les arts* (Lyons 1801), but the idea that expiation could regenerate the human being became the foundation of his early faith in progress. His later preoccupation with the painful progress of humanity as a whole was foreshadowed in *Antigone* (Paris 1814), which seeks to trace the emancipation successively of the human imagination (in antiquity), of the moral conscience (through Christianity), of the intellect (in modern times). The most mature exposition of his ideas is the unfinished *La palingénésie sociale*, in which he adapted Charles Bonnet's idea of individual palingenesis to political and social forms. Ballanche considered each stage of rebirth as both an ordeal and an initiation. Clothing his thought in myths he showed the human race temporarily tortured, maimed or even isolated by the ordeal, but nevertheless guided by divine law out of barbarism (which followed original sin) through theocracy, aristocracy, plebeian ascendancy to ultimate union in democracy. In this final stage Christianity will adapt itself to democracy and become the "social genius." The myth *La ville des expiations* contains a picture of the new world where caste and capital punishment are abolished. Ballanche's philosophy of history is weakened by his lack of historical knowledge, but he anticipated Christian Socialism by a hundred years.

RENÉ HUBERT

Important works: *La palingénésie sociale*, which was intended to include *Prolégomènes* (Paris 1827), three episodes: *Orphée* (Paris 1829), *La formule générale* (never written), *La ville des expiations* (fragments published in reviews; books iv–vii, the most significant parts of *La ville*, were edited by A. Rastoul, Paris 1926) and an epilogue *La vision d'Hébal* (Paris 1831).

Consult: Faguet, Émile, *Politiques et moralistes du dix-neuvième siècle*, 3 vols. (Paris 1898–1900) vol. ii, p. 133–74; Huit, Charles, *La vie et les oeuvres de Ballanche* (Lyons 1904); Laprade, Victor de, "Ballanche sa vie et ses écrits" in Académie des Sciences, Belles-lettres et Arts de Lyon, *Mémoires*, Classe des lettres, vol. ii (1850) 127–89.

BALLIN, ALBERT (1857–1918), German industrial and political leader. Ballin began his career as manager of a small emigration agency in Hamburg. When the early eighties brought a fivefold increase in emigration he expanded his business by forming an association with a freight shipping company, whose steamers he adapted to the carrying of steerage passengers. The competition it offered caused the Hamburg-American Line ("Hapag") to amalgamate with it in 1886. Ballin, who was appointed head of the passenger department, became almost at once the dominant power of the "Hapag." Although his leadership covered a period of severe transatlantic competition he made the "Hapag" the foremost shipping company of Germany and of the world. His success was due to his far sighted analysis of transatlantic shipping problems, to

his establishment of new standards in traveling comforts, in speed and in types of ships and to his abandonment of the usual policy of geographical concentration and the creation of a widely extended network of services. It was also largely due to his ability to compromise with his competitors. His initiative and skill as negotiator were to a great extent responsible for the formation of the North Atlantic Steamship Lines Association. This was the first shipping pool to be created and covered the steerage passenger and freight traffic of the most important continental lines. In 1901, when the establishment of the International Mercantile Marine Company (Morgan Trust) threatened to impair either the business of the "Hapag" or its independence, Ballin succeeded in arranging for a mutual participation in dividend distribution which secured the cooperation of the trust without sacrificing the "Hapag's" independence. When the World War stopped German shipping, Ballin became engaged in the provision of food supplies for the Reich and organized the Central Purchasing Company.

Immensely successful in business, Ballin was less so in politics. The international importance of his enterprise, his familiarity with English conditions and particularly his personal friendship with the kaiser secured for him considerable political influence. But he failed in his main political endeavor, to find a basis for an English-German understanding as to naval armaments, although he was untiring in his attempts to arrange meetings between English and German leaders, particularly between Tirpitz and Winston Churchill. When the outbreak of the war ended those attempts, Ballin advocated a speedy termination of the war, even without territorial gains. But the unpopularity of his ideas with the military party diminished his influence and severed his connection with the kaiser. In 1918 it was planned to entrust Ballin with the impending armistice and peace negotiations, but his death, which occurred in that same year, prevented it.

EVA FLÜGGE

Consult: Huldermann, B., *Albert Ballin* (Oldenburg 1922), tr. by W. J. Eggers (London 1922); Stubmann, P. F., *Ballin, Leben und Werk eines deutschen Reeders* (Berlin 1926); Lair, Maurice, in *Revue des sciences politiques*, vol. xlvi (1923) 244–72; Delage, Edmond, "Ballin et la guerre" in *Revue maritime*, n. s., no. 36 (1922) 774–93. Ballin's political activities are reflected in many of the documents published in *Die grosse Politik der europäischen Kabinette, 1871–1914*, 40 vols. (Berlin 1923–26).

BALLOT (from the Italian *ballotta*, a little ball) has become associated with the modern method of voting used by electorates, assemblies and private associations to select officers and to pass upon measures. A piece of paper, upon which the names of the candidates or the titles of the measures appear, is usually employed for this purpose, but the use of balls still persists in Greece and also in some private clubs. The ballot has been introduced in order to lessen bribery, intimidation and coercion in elections.

In classic Greece white and black balls of stone or metal and marked and unmarked shells were used by popular courts and juries in making decisions. In Rome the Gabinian law of 139 B.C. provided that each voter should receive a carved wooden ballot for each of the candidates for the Comitia Centuriata. After dropping his choice in an urn the voter returned the other ballots to the attendant outside. "Yes" and "no" ballots were also provided for changes in the laws. There is evidence of the use of the secret ballot in India before 300 B.C. It was also used in mediaeval England. A papal bull of 1562 required the college of cardinals to vote by secret ballot in the election of the pope. In America some of the Indian tribes developed a democratic system which included the use of the ballot. The general court at Boston, Massachusetts, used ballot papers in the election of a governor in 1634. The American colonies of England led the rest of the world in introducing secret voting for the election of representatives. The use of ballot papers was made obligatory in all but one of the state constitutions adopted between 1776 and 1780. In Prussia an act was passed in 1808 providing for the ballot in municipal elections. In the nineteenth century the ballot came into wide use for national legislative elections. It was introduced in South Australia in 1856, in Italy in 1859, in France in 1852, in Great Britain in 1872, in Belgium in 1877 and in all of the American states except Kentucky by 1888. At the present time the ballot is almost universally employed for national elections. Among the notable exceptions are Soviet Russia and the rural parts of Hungary where voting is open.

The success of a ballot law in lessening violence and corruption at elections depends in part upon the extent to which voting is made secret. In Argentina, Brazil and Spain, where the ballots are printed by the parties, secrecy is only partially secured and there are complaints about bribery. In France and in some of the

Swiss cantons, where also the parties are allowed to print their own ballots, the requirement that ballots be put in an opaque envelope in the secrecy of a polling booth before they are deposited in the ballot box insures a fair degree of secrecy. In English speaking countries secrecy is commonly attained by the so-called Australian ballot system. Under this system only the official ballot furnished by the state can be used, the nomination of candidates is regulated by law, the ballots are distributed by sworn representatives of the state and they are marked in secret by the voters. Before this system was introduced in the United States (Massachusetts led the way in 1888) complaints regarding ballot box stuffing and intimidation were common. The Australian ballot is now used in Great Britain, Canada, Australia, the Irish Free State, Belgium, Holland, Germany and in all the American states except three (South Carolina still has party ballots, Georgia has an optional law and Delaware has official ballots but they are not marked in secret).

Various devices are employed in order that the ballots may be marked in an impersonal fashion so as to render later identification difficult. In most of the countries using the Australian ballot system, the voter marks a cross (X) in the square or circle opposite the name of the candidate or the title of the party. However, in parts of Australia, in the Irish Free State, in Sweden and in a few American and Canadian cities where systems of proportional representation have been established, the voter can indicate the order of his preferences by using the Arabic numerals. In Belgium and Holland the voter blackens a white bull's eye in a black square which is opposite his favorite candidate or list. In the American states there are several other methods to be noted. In several states the voter crosses out the names of the candidates whom he disfavors; in others he uses a rubber stamp to make his crosses instead of a pencil; and in parts of ten states he votes by means of a voting machine. Where voting machines are used the ballot appears only on the face of the machine and the voter indicates his choice for a given candidate or a given party by pulling down a lever over the name of that candidate or party. This choice is recorded automatically upon a counter which is concealed by plates during the voting.

The use of the secret paper ballot does not of itself secure honest elections. Unless each ballot is carefully checked the theft of a single ballot may open the way to the "endless chain" fraud. The corruptionist marks the stolen ballot and the voter substitutes it, in the polling booth, for the ballot that he received from the election inspector. The unmarked official ballot is brought out to the corruptionist who marks it and uses it with his next henchman. In England, the British dominions and in almost one half of the American states this fraud is guarded against by using a numbered stub which enables the election inspectors to see that each voter deposits the ballot given to him. Where illiterates are allowed to vote there usually is a provision that they may have assistance in marking their ballots, and if the election inspectors are lax this provision may be abused to destroy secrecy. When the election inspectors themselves are dishonest the ballots may be miscounted or spoiled. Fraudulent counting is guarded against by such means as watchers, the central count, the voting machine and the selection of election inspectors on the basis of merit or training.

The use of an official ballot has brought the political parties within the scope of the law. In Germany the voter is allowed no freedom of choice as between individual candidates but can choose only between rival party lists. However, in the Irish Free State and other places where the Hare system of proportional representation is used there are no party designations on the ballot and the voter is given the greatest freedom. In Great Britain and Canada also there are no party designations on the ballot. Because of the small number of elective offices the ballot is short and no difficulties are presented in voting it. In the United States, where there are many elective offices, the official blanket ballot has meant a long ballot. In the first decade of this century the short ballot movement, involving the limiting of elective offices to the most important ones and the filling of only a few at any one election, gained considerable following. In this movement the proposed shortness of the ballot was meant to secure adequate public examination of the candidates. The Indiana ballot law of 1889 gave each party a separate column, the name of each candidate being arranged under the appropriate office title. The voter can cast a straight party vote by making a single cross in the circle at the top of the party column. This form, which discourages independent voting, has been adopted by over one half of the states. Massachusetts and a dozen other states have the original office block ar-

rangement; that is, the names of all candidates appear under the title of the office which they are seeking. All of the remaining states, with the exception of South Carolina, have modifications of these two systems.

HAROLD F. GOSNELL

See: VOTING; ELECTIONS; POLLS; REGISTRATION OF VOTERS; PROPORTIONAL REPRESENTATION; CONTESTED ELECTIONS; PARTIES, POLITICAL; CORRUPTION, POLITICAL; SUFFRAGE; DEMOCRACY.

Consult: Seymour, Charles, and Frary, D. P., *How the World Votes; The Story of Democratic Development in Elections*, 2 vols. (Springfield, Mass. 1918); Wigmore, J. H., *The Australian Ballot System as Embodied in the Legislation of Various Countries* (Boston 1889); Ludington, A. C., *American Ballot Laws, 1888–1910*, New York State, Education Department Bulletin, no. 488 (Albany 1911); Evans, E. C., *A History of the Australian Ballot System in the United States* (Chicago 1917); Childs, R. S., *Short Ballot Principles* (Boston 1911); *The Voting Machine*, ed. by T. D. Zukerman (New York 1925); Gross, Charles, "The Early History of the Ballot in England" in *American Historical Review*, vol. iii (1897–98) 456–63; Wolfson, A. M., "The Ballot and Other Forms of Voting in the Italian Communes" in *American Historical Review*, vol. v (1899–1900) 1–21.

BALMACEDA, JOSÉ (1840–91), Chilean statesman. Allied through wealth, social position and education with the best traditions of Chilean aristocracy, he early abandoned the thought of a clerical career to which he seemed destined, became successful in business and in 1870 entered politics, where his ready wit, social prestige, personal charm and oratorical ability gave him a leading position. He was one of the early lights of the "Reform Club," a group of doctrinaire politicians, and pursued for nine years in the Chamber of Deputies a moderately liberal course, generally in opposition to the government. As minister to Argentina (1879–81) he helped keep that country neutral during the War of the Pacific, and under President Santa María he served successively in the ministries of foreign relations and of the interior. He supported various "theological reforms," hoping to effect a separation of church and state and to further his own advancement to the presidency. Although he incurred the grave displeasure of a Liberal-Radical minority in his own political group he was elected in 1886 virtually without opposition.

Balmaceda devoted the first years of his administration to the construction of numerous public works and to sincere attempts to conciliate his opponents. He embodied the monarchical tradition, which under republican forms had determined the policy of his early predecessors, while his opponents represented the principle of aristocratic control, itself a survival of colonial conditions. Although Balmaceda had formerly belonged to this aristocratic opposition he now chose to reassert in the name of public order the supremacy of the executive; to this end he sought to retain control over his cabinet and to choose his successor. When in 1890 the opposition, constituting a majority of Congress, sought to thwart him by withholding appropriations, he attempted to continue the budget of the previous year by executive decree. This led to the outbreak of civil war in January, 1891, and to his overthrow in the following August. After his defeat Balmaceda took refuge in the Argentine legation and there on September 18, 1891, the last day of his legal term, he committed suicide. He left behind a political testament that became the creed of an influential group, and his policy seems to be fulfilled to a considerable degree in the constitution of 1925.

ISAAC JOSLIN COX

Consult: Bañados Espinosa, Julio, *Balmaceda, su gobierno y la revolución de 1891*, 2 vols. (Paris 1894); Nabuco, Joaquim, *Balmaceda* (Santiago 1914); Rodríguez Bravo, Joaquín, *Balmaceda y el conflicto entre el congreso y el ejecutivo*, vols. i–ii (Santiago de Chile 1921–25); Edwards, Alberto, *La fronda aristocrática en Chile* (Santiago 1928) p. 163–78.

BALMES, JAIME LUCIANO (1810–48), distinguished Spanish philosopher and Catholic apologist. In *El protestantismo comparado con el catolicismo en sus relaciones con la civilización europea* (4 vols., Barcelona 1842–44, 6th ed. Madrid 1875; tr. by C. J. Hanford and Robert Kershaw as *European Civilization*, 7th ed. Baltimore 1861, reprinted Baltimore 1918) he refuted the thesis of Guizot's *History of Civilization*. He asserted the importance of Catholicism in human progress, maintained that Protestantism had distorted the course of civilization and declared that whatever progress had been realized since the Reformation had been achieved in spite of it. His treatise on logic, *El criterio* (Barcelona 1845, 3rd ed. 1851; English translation New York 1875), widely influenced contemporary Spanish education. In his *Filosofía fundamental* (4 vols., Barcelona 1846, 9th ed. 1910; tr. by H. F. Brownson, 2 vols., New York 1856) he tried to reconcile traditional scholasticism with the modern philosophy of Leibnitz, Descartes and the Scottish group.

Balmes developed his political ideas in the several reviews which he edited, *La civilización*,

La sociedad and especially *El pensamiento de la nación*. In his attempt to harmonize Spanish tradition with modern liberal ideas he contended that the principle of hereditary monarchy should take cognizance of national traits and of democratic rights. As a practical solution of the political problem of Spain Balmes advocated the union of the two dynastic factions, the Carlists, or traditional Catholics, and the liberals.

ANGEL DEL RÍO

Consult: Blanche-Raffin, Ade de, *Jacques Balmes, sa vie et ses ouvrages* (Paris 1849); Menéndez y Pelayo, M., *Dos palabras sobre el centenario de Balmes* (Vich 1910).

BAMBERGER, LUDWIG (1823–99), German politician and publicist. He was trained for the law and took an active part in the uprising of 1848–49 but was forced to flee when it failed. In Holland, England and later in Paris, where he became one of the early managers of the Banque des Pays Bas, he combined thorough study of economics with practical activity as a banker. Through journalistic work he also participated in the German unification movement. Having returned to Germany after the amnesty of 1866 he was elected to the Customs Parliament in 1868 and subsequently to the Reichstag, where he served from 1870 to 1893. He began by supporting Bismarck's policy and became one of the leaders of the National Liberal party, but he was alienated from the party in 1880 after Bismarck had turned to protection and to social insurance. For Bamberger was the classical representative of orthodox liberalism and a consistent opponent of both Marxian and state socialism. In the field of currency in which his work mainly lies his authority in the Reichstag was virtually undisputed; he played a leading part in establishing a uniform German coinage and in founding the Reichsbank, the centralized character of which is largely due to his influence. He demanded the abolition of bimetallism and the establishment of the gold standard in the interest of stability and uniformity. He ridiculed the fear that the increase in gold production, which began in the fifties, would depress the price of gold; he anticipated, on the contrary, that the increase in gold supply would lead to a more universal adoption of the gold standard throughout the world. When the government, influenced by the silver agitation, seemed inclined to prolong the transition period or to adopt a bimetallic standard, Bamberger set up a special organization to redouble publicity and fought tenaciously and in the end successfully to preserve his life's work. Bamberger's monetary policy was later adopted by the scholar and statesman, Karl Helfferich.

THEODOR HEUSS

Important works: *Gesammelte Schriften*, 5 vols. (Berlin 1894–98); *Ausgewählte Reden und Aufsätze über Geld- und Bankwesen*, ed. by Karl Helfferich (Berlin 1900).

Consult: Hartwig, Otto, *Ludwig Bamberger: eine biographische Skizze* (Marburg 1900).

BANCROFT, GEORGE (1800–91), American historian and diplomat. He was born at Worcester, Massachusetts, and educated at Harvard (A.B. 1817), Göttingen (PH.D. 1820) and Berlin for the Unitarian ministry. He taught for a while at Harvard but was dissatisfied with its teaching methods. In the Round Hill School, established at Northampton, Massachusetts, in 1823, he made a notable contribution to secondary education in America by the introduction of German methods of study and discipline. An ardent Jacksonian Democrat in a Whig state he several times ran for office unsuccessfully. He was appointed collector of the port of Boston in 1837, secretary of the navy in 1845, minister to England in 1846 and minister to the German Confederation in 1867. In the last capacity he secured the first international recognition of the right of expatriation through a treaty with Prussia (1868).

Bancroft's enduring monument is his *History of the United States from the Discovery of the American Continent* (10 vols.), the first volume of which appeared in 1834 and the "author's last revision" (6 vols.) in 1884–87. His half century of unwearied research and the enormous collection of documents made by him have been of great value to American historical study. Bancroft's historical writings are dominated by a theological-philosophical schematism; he envisioned God working out in American history an "epic of liberty." A partisan Democrat he at times took rhetorical liberties with his sources not only to prove the superiority of the American plan of government over all others but to vindicate party policy. His work often reflects and crystallizes the popular American notions of his day and frequently resembles both in its dominant ideas and its literary ornamentation the familiar type of Fourth of July oration.

DAVID S. MUZZEY

Consult: Howe, M. A. de Wolfe, *The Life and Letters*

of George Bancroft (New York 1908); Bassett, John Spencer, *The Middle Group of American Historians* (New York 1917) ch. iii.

BANCROFT, HUBERT HOWE (1832–1918), American historian and compiler. Bancroft went to California from the East in 1852 and after several years as a miner and a merchant he founded a publishing and bookselling house in San Francisco in 1858. In connection with his business he developed an interest in western history, and began to collect books concerning the Pacific coast. This collection grew eventually into a remarkable library of books, maps, pamphlets, newspapers, original manuscripts, transcripts of state documents and dictated narratives of pioneers totaling 76,000 volumes, which are now the property of the University of California.

Bancroft became the organizer and managing editor of the thirty-nine volumes dealing with the native races of the Pacific states, the history of Mexico, Central America, the Northwest coast, California, Oregon and adjoining states, which he published under his name between 1875 and 1890 with the general title, *History of the Pacific States*. With the exception of occasional contributions by Bancroft the books were written by eight specialists in his employ whose work he revised in order to increase its popular appeal. The volumes on aboriginal life, which were not based on original ethnological or archaeological research, were sharply criticized by contemporary anthropologists like Morgan and Bandelier for their uncritical reiteration of the Spanish sources. They have, however, proved a convenient although not always a reliable source for the study of Indian life. The volumes on pioneer history assumed more the character of a profit-making publishing enterprise than of an attempt at critical history. They are valuable chiefly in that they preserve materials on the early history of the settlement of the Pacific coast region that would otherwise have been lost. Bancroft's work as a compiler and as an entrepreneur in the field of western history furnished a foundation for further research and interest in this subject.

BERNHARD J. STERN

Consult: For autobiographical material, Bancroft's *Literary Industries* (San Francisco 1890). For a considered statement on the question of the authorship of the Bancroft material, Morris, W. A., "The Origin and Authorship of the Bancroft Pacific States Publications" in Oregon Historical Society, *Quarterly*, vol. iv (1903) 287–364.

BANCROFT, RICHARD (1544–1610), archbishop of Canterbury (1604–10), the greatest English ecclesiastic of the later Reformation. From his earliest years in the service of the church he interested himself in administration and reorganization. For many years he had charge of the censorship of the press; he created the definitive practise of bishops and archbishops at visitation; he was instrumental in breaking up the Puritan attempt to practise the new Discipline (1592) and in suppressing the Marprelate Tracts. His chief importance lies in his work of reorganizing the administrative and legal structure of the Reformation church in the canons of 1604, a careful codification of the entire practise of the church since the Henrician reformation. He thus gave the church its final constitution, which is still its fundamental law. The canons contained a reorganization of the jurisdiction and procedure of the ecclesiastical courts which lasted with modifications only until the nineteenth century. He was mainly responsible for the later development of the court of law known as the High Commission, and for a generation dominated its policies and practises. His contribution to the literature of the time is notable. He played a part of some consequence in the preparation of the King James version of the Bible. His book *Daungerous Positions and Proceedings, published and practised within this Iland of Brytaine under pretence of Reformation* (London 1593) is one of the main sources of information about the period and, along with his other writings and sermons, had an important influence on Hooker's *Ecclesiastical Polity*.

ROLAND G. USHER

Consult: Usher, Roland G., *The Reconstruction of the English Church*, 2 vols. (New York 1910).

BANDELIER, ADOLPH FRANCIS ALPHONSE (1840–1914), ethnologist. Although Bandelier was born in Switzerland and died at Madrid his work for forty years was in the field of Americanist studies. His investigations, carried on in Mexico, Peru, Bolivia and the American Southwest, gave him an enviable first hand acquaintance with the documents and with the living Indians of both Americas. In the Mexican field his three famous monographs ("On the art of war . . . of the ancient Mexicans"; "On the distribution and tenure . . . of land . . . of the ancient Mexicans"; "On the social organization and mode of government of the ancient Mexicans," Peabody Museum of Harvard University, *Annual Reports* for 1877, 1878 and 1879), portrayed

with marked sanity and realism the social and political institutions of the ancient Aztecs. His principal conclusion was that the celebrated "monarch" of ancient Mexico, as pictured by the novelist Lew Wallace, by Prescott and later historians and by the entire following of the romantic school, was entirely imaginary. He found in the documents only a loose tribal alliance, based on ideas of religion, clan and family—based, in brief, on American Indian ideas, not on ideas of royalty after a European pattern. To this day, however, the public and even most archaeologists prefer to think of Montezuma and the other Mexican chieftains as kings.

In southwestern United States Bandelier did an enormous amount of work and published numerous treatises, the most important of which is probably the *Final Report of Investigations among the Indians of the Southwestern United States* . . . (Cambridge, Mass. 1890–92). His novel, *The Delight Makers* (New York 1890), is the best picture we have of Pueblo Indian life.

T. T. WATERMAN

Consult: Hodge, F. W., "Adolph Francis Bandelier" in *American Anthropologist*, n. s., vol. xvi (1914) 349–58, containing a complete bibliography of Bandelier's writings; Waterman, T. T., *Bandelier's Contribution to the Study of Ancient Mexican Social Organization*, University of California Publications in American Archaeology and Ethnology, vol. xii, no. 7 (Berkeley 1917).

BANDINI, SALLUSTIO ANTONIO (1677–1760), Italian economist. After taking his degree in jurisprudence at the University of Siena he gave lectures there from 1700 to 1702. In 1705 he took holy orders and in 1723 became archdeacon. Shortly before his death he was elected president of the Accademia dei Fisiocratici.

About 1737 Bandini wrote his one work, *Discorso economico*, which circulated in manuscript until it was finally published in Florence in 1775 (best modern edition, Siena 1877). The peace loving archdeacon had been roused to indignation by the ruin into which the Maremma Senese, a marshy region covering about two fifths of Tuscany, had been plunged by misgovernment. After a vivid description of the social and economic evils produced by bad legislation Bandini proposed as remedies: first, the absolute and permanent freedom of grain exports and the abolition of price fixing by public authorities; and second, the replacement of the many obsolete and mischievous taxes by a single tax on the produce of land.

On the basis of the *Discorso* many writers have erroneously described Bandini as a precursor of the physiocrats and free traders. His general theoretical outlook was borrowed from Boisguilbert and he partook of the prejudices of his time against free importation of grain as depriving the country of money. His real significance for liberalism lies in the fact that the *Discorso* was ultimately responsible for the abolition of the particular restrictions which had burdened Tuscany for centuries. Thanks chiefly to Pompeo Neri, an official in the Finance Council of Florence, the essay found favor with the first prince of the House of Lorraine, Francis II, who in 1738 granted the Maremma freedom of grain exports for a limited period, which was extended from time to time. Finally in 1775 Peter Leopold incorporated Bandini's other proposals into his reform policy, and the Maremma entered upon a period of prosperity.

LUIGI EINAUDI

Consult: *Note e ricordi intorno a Sallustio Bandini e al suo discorso sulla maremma di Siena*, ed. by F. E. Bandini Piccolomini (Siena 1880); Gobbi, Ulisse, *La concorrenza estera e gli antichi economisti italiani* (Milan 1884) p. 114–18.

BANFIELD, THOMAS C. (dates of birth and death unknown), English economist. He is best known as the author of *Four Lectures on the Organization of Industry* (London 1845, 2nd ed. 1848), delivered at Cambridge in 1844 and described by Marshall as "perhaps the first ever given in an English university that owed much directly to German thought." Banfield, who resided for some years in Germany, acknowledged special obligations to the writings of Hermann. He considered a theory of consumption to be the scientific basis of economics and stated that in the gradation of human wants "the satisfaction of every lower want in the scale creates a desire of a higher character." Jevons in his appreciation of Banfield preferred to say that such satisfaction permits a higher want to manifest itself (*Theory of Political Economy*, 4th ed. London 1911, p. 84).

Banfield's articles on "The Industry of the Rhine" (*Knight's Weekly Volume*, no. 94 in 1846 and no. 28 in 1848) and "The Progress of the Prussian Nation since 1805" (Royal Statistical Society of London, *Journal*, vol. xi, 1848, p. 25–37) contain valuable material for the economic historian. He also published *Six Letters to . . . Robert Peel being an Attempt to Expose the Dangerous Tendency of the Theory of Rent*

advocated by Mr. Ricardo (London 1843) and *A Letter to W. Brown . . .* (London 1855) on his system of decimal coinage. Banfield compiled *The Statistical Companion* (London) for the years 1848, 1850, 1852 and 1854, at first in collaboration with C. R. Weld.

HENRY HIGGS

Consult: Marshall, Alfred, *Principles of Economics* (8th ed. London 1922) p. 90–91.

BANISHMENT. *See* EXILE.

BANK DEPOSITS. Bank deposits originated in several of the more important Italian cities in the early period of the Renaissance. At that time a bank deposit was just what the name implied—specie left for safe keeping with some person or institution in whom the owner had implicit confidence. The banker did not acquire title to the funds but merely held them as agent for the owner. He commonly charged a fee for this service, and it was understood that the owner could call in person for his funds at any time. Later the practise grew up of drawing orders on the banker to pay the money or some portion of it to a third person.

The next step in the evolution of bank deposits came when the banker actually acquired title to the funds left with him and obligated himself to return to the owner or pay on his order an equivalent amount of specie of standard weight and fineness. It was generally understood, however, that the banker kept all the specie in his own vaults ready to meet the demands of his depositors. Banks, however, finally began to take note of the fact that relatively few of the great number of depositors actually made demand for coin on any one day or week or month. Furthermore, such withdrawals as were made were offset in greater or less degree by additional deposits made by others. Banks then began to realize that they need not keep all their specie on hand but only a reasonable margin above what experience showed was likely to be called for. All the remainder could be loaned, as long as good loans were requested, and in this way additional income could be earned for the bank. Thus the total figure for deposits came to exceed the amount of specie or reserve on hand.

The discrepancy between these two figures became still more marked because those desiring loans frequently wished not the specie itself but merely the right to draw drafts against the bank in favor of their creditors and those from whom they wished to make purchases currently. This right was represented on the books of the bank by a credit to the borrower's account. Although its source was a borrowing operation this credit differed in no wise from credits made when customers actually deposited specie. With the development of this practise over a long period of years it has come about that deposits made in banks no longer consist solely or even principally of amounts of specie. Their constituent elements are: first, gold, silver and paper money; second, credits entered to depositors' accounts when loans are negotiated; and third, checks which have come into the possession of depositors, a large proportion of these checks having been made possible by the loan operations of other banks.

From the standpoint of the bank, deposits are obligations to pay depositors sums of money with which their respective accounts stand credited on the books of the bank. This is shown by the appearance of the item "deposits" on the liabilities side of the bank statement. These liabilities are offset by resources made available to the bank through deposits of cash or checks on other banks. Since a bank does not find it necessary to keep on hand all the funds deposited with it, deposits of this type make possible increased loans and correspondingly larger revenues.

Deposits may be distinguished as time deposits and demand deposits. Time deposits are legally collectable only after advance notice of intention to withdraw has been given to the bank. Corporations and individuals frequently have funds which they do not expect to need until some more or less certain date in the future. If a formal agreement is made not to withdraw the funds before some specified date, or without advance notice, such funds acquire the status of time deposits. Against such deposits the bank needs to maintain only a very small reserve and is able, moreover, to invest such funds most advantageously. This accounts for the fact that on savings deposits, by far the most important subdivision of time deposits, banks pay a relatively high rate of interest. While the bank still retains the legal right to refuse to pay the savings depositor on demand, in the United States the practise has developed of paying such depositors without requiring advance notice. Because the withdrawal demand is small, the bank still finds it possible to invest a large percentage of these funds in long term assets yielding a high rate of return.

Demand deposits, on the other hand, represent a considerable portion of the liquid funds of the business world. Corporations and individuals find it convenient to carry all their cash funds—except till money or pocket money—in the form of checking accounts. As additional receipts of funds come in they are deposited in the bank and checks are drawn against these deposit credits as it becomes necessary to make payments to others. It is in this way that demand deposits circulate in the form of checks; in some countries, especially in England and America, they constitute the principal medium of exchange. Banks must therefore be prepared for a rapid turnover of demand deposits; a correspondingly larger reserve must be carried and the remainder must be invested in assets which can be converted into cash without delay. Since the bank thus acts as a clearing house or bookkeeper for the entire business community its costs are correspondingly high. For these reasons banks can afford to pay only nominal rates of interest on its demand deposits.

ROBERT G. RODKEY

See: BANKING, COMMERCIAL: SAVINGS BANKS; BANK RESERVES; CHECK; CURRENCY; BANK DEPOSITS, GUARANTY OF.

Consult: Rodkey, R. G., *The Banking Process* (New York 1928) ch. xv; Phillips, C. A., *Bank Credit* (New York 1921) pt. i; Taussig, F. W., *Principles of Economics*, 2 vols. (3rd ed. New York 1921) vol. i, ch. xxiv; Hawtrey, R. G., *Currency and Credit* (3rd ed. London 1928) ch. xiii.

BANK DEPOSITS, GUARANTY OF. The guaranty of bank deposits is a device designed to protect bank depositors from loss due to bank failures. The need of safeguarding depositors came into prominence in the second half of the nineteenth century when with the rapid changes in business and banking practises deposit currency became more important in the credit structure of the country than banknotes. In the United States with its decentralized, free banking system such protection was particularly important; but even in the United States bank creditors have been partially safeguarded by such general means as the regulations for the organization of new banks, the double liability of bank shares, the legal limitation of loans and investments, the system of periodic reports and examinations and the repeated attempts to draw state banks into the national banking system. In addition, the maintenance of minimum reserves against deposits, which in other countries was enforced by the standards of conservative banking practise, was in the United States made compulsory by law in the federal and in many state jurisdictions. The guaranty of bank deposits is merely a supplementary method used in several states for the specific protection of depositors.

The guaranty system of protection was offered as a concrete plan during the epidemic of bank failures following the panic of 1893. At that time other types of bank protection were poorly developed; standards of banking supervision were rather low, and in a number of states banks were not required to maintain reserves. Deposit guaranty became one of the objectives of the Populist party and in the west central states serious attempts were made to enact guaranty laws. With the return of prosperity the idea was forgotten, but it was brought forward once more during the panic of 1907, when the proposal became so popular that in the following year it was incorporated as a plank in the platform of the Democratic party. It was opposed, however, by many bankers; those connected with well established banks were particularly antagonistic, claiming that it was unfair to make their institutions pay for the recklessness of small and new banks. Moreover, national banks, being excluded from these state guaranty schemes and fearing the competition of state banks, also objected.

Oklahoma became a state three weeks after the panic of 1907 had set in and within the next month passed a bank guaranty law. Similar laws were enacted in Kansas (1909), Nebraska (1909), Texas (1909), South Dakota (1909), Mississippi (1914), Washington (1917) and North Dakota (1917). The laws, although differing greatly in detail, were similar in general outline. In most cases all deposits not otherwise secured were protected. A guaranty fund, totaling either a percentage of protected deposits or a stated amount ranging from a half million to five million dollars, was provided by assessing each bank a percentage of its average daily deposits. Provision was usually made for raising special assessments in emergencies. If the fund became depleted through losses interest bearing certificates based upon its credit were provided for in most states; these were to be liquidated in normal times by assessments. A state banking board, which included the state bank commissioner, was usually charged with collecting the fund and administering the law. One of its most important functions was the supervision of the closing of insolvent banks and the payment of

depositors. When all the available assets of a bank that had failed were exhausted, the balance due to depositors was paid out of the guaranty fund. These guaranty systems were made compulsory except in Kansas and Washington. In Texas the banks were given the choice of either using the usual state mutual insurance fund or furnishing a bond for the protection of depositors.

The time during which these laws were in operation may be divided into two periods. The period prior to 1920 was in general one of prosperity and rising prices. Banks were in a strong position and the few sporadic failures were easily taken care of by the guaranty funds. Oklahoma was the one exception. In this state the collapse of a real estate boom in 1911 carried with it a large number of banks and by 1914 the guaranty fund was in debt to the extent of $800,000. By 1920, however, this indebtedness was liquidated because war prosperity swelled the income from assessments.

In the period following 1920 the guaranty laws were severely tested. The post-war depression was especially protracted in agricultural states; and the concentration of bank failures following in the wake of this disaster proved the undoing of most of the guaranty laws. When serious losses began to accumulate in the various states most banks forsook the voluntary systems, and many of those operating under the compulsory systems sought relief by becoming national banks. This further weakened the guaranty systems until in many cases the assessments fell far short of meeting the interest accruing on unpaid losses.

Oklahoma repealed her law in 1923, making no provision for liquidating the indebtedness. In Nebraska after more than one fourth of the banks had closed with a net loss of over $20,000,000, the guaranty fund was abandoned in 1930. In North Dakota the deposit guaranty law was repealed after nearly half of all the state banks had failed. South Dakota, with a net loss of over $25,000,000, repealed the insurance feature of her law, so that now the assessments of a bank protect only its own depositors. One large bank in Washington failed and the other banks, unwilling to meet the loss, speedily abandoned the law. The Kansas banks also withdrew from their voluntary system. In Texas the banks discarded the insurance plan and a court decision rendered ineffective the bond security system; the law was repealed in 1927. The indebtedness amounting to $3,500,000 in Mississippi will take eighteen years to liquidate at the present rate of assessment. Much liquidation is yet to be accomplished and it will be years before the results of this banking experiment are fully known.

In attempting to determine the causes of this disaster one must emphasize that the experiment was essentially a matter of insurance. Aside from incompetence and corruption, concentration of loss is the element that wrecks most insurance projects, as it did in this case. Guaranty laws have been restricted to single agricultural states in which people make their living largely from one or more crops, such as corn, wheat or cotton. Crop failures or extreme declines in prices render such communities prostrate. In a period of prosperity all goes well; but when prices collapse and depressions occur the mortality of poorly managed, independently owned banks having insufficient resources is appalling. It is clear that with the present methods of controlling losses the pooling of bank resources within the limits of single states is entirely inadequate in such periods. The concentration of loss resulting from the multiplicity of poorly managed banks, the lack of diversity of economic interests and the condition of general business depression wrecked the guaranty laws. This experience does not demonstrate that bank deposits cannot be insured; it does show, however, that success is dependent on greater economic and geographical diversification and further control of the hazard.

The insurance of bank deposits as found in the guaranty laws was designed to reduce loss caused by bank failures. As an insurance system it has little to contribute to the solution of this problem, for the prime function of insurance is to distribute rather than to eliminate loss. Its proponents, who hoped that the feeling of security engendered by the guaranty laws would minimize runs on banks in times of stress, regarded the guaranty scheme as a distinct contribution to banking reform. As such it has been of minor importance. The avoidance of bank failures depends primarily on a thorough system of bank supervision, the insistence on adequate financial resources and the development of a trained bank management.

T. Bruce Robb

See: Banking, Commercial; Bank Deposits; State Banks; Insurance.

Consult: Robb, T. Bruce, *The Guaranty of Bank Deposits* (Boston 1921); Cooke, Thornton, "Insurance of Bank Deposits in the West" in *Quarterly Journal of Economics*, vol. xxiv (1909–10) 85–108, 327–91, and

"Four Years More of Deposit Guaranty" in *Quarterly Journal of Economics*, vol. xxviii (1913–14) 69–114, and "Collapse of Bank-Deposit Guaranty in Oklahoma" in *Quarterly Journal of Economics*, vol. xxxviii (1923–24) 108–39; Dickinson, Z. Clark, "Bank Deposit Guaranty in Nebraska," Nebraska Legislative Reference Bureau, *Bulletin no. 6* (1914); "State Laws Relating to Guaranty of Bank Deposits" in *Federal Reserve Bulletin*, vol. xi (1925) 626–68.

BANK RESERVES are liquid funds kept by commercial banks in order to enable them to meet their demand liabilities as these are presented for payment. Perhaps the distinguishing feature of commercial banking is that while most of the bank assets are in the form of short time obligations not collectable on demand, most of the bank liabilities are in the form of claims on the bank payable on presentation. The investment of available resources in loans and discounts, bank acceptances, securities and other less liquid forms is the chief source of revenue of a commercial bank; the larger the proportion of assets so invested, the greater is the profit earned by the bank, provided that measures have been taken to meet whatever claims may be made for repayment of the demand obligations. More than in the case of any other business concern, it is important that a bank be in a position to repay its obligations promptly; a failure to do so would cause a loss of confidence and result in a rapid withdrawal of deposits, which constitute the main source of funds. Under modern conditions the liquidity of all other types of business depends in part upon the ability of the banks to redeem checks and banknotes at sight; any indication of the inability of the banks to live up to these expectations will inevitably affect not only the banks themselves but the entire business community. The necessity of redeeming its obligations on demand determines to a large extent the policy of the bank management in investing the assets. Investments are made in such a way and for such periods of time that an adequate and well timed flow of funds into the bank will keep it prepared to satisfy its creditors. Proper bank management thus involves the achievement of a certain degree of correspondence between the maturing of the bank's claims on others and the anticipated rate at which demands will be made on the bank. Since in the nature of things such a correspondence can never be perfect, it is necessary for the bank to keep some portion of its assets in a form immediately available for the payment of its obligations. Deposit balances which one bank may keep with other banks are generally regarded as continually available for such uses. Together with lawful money they constitute the primary bank reserves.

The proportion of bank assets that should be kept as a primary reserve cannot in general be established by rational calculation; although the requirements of good banking practise and of statutory enactments may help, this is a quantity the magnitude of which each bank learns by experience. There are too many factors of uncertain weight to make possible any but a broad generalization concerning the size of the reserve required. Perhaps the more important of these factors are the size of the bank and the quality of the secondary reserve.

It is quite obvious that the smaller the bank and the fewer the number of its creditors, the more likely it is to be affected by the call from one of them for a repayment of the obligation. With only one depositor a bank would find it necessary to keep a 100 percent reserve. As the number of depositors and noteholders increases the distribution of their claims in time is likely to be more even and less subject to chance fluctuations of considerable magnitude; the proportion constituted by primary reserves may then be reduced.

It is equally obvious that the more liquid the investments of the bank, the smaller is the proportion of primary reserves that need be kept. That part of the investment which is so marketable that it can be liquidated at will and with little if any loss is regarded as a secondary reserve. It includes generally call loans, bank acceptances and securities enjoying a wide market and a stable price. The greater the proportion of such a secondary reserve and the higher its liquidity, the less is the need for a primary reserve. It should be observed that with the possibility of rediscounting or selling on the open market commercial paper in the bank's portfolio, virtually the entire amount of bank assets takes on the character of secondary reserve.

With the increase in the size of banks and the improvement in the quality of the secondary reserve, the amount of actual specie or lawful money reserve kept by individual banks has shown a tendency to decline. The most important cause for this reduction is, however, the greater integration and centralization of the banking system, which takes the form either of closer relations between smaller local banks and large banks in financial centers or of efficient co-

operation with central banks. The gold reserves of the banking system then become centralized in the hands of a few large banks or even of a single bank. They are generally made available to the smaller or ordinary banks through a system of interbank deposits, most of which may be created by rediscounting of the paper held by these banks. In addition, through the issue of notes of general acceptability and through its readiness to buy commercial paper in the open market, the central bank enhances the liquidity of the assets of the entire banking community and thereby reduces the proportion of primary reserves that must be kept by individual banks. In order properly to perform such functions central banks or banks which act as reserve depositories must keep a larger gold reserve against their obligations, a considerable part of which may be obligations to smaller banks. In the United States while the cash on hand of ordinary commercial banks comprises from 1 to 2 percent of their resources, the Federal Reserve Banks keep from 40 to 70 percent of their resources in the form of cash on hand, such cash being mainly gold. While such a proportion of reserves is unduly high even for central banks it is indicative of the difference in function between the reserves of central banks and those of ordinary banks.

The reserves of a central bank are a good index of the banking strength of the country, because they are the base of the entire structure of commercial credit. The amount of bank credit which may be erected on this foundation depends upon the character of the banking organization and the business habits of the community. Assuming these factors to be fixed, as they actually are at any given time, the size of the gold reserve of the central banks determines the upper limit for the amount of credit that may be made available. For this reason the ratio of the gold reserve to the credit outstanding, as indicated by the liabilities of the central bank, shows the unused capacity for bank credit expansion when it is compared with the lowest value to which this ratio may decline without causing serious economic disturbances. The reserve ratio does not, however, reflect accurately the state of business expansion and contraction, because this ratio may be affected by international gold shipments which bear only an indirect relation to business conditions.

The primary reserves for deposit obligations are always directly elastic, that is, they fluctuate relatively less than the amount of deposit liabilities, so that the ratio of reserve to deposits changes inversely with the fluctuation of the deposits. The primary reserves against notes may, on the other hand, be inversely elastic, that is, they may fluctuate relatively more than the notes outstanding. This occurs when the size of the uncovered part of a note issue is fixed at a definite absolute limit which does not exceed the normal demand for circulation purposes. The best known example of this type of note reserve is found in the Bank of England. If the fiduciary limit has been reached an additional issue of Bank of England notes results in an increase in the ratio of the reserve to the note liabilities. Similarly a contraction of the note circulation under the same conditions leads to a more than proportional diminution of the primary reserve. The central banks of Japan, Sweden and Norway use a similar system of note issue regulation.

The regulation of primary reserves of ordinary banks is usually left to the discretion of the bank management. In the United States there have been statutory requirements for the maintenance of certain minimum reserve ratios. Since such legal reserves cannot actually be used, only the reserve in excess of the legal minimum is useful in meeting current demands. These facts that under the national banking system a certain part of the legal reserve could consist of deposit balances with banks in larger cities and that under the Federal Reserve system only deposits with Federal Reserve Banks are regarded as legal reserves mitigate but little the unduly restrictive character of such requirements.

The reserves of the central banks are generally regulated by law. In the case of all central banks a legal minimum is set to the note reserve; it may be either a certain proportion of the note liabilities or a full cover for all note liabilities in excess of a definite amount. A degree of elasticity is sometimes introduced by a system of tax penalties, the taxes being graduated in proportion to the difference between the legal minimum and the actual note reserve. Over a half of the number of central banks are also required to keep a minimum of primary reserves for their deposit obligations. In view of the close cooperation which is generally established between central banks and the governments these regulations operate not to hamper the activities of the central banks but to strengthen their position in the domestic and international markets.

WALDO F. MITCHELL

See: BANKING, COMMERCIAL; BANK DEPOSITS; BANK-

NOTES; CENTRAL BANKS; NATIONAL BANKS, UNITED STATES; STATE BANKS; FEDERAL RESERVE SYSTEM; CALL MONEY; BROKERS' LOANS.

Consult: Hawtrey, R. G., *Currency and Credit* (3rd ed. London 1928); Mitchell, W. F., *The Uses of Bank Funds* (Chicago 1925); Phillips, C. A., *Bank Credit* (New York 1921) pt. i; Rodkey, R. G., *The Banking Process* (New York 1928) chs. iii, iv, vi–x, xv; Sprague, O. M. W., *Banking Reform in the United States* (Cambridge, Mass. 1913); Kemmerer, E. W., *The A B C of the Federal Reserve System* (6th ed. Princeton 1926); Willis, H. P., and Steiner, W. H., *Federal Reserve Banking Practice* (New York 1926) chs. iii, v, xxviii; Lawrence, J. S., "Borrowed Bank Reserves" in *Quarterly Journal of Economics*, vol. xlii (1927–28) 593–626; Kisch, C. H., and Elkin, W. A., *Central Banks* (London 1928) chs. iii, v.

BANKING, COMMERCIAL

THEORY.....O. M. W. SPRAGUE
HISTORY TO THE CLOSE OF THE EIGHTEENTH CENTURY..JULIUS LANDMANN
MODERN BANKING
United Kingdom.....R. G. HAWTREY
Continental Europe.....ADOLF WEBER
United States.....O. M. W. SPRAGUE
Canada.....BENJAMIN HAGGOTT BECKHART

THEORY. The word commercial does not definitely characterize the operations of banks which are commonly known as commercial banks, although it does distinguish them from savings and mortgage banks as well as from banks and bankers primarily engaged in the business of marketing securities and in the management of trusts. These various functions may, however, be undertaken by commercial banks; in recent years there has been a striking tendency for banks to engage in virtually every type of financial business, a tendency which is significantly manifested in the designation "commercial department" for what was formerly the sole business of many banks.

Commercial banking may be examined either on the assets side, with attention directed toward loans and other investments, or on the liability side, with consideration of the sources of the funds employed. On the assets side, short time loans, readily marketable securities and cash reserves, including balances with other banks, constitute the bulk of the resources of a concern engaged in commercial banking; while on the liability side, the significant items are obligations payable to the general public on demand or in the near future. The character of the obligations incurred in securing the major portion of the funds employed by banks in large measure limits and determines the field of their employment, that is, the nature of the liabilities determines the character of the assets.

In comparison with most other branches of business, a smaller proportion (seldom as much as one fifth and often less than one tenth) of the funds employed in banking is furnished by the shareholders or owners either through the providing of capital or through the building up of a surplus from profits retained in the enterprise. Since no considerable amount of fixed assets is required in banking, capital and surplus funds are employed like other resources and may be regarded primarily as a means of providing a margin of safety contributing to the establishment of a widespread confidence in banks and thus enabling them to secure funds from the two, or in some communities three, sources which they are organized to tap. These three sources are: first, savings, some portion of which is lodged with banks as deposits because owners are either temporarily or permanently disinclined to invest on their own account; second, the active working cash balances of individuals and organizations having payments to make and to receive, the bulk of these balances being represented in a highly developed banking system by demand deposits; and third, some part of that portion of the purchasing medium held by the public outside the banks, which is reached by the issue of banknotes.

Commercial banks are primarily concerned with the acquisition of funds from the second of these sources, active cash balances. In any community which has reached the stage of a money economy, both individuals and organizations having a continuing succession of payments to make and to receive find it inconvenient and even unnecessary to keep more than a certain amount of their resources in an immediately available form. Many considerations have a bearing upon the exact size of this amount in each particular instance; for example, in the case of a business the important factors are the degree of certainty of regular payments by customers and the readiness with which other assets may be converted into cash. Obviously the

level of prices and of many incomes is an important factor. Some part of these cash resources has to be kept in the actual possession of individuals and organizations, but by far the greater portion may conveniently be deposited in banks. The inducements offered by banks to attract the active cash balances of a community are varied in character, the most important being safety, facilities for making payments (checks and drafts), the payment of interest on deposits, and readiness to extend loans to depositors.

Once the practise of lodging balances with banks has become firmly established, banks are able to lend more than the balances which they have acquired; in other words, they are able to increase the balances of depositors by the extension of credit. It is to be noted, however, that no single bank can go far in this direction unless other banks are following the same course, since the credits it creates will be drawn against by borrowers to make payments to others, most of whom will presumably be depositors in other banks. Settlements with these banks will speedily enforce restraint upon the expanding bank. But when banks generally are expanding credit, restraint is far less immediate, the greater withdrawals from each bank being offset by correspondingly larger receipts from the other banks. There are, nevertheless, limits upon indefinite credit expansion. Experience everywhere and legislation in many countries impose upon banks the necessity of maintaining cash reserves that shall be in some ratio, however small, to their obligations to the general public. With the expansion of credit, therefore, more cash reserves are required, while the expansion of credit itself, if carried far, is certain to set in motion influences which will tend positively to reduce reserves. By no means all of the purchasing medium of a country is held by the banks. A part of it is at all times in the pockets of the people and in the tills of shopkeepers and other business organizations. Requirements for money to be used outside the banks ordinarily increase in years of business activity and are certain to do so whenever there is a considerable rise in the level of prices and of money incomes. This restraining influence upon the expansion of credit exerted by an internal drain is greatly diminished if requirements for additional money can be satisfied by the issue of banknotes, since the absorption of gold or other reserve money will then amount only to that percentage of the notes which may be prescribed by law as a minimum reserve against them. In the early stages of banking development the power of issue was generally exercised by most banks, but in modern practise this privilege has in almost all countries been restricted to central banks.

Credit expansion by the banks of a single country is subject to a limitation similar, although less immediate in its effects, to that imposed upon the individual bank when its neighbors are not pursuing the same course. Sooner or later the resulting lack of equilibrium of payments with the rest of the world will deplete reserves through gold exports and enforce credit restraint. The amount of gold involved in such situations will ordinarily not be very considerable, for it is not the settlements made with gold but the consequent cessation of credit expansion which restores equilibrium.

In a fully developed banking system a high degree of stability may be expected to characterize the aggregate cash holdings of the banks, marked by occasional slight reductions but increasing over the years with increments to the world stock of monetary gold. It may also be said that there is no particular minimum proportion between cash reserves and the volume of credit, whether notes or deposits taken singly or together, that must be maintained as an essential factor in a satisfactory banking system. Precise ratios between gold and the volume of credit are to be deplored. They involve danger of excessive credit expansion when supplies of new gold are abundant, and impose a check upon such expansion as may be needed to prevent a downward trend of prices in periods of stationary or declining gold production.

Large reserves would be indispensable if reductions in the deposits of each individual bank ordinarily subjected it to the necessity of making payments in gold or currency. It is true that individual deposits exhibit wide and unpredictable variations, and the same may be said, although in less degree, of the aggregate deposits of any one bank. But for meeting this contingency the modern bank does not require a large store of cash. A small amount of till money for counter payments is sufficient, provided a bank maintains balances with other banks and particularly with a central bank, checks drawn on such balances being used in making settlements. And further, these balances need be no large percentage of outstanding deposits, since they are merely a first line of defense pending the conversion of some part of the other assets into available means of payment. Such conversion may be accomplished in three ways; by the

repayment of loans as they become due, by the sale of assets or by borrowing upon them as security. By using resources only for the acquisition of assets which can be converted in one or more of these ways banks may with safety incur obligations payable on demand and many times greater than their own reserves.

There is one important use for the funds of banks which meets this requirement of convertibility and at the same time is a means of attracting and retaining deposits. A large proportion of the loans of banks are made to their own business depositors and serve to provide them with some part of the working capital employed in their undertakings. The most desirable of these loans are those which provide funds for temporary peak requirements, but even when made for more prolonged purposes they will ordinarily be limited to amounts which could be liquidated without serious difficulty. If the loans are made to numerous borrowers engaged in many different occupations the likelihood of a steady succession of payments is obviously strengthened. This is an important advantage enjoyed by a large city bank or a bank operating branches scattered throughout a considerable area over a bank established in a locality concerned mainly with a single industry. Even in the most favorable circumstances, however, loans exclusively to the depositors would fail to give adequate convertibility. Some part of the invested funds must be more certainly and immediately convertible. This purpose is served by purchases of commercial paper from brokers, bank acceptances, stock exchange loans and holdings of readily marketable securities. With such diversified assets a bank will ordinarily experience no difficulty in adjusting its position to heavy withdrawals of deposits. But it will not be able to do so if all of the banks are likewise endeavoring to convert loans and securities into balances and cash. Convertibility presupposes buyers, and in the face of general credit contraction buying power is either taken away or becomes hesitant. To meet such situations it is essential in every banking system that there be lending power unused in ordinary times but freely available in times of stress and emergency. This constitutes one of the most important functions of central banks, which, unlike commercial banks, do not endeavor to employ their entire funds at all times but as the fulfilment of a recognized responsibility keep themselves ready to grant large additional credits in case of need. In fact, however, little assistance is required, because with the assurance of potential convertibility the pressure for actual conversion is speedily relaxed.

The economic consequences of the employment of banking resources differ in some degree from those of other financial agencies. Banks administer by far the greater part of those resources which are constantly available in varying amounts for both individuals and organizations, at one time principally for certain uses and a little later for quite different purposes. This flexible fund is essential under an economic system marked by wide geographical, occupational and industrial division of labor employing roundabout time consuming processes of production. It makes possible the more or less orderly purchasing and marketing of goods, facilitating the passage of commodities through successive stages of production to the ultimate consumer. The mode of employment of banking resources has a potent influence in another direction. Since a large proportion of the loans of banks are made wholly or partly on an unsecured basis, the banks are compelled to subject the management of business to close scrutiny, fostering with liberal accommodation the growth of efficiently directed undertakings and withholding assistance from those in whom they have little confidence.

On the deposit side the economic effects of banking are mainly of a monetary character. Banks provide improved facilities for making payments and endow the circulating medium with greater elasticity than it would otherwise possess. They also greatly increase the total volume of the circulating medium, but that is of advantage to the community only to the extent that greater stability in the general price level is thereby attained. With the development of central banks as the custodians of gold reserves, however, responsibility for prolonged price trends no longer rests even in small measure upon the commercial banks. Central banks can neutralize the influence on prices of an abundance of new gold by increasing their own reserves as well as the amount of gold in circulation; they may also do much to counteract the effect of a decline in the output of gold by working upon the basis of lower than customary reserve ratios.

O. M. W. Sprague

History to the Close of the Eighteenth Century. Commercial banking in the proper sense of the term, that is, the utilization of the machinery of deposit, clearance and banknote

issue for the granting of short term self-liquidating loans, is a product of the nineteenth century. This combination of elements did not exist prior to that period in any country, with the sole exception of England. The early history of banking must therefore be limited to tracing the separate development of these mechanisms in connection with the conditions which account for their rise and spread.

While Babylon had its temples, which granted commodity loans, and ancient Greece and Rome their *trapezites* and *argentarii*, who engaged in transfer and lending operations as well, it would be idle to begin the history of banking with antiquity. Between the fall of Rome and the tenth century lies a period in which little of the preceding business development survived. Conditions of natural economy prevailed, and few opportunities existed for the accumulation of surplus money income and dealing in money as a specialized pursuit.

When professional money lending eventually developed, it arose primarily in response to the need for consumption credit of both private individuals of high rank and public authorities. As early as the tenth century monasteries which enjoyed appreciable incomes from charity contributions and rent receipts began to engage in extensive money lending generally to local peasants and smaller landowners. While these loans were on a business basis, loans which were not quite voluntary were for political reasons occasionally granted to the seigneurs of various ranks, both lay and ecclesiastical, including the Emperor and the pope. Later knightly orders (Templars, Teutonic order), in whose treasuries were stored not only revenues from their own far flung possessions but also deposits of moneys belonging to the Curia, various princes and private individuals, played the part of kings of finance and supplied the credit needs of the high and mighty.

In the mediaeval cities the role of professional money lender fell to the Jews, Lombards and Cahorsins on the one hand and to money changers on the other. The reasons for the temporary Jewish domination of the mediaeval credit organization are not quite clear. It is probably significant in this connection that the development of a native merchant class forced the Jews out of mercantile pursuits and that the Jews were not subject to the canonical interdict against interest charges. At any rate in the beginning of the eleventh century the Jews turned to money lending on a considerable scale and in the twelfth century the old identity of Jew and merchant was replaced by the new identity of Jew and *usurarius publicus*. Admission of the Jews to settlement, with rights that were as a rule explicitly granted for the conduct of an interest bearing loan business, was often coupled with the obligation to make loans; the Jew dared not refuse the demand upon him for a loan if sufficiently valuable security was offered. The Cahorsins and the Lombards began to engage in money lending somewhat later and soon were active competitors of the Jews. These groups of creditors met the needs for consumption credit of the urban aristocracy as well as of the lords in the vicinity of cities; they likewise furnished credit for handicraft production and occasionally also for trade. Since the total sum of credits granted was often far in excess of the capital owned by the creditors, additional funds had to be raised in various ways. Of these the more important were the soliciting of interest bearing deposits, a practise which was only formally closed to the Jews by municipal prohibitions, and the establishment of credits with more wealthy business friends. The Lombards drew upon the Italian houses whereas the Jews were in close business relations with their coreligionists.

The acceptance of deposits and money lending were further developed in connection with the specialized pursuit of money changing, a business which was rooted in the monetary system of the Middle Ages. The allocation of the minting prerogative among greater and lesser territorial lords and the exploitation of this privilege for revenue purposes bore fruit in the principle of territoriality of coin: "the penny has currency only where it is minted." Frequent and finally annual recoinages led to a progressive debasement in weight and quality. The result was a multiplicity of monetary systems inefficient even for local payments and completely useless for interlocal exchanges.

The money changers (*campsores*), who generally held the minting concession and functioned as official coin inspectors and fiscal agents for larger payments, exchanged old coins for new and domestic for foreign. They had solid vaults at their disposal and inspired confidence because of the large capital that their business required. The merchants, with whom they were in constant contact, became increasingly accustomed to deposit with them moneys not immediately needed, and were generally charged a fee for safekeeping. The deposits became at first

the basis of a book transfer (clearing) system of local payments. As these deposits were gradually transformed into *depositum irregulare*, often contrary to the original intention of the depositors, they could also be used for the extension of credit by the money changers. Moreover they gave rise to a transfer system of interlocal payments established by the money changers through connections with business colleagues in other cities. The close of the twelfth century in Italy offers the first definite record of the replacement of an actual coin exchange (*cambium reale*, *cambium sine litteris*) by the written promise of the money changer (bill of exchange) to pay in foreign parts in coin of that realm the equivalent of a sum received in domestic coin (*cambium per litteras*). In such instances the granting of credit to the recipient of the bill of exchange suggested itself quite as obviously as the establishment of credit relations among the money changers operating in different localities. Thus the bill of exchange, originally a currency instrument, was very soon transformed into a credit instrument. As a result of the pivotal importance of fairs for all interlocal transactions in the Middle Ages, bills were likely to fall due at the time and place where fairs were held; consequently there developed a special bill of exchange payable at fairs. The special legal safeguards which were provided for bills of exchange payable at fairs and the emancipation of the latter from the confused coinage of the time by the development of an ideal standard (the *scutus marcarum*, which was never minted) favored the growth of clearing at fairs and the increase of credit grants from one fair to the next. The largest part of the European credit business transacted on the basis of bills of exchange was concentrated at the clearing fairs of Champagne and, from the first half of the fourteenth century, successively at the fairs of Geneva, Lyons, Besançon and the clearing fairs of Genoa; the latter continued down to the beginning of the seventeenth century. Also of considerable importance were the operations at Bruges and Antwerp where for some time "the fair was held all year round." The rapidly growing credit business, which employed funds attracted from merchants throughout Europe, served to finance a very considerable part of all the larger enterprises during the Renaissance.

Money lending was further developed in connection with the administration of finances of the Roman Curia and of the rising nation states. The increasing employment of mercenary troops transformed war into a wage industry and the financing of war into a large scale business operation. Owing to the lack of an efficient fiscal bureaucracy and to insufficient revenue from taxation, states were perennially dependent for credit upon *gens de finance*, to whom they mortgaged their future income and leased the levying and collecting of taxes.

The first state to organize its finances on a fiscal and monetary basis was the Roman Curia. With the development of church taxes (Crusade tithes, Peter's pence, dispensation moneys), which were collected throughout Europe, the need was felt for a new, more centralized organization for the collection of taxes. This development culminated in the replacement of ecclesiastical collectors by the agents of Italian commercial houses, and the establishment by the middle of the thirteenth century of regular deposit relations between the *camera apostolica* and these commercial houses. The collection of the taxes brought with it a mass of other business: in addition to the actual money changing and money transfer there was also the conversion into money of taxes in kind coming from the fringes of the Christian world and the extension of loans to enable taxpayers to meet their tax obligations promptly.

Within the circle of the *campsores camerae apostolicae* was formed a narrower circle of preferred firms including in addition to the Italian some south German firms with whom the Curia was accustomed to deposit moneys for which there was no immediate need. These deposits, which sometimes were not withdrawn for years, constituted a considerable part of the working capital necessary for the organization of an international system of branch houses. Other resources were obtained through a widespread net of depositories which appealed to all strata of the population; through active operations on the money market (clearance fairs, Antwerp); and through the establishment of credit relations with business associates. The active side of the business of these houses was distinguished primarily by its universality. It necessarily included dealing in merchandise and money lending in close association as long as the money lenders were armorers and grain purveyors to their princely debtors and as long as the granting of credit to princes provided the best means of obtaining privileges, especially tariff concessions, which made possible a particularly profitable commercial business. Simi-

larly closely associated were large and small loans; the royal banker and the pawnbroker who lent money to insignificant people at a usurious rate of interest were not infrequently one and the same person.

By the time of the Renaissance there were several distinct groups among these large scale private financiers. The Italians, with the Florentines in the forefront, occupied the central position in business relations with the Curia, the vassals of the church and the kings of France, England and Naples. The south German financiers, who were no longer important as merchants because of a change in the routes of international commerce, were supreme as creditors of the Hapsburgs of Austria and Spain and of the German princes and lords. The Hansards, whose money lending was still very closely associated with the mercantile business, worked primarily with the English kings and the Scandinavian rulers.

Because of their close connection with princely finance all of these financial houses perished with the state bankruptcies of the sixteenth century. Although most of the larger loans were shared by a syndicate of several houses, still the total credits granted by each house were far in excess of their individual fortunes. Since there was as yet no possibility of transferring the credit risk to the public, the financiers themselves were compelled to remain in the position of both permanent creditors and permanent debtors. Thus whenever a princely debtor failed to meet his obligations the unavoidable consequence was the failure of banks and the ruin of business associates and depositors.

By the seventeenth century the field was clear for the development of other types of private finance. Recruits for the new business were drawn from three different sources. In France and Italy the tax farmers who anticipated future tax yields and provisioned the army raised working capital by accepting interest bearing deposits which were utilized in part in discounting bills of exchange and in making advances to private persons. Elsewhere the Jewish business men, after being temporarily forced out by the Christian financiers of the Renaissance, began in the seventeenth century to regain an important position. They provided financial support to England under the Commonwealth and in the reign of Queen Anne, they raised funds to enable the Emperor to prosecute the War of the Spanish Succession and they were active as "court Jews" among the German princes. Their business was uniformly characterized by a combination of loans to princes and private persons, and a mercantile business which was not, however, confined to the provisioning of the army. These Jewish financiers raised the necessary capital by obtaining credit from their coreligionists throughout Europe; and it was through this system of mutual credit grants that this group developed in the course of the eighteenth century into a loose but efficient organization out of which the *haute banque juive* was later to evolve. Finally, private banking developed also out of wholesale trade, shipping and the commission business. The dealing in bills of exchange involved in wholesale trade was enlarged into an independent discount and foreign exchange business; the prepayment of goods and anticipation of bills of exchange connected with the shipping business were developed into a system similar to modern bank financing of the movement of goods in wholesale trade. These specialized pursuits became associated with the management of private fortunes and with the gradually developing security brokerage. This group of private bankers also participated in the flotation of government loans, but at a much smaller risk than did the Renaissance financiers, because with the introduction of the device of transferable certificates of indebtedness for relatively small denominations and with the development of regularly functioning security exchanges the banker was reduced to an intermediary who merely anticipated the forthcoming public subscriptions. The continuous striving for the lowering of risks distinguished these private bankers from the *traitans* and the Jews, who, having prospered from the financing of states, still engaged in adventurous operations.

In the course of the second half of the eighteenth century the extreme peculiarities of the three types of private banking were gradually obliterated. As the result of a mutual assimilation of business methods, favored by the establishment of close personal ties, there developed a new type of banking business which appeared first in Holland and the commercial ports of international importance, in the capitals of the great European powers and in some of the old money markets. The house of Rothschild as it existed at the close of the eighteenth century is representative of this type of banking; some of its distinctive characteristics survive even at present in the business of English merchant bankers and the American "international" banking firms. These private banks were not

burdened with a multiplicity of small accounts and their business could be conducted by the partners of the firm with the assistance of a few clerks. They worked in constant close association with one another, the cooperation generally taking the form of continually renewed underwriting syndicates. Nor did they scorn connections with private banks of local importance, because this policy facilitated flotation and dealing in large issues of government securities, which were the main item of their business. The constant care of the private banks was to keep their tremendous capital liquid in order to be able easily to engage in large scale transactions at short notice. They preferred therefore to finance wholesale trade and kept away from industry, at any rate until the adoption by the latter of the stock issue method of capital financing. When their capital was not tied up in large security deals they invested it in prime commercial paper of international reputation, which could be easily rediscounted. They used it also to finance security speculation and were thus able to influence the temper of the market and to manipulate security quotations.

Money changers and a book transfer system of payments were essential while coinage disorganization persisted. It lasted everywhere until the eighteenth century and in many small states down to the nineteenth. But as soon as money changers began to use deposits for the extension of loans their effectiveness in serving the original function was impaired. Losses in the money changers' loan business repeatedly involved losses to depositors and destruction of the local system of payment transfers. Attempts to prevent such catastrophes by requiring a bond of the money changer were unsuccessful, for there were recurring instances in which the amount of the bond was insufficient to cover the losses. Equally ineffective was the succession of regulations, especially frequent in Venice, prohibiting the *campsores* to grant loans and the *banchieri* to open deposit accounts for clearing purposes. Money changers, moreover, were often accused of melting down the heavier coins and so debasing the circulating medium. Consequently the municipal authorities stepped in and established public transfer banks. By subjecting the transfer bank to constant municipal control they intended to provide absolute security against the use of deposits for the extension of loans; deposited coins were to remain untouched in the vaults of the bank to serve as the foundation of a book transfer payment system. The oldest bank of this type was established in Barcelona in 1401; in 1408 the Genoa Casa di San Giorgio assumed the functions of a transfer bank; the Banco di Rialto was founded in Venice in 1587 (reconstituted as Banco del Giro in 1619) and in 1593 the Banco di Sant' Ambrogio in Milan. In the seventeenth century numerous banks of this kind were established north of the Alps; the Amsterdam Wisselbank (1609) and the Bank of Hamburg (1619) became the most famous.

Balances with these banks were established by the deposit of domestic or foreign coin or of bars of precious metal, the fine bullion content of such coins or bars being recorded in credit entries. Just as the money changers used an ideal standard, the *scutus marcarum*, so the transfer banks developed a separate bank standard, the unit of which was a certain fixed quantity of precious metal. Thus in the Hamburg transfer bank one mark banco was equal to 8 1/3 grams of fine silver. Customers of the bank formed a closed community within which payments were made by transferred entries in the books. For payments in excess of a certain sum settlement by bank transfer could be declared obligatory either by law or by agreement between merchants; the use of coins could thus be confined to routine petty transactions. Since the use of deposits for the granting of loans, particularly of loans to private individuals, was prohibited, no interest on transfer bank deposits was paid; on the contrary a small charge to cover the costs of administration was made on each deposit. Wherever established, public transfer banks generally monopolized the business of money changing.

With respect to the extension of credit a distinction must be made between pure transfer banks, such as those of Amsterdam and Hamburg, and public institutions found in Italian cities which were originally organized in connection with the requirements of public credit. In the Italian city-states the creditors who participated in a public loan formed into corporations called *montes profani*, which were charged with the collection of revenue pledged as security and with distribution of interest. Since the income from the pledged excise and customs duties was rather uniformly spread through the year, whereas interest payments were made only once or at most twice a year, the periodic accumulations of funds could be utilized for occasional loans to the state or, more

rarely, to private persons. In addition the *montes* had secure strongboxes and vaults at their command and were therefore used as depositories by members of the corporation, the capitalists and merchants of the city. This led to a gradual development of a book transfer system of payments among the depositors. The most important example of such a combination of state creditors' organization, public debt administration and municipal transfer bank was the Casa di San Giorgio in Genoa in which were united all the Genoa *montes* (called *compere* and *maones* in Genoa). With the functions of a transfer bank it combined the granting of short term loans to the state; the balances on its time deposit accounts were used to finance large public enterprises such as the building of the Genoa harbor. The transfer banks of Venice and Milan were similarly engaged in the granting of public credit and were consequently in frequent difficulties, being repeatedly compelled to suspend payments.

Pure transfer banks, although prohibited from granting credit either to private persons or to the state, could not resist the pressure of public authorities for unauthorized and often secret loans. Thus the Amsterdam Wisselbank entered as early as the middle of the seventeenth century into business relations with the East India Company; moreover, the city of Amsterdam itself frequently made demands upon the bank's credit. These loans impaired the ability of the bank to convert bank money into precious metals on demand, and as a result bank money, which had originally been quoted at a premium, dropped below par. When the Hamburg transfer bank was founded, a loan bank extending credit on merchandise collateral was immediately associated with it. As a result of excessive credit grants to the loan bank the Hamburg bank was compelled to suspend payments in 1672 and 1755 and quotations for the mark banco repeatedly fell below par with the precious metal. After the further segregation of the book transfer operations from the loan business the Hamburg bank continued in existence until it was taken over by the Reichsbank in 1875. Most of the transfer banks were dissolved by the end of the eighteenth century.

While the money changers and transfer banks forged the mechanism of deposit and clearance and the private money lenders and financiers developed the international market for the discount of commercial paper, the banks of issue supplied the other essential element of modern commercial banking, the banknote. The banks of issue began to be organized at the end of the seventeenth and the beginning of the eighteenth century to satisfy the need for capital of both the centralized state and the expanding commerce and industry. The policy of territorial expansion and conquest which demanded large standing armies and strong navies, the acquisition of extended colonial possessions, the centralization of power with the accompanying increase of governmental economic activities and finally the growth of population combined to augment the financial needs of the state. On the other hand the development of large capitalistic contracting out firms and manufactories, mining enterprises and wholesale concerns on a far greater scale than that of the Middle Ages created an increasing demand for generous supplies of capital. An additional stimulus came from current credit theories which saw in the issue of banknotes not only the *arcanum publicum* but also the key to unlimited possibilities for the development of the productive resources of the nation. As in all periods of change in the economic basis of society, the increased demand for capital funds resulted in the drafting of a number of projects envisaging the creation of a bank of issue. These schemes were evolved in all countries. On the face of them they were intended for the benefit of the state treasuries, but this was merely indicative of the fact that even plans conceived in the interest of private business were likely to succeed only if the government could expect to derive a direct advantage from them.

Beginnings of banknote issues are found in certain transfer banks. *Fedi di credito*, which had been circulating in Naples for some time, were imitated by the Casa di San Giorgio in Genoa, which began in 1675 to issue deposit vouchers called *biglietti*. They were made out to individuals but were transferable by endorsement and were used as a medium of payment. Even before that time the bank established by Palmstruch in Sweden issued certificates, at first as receipts for copper coin deposits; the issues, however, were soon far in excess of the amount of the deposits. It was in England that such deposit vouchers developed into modern banknotes and the modern type of bank of issue was perfected.

When in 1640 Charles I attached the deposits of the London merchants in the royal mint and released them only after the merchants agreed to grant him a loan, he had shaken the confidence of the city in the mint and furnished the opportunity for the goldsmiths to become depositories

for the merchants and the landed nobility. In contrast to the principles of the continental transfer banks the goldsmiths did not assume the obligation to keep the deposits untouched, but only to repay them on demand or at short notice. They made it clear to their depositors that they were using the deposits for the granting of loans; consequently they were making no charge for safekeeping but were, on the contrary, paying interest, at first on deposits of all types. The goldsmiths soon recognized that the value of deposits as working capital increased according to the length of time for which they could be freely used and therefore ceased paying interest on demand deposits and graduated interest on time deposits according to the time of grace between the notice of withdrawal and the actual repayment. Demand deposits were made available to the depositors in several ways. They could transfer them by order; these orders formed the foundation for a book transfer system of payments within the circle of the goldsmiths' clientele. They could use a draft on the goldsmith in order to effect a payment; these drafts led to the development of the check system. Finally, they could transfer the deposit or any part of it by handing over the deposit vouchers issued by the goldsmiths, goldsmiths' notes, which are the oldest form of banknote in England. These vouchers were payable on demand but in view of their free transferability and of the confidence reposed in the goldsmiths they were soon adopted as a circulating medium; therefore the number presented for payment was considerably below the amount of the underlying deposits. Realizing that the amount of vouchers outstanding might be appreciably larger than the available cash balance, the goldsmiths began to issue notes which were no longer vouchers for previous deposits of gold but means for making available the loans that had been granted. At first these loans were extended to the London merchants through discount of their bills of exchange. As the goldsmiths became financially stronger, however, the Exchequer began to take a lively interest in their affairs. There ensued a period of business connections between the London goldsmiths and the Treasury which ended in 1672 with the suspension of payments by the government and with the bankruptcy of most of the goldsmiths. The credit of the government was destroyed for a long time and the confidence in the goldsmiths, which was the foundation of their banking business, was likewise shattered.

The failure of the goldsmiths and the disappearance of the convenient means of payment brought to a head the desire of the English business circles for a credit institution independent of the state. The realization of this need was at first prevented by the struggle between the king and Parliament. The right of Parliament to authorize public loans was one of the most important safeguards of civil liberty; Parliament naturally opposed the establishment of a bank which would make the government more independent of parliamentary grants. With the change in the political situation after the Revolution of 1688 the banking question entered upon a new stage; whereas the earlier bank projects had stressed the credit needs of private business, the new plans emphasized the credit needs of the state.

Out of a wealth of projects that of William Paterson was finally realized. It combined the founding of a bank with the granting of a loan to the government. The latter was empowered to raise a loan of £1,200,000 on the security of the newly authorized beer and ship taxes, the loan to be repaid in annuities of £100,000. By the royal charter of April 25, 1694, the creditors were grouped into a corporation under the name of the Governor and the Company of the Bank of England, entitled to engage in banking operations, particularly the purchase of gold and silver bullion, discounting of bills and granting of secured loans. The capital of the bank was the government loan, but the bank was empowered to raise working capital by accepting deposits and issuing notes against negotiable securities to the amount of its capital. The same policy was pursued later; every increase in the loan to the government was financed through an increase of capital and the note issue limit was raised accordingly, but notes could be issued only against negotiable securities. The Bank of England, the first modern bank of issue, combined the functions of a transfer bank with those of a commercial bank.

From the beginning of the eighteenth century the success of the Bank of England inspired the foundation of similar institutions on the continent. The fact, however, that government demands for credit were more pressing there proved to be a serious obstacle. Although certain continental banks attempted to follow the policy of the Bank of England by introducing a rigid separation between government loans and banknote issues, they could not resist the pressure of the government. The experience of John Law's

institution is typical. His Banque Générale in Paris, established by royal charter in 1716, adhered to the principle of issuing notes against negotiable securities during the first two years of its existence. With its conversion into the Banque Royale the restrictions that had applied to note issues were removed, these ceased to be redeemable and a loan of 1500 million livres was granted to the state for the liquidation of the entire national debt. This step marked the transition from banknotes to government paper money. In 1720 the excessive issues led to the collapse of the system. In Denmark the Courant bank was chartered in 1736 as a note, exchange and loan bank. It granted excessive loans to the state and was compelled in 1757 to suspend redemption of its issues. The Stockholm exchange and loan bank, established in 1656, was unable to redeem its issues after 1745. The Russian note bank, established in 1769, likewise used its right of issue to finance government loans, suffered from the ensuing inflation and was finally compelled to suspend redemption. All of these banks are just so many examples of the validity of Montesquieu's observation: "To establish banks in countries governed by a single head, is to believe that it is feasible to separate money and power, that is, on the one hand the possibility of having everything without the power, and on the other the power without this possibility."

The royal bank of Berlin and the municipal bank of Vienna occupy a special position among the government banks of the time. In western and to some extent in northern Europe, overseas commerce, the development of colonies and the growth of large manufactories offered many opportunities for the employment of capital. In the economically backward regions of Prussia and Austria, however, capital seeking investment accumulated in the public banks, which paid interest on deposits, and in this form was more than sufficient to meet the needs of the state as well as of private business. The Königliche Giro- und Lehn-Banco, founded in Berlin in 1765, which became the Preussische Bank in 1846 and later the Reichsbank, received the right of note issue in 1766 but made little use of it. Banknotes were scarcely needed to finance government loans, and funds for discounts and commercial loans as well as for mortgage loans could be raised by acceptance of interest bearing deposits. The Vienna municipal bank, founded in 1703 on the model of Italian *montes* and transfer banks, had a much more limited field of activity. It received the proceeds of certain assigned taxes and distributed them in the form of interest and amortization payments on a part of the Austrian public debt. It used its interest bearing deposits and banknote issues, which were begun in 1762, exclusively for government loans. The redemption of notes was suspended in 1797.

In France the collapse of Law's system for a long time prevented the establishment of a bank of issue. The Caisse d'Escompte, founded by Turgot with private capital in 1776, issued notes which were current as long as the bank refrained from participating in public credit operations. As soon as it began to grant public loans confidence in the bank was undermined and its notes had to be given the privilege of forced circulation. During the French Revolution the freedom to pursue any occupation extended even to banks of issue but had little practical effect while assignats were being issued. Beginning in 1796 several banks of issue were established in Paris and in the provinces. Financed with private capital and deliberately refraining from making government loans, they were unimportant for the later development of banknote issue in France. The Bank of France, founded in 1800 at the instigation of Napoleon Bonaparte, then first consul, with government cooperation in the raising of its capital of 30,000-000 francs, had the double task of restoring the completely disorganized public credit and of meeting the credit demands of business. At first there was free competition between the Bank of France and the older banks of issue. But as early as 1803 the Bank of France received the monopoly of issue in Paris as well as the right of unlimited issue. This privilege was coupled with the provision that net profits in excess of a 6 percent dividend should become part of the bank reserve and be invested in French *rentes*. The association between the bank and the government was further strengthened and control of the bank by the government was assured by the law of April 22, 1806, providing that of the fifteen *régents* elected at a general meeting of the stockholders three must be tax collectors that were still active state officials; the *régents* together with the three *censeurs* (auditors) constituted the Conseil Général of the bank. It also provided that the head of the state appoint the *direction générale*, the actual management of the bank, consisting of the governor and the two vice-governors. Banks of issue had hitherto been organized either as private corporations like the

Bank of England or as state owned institutions like most of the continental establishments. The law of 1806 thus created a new type of organization, which subsequently became the model for most of the European banks of issue: a mixed public and private enterprise with capital from private sources but with effective public control in accordance with the law, expressing itself particularly in the appointment of executives.

In addition to banks of issue the eighteenth century witnessed the organization of banks which made advances on the security of merchandise. They catered to the need for short term credit of wholesalers and entrepreneurs on the putting out system, who were operating under the disadvantage of slow turnover and large inventories. Until the creation of these banks such borrowers could resort to the bill of exchange, a market for which was created by the private bankers. The fact, however, that in the circles *du vieux commerce solide* the turning over of a bill for discount was viewed as a slightly disreputable operation even after endorsement and reendorsement of bills grew common among them, prevented an adequate utilization of this credit instrument. Occasionally, as in the case of Monte dei Paschi in Siena, such borrowers made use of the *montes pietatis*, originally charitable pawnbroking establishments which supplied consumption credit at moderate interest. They would receive loans from these organizations by pledging raw materials, semi-manufactured and finished goods. In some cases private banks of issue would engage in making advances on merchandise security. A specific solution was found, however, in the organization of special banks lending on merchandise. They were established in centers of industry organized on the domestic system (Leinwand Bankcassa in St. Gallen) or in international commercial centers (Lehnbank in Hamburg, associated with the Hamburg transfer bank). They were organized either as government institutions or under the auspices of merchants' corporations.

By the end of the eighteenth century there could thus be found all the essential elements of modern commercial banking: deposits and a limited clearance system, advances and discounts of commercial paper, and banknote issues. They were developed in different places and under different circumstances and did not necessarily coexist within the framework of a single institution. The coalescing of these elements into the specialized business of modern commercial banks and the establishment of such close relations between individual banks as to fuse them into a banking system occurred in the course of the following century in response to the needs of developing industry and commerce and under the influence of local legislation and custom. Banking progress from this point forward must of necessity be surveyed by countries and should be more closely confined to commercial banking as distinguished from other types of financial business.

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See: USURY; FAIRS; PAWNBROKING; PAPACY; WAR FINANCE; DEBT, PUBLIC. See also general cross references at end of article.

MODERN BANKING. *United Kingdom.* The dominant factor in English banking in the eighteenth and the first third of the nineteenth century was the monopoly of joint stock banking supposed to have been conferred on the Bank of England by the act of 1697. As defined by the act of 1742 this not only precluded the grant of corporate form to any other bank but even prohibited a partnership of more than six members from carrying on the business of banking as then understood. Private banks existed in London before that time and after the middle of the eighteenth century appeared in other parts of the country. Local traders whose credit stood high on the country market took advantage of this reputation and gradually developed a regular banking business, issuing notes and making loans to their neighbors. By the end of the eighteenth century the number of such banks ran to several hundred. As distinguished from the country banks the private banks in London specialized in the deposit, loan and discount business. The connection between the London and the country banks took the form of deposits kept by the latter with London correspondents; these deposits were used to settle interlocal balances. The London banks belonged to the Clearing House, which developed out of informal meetings of bank runners and became formally organized in 1773. The Bank of England was even then assuming the role of a bankers' bank. Its notes were the only banknotes which enjoyed the privilege of a national circulation, and since they were used to settle balances in the London Clearing House it was usual for the private banks in London to keep accounts with the Bank of England.

The fact that the size and stability of private banks were severely circumscribed by the monopoly of the Bank of England began to be keenly

felt with the expansion of English business after the Napoleonic wars. The economic instability which characterized the period of suspension of specie payments (1797–1821) was another contributing factor. During the crisis of 1814–16, 240 country banks stopped payments and 89 went into bankruptcy. Again after an outburst of speculation in 1824–25 over 70 banks failed within six weeks. Attention was drawn to the fact that in 1742, when the monopoly of the Bank of England was defined, banking had been considered to be inseparably connected with note issue. It was contended that the act of that year did not prohibit the establishment of joint stock banks which did not issue notes. In 1826 a bill was passed explicitly allowing banks having more than six partners to carry on business outside of the London area, at a distance not less than sixty-five miles from London. In 1833 the act renewing the Bank of England charter granted for London a similar right of joint stock banking without note issue. The establishment of a large number of joint stock banks of deposit followed immediately, the first being the London and Westminster Bank (1834), one of the "big five" at present. By the same act the notes of the Bank of England were made legal tender except for payments by the Bank itself. Thus its position as a central bank was confirmed.

Sir Robert Peel's famous Bank Charter Act of 1844 placed the right of note issue on a new basis. As far as private banks were concerned existing rights were preserved; but no new rights were to be conferred in the future and no increase of the circulation of any bank which already possessed the right was to be allowed. The gradual supersession or absorption of the private banks by joint stock banks meant the gradual lapse of the rights of note issue. The regulation of the Bank of England note issue became automatic. The Bank was divided into an Issue Department concerned exclusively with the note issue and a Banking Department concerned with the other business. The Issue Department was authorized to issue only a fixed amount of notes against securities (the fiduciary issue); any additional notes had to be covered by an equal reserve of coin or bullion. The fixed fiduciary issue was initially £14,000,000, but provision was made for extending it by two thirds of the amount of any private bank's note issues that lapsed. Such extensions were made from time to time and in 1923, when all the private note issues had lapsed, the limit of the fiduciary issue was set at £19,750,000.

After 1828 no notes below £5 had been allowed, and coin was the only available medium for the chief ready money transactions such as wage payments and retail deals. As the use of checks came into vogue during the nineteenth century for the larger payments, not only among traders but among private individuals, the note circulation played a smaller and smaller part in the country's currency system. In 1853 the London Clearing House abandoned the use of Bank of England notes for the settlement of the daily clearing balances in favor of checks on the Bank of England, and ever since the current balances to the credit of the clearing banks at the Bank of England have been an important factor in the London money market. It is most surprising that the note issue in active circulation showed apart from moderate fluctuations no increase between 1844 and 1914, despite the immense expansion in business and in economic activity of all sorts.

The rigid limitation of the Bank's note issue could not in practise always be maintained. By virtue of its position as the bankers' bank the obligations of the Bank of England, whether notes or deposits, are considered as cash by the banking community and the public generally. At a time of stress the Bank could keep its obligations within an arbitrary limit in the last resort only by refusing to lend on any terms. That might mean a deadlock, a breakdown of the credit system owing to a shortage of cash. In order to avoid such a catastrophe the government on three occasions, in the great financial crises of 1847, 1857 and 1866, authorized the Bank to exceed the fiduciary limit. The government had no legal power to give such authority but because of its constitutional predominance in the House of Commons it was in a position to promise that it would procure indemnifying legislation from Parliament to give retrospective sanction for any breach of the law. On only one of the three occasions, the crisis of 1857, was the limit actually exceeded and the indemnifying legislation passed.

With the outbreak of the war in 1914 the Currency and Bank Notes Act was hastily passed empowering the government to suspend the fiduciary limit "temporarily" and authorizing the government to issue legal tender currency notes for £1 and 10s. The appearance of these notes made the whole question of the fiduciary limit one of secondary importance. The act remained operative until 1928, the currency notes being subject to no statutory regulations

with regard to reserves, although the Treasury issued administrative directions on the subject. The Currency and Bank Notes Act of 1928 transferred the power of issuing notes for £1 and 10s from the government to the Bank of England and contained provisions for a new reserve law for the Bank's note issue thus extended. Since notes had entirely replaced gold coin as the standard circulation of the country the Bank's circulation exceeded £350,000,000 as compared with about £30,000,000 in 1914. The fiduciary issue was fixed by the act of 1928 at £260,000,000 but the Treasury was empowered, at the request of the Bank, to increase or decrease it. An increase could be made only for six months at a time or less and could be renewed for not more than two years in all. The profits derived from note issue were to revert to the Treasury.

The extension of the private banks through the establishment of branches was circumscribed by the limitation of their capital to that of not more than six partners. But a joint stock bank with well distributed branches enjoyed the advantage of solid credit, and clearing facilities available through its head office placed it in a position to transmit funds for its customers from London to the provinces and from one part of the country to another. From the very beginning of joint stock banking, whether such banks were established in London or in the large provincial cities, there was therefore a marked tendency for branches of the joint stock banks to supersede the private banks. The usual process was the absorption of a private bank as a going concern and its transformation into a branch or a group of branches of the joint stock bank. When in 1862 the Companies Act was passed facilitating the establishment of joint stock banks, this absorption of private banks was accelerated. Toward the end of the nineteenth century the process of amalgamation extended also to the smaller joint stock banks. So far has this proceeded that at present the number of joint stock banks carrying on business mainly in England is only sixteen, and five sixths of the business is in the hands of five big banks.

In the private banking era trade in England was financed largely by bills of exchange drawn by sellers of goods upon buyers. Since London was the great center of commercial business, both domestic and foreign, and the greatest commercial houses had their head offices or at any rate responsible agencies there, the country banks were constantly receiving bills drawn on London by their customers in the ordinary course of business and were at the same time called upon to use the funds they thus acquired in London in order to provide remittances. The country banks needed a constant correspondent in London and would of necessity keep their reserves there. Quite naturally there developed in London early in the nineteenth century a market in bills of exchange. Brokers, who made a special study of the credit standing of the names appearing on bills as drawers, acceptors or endorsers, would undertake to find buyers for any bills held by a banker in excess of requirements or to obtain bills for one who had superfluous funds to invest. The market, in thus sorting out the available supply of bills and of money among the banks, became a sensitive index of the cash position of the banking community. If the City was short of cash the bill brokers would become aware of a supply of bills exceeding the demand; if cash was redundant the demand for bills would exceed the supply. The Bank of England, which since the second half of the eighteenth century had begun to acquire the functions of a central bank, would make good a shortage of cash in the City by lending. At first it lent directly to merchants, but when the discount market came into being the responsibility for borrowing from the Bank devolved upon the bill brokers, who had the most immediate evidence of the position of the market. There grew up a rediscounting system, with the peculiarity that the rediscounts were obtained from the central bank not by the other banks but by the bill brokers.

As the bill brokers became responsible for the rediscounting business they ceased to be mere brokers or intermediaries. The existence of an active and liquid discount market enabled the banks to cut down their actual holdings of money to the bare minimum required for till money and clearing operations and to lend to the bill brokers at short notice (sometimes a week, but usually from day to day) any balance that could be spared. With these funds the dealers were enabled to buy bills on their own account. By 1830 this had become the most characteristic business of the bill brokers and the present organization of the London money market had already emerged. The discount houses, still often called bill brokers, have thus acquired some of the characteristics of bankers, holding liquid investments against demand or short term obligations.

In view of the narrow margins on which they

transact business the discount houses are most sensitive to changes in the cash position of the market. Their gross profits are determined by the difference between the rate of interest paid to the money lending banks and the rate of discount which they charge the sellers of the bills. The rate of interest charged for day to day money is a sensitive rate, varying sometimes from hour to hour according to the state of the market. The rate of discount is likewise sensitive, although the range of its variations is narrower because it relates to longer periods. A scarcity of cash among the banks is felt in the first instance not through an excess of bills offered for sale but through a withdrawal of funds from the discount houses. Borrowing as they do on short notice, discount houses must be in a position to supply cash in whatever amount may be demanded. To satisfy such demands they resort to the Bank of England, with which they create deposits equivalent from the standpoint of the market to cash, either by rediscounting the bills of exchange or by obtaining loans for a few days on the security of the bills. The "Bank rate," fixed and announced by the directorate of the Bank of England every week, is the minimum rate at which the Bank is prepared to rediscount bills for the discount houses; the Bank usually also grants them loans at a rate ½ percent higher.

The Bank rate is effective when the discount houses have to resort to borrowing from the Bank of England. Sometimes, when the credit position requires restrictive measures, the directors of the Bank "put the market in the Bank" in order to force the market rate of discount up to the Bank rate. They create an artificial shortage of cash by offering government securities for sale or by letting bills run off without replacing them. To forestall a falling off in their deposit balances with the Bank the London banks recall their loans with discount houses and the entire machinery is thus set in motion.

With the development of branch banking the bill of exchange in internal trade was almost entirely superseded by loans and advances. As the practise of remittance by check grew, the occasion for the creation of domestic bills disappeared. A bank will lend a customer a specified sum for a specified period or sometimes will grant him an "overdraft," the right to "overdraw his account" as much as he needs from day to day within an agreed maximum limit. In the case of the loan, interest will be charged for the whole amount lent until its maturity, although a portion may be repaid before maturity by agreement; in the case of the overdraft, interest will be paid only on the amount actually outstanding from time to time. Loans and overdrafts are sometimes protected by real estate or stock exchange security collateral.

With the disappearance of domestic bills of exchange the London market is almost entirely confined to bills drawn for financing international trade. These are not limited to the bills arising out of the trade of English merchants as importers or exporters. A large part of the paper is created in transactions between merchants of two foreign countries which are financed through the intermediation of the London market. This is generally done by the seller's drawing a bill on a London banking house, which accepts it because a credit had been arranged with it by the bank of the importing buyer. This international position of the London market is due to several causes. Geographical position, maritime power, freedom from invasion, numerous colonies, extensive foreign trade, all helped. After 1819 a stable currency and a free gold market were factors along with a highly organized banking system and discount market.

The accepting of bills on behalf of foreign clients is carried on mainly by merchant bankers. Some of them located in London in the late eighteenth and the early nineteenth century, when it became abundantly clear that with the breakdown of the Bank of Amsterdam and the increasing hegemony of British shipping in international trade London was bound to develop into the center of international commerce and finance. Other such houses have grown out of the big mercantile firms of the eighteenth century. A merchant who bought goods and accepted bills on a very large scale came to be well known in the countries where he did business, and his name commanded high credit. He could confer a great benefit on his smaller and less known fellow merchants by letting them have bills drawn on him instead of on themselves, and if he were satisfied that they were sound he could conduct a lucrative business by charging them a commission for the use of his name. Merchants who had established a business of this kind and who had accumulated a large capital from their own business found it worth while to concentrate on acceptance and other financial operations and to drop the commercial side of their business altogether. With

their international connections they were also equipped to deal in foreign exchange. They were naturally led also to engage in the flotation of securities, particularly on behalf of foreign business concerns and governments.

The concentration of foreign bills on the London market is also due to the activity of colonial banks and of exchange banks. These banks have either their head offices or important branches in London but receive deposits and carry on business abroad, either in the British possessions or in foreign countries, especially in the Far East and South America. They do a considerable amount of local business abroad, but their most characteristic activity is the financing of those of their customers who are engaged in international trade. The customers of a colonial or exchange bank include both buyers and sellers of goods. For the buyers the bank undertakes to accept bills drawn on its London office. The sellers draw bills, as a rule on some other bank or financial house in London; the bank discounts these and thus acquires many bills on London, which it transmits to its London office, where after being presented for acceptance they are either held as an investment or sold in the market. The overseas banks are thus the principal channel through which bills reach the London market. The bills represent both imports into England and imports whether from England or elsewhere into the countries in which the overseas banks do business. These banks are obviously in a favorable position to deal in foreign exchange in the form of foreign bills drawn on London or in other forms.

In recent years the tendency toward amalgamation which has been so prevalent among the interior banks has spread to the overseas banks. In one or two cases they have amalgamated with one another, and some have also been affiliated with a big joint stock bank. These big joint stock banks have thus become engaged in financing international trade, some of them more directly by the establishment of foreign departments and foreign branches.

The preceding description is limited to English banking. The institution in Scotland developed for a considerable time independently of the English and even at present exhibits somewhat different characteristics. At the end of the seventeenth century there existed in Scotland a number of substantial local banks organized on a partnership basis. Despite the fact that the number of partners was not limited these local banks were found inadequate. In 1695 the Bank of Scotland, which for some time occupied a position analogous to that of the Bank of England in English banking, was founded by an act of the Scottish Parliament. This was the only large note issuing bank until 1727, when the Royal Bank of Scotland was chartered by the British Parliament. Since then the British Linen Company, rechartered in 1806 to do banking business exclusively, joined the ranks of the large scale banks. These as well as the smaller local banks engaged extensively in note issue. In some cases the notes were of very small denomination, but after 1765 none below £1 was allowed. Deposit business did not develop until much later. After the middle of the eighteenth century credit was extended on the basis of the cash-credit system, that is, on the personal security of the borrower and of two bondsmen. The cash-credit loan, supplementing credit protected by land and other property, proved of great value in the encouragement of industry and trade. With the development of interlocal communications early in the nineteenth century joint stock banks began to appear in the larger centers and somewhat later established branches into which local banks were gradually merged. The joint stock banks amalgamated among themselves as well, so that while there were thirty-six such institutions in 1819 their number had been by 1844 reduced to twenty-four. The act of 1845 restricted the right of note issue to those banks which exercised it at the time and limited the fiduciary issue to the amount then outstanding, and since then no new bank survived the competition of the older institutions. Their number had been reduced by amalgamation in the meantime, and in 1873 there remained only eleven banks of any importance. After the middle of the nineteenth century these banks developed extensively the deposit business and in connection with it the circulation of checks. Scottish banking, except for the note issue feature, came increasingly to resemble the English type. As was inevitable close ties were established with the London money market which culminated in the stock control by London joint stock banks of four of the eight large Scottish banks in existence at the present time.

R. G. HAWTREY

Continental Europe. I. The Nineteenth Century. While English banks were developing with the commercial expansion of the eighteenth century and were prepared to finance the short

time needs of industry when the latter assumed modern forms after the industrial revolution, banking on the continent was lagging behind. Before the nineteenth century it was called upon to satisfy the demands of government for credit, to provide a stable currency for commercial purposes and in a few centers to finance industry and trade. It is not surprising, therefore, that at the beginning of the nineteenth century banking facilities on the continent were confined to banks of issue, a small number of extremely rich private bankers who discounted trade bills of exchange of international currency, and a few banks which made loans on the security of merchandise. In certain localities notaries would lend funds entrusted to them and in some cases would open formal current accounts. Napoleon's observation, " . . . la France manque d'hommes sachant ce que c'est qu'une banque. C'est une race d'hommes à créer" (quoted in A. Courtois, *Histoire de la Banque de France*, Paris 1875), was applicable to other continental countries as well.

The Société Générale pour Favoriser l'Industrie Nationale, founded in Brussels in 1822, was significant in the further development of European banking. It represented a type of bank which later was most successful not only in Belgium but also in France and almost all other continental countries. In contrast to the rigid separation of functions characteristic of English banking, the Société Générale combined commercial and investment banking operations; it granted loans on current account, discounted commercial paper and accepted drafts, engaging at the same time in long term industrial financing. A large part of its resources came from capital stock subscriptions supplemented by a bond issue. A few decades later the brothers Pereire founded the Crédit Mobilier in Paris, regarded at the time as an extremely large organization, which attempted to combine in a peculiar way loans for industrial and commercial purposes. Its paid up capital was 60 million francs but its holdings of securities, mainly shares of stock, amounted at times to 120 million francs or more. Although it existed only a few years it stimulated the foundation of new banking institutions which have been of leading importance up to the present time. With the vigorous cooperation of the House of Rothschild, which saw its power threatened by the Crédit Mobilier, the Austrian Creditanstalt für Handel und Gewerbe, still the largest commercial bank in Austria, was founded in 1855.

About the middle of the nineteenth century a number of important joint stock banks were established in Germany along the general lines of the Crédit Mobilier, but with such modifications as were dictated by considerations of prudence and the necessity of adaptation to local conditions. They were the Bankverein of A. Schaaffhausen in Cologne (1848), the Bank für Handel und Industrie in Darmstadt (1853), the Berliner Handels-Gesellschaft (1856) and the Diskontogesellschaft (1851). In the course of time these banks succeeded in establishing their position of leadership on an increasingly firm foundation. The character of their operations as well as their significance in the economic situation of the time are best described by a few sentences from the report of the Bank für Handel und Industrie for the year 1853: "Bank branches inside and outside the country should act as intermediaries in export trade and innumerable other relations between the German industry and the world market. The bank has the right and the duty to take capital from an industrialist who can spare it temporarily and to transfer it to another who happens at the same time to need it, and by this continuous redistribution to stimulate and enlarge industrial activity. It is entitled to participate in a similar way in the great public works and large financial operations of the state and to act also in these fields as an agency for the investment of free funds. In brief, the Bank für Handel und Industrie is a banking house of heightened potentiality, equipped with large resources and with numerous branches. No dead letter has unwarrantably restricted the limits of its activity" (quoted in Weber, p. 62).

In contrast to the English banks, these continental institutions did not at first attempt to increase the resources at their disposal by attracting deposits. Certain conditions had be to met before they could engage in the deposit business on a considerable scale. Capital accumulation by the public had to be developed to a certain degree before it would repay the effort of gathering surplus capital in the form of deposits. The public had to have more confidence in the joint stock banks, had to become accustomed to regard them as the honest administrators of its moneys. On the other hand bank executives had to revise their traditional notion that demand deposits were valueless from the point of view of the security of the bank; and commercial loans on an extended scale (in addition to industrial loans and the stock issues connected with them)

had to provide the opportunity for a larger proportion of short term investments. In the light of these considerations it is not surprising that the Deutsche Bank, founded late in 1870 particularly in order to promote and facilitate commercial relations between Germany and foreign and overseas markets, had at the end of its first business year total deposits of only $15,000. The situation gradually changed in Germany as it did in other European countries emerging from the poverty stricken agricultural stage of their history. The deposit business has been developing at a rapid rate since the beginning of the twentieth century. External evidence is provided by the rapid increase in local depositories which the large banks took pains to establish all over the country. In the early nineties there were scarcely two dozen bank branches in Germany; at the outbreak of the war in 1914, 36 of the larger commercial banks in Germany were maintaining as many as 1522 banking offices in addition to their head offices.

The German system of general banks, combining the deposit and loan business with the promotion of industry and the stimulation of foreign trade, withstood the test of experience for several decades and was imitated by most of the other European countries. At present the German system of combining banking functions, unlike the English system of functional separation, prevails in European countries and even outside of Europe, as for example in Japan.

In France the development of banking did not follow uniformly in the direction of the general bank as it did in most of the other countries on the continent. The Revolution of 1848 destroyed what there was of existing credit institutions. Complete lack of credit threatened a collapse of French business when the government came to the rescue and helped to found the Comptoir National d'Escompte. The bank could begin work only with the help of a substantial government advance. The acceptance of demand deposits and the discounting of bills of exchange were the only operations in which the new enterprise was at first permitted to engage. Later it became possible to grant loans against goods in warehouse in order to allow the release of capital invested in unsalable goods. In the course of time its sphere of operations was increasingly expanded. Loans on securities and security brokerage were added to its business; it was also given permission to grant acceptance credits guaranteed by a cash or security collateral, but the acceptance of drafts secured by bills of lading became possible only in 1860. Apart from its own capital the resources of the Comptoir d'Escompte were restricted to moneys which came to it automatically in the course of business. These were balances on commercial current accounts, which the merchants regarded as reserves available on demand. The bank refrained from acquiring time deposits.

This gap in French banking was seriously felt after Napoleon's coup d'état when the revolutionary moods of the preceding period gave way to a condition of social apathy and the predominance of strictly business pursuits. Capital accumulation now made rapid strides and provided the foundation for the development of deposit banking. In 1859 the government sanctioned the founding of the first real deposit and loan bank in France, the Crédit Industriel et Commercial. To protect the safety of deposits all operations in the least speculative in character were forbidden. During the following years several other banks modeled after the Crédit Industriel were founded in France.

After the failure of the Crédit Mobilier, the Société Générale pour Favoriser le Développement du Commerce et de l'Industrie en France, founded in 1864, gave France a general bank of the type which had stood the test in Germany for years. The Société Générale was not to be merely a deposit and loan bank; from the outset it also planned to engage in the promotion of commercial and industrial enterprises and in all other types of private and public financing. The commercial and investment features of its banking operations were to be mutually supplementary. Soon the Société Générale, acting in the interest of French business, extended strong support to a number of enterprises in various countries. As early as 1868 it founded a branch institution, the Crédit Général Ottoman, especially to serve enterprises in Turkey.

At this same time a large new banking enterprise, the Crédit Lyonnais, was established in the provinces and soon entered into successful competition with the large banks of the metropolis. Founded in Lyons in 1863 with an original capital of 20 million francs, it is today probably the best known French commercial bank. In the early period of its existence this bank engaged in both commercial and investment banking but its sphere of influence was long confined to Lyons and its environs.

After the war of 1870 the wave of promotion which swept over the business world affected the French as well as most other European

banks. There was a mushroom growth of new banks which disappeared as rapidly as they had come. Even the Crédit Lyonnais and the Société Générale were hard hit by the crisis; they soon recovered, however, and were stronger and more active than before. The Comptoir d'Escompte survived these difficult years more successfully than all the other banks, and next to the Bank of France was considered the leading credit institution of the country. Unlike the other large banks, however, it was not stimulated by the crisis to improve its organization, apparently believing that to stand still could never involve retrogression. Such a belief was to prove fatal, because the institution neglected its further development. As a result of the vigorous competition of rival banks, of the depression following the crisis and of the faulty policy of the management which allowed the discount business, under normal conditions the chief activity of the Comptoir, to suffer a continuous decline, the institution collapsed ignominiously in 1889. With the help of other banks and a fresh supply of capital the remnants of the Comptoir were reorganized under the old name and adopted the principles of the other large deposit and loan banks of France.

The success of the large banks, which gradually established a network of branches, has materially affected the business fortunes of the small provincial banks. In France more than elsewhere, however, they have succeeded in strengthening their forces by combination. The French provincial and local banks have formed the Syndicat des Banques de Province largely for the purpose of facilitating their participation in the promotion of industrial and commercial concerns, in the marketing of securities at their own risk or on a commission basis, and in the underwriting of stock issues.

II. The Twentieth Century. Within a few decades the extreme decentralization of banking in Germany has given way to a strongly centralized system, with Berlin as its headquarters. It centers in a few large institutions some of which were mentioned above: the Berliner Handels-Gesellschaft and the four large "D" banks—the Darmstädter und Nationalbank, the Discontogesellschaft (which shortly before the war absorbed the Bankverein of A. Schaffhausen), the Dresdner Bank (1872) and the Deutsche Bank. The Kommerz- und Privatbank of Hamburg has been generally regarded as belonging to the same group. These large banks control at present about 90 percent of all the German joint stock banks, excluding the banks of issue and the mortgage banks, and only a few provincial institutions of medium size have been able to remain outside the direct sphere of their influence. The driving force that makes for centralization is undoubtedly an economic one. The gigantic scale of modern industry and commerce requires such enormous loans that the resources of only a very large institution are sufficient to meet the need. Scarcely less important is the fact that capital ownership is dispersed widely throughout the country, whereas the use of capital for business is concentrated in a few centers especially adapted to commerce and industry. It is therefore necessary to shift funds from localities where they are relatively in excess to those where they are needed, and this can be done most effectively by a centralized banking system. Moreover experience has shown that, other things being equal, the risk of doing business is less for a large bank than for a small or a medium sized institution. The more thorough examination of the general situation, which a large bank is in a position to make, is in itself the surest way of reducing risk. The loss arising from individual failures, which cannot be avoided in business life, can be easily absorbed by a large institution whereas it may almost destroy a small bank. Also it is by no means an unimportant factor that a large bank has facilities for floating stock issues, and when loans on current account go beyond a certain point it is able to transfer risks to the public by issuing stocks or bonds. Such a means of escape is closed to medium sized and smaller institutions. Centralization also brings with it an improvement in the bank's reputation which is advantageous in attracting deposits and business on current account and particularly in floating stock issues. It is therefore easy to understand why the heads of large banks are induced to widen the sphere of influence of their organizations.

In all the large German banks commercial credit receives just as much attention as industrial credit. The banks grant long term industrial loans just as they do short term commercial loans, with the single exception that industrial loans demand a higher rate because of the infrequent turnover and the greater risk. The fact that long term industrial credit is extended by the general banks has given rise to much criticism and to the fear that deposits may thus be too easily endangered. It should be borne in mind, however, that these loans on current ac-

count provide the basis for the banks' development of stock flotations as a means of distributing the risks, and that at least in German experience this practise has eliminated the usual excesses of the business of promotion. Since banks begin with long term loans on current account they are in a position to examine the basis for stock or bond issues much more carefully and to gauge the actual conditions much more correctly than would be possible if such loans were prohibited and a sharp distinction drawn between commercial and investment banking. As a matter of fact the experience of decades proves that German banking methods are decidedly conducive to general economic progress and that depositors run no more risk then they must necessarily assume in dealing with strictly commercial banks. Moreover the well developed system of German savings banks offers the so-called "small people" ample opportunity to place their money outside the large banks with safety and at a suitable rate of interest.

German banks take into account the factor of risk involved in making long term loans on current account. When circumstances warrant it they make such adjustments in their procedure as will reduce the risk to the lowest degree possible. For example, when it was found that the economic development of certain areas was dependent upon the construction of a closely knit system of narrow gauge small and branch railroads, and the banks realized that they could not refuse assistance in an undertaking of such public importance, they devised a way to insure themselves against the risk of insecure returns and the tying up of capital over unusually long periods of time. They organized separate investment corporations (*Übernahmegesellschaften*), the capital of which could be devoted entirely to permanent investments and which at the same time relieved the parent organization of part of the risk. In times of crisis these companies divert the risks of dangerous investments to themselves and thus spare the parent institution. Even though the subsidiary company may collapse under the pressure of adverse conditions the incidence of such a failure in the community is undoubtedly less serious than if a large commercial bank were to suspend payments. Just as the banks found ways and means to protect themselves against the danger of holding securities already issued, without losing at the same time their controlling influence over the concerns involved, so they also sought to lessen the risk of floating new issues by creating certain affiliated organizations. Such a step was necessary if for no other reason than that some banks had in certain respects reached the limits of possible expansion within the same organization. The enormous extent of their business would have made impossible effective supervision of their infinitely complicated and varied affairs. By assigning certain specific fields to a subsidiary organization the whole controlling mechanism is simplified. It also becomes possible to insure expert handling of special problems by trained officials of this specialized institution. An example of such a finance company (*Finanzierungsgesellschaft*) is the bank for electrical enterprises founded in Zurich under the aegis of the Deutsche Bank.

The large German banks have rightfully enjoyed a special reputation for extending vigorous support to German business in international commerce. In the face of powerful older competitors Germany would certainly not have been so successful in the world's markets if the banks had not devoted equal attention to foreign transactions. But here too they had sufficient insight to realize that they must plan as well as dare, to remember that expansion must be accompanied by the strengthening and broadening of the foundation. In order that foreign transactions should not interfere too seriously with domestic business new organizations were created for the special purpose of serving foreign commerce. The Deutsche Bank had been a pioneer in this direction ever since the seventies. Other banks followed in the course of the ensuing decades. In South America and in the Near and Far East German overseas banks reached a high degree of development. In comparison with other German banking interests in foreign countries, these institutions enjoyed certain advantages during and after the war. Some of them were located in neutral countries; and even in some belligerent countries, such as Brazil, they were allowed to continue functioning because of their importance in the economic system of the country in question. Almost everywhere conditions were favorable for a rapid resumption of pre-war business. In 1928 German overseas banks were once again functioning in 74 foreign trade centers.

In France a position similar to that occupied by the six large German banks is held by the three Paris institutions, the Société Générale, the Crédit Lyonnais and the Comptoir National d'Escompte, which before the war represented a

type intermediate between the English deposit banks and the German general banks. Although the large French banks generally apply their savings accounts toward permanent investments through their own stock issues, the flotation of loans in pre-war France was not as important a form of banking activity as the extension of commercial loans. Even when they head an underwriting syndicate or appear as sole contractors, the French banks attempt to minimize risk as much as possible by taking up only a small portion of each individual issue. Their cooperation is frequently limited to merely provisional placing of the securities about to be issued. Before the war it was assumed that French banking investments were relatively safer and more liquid than those of other countries because of the greater conservatism of French practise and the comparatively greater capital wealth of the country. It was thought that loans against merchandise were more readily realizable and that loans on current account included fewer long term loans than was the case with the large Berlin banks. On the other hand their security holdings comprised relatively fewer liquid assets than did those of the Berlin institutions. There is no doubt that the difference between the German and the French banks has recently been lessened. French banking enterprise has become more active, while the large Berlin banks require greater safety of investment. It is to be borne in mind, however, that a sound judgment on the scope and character of activity of the large French commercial banks is extremely difficult because their statements and reports are hopelessly incomplete.

It is of some interest that the large French banking houses in their industrial and foreign business have in recent years occasionally engaged in joint enterprises on a scale larger than before the war. As early as 1925 the Crédit Lyonnais joined with the Société Générale in founding the Banque Française des Pays Balcaniques in Belgrade. The latest instance of this tendency is found in the Union pour le Crédit à l'Industrie Nationale organized jointly by the Crédit Lyonnais and the Comptoir National early in 1929.

The Société Générale de Belgique is preeminent among the commercial banks in Belgium. Its capital stock was increased to a billion francs in 1929, it has 1500 branches and local agencies, participates extensively in financing home industry and commerce and has large interests in the Belgian Congo. The Banque Belge pour l'Étranger, which was founded by the Société and is actually only a branch of the parent institution, has numerous foreign branches and interests extending to all European countries and the Orient. By participating in the founding of the Banque Italo-Belge in Brazil, the Société entered into business relations also with the South American countries. In 1928 the large and highly reputed Banque d'Outremer became part of the Société, thereby increasing materially the business power of the latter. The only other important organization is the Banque de Bruxelles, which since the war has advanced considerably toward the position of a general bank. It increased its participation in industrial and commercial enterprises from approximately 4 million francs in the year 1919 to approximately 100 million francs in the year 1926. It has been said that this organization engaged so intensively in investment operations that the development of its regular commercial banking business was hampered.

Probably no other country possessed such a variety of types of banking organization as the Netherlands in the nineteenth century. In the twentieth century general banks gained a constantly increasing ascendency. The Nederlandsche Handel-Maatschappij, founded in 1824 to succeed the Dutch East India Company and still heavily interested in the Indian business, is the oldest and best known of Dutch general banks. The tendency toward the type of general bank received a strong stimulus from the war, since foreign capital in large amounts was transferred to Dutch banks, which had to seek opportunities of investing it. Short term bank loans at an acceptable rate of interest were scarcely satisfactory when long term investments offered so much more alluring prospects of profit. In this situation some of the Dutch banks overreached themselves, so that when the war was over a considerable portion of the loans could not be repaid. Numerous Dutch mercantile and shipping firms got into serious difficulties. In addition to important private banks, one large banking enterprise, the Bank Associatie in Amsterdam, was compelled to suspend payments in 1922. In 1924 one of the very largest and oldest commercial banks, the Rotterdamsche Bankvereeniging, founded in 1863, became involved in such a serious predicament that a catastrophe was averted only by the government's quick decision, made without consulting the legislature, to guarantee a considerable portion of the bank's obligations. The bank

prepared for a reorganization which was actually carried out in 1927.

Aside from the Nederlandsche Handel-Maatschappij and the Nederlandsch-Indische Handelsbank, whose business is primarily with India, the leading Dutch banks are the Amsterdamsche Bank and the Twentsche Bank in Amsterdam and the Rotterdamsche Bankvereeniging in Rotterdam, all three of which are distinctly general banks with interests and connections extending far beyond the Dutch border. The history and operations of the Twentsche Bank are somewhat different from those of the other institutions. It was founded in 1861 to further exports from the important textile region of Twentsche. The method employed was mainly acceptance loans, for which a London branch was soon founded. A certain percentage of the loans which it grants are underwritten on the basis of joint responsibility by the members of the Creditvereeniging, formed by a majority of its borrowers. This bank has also evolved a method of controlling numerous industrial enterprises without in any way affecting the liquidity of its own assets. Instead of owning securities outright it borrows them from their holders for a long term, extending to one year or more. It pays 1/2 percent as a loan fee in addition to refunding the dividends on the day they fall due.

In Switzerland the apparent decentralization of banking is counteracted to some extent by the existence of banking cartels formed to look after common interests. Such cartels are formed by the eight large banks, by the cantonal banks, which are of regional importance, and by the savings and loan institutions serving local needs. The leading banks also control through security ownership a number of apparently independent banks. Thus the Schweizerische Kreditanstalt in Zurich, which is the largest Swiss bank, has a controlling interest in the Lucerne Bank, the Zurich Bank and the bank for electrical enterprises in Zurich. The Schweizerischer Bankverein, the second largest bank, with a capital of over one million francs, is heavily interested in Leu and Company of Zurich, itself one of the eight largest Swiss banks, as well as in the Schweizerische Gesellschaft für Anlagewerte and in the Crédit Commercial de France in Paris. Like the German banks the Swiss institutions engage extensively in security flotation. The apparent soundness of the combination of security flotation with regular commercial banking may be inferred from the excellent record of the Schweizerische Kreditanstalt, which paid dividends of 8 percent for very nearly forty years. At present the only foreign branch of Swiss banks is that maintained in London since the late nineties by the Schweizerischer Bankverein.

The large Italian commercial banks which at present enjoy international repute are of recent origin. The first to be established was the Banca Commerciale Italiana in Milan; with German assistance it was modeled after the German banks. Primarily interested in the electrical industry and in the manufacture of artificial silk which has rapidly attained importance in Italy, it also cultivates the foreign business growing out of these interests. A number of other banks were later founded along the lines of the Banca Commerciale. The Credito Italiano in Genoa was the first of the large Italian banks to engage systematically in regular deposit and loan banking. It developed a comprehensive system of branches and in proportion to its capital stock has considerably larger deposits today than the otherwise more important Banca Commerciale. It is supported largely by the Genoa shipping and wharf industry and by the industry of Turin. The other large banks in Italy are the Banco di Roma, which had to weather a very severe crisis in 1921–23, and the Banca Nazionale di Credito in Milan. Recently the Credito Maritimo in Rome has begun to attract public attention. The rise of Fascism has placed the Italian banks under strong government influence, which is exerted particularly with reference to the extent and methods of their business with foreign countries. As a result there appears an appreciable weakening of competition and an increasing uniformity of banking methods.

ADOLF WEBER

United States. For some twenty years after the establishment of the first bank in the United States, the Bank of North America, in Philadelphia in 1781, banking development followed a course which, could it have continued, would have given the country a strong and efficient system of commercial credit. The general economic situation was one favorable to the conduct of banking along safe lines. The settling of the country and the developing of its resources were still proceeding at the same slow rate which had been characteristic of the colonial period and gave no irresistible impulse to widespread enterprise and speculation. The few banks that were organized were located in the

seaport towns and cities where commercial business provided a good type of transaction on which to base bank loans. Charters by special legislative enactments, required in each instance, were not granted freely; in general they could be secured only by applicants of recognized financial responsibility. Moreover by the establishment under a federal charter of the First Bank of the United States in 1791 the country now had an institution which, like similar banks elsewhere, would doubtless have limited itself in the course of time to the special functions of a central bank. The field of operation of the First Bank of the United States was nation wide, with head offices at Philadelphia and eight branches extending from Boston to New Orleans. It served the federal government as fiscal agent and although it conducted a general commercial banking business, as did at that time its prototype, the Bank of England, the conservative policies which its management seems consistently to have maintained exerted a restraining influence upon the operations of other banks.

Shortly after the beginning of the nineteenth century the tempo of American economic activity became increasingly rapid. The boundless natural resources of the Mississippi valley awakened a venturesome pioneering spirit which was intolerant of the limitations of conservative banking practises and positively antagonistic to them when imposed from a distant city. Throughout the century an enterprising population, impressed by the possibilities of its surroundings, was eager to employ far more than the readily available supply of capital and was therefore predisposed to favor measures and policies which might give command of additional resources. Bank credit freely administered by local banks seemed to provide a ready substitute for actual capital since it gave the individual borrower and the community the command of resources during such time as the banks in one locality succeeded in expanding credit more rapidly than did banks in other localities with which the community maintained close business relations. The neutralizing effect of the upward movement of prices consequent upon such credit expansion is not immediate; it was therefore unlikely to receive general recognition. With the establishment of banks outside the commercial centers, in communities whose economic activities failed to provide liquid employment for banking funds, it was also inevitable that such funds should have been employed in making loans for the purchase of land and in general for the provision of fixed assets. The persistent endeavor to secure resources through the operations of banks was reflected in the numerous instances of local ownership and management of banks not found in equal measure in any other country. Here perhaps is to be found the explanation of an apparent anomaly—legislative restrictions and even the prohibition of branch banking in a country characterized in general by a laissez faire policy toward business activities and organization.

Between 1800 and 1811 the number of banks increased from 28 to 88 and by 1836 it had reached 713. During these years special charters were granted more readily than in the earlier period and in one state after another general laws were passed permitting the organization of banks under conditions which were by no means exacting. The possibilities of credit expansion by any one of these banks or by all of the banks of any given locality were restricted if other banks promptly presented their notes for redemption and checks drawn upon them for settlement. The First Bank of the United States, much larger than any other bank, operating throughout the country and receiving in the ordinary course of business as fiscal agent of the government notes and checks payable by other banks, adopted a conservative policy and imposed a similar course upon them. A distant bank which made no loans locally but continually presented notes and checks for immediate payment was naturally regarded with hostility in rural banking circles. This antagonism was perhaps almost as acute among the more conservative bankers of the cities, since the commercial banking business of the First Bank of the United States brought it into direct competition with them for business of the most desirable character. Banking sentiment was consequently not favorable to the First Bank of the United States; it failed to secure a renewal of its charter and was liquidated in 1812. Four years later, however, a similar institution, the Second Bank of the United States, was established. This reversal of policy was a direct outcome of the inability of the local state banks to handle successfully the fiscal operations of the government during the War of 1812. But after twenty years of generally effective banking service the Second Bank of the United States met the fate of its predecessor, fundamentally for similar reasons although the tactless political activities of its president were superficially responsible. For nearly eighty years thereafter, until the establishment of the

Federal Reserve system in 1914, the banking system of the United States was deprived of any agency responsible for the maintenance of the credit structure upon a solid foundation or possessing a reserve of lending power for use in emergencies.

From 1837 until the organization of the national banking system in 1863 banking in the United States was handled exclusively by banks organized under the laws of the various states; by the time of the outbreak of the Civil War in 1861 the number of banking institutions had increased to more than 1600. Experience with the working of these banks disclosed three defects of major consequence: the presence of many weak and badly managed banks, excessive credit expansion during periods of business activity, and inability to cope with situations of severe financial strain. During these years dissatisfaction with the banking system was widespread and although constant efforts were made to improve it through voluntary action by bankers and through legislation the problem was never examined in comprehensive fashion. Fundamental defects of organization, such as the multiplicity of banks and the absence of some sort of central banking agency, were overlooked and attention was fixed now upon one and now upon another of the diverse particular manifestations of the faulty management or mechanism of banking credit.

To the general public the losses and inconvenience incident to issues of banknotes by numerous scattered banks, large and small, were a matter of overshadowing concern. The currency thus provided had none of the qualities that belong to a satisfactory circulating medium. Because of a lack of uniformity in design it was easily counterfeited in notes which were a source of universal irritation. Aside from New England, where through the Suffolk Bank of Boston arrangements for the regular redemption of bank notes were in operation, the notes of even the strongest banks were often at a discount in localities distant from the office of the issuing bank. Above all, in the frequent cases of failure undeserved loss fell in haphazard fashion upon scattered individuals having no means of knowing the conditions of the various banks whose notes they might receive in the ordinary course of making and receiving payments. Down to the time of the Civil War there was little or no improvement in the situation with regard to the circulation of counterfeit notes and the acceptance of notes at a discount, but there was decided progress in the direction of adequate protection of noteholders. In addition to measures which were equally advantageous to both noteholders and depositors there was much legislation concerned exclusively with arrangements designed to make the banknote absolutely secure regardless of the fate of the issuing banks. The limitation of the amount issued to the capital of the bank was frequent; but the safeguard which by 1860 had been most generally adopted among the states and which it seemed likely would soon become universal was the deposit of approved securities presumably of sufficient value to protect the outstanding notes. In other words the American banknotes tended to become a bond secured currency.

During the same period in one state after another elaborate banking codes were developed covering the entire field of banking organization and practise and providing for governmental supervision and examination. These codes included provisions relating to the minimum amount and payment of capital, restrictions on loans—in particular limiting or excluding loans on real estate and limiting also the amount that might be lent to any one borrower—and the establishment of required minimum ratios of reserves to note and deposit liabilities. Although such legislation may well have lessened the mortality rate among banks, the rate has nevertheless remained high ever since. Restrictions on banking operations sufficiently drastic to confine the transactions of incapable bankers within safe limits would at the same time narrowly circumscribe the service which well managed banks regularly provide. The unfortunate tradition persisted that a large number of banks was desirable, and the unrestricted granting of charters continued; the average bank was small in size and had little economic diversification in its loans.

A striking but not fundamental change in the banking situation came with the passage of the National Bank Act in 1863. Although the various provisions of this act and of subsequent amendments were in some respects more exacting than those to be found in most, if not in all, of the states, they were of the same general character. The most certain advance related to the currency. In 1865 a prohibitive tax of 10 percent was imposed upon the note issues of state banks and thereafter the country enjoyed in the note issue of the national banks a currency which possessed the advantages of uniformity in design and also in value since all national banks were

obliged to accept the notes at par. Absolute safety was attained by limiting the amount of notes issued by any bank to the amount of its capital and by requiring a deposit of United States government bonds taken at 90 percent of par (after 1900 at par). Like the issues which it superseded, however, the national banknote lacked one desirable characteristic—elasticity. The amount of the notes in circulation at any time tended to fluctuate with the price of government bonds rather than with the community's varying requirements for currency.

The important place still occupied by note issue as a means of extending bank credit, especially in the case of country banks, and even more the high yield from government bonds induced most of the state banks to enter the national system after the imposition of the 10 percent tax; but within less than twenty years thereafter the organization of banking institutions under state laws again became attractive. Government bonds advanced to high levels and the power to issue notes became less essential with the increasing employment of checks. The requirements of state laws with regard to minimum capital, to loans (in particular to those secured by real estate) and to reserves were less exacting. Moreover in many of the states chartered institutions, known as trust companies, were authorized to undertake in addition to regular banking operations a variety of fiduciary functions, a field of business that was not open to national banks. Within recent years, however, the relative attractiveness of federal and state charters has become more nearly equal, partly through the strengthening of state laws and partly through a widening of the powers of the national banks.

The establishment of the national banking system did not improve the record of bank failures throughout the country. Years of business recession and economic readjustment have invariably been marked by numerous failures. As in preceding decades charters have been granted far too freely, so that by 1920 there were nearly 30,000 banks in operation; during the past ten years nearly 5000 of these banks have failed. Of those which failed the majority were small banks established in communities in which there was little economic diversity and consequently little opportunity for loan diversification. Under these circumstances legislation and government supervision, whether federal or state, cannot give the depositor adequate protection. Experience clearly indicates that the country would be more safely and effectively served by a much smaller number of banks.

In the organization of banking as a system no progress whatever was made between 1836, when the charter of the Second Bank of the United States expired, and 1914, when the Federal Reserve Banks were established. The banks of the country were necessarily in intimate relation with one another through the mass of mutual claims in continuous process of collection. The practise followed by the country banks of keeping reserve and surplus funds on deposit in the banks of the large cities, especially of New York, was highly developed and was recognized in legal reserve requirements. But beginning with the crisis of 1837 the banking system, whenever it was subjected to severe strain, ceased to function. In times of financial stringency, such as the panic of 1857, the bank would generally attempt a drastic loan contraction beyond the limits of payment by the business community and thus inevitably compel a general suspension of payments. Even after the banks learned from this experience the necessity for combined local action and issued clearing house loan certificates to make possible further lending, the suspension of cash payments was equally inevitable. Suspension resulted because no bank could feel sure that other banks would remit promptly in settlement of checks and drafts drawn upon them. The fundamental cause of this uncertainty was the lack in the banking system of any available reserve of cash and lending power. All banks endeavored to employ their entire resources at all times and consequently there were no adequate means for coping with emergencies. This serious defect in the banking system of the country was finally overcome by the establishment of the Federal Reserve system in 1914.

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See: STATE BANKS; BANKS, WILDCAT; BANK DEPOSITS, GUARANTY OF; BRANCH BANKING; NATIONAL BANKS, UNITED STATES; FEDERAL RESERVE SYSTEM; LABOR BANKING. See also general cross references at end of article.

Canada. The distinguishing characteristic of the Canadian banking system is the concentration of commercial banking operations, including the issue of banknotes, in the hands of a small and declining number of large institutions. In 1885 there were 41 banks, and as recently as 1900, 36. A series of bank mergers and a number of failures among the smaller banks further decreased

the number so that at present there are 11. Of these, 4 command 80 percent of the entire banking resources.

The number of branch offices and subagencies maintained by the chartered banks is very large. In 1920, at the peak of inflation, it reached the maximum figure of 4676, which was subsequently reduced by about 20 percent. There are several advantages claimed for this nation wide system of branch banking. Not only does it permit the shifting of funds from sections where there is a surplus of deposits to those where there is a deficit, which helps to develop the less wealthy localities, but it also offers the opportunity for a nation wide diversification of bank portfolios, makes for ease and flexibility in the establishment of new offices and facilitates the training of bankers with a national point of view.

The Canadian banks are incorporated under the terms of the Banking Act, which is subject to decennial revisions. It includes more or less detailed provisions relating to incorporation; capital and surplus requirements; the granting of various types of loans; the issue of banknotes; the legal procedure to be followed in the event of mergers, insolvencies and liquidations; and such matters as audits, examinations, inspections and returns. The act does not, however, require the maintenance of fixed reserves against deposits.

There is no central note issuing institution in Canada. Each incorporated bank is allowed to issue notes up to the amount of its paid up capital, which are asset issues not secured by any specific collateral. Since each bank desires to increase its own circulation to a maximum and to present for redemption such notes of the other banks as come into its possession, the notes remain in circulation only as long as they are actually required in facilitating productive processes; they possess, therefore, a high degree of elasticity. Because of the failure of bank capital to increase in proportion to circulation requirements, an amendment to the Bank Act was adopted in 1908 permitting the banks during the crop moving season (September to February inclusive) to issue additional notes not to exceed 15 percent of their paid up capital and surplus; these notes were made subject to a heavy tax to insure rapid contraction. By a further enactment in 1913 the banks were permitted to issue notes beyond the amount of their paid up capital provided that the excess was secured by Dominion notes (government issues) or gold deposited in the central gold reserve which is administered by a board of four trustees. In order to obtain additional amounts of Dominion notes it was provided in 1914, as a war emergency measure which still remains in force, that the banks might hypothecate with the Treasury Board (a body consisting of the minister of finance, the deputy minister of finance and four members of the Privy Council) certain types of bonds and commercial paper. In this arrangement Canada has a rudimentary type of central bank.

BENJAMIN HAGGOTT BECKHART

See: CREDIT; INVESTMENT BANKING; LAND MORTGAGE CREDIT; AGRICULTURAL CREDIT; SAVINGS BANKS; CREDIT COOPERATION; LOANS, PERSONAL; MERCANTILE CREDIT; BANKNOTES; BANK DEPOSITS; CHECK; CLEARING; NEGOTIABLE INSTRUMENTS; BILL OF EXCHANGE; ACCEPTANCE; FOREIGN EXCHANGE; BANK RESERVES; DISCOUNT RATES; CENTRAL BANKS; MONEY MARKET.

Consult: FOR THE THEORY OF BANK CREDIT. Older views: Gilbart, J. W., *History, Principles and Practice of Banking* (London 1834, rev. ed. by E. Sykes 1907); Mill, J. S., *Principles of Political Economy* (Ashley ed. London 1923) bk. iii, chs. xi–xii; Dunbar, C. F., *Chapters on Banking* (Cambridge, Mass. 1885); Laughlin, J. L., *Principles of Money* (New York 1903) chs. iv–v. Newer theories of credit extension by banks: MacLeod, H. D., *The Theory and Practice of Banking*, 2 vols. (London 1855–56, 5th ed. 1892–93); Hawtrey, R. G., *Currency and Credit* (3rd ed. London 1928) ch. xiii; Schumpeter, Josef, *Theorie der wirtschaftlichen Entwicklung* (Leipsic 1912) ch. iii, and footnote at beginning of this chapter in 2nd edition (Munich 1926); Hahn, A., *Volkswirtschaftliche Theorie des Bankkredits* (3rd ed. Tübingen 1930); Moulton, H. G., "Commercial Banking and Capital Formation" in *Journal of Political Economy*, vol. xxvi (1918) 484–508, 638–63, 705–31, 849–81; Phillips, C. A., *Bank Credit* (New York 1920).

FOR THE EARLY HISTORY OF BANKING. General surveys: Kulischer, J. M., *Allgemeine Wirtschaftsgeschichte des Mittelalters und der Neuzeit*, tr. from the Russian, 2 vols. (Munich 1928–29); Sombart, Werner, *Der moderne Kapitalismus*, 3 vols. (3rd ed. of vols. i–ii and 1st ed. of vol. iii, Munich 1928); Various authors, *A History of Banking in All the Leading Nations*, 4 vols. (New York 1896). On money changers, exchange fairs, montes and public transfer banks: Basserman, Elisabeth, *Die Champagnermessen* (Tübingen 1911); Lattes, Elia, *La libertà delle banche a Venezia dal secolo XIII al XVII* (Milan 1869); Vigne, M., *La banque à Lyon du XV^e^ au XVIII^e^ siècle* (Paris 1903); Mancardi, F., *Cenni storici sull' amministrazione del debito pubblico del regno d'Italia*, 4 vols. (Rome 1874–75); Sieveking, H., *Genueser Finanzwesen mit besonderer Berücksichtigung der Casa di S. Giorgio*, 2 vols. in Volkswirtschaftliche Abhandlungen der badischen Hochschulen, vol. i, no. 3 and vol. iii, no. 3 (Freiburg i.B. 1898–99); Greppi, E., "Il banco di S. Ambrogio" in *Archivio storico lombardo*, vol. x (1883) 514–48; Mees, W. C., *Proeve eener geschiedenis van het bankwezen in Nederland, gedurende den tijd der republiek* (Rotterdam 1838); *Een boek van Phoonsen over de Amsterdamsche Wisselbank (1676)*, ed. by J. G. van Dillen ('s Gravenhage 1921); Soetbeer, A., "Die

Hamburger Bank 1619–1866" in *Vierteljahrschrift für Volkswirtschaft und Kulturgeschichte*, vol. iv (1866) no. 3, 21–54, and vol. v (1867) no. 2, 1–53; Sieveking, H., "Zum 300. Jahrestag der Hamburger Bank" in *Zeitschrift des Vereins für hamburgische Geschichte*, vol. xxiii (1919) 52–81. On money lenders of the Middle Ages: Caro, Georg, *Sozial- und Wirtschaftsgeschichte der Juden im Mittelalter*, 2 vols. (Leipsic and Frankfort 1908–24); Sombart, Werner, *Die Juden und das Wirtschaftsleben* (Leipsic 1911), tr. by M. Epstein as *The Jews and Capitalism* (London 1913) chs. v–vi; Schulte, A., *Geschichte des mittelalterlichen Handels und Verkehr zwischen Westdeutschland und Italien*, 2 vols. (Leipsic 1900) vol. i, bk. iv; Kulischer, J. M., "Warenhändler und Geldausleiher im Mittelalter" in *Zeitschrift für Volkswirtschaft, Sozialpolitik und Verwaltung*, vol. xvii (1908) 29–71 and 201–54; Yver, G., *Le commerce et les marchands dans l'Italie méridionale au XIII^e et au XIV^e siècle* (Paris 1903); Génestal, R., *Rôle des monastères comme établissements de crédit* (Paris 1901); Sackur, E., "Beiträge zur Wirtschaftsgeschichte französischer und lothringischer Klöster im 10. und 11. Jahrhundert" in *Zeitschrift für Sozial- und Wirtschaftsgeschichte*, vol. i (1893) 154–90; Lamprecht, K., *Deutsches Wirtschaftsleben im Mittelalter*, 4 vols. (Leipsic 1885–86) vol. i, pt. ii; Delisle, L., "Mémoire sur les opérations financières des Templiers" in Institut National de France, Académie des Inscriptions et Belles-Lettres, *Mémoires*, vol. xxxiii, pt. ii (1889); Samaran, C., and Mollat, G., *La fiscalité pontificale en France au XIV^e siècle* (Paris 1905); Gottlob, A., "Päbstliche Darlehensschulden des 13. Jahrhunderts" in Görres-Gesellschaft, *Historisches Jahrbuch*, vol. xx (1899) 665–717, and *Aus der Camera Apostolica des 15. Jahrhunderts* (Innsbruck 1889). On private bankers from the Renaissance to close of the eighteenth century: Davidsohn, R., *Geschichte von Florenz*, 4 vols. (Berlin 1896–1927) vol. iv, pt. ii; Sieveking, H., ' Die Handlungsbücher der Medici" in Kaiserliche Academie der Wissenschaften in Wien, Philologisch-historische Klasse, *Sitzungsberichte*, vol. cli (1905) no. 5; Whitwell, R. J., "Italian Bankers and the English Crown" in Royal Historical Society, *Transactions*, n.s., vol. xvii (1903) 175–234; Grosch, G., "Geldgeschäfte hansischer Kaufleute mit englischen Königen im 13. und 14. Jahrhundert" in *Archiv für Kulturgeschichte*, vol. ii (1904) 121–71 and 265–95; Ehrenberg, R., *Das Zeitalter der Fugger*, 2 vols. (Jena 1896), tr. by H. M. Lucas as *Capital and Finance in the Age of the Renaissance* (London 1928); Schulte, A., *Die Fugger in Rom 1495–1523*, 2 vols. (Leipsic 1904); Einaudi, L., *La finanza sabauda all' aprirsi del secolo XVIII e durante la guerra della successione spagnuola*, Documenti Finanziari degli Stati della Monarchia Piemontese (Secolo XVIII), ser. i, vol. i (Turin 1908) ch. iv; Grunwald, M., *Samuel Oppenheimer und sein Kreis* (Vienna 1913); Marion, M., *Histoire financière de la France depuis 1715*, vols. i–v (Paris 1914–28); Corti, Egon C., *Der Aufsteig des Hauses Rothschild 1770–1830* (Leipsic 1927), tr. by B. and B. Lunn (New York 1928).

For Modern Banking: General surveys: Conant, C. A., *A History of Modern Banks of Issue* (6th ed. New York 1927); United States, National Monetary Commission, *Publications*, 23 vols. (Washington 1911–12); *Foreign Banking Systems*, ed. by H. Parker Willis and B. H. Beckhart (New York 1929).

United Kingdom: Andréadès, A., *Histoire de la Banque d'Angleterre*, 2 vols. (Paris 1904), tr. by C. Meredith (London 1909); Bisschop, W. R., *De opkomst der londensche geldmarkt, 1640–1826* ('s Gravenhage 1896), tr. as *The Rise of the London Money Market 1640–1826* (London 1910); Powell, E. T., *The Evolution of the Money Market (1385–1915)* (London 1915); *Select Statutes, Documents and Reports relating to British Banking, 1832–1928*, with an introduction by T. E. Gregory, 2 vols. (London 1929); Sykes, J., *The Amalgamation Movement in English Banking 1825–1924* (London 1926); Gilbart, J. W., *History, Principles and Practice of Banking* (rev. ed. by E. Sykes, London 1907); Bagehot, Walter, *Lombard Street* (London 1873, new ed. with introduction by Hartley Withers 1910); Palgrave, R. H. Inglis, *Bank Rate and the Money Market* (London 1903); Leaf, Walter, *Banking* (London 1926); Le Cheminant, K., *Colonial and Foreign Banking Systems* (London 1924); Withers, Hartley, *Bankers and Credit* (London 1924); Kerr, A. W., *History of Banking in Scotland* (rev. ed. London 1926). France: Levasseur, E., *Recherches historiques sur le système de Law* (Paris 1854); Bigo, R., *La Caisse d'Escompte (1776–1793) et les origines de la Banque de France* (Paris 1927); Courtois, A., *Histoire des banques en France* (2nd ed. Paris 1881); Ramon, G., *Histoire de la Banque de France d'après les sources originales* (Paris 1929); Felsenhardt, W., *La Banque de France de 1897 à nos jours* (Bordeaux 1922); Théry, Edmond, *Les fonctions de la Banque de France* (Paris 1893); Kaufmann, E., *Das französische Bankwesen* (Tübingen 1911), French translation by A. S. Sacker as *La Banque en France* (Paris 1914); Mehrens, B. von, *Die Entstehung und Entwicklung der grossen französischen Kreditinstitute* (Berlin 1911); Huart, Albin, *L'organisation du crédit en France* (Paris 1913); Le Tailleur, E. (Lysis), *Contre l'oligarchie financière en France* (11th ed. Paris 1911); Barety, L., *L'évolution des banques locales en France et en Allemagne* (Paris 1908); Normand, G., *Les sociétés de crédit et banques à succursales en France* (Paris 1924); Soltau, Otto, *Die französischen Kolonialbanken* (Strasbourg 1907); Oualid, W., *Le privilège de la Banque de l'Indochine et la question des banques coloniales* (Paris 1923); Anderson, B. M., *Effects of the War on Money, Credit and Banking in France and the United States*, Carnegie Endowment for International Peace, Preliminary Economic Studies of the War (New York 1919); Lorin, J., *Les banques françaises de dépôts pendant la guerre* (Paris 1923); Ehrensperger, F., *Die Pariser Börse und die französischen Bankinstitute seit Ausbruch des Weltkrieges (1914–1925)* (Zurich 1925). Germany: Poschinger, H., *Bankwesen und Bankpolitik in Preussen*, 3 vols. (Berlin 1878–79); Schrader, P., *Die Geschichte der königlichen Seehandlung* (Berlin 1911); Lotz, W., *Geschichte und Kritik des deutschen Bankgesetzes vom 14. März 1875* (Leipsic 1888); Feiler, A., *Die Probleme der Bankenquete* (Jena 1908); Riesser, J., *Zur Entwicklungsgeschichte der deutschen Grossbanken* (3rd ed. Jena 1910, 4th abridged ed. 1912), tr. by M. Jacobson from 3rd ed., in United States, National Monetary Commission, *Publications*, vol. xiv (Washington 1911); Jeidels, O., *Das Verhältnis der deutschen Grossbanken zur Industrie* (Leipsic 1905); Bosenick, A., *Neudeutsche*

gemischte Bankwirtschaft (Munich 1912); Weber, Adolf, *Depositenbanken und Spekulationsbanken* (3rd ed. Munich 1922); Somary, Felix, *Bankpolitik* (Tübingen 1917); Schulze-Gaevernitz, G. von, "Die deutsche Kreditbank" in *Grundriss der Sozialökonomik*, vols. i–ix (Tübingen 1914–29) vol. v, pt. ii, p. 1–189; Diouritch, G., *Expansion des banques allemandes à l'étranger* (Paris 1909); Strasser, Karl, *Die deutschen Banken im Ausland* (Innsbruck 1924); Schacht, H., *Die Stabilisierung der Mark* (Berlin 1927), tr. by R. Butler (London 1927); Eynern, G. von, *Die Reichsbank* (Jena 1928). Italy: Prato, G., *Problemi monetari e bancari nei secoli XVII e XVIII*, Documenti Finanziari degli Stati della Monarchia Piemontese (Secolo XVIII), ser. i, vol. iii (Turin 1916); Rota, P., *Storia delle banche* (Milan 1874); Supino, Camillo, *Storia della circolazione bancaria in Italia dal 1860 al 1894* (Turin 1895); Monzilli, A., *Note e documenti per la storia delle banche di emissione in Italia* (Città di Castello 1896); Johannis, A. J. de, "La Banque d'Italie" in *Revue économique internationale*, vol. i (1910) 499–508; Bava, U., *I quattro maggiori istituti italiani di credito* (Genoa 1926); Garbarini, E., *Gli istituti di emissione* (Turin 1921); Della Seta, A. M., *Gli istituti di credito* (Milan 1925); Segre, M., *Le banche nell' ultimo* (Milan 1926); Mazzantini, M., "Alcune indagini statistiche sull' organizzazione bancaria italiana" in *Giornale degli economisti*, vol. lxviii (1928) 772–92. Belgium: Chlepner, B., *La banque en Belgique*, vol. i (Brussels 1926); Meynen, W., *Das belgische Bankwesen* (Berlin 1910); Van Elewyck, E., *La Banque Nationale de Belgique*, 2 vols. (Brussels 1913); Hoffmann, E., *La tentative de stabilisation monétaire en Belgique* (Lille 1926). Netherlands: Langenhorst, J. F., *Geschiedenis van het nederlandsche bankbedrijf van 1814 tot heden* (Amsterdam 1923); Eisfeld, C., *Das niederländische Bankwesen*, 2 vols. (The Hague 1916); Sternheim, A., *Het bankwezen in Nederland*, text in Dutch and English ('s Gravenhage 1925); Vissering, G., "The Netherlands Bank and the War" in *Economic Journal*, vol. xxvii (1917) 159–86; Vries, M. de, *Het nederlandsche bankwezen en de huidige crisis* (Amersfoort 1923). Switzerland: Joehr, A., *Die schweizerischen Notenbanken 1826–1913*, 2 vols. (Zurich 1915); Schwegler, W., *Die Bilanz der schweizerischen Nationalbank 1907–1925* (Zurich 1927); Bachmann, G., and Kurz, H., *Die schweizerischen Grossbanken* (Zurich 1928). United States: Dewey, D. R., *Financial History of the United States* (10th ed. New York 1928); White, Horace, *Money and Banking Illustrated by American History* (5th ed. Boston 1914); Hepburn, A. B., *A History of Currency in the United States* (rev. ed. New York 1924); Dunbar, C. F., *Theory and History of Banking* (5th ed. New York 1929); Catterall, Ralph, *The Second Bank of the United States* (Chicago 1903); Willis, H. Parker, *American Banking* (rev. ed. Chicago 1923); Harding, W. P. G., *The Formative Period of the Federal Reserve System* (Boston 1925); Warburg, Paul M., *The Federal Reserve System, Its Origin and Growth*, 2 vols. (New York 1930); Willis, H. Parker, *The Federal Reserve System* (New York 1923); Beckhart, B. H., *The Discount Policy of the Federal Reserve System* (New York 1924); Burgess, W. R., *The Reserve Banks and the Money Market* (New York 1927); Phillips, C. A., *Bank Credit* (New York 1920); Rodkey, R. G., *The Banking Process* (New York 1928); Young, A. A., *An Analysis of Bank Statistics in the United States* (Cambridge, Mass. 1928).

BANKNOTES are promissory notes of banks payable on demand to bearer, issued in various denominations and in convenient form for circulation from hand to hand. Historically they were preceded in many European trading centers by transfers of funds deposited primarily for safe keeping with money changers, transfer banks and merchants and by orders to make payments from such balances. The first important issues were made by a number of firms of London goldsmiths in the third quarter of the seventeenth century, but it was not until after the founding of the Bank of England in 1694 and the Bank of Scotland in 1695 that banknotes became a significant element in the circulating medium. In other countries the banknote does not appear as a permanent monetary factor until toward the close of the eighteenth century, long after this form of bank credit had become thoroughly rooted in British monetary and banking practise.

The banknote combines the characteristics of a bank liability and a circulating medium constituting an important part of the national currency. As a liability of the issuing bank it is similar to the other outstanding form of bank credit, the bank deposit. It is a demand liability, and under certain conditions may be created by the bank in the course of discounting commercial paper or making advances for short time commercial purposes. The fact, however, that it is intended for hand to hand circulation and that it is less apt to be presented for redemption, a consideration which is particularly applicable to notes of small denomination, makes it a more effective instrumentality for enabling the bank to avail itself of the hitherto unutilized resources in the community. Experience has demonstrated that for this very reason an unregulated issue of notes by private banks is dangerous to the stability and normal development of economic processes. After a protracted period of experimenting with unrestricted note issues regulations were introduced in all countries, partly in order to insure noteholders against loss in the event of bank failure and partly to restrain excessive credit expansion and recurring periods of boom prices and depression. It remains true, however, that in the earlier stages of banking development it was through the issue of notes

rather than through the creation of deposits that commercial banks obtained the needed working capital and established themselves as an indispensable part of the country's economic structure.

As a currency instrument the banknote brought with it novel and intricate monetary problems. It did not as is often supposed introduce an economy in the employment of the precious metals, but merely reduced the amount of the precious metals required to maintain any given level of prices. A higher level was made possible but the total amount of gold employed for monetary purposes throughout the world was not reduced. Gold distribution was modified, however, by differences in the conditions of issue and in the volume of notes relative to other means of payment in the various countries. On the other hand the banknote enriched the circulating medium of the country by adding the valuable quality of elasticity, the capacity for expansion in response to genuine need and for contraction with the passing of such need. Until the second half of the nineteenth century government regulations of note issue disregarded the principle of basing notes on regular bank assets—that is, on obligations arising out of bona fide commercial transactions—and of making specific provisions for their redemption. In England the Bank Charter Act of 1844 represented the victory of the "currency principle," which virtually identifies banknotes with a permanent part of the nation's currency and calls therefore for a limitation of notes unprotected by full bullion cover to that amount which would not under normal conditions be presented for redemption. Since then, however, the regulations of other countries have attempted to retain for the banknote as much elasticity as has been thought consonant with the assurance of its constant redeemability in the lawful money of the country.

The danger of inflation and the risk of a general loss of confidence in the value of the banknote, both of which are intimately connected with its elasticity, produced in the course of a long process of development the tendency to confine the issue of notes in each country to a single institution of imposing magnitude, operating in close association with the government. The view that the providing of a currency is a function that properly should be subject to close government supervision contributed to the establishment of this policy. Only in a few countries, notably Scotland and Canada, where banking has always been conducted by a limited number of large institutions all exercising the power of issue, was it possible to develop an elastic and fairly safe circulating medium without resort to such centralization.

In recent years the most significant reason for the centralization of note issue has been found in the power which the enjoyment of this right as an exclusive privilege puts into the hands of the central banks. The special duties of central banks are to provide reserves of available cash and lending power, which are unlikely to be maintained by each one of a large number of competing banks, and to exercise a restraining influence before credit expansion reaches dangerous proportions. It is through the more or less exclusive right of note issue that central banks are in large degree enabled to acquire the resources needed to perform their functions. By the issue of notes a central bank acquires gold that otherwise would be absorbed permanently in circulation, while at the same time additional issues enable it to meet both seasonal and domestic emergency requirements without depletion of its basic gold reserve.

In the exercise of the power of note issue central banks have been subjected to a greater measure of restriction than would appear to be either necessary or desirable. In particular they are generally required to maintain a high, definite minimum ratio of gold to outstanding notes and in many instances against deposit liabilities as well. Such requirements impose a rigid relationship between the volume of bank credit and stocks of monetary gold, thus rendering the quantity of the purchasing medium unduly dependent upon the current output of gold from the mines. Since gold ratios are commonly accepted as the primary test of currency stability there is danger of unhealthy credit expansion in the event of an increase in gold production, and of inability to furnish an adequate volume of credit if supplies of new gold should decline. Legislation that will enable central banks to adjust gold ratios to evident needs for bank credit would appear to be the most important development in the field of banknote issue that the future may have in store.

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See: BANKING, COMMERCIAL; CENTRAL BANKS; BANK RESERVES; MONEY; CURRENCY; PAPER MONEY; BANKS, WILDCAT; STATE BANKS; NATIONAL BANKS, UNITED STATES; FEDERAL RESERVE SYSTEM; LABOR EXCHANGE BANKS; LAND BANK SCHEMES.

Consult: Hawtrey, R. G., *Currency and Credit* (3rd ed.

London 1928) ch. vi; Dunbar, C. F., *The Theory and History of Banking* (5th ed. New York 1929); Kilborne, R. D., *Principles of Money and Banking* (Chicago 1927) ch. vi; Bradford, F. A., *Money* (New York 1928) chs. iii and vii; Conant, C. A., *A History of Modern Banks of Issue* (6th ed. New York 1927); Kisch, C. H., and Elkin, W. A., *Central Banks* (London 1928) chs. i and v; *Foreign Banking Systems*, ed. by H. Parker Willis and B. H. Beckhart (New York 1929); Hepburn, A. B., *History of Coinage and Currency in the United States* (New York 1903) chs. iv–vii and xiv–xvi.

BANKRUPTCY. Bankruptcy as it is known today is essentially a device to collect the assets of a debtor (who usually, though not necessarily, must be insolvent) for the purpose of selling them and distributing the proceeds equitably among creditors and, where the conduct of the debtor permits, to make it possible for him to secure release from the unpaid balance of his obligations. The history of bankruptcy reveals no such broad purpose. The first English enactment relating to bankruptcy was passed in 1542, and all other English acts up to the beginning of the eighteenth century were clearly devised to aid creditors in the collection of debts. From the viewpoint of the debtor the acts were harsh codes granting no benefits. The debtor was not entitled to a discharge nor was he allowed to be adjudged bankrupt voluntarily, i.e. on his own initiative. These early statutes were in keeping with the English policy of treating insolvents as criminals. In 1604 it was made an act of bankruptcy to lie in prison six months or more following arrest for debt, which might befall an honest but insolvent person. While only traders could be adjudged bankrupt, non-traders also could be arrested and imprisoned for debt. Bankruptcy did not relieve the situation, as the trader could be kept in jail until his debts were completely satisfied. Another characteristic of these statutes was that creditors played an insignificant role in the bankruptcy proceedings. Although they instituted the action they were not participants in administration, a condition which was consistent with the quasi-criminal nature of the proceedings.

Early in the eighteenth century there were introduced two radical changes marking the beginning of the transformation of bankruptcy from a quasi-criminal proceeding into a strictly liquidating device. The first was the distinction between fraudulent and honest debtors; while the former were treated as felons, the latter were entitled to a discharge, with the consent of the creditors. The second was to allow creditor participation in administration by permitting creditors to elect one of the officials. The first change implied a recognition that business failures were not necessarily fraudulent but often due entirely to economic or social causes. The second recognized that creditors were vitally interested in liquidations since it was chiefly they who would bear the credit loss. The next vital improvement came near the beginning of the nineteenth century when voluntary bankruptcies were permitted. This again reflected the growing opinion that insolvency was merely a pathological condition not necessarily traceable to punishable conduct. But it was not until 1861 that the last step in the evolution of bankruptcy as a liquidating device was taken. At that date non-traders were for the first time allowed the benefits of bankruptcy. This coincided with the trend of public opinion against imprisonment for debt and preceded its abolition by a few years. Honest debtors could now be discharged from their debts and thus secure release from prison.

This evolution of bankruptcy in England closely paralleled the development of that country as a commercial nation. The ascendency of commercial activity called for a system which would not place on failure a penalty so severe as to tend to discourage enterprise. Although the legislative lag was at times considerable there was devised finally a liquidating and rehabilitating system desirable from the business and social viewpoint. Up to the middle of the century bankruptcy in England had had an unsavory taint. As a result of maladministration estates were ruthlessly exploited by officials. The system was so cumbersome that it was impossible for a debtor to receive an expeditious hearing. In fact the adjudication could and did take place secretly, in absence of the debtor. The terror of merchants at the prospect of bankruptcy was so great that the practise developed of liquidating out of court under a voluntary agreement between the debtor and his creditors. In spite of subsequent reforms this stigma on bankruptcy has persisted in part to the present day.

In the United States the first bankruptcy act was passed in 1800 and repealed in 1803. It followed the English act in that it did not allow voluntary bankruptcy and applied to traders only. Like all subsequent acts it provided for a discharge. The next statute was enacted in 1841 and repealed in 1843. With few exceptions it permitted any person to become a voluntary

bankrupt but allowed creditors to proceed only against traders. Under all the acts in this country, except the act of 1841, creditors participated in administration through an official elected by them. Under the act of 1841, however, all officials were appointed by the court. In 1867 another act was passed but was repealed in 1878. It reflected the English statute of 1861 by not restricting the voluntary or involuntary features to traders. The act of 1898, although amended six times, is still in force, thus having been in operation twice as long as the three earlier acts combined. It reflects English experience in most essential respects: it extends to traders and non-traders, allows voluntary and involuntary bankruptcy and provides for creditor participation and discharge of the debtor.

Each of these federal statutes was enacted soon after a period of business depression. The first followed the business disturbances of 1797, the second the panics of 1837 and 1839, the third the chaotic economic conditions following the Civil War, and the present act the panic of 1893 and the subsequent years of depression. Each one of the three earlier acts was repealed either in a period of prosperity or at a time when general business conditions had improved. The significance of this correlation becomes more evident when the purpose of bankruptcy as a liquidating and rehabilitating device is remembered. From the point of view of both creditors and debtors the need for bankruptcy would be most acute in periods of depression. Since 1898 the emergency character of bankruptcy has disappeared. The convenience and need of the system have apparently made it a permanent institution in this country, although attempts are made almost every year to repeal it in toto.

The federal acts were passed by Congress pursuant to the power granted to it by the constitution to establish "uniform laws on the subject of Bankruptcies throughout the United States" (Article 1, §8). But as long as Congress did not exercise the power state bankruptcy acts were valid. Indeed they remained in effect even after the adoption of the federal acts with regard to such matters as Congress had left untouched. From the administrative angle the need for a federal system becomes evident when the periods during which there was no federal act are studied. Then most states had one of two types of statutes usually called "insolvency" laws. Some allowed group action by creditors and discharge to the debtor and hence were basically bankruptcy statutes. Others merely regulated the debtor's distribution of his assets, sometimes permitting a discharge. But difficulties in administration arose. No state could deal effectively with persons and rarely with property outside its jurisdiction. Confusion resulted and the efficiency of the systems broke down. As the commercial development of the nation gave rise to an increasing number of absentee creditors a system not hampered by state boundaries became necessary. The same troubled condition still exists in European commercial states with the result that the problem of the conflicts of laws in bankruptcy has been very prominent, attempts being made to solve it to some extent by international conventions.

A comparison of the bankruptcy systems of various countries is very difficult. It is far more profitable to speak in terms of basic ideas than of exact statutory prescriptions. Despite similarities in fundamentals even England and the United States show many divergencies. Still greater variation is found when England and the United States are contrasted with continental countries and others deriving their law through them. Speaking very generally, one may say that the Germanic countries more nearly approach the rather liberal American and English practise, whereas the Latin countries are more stringent, showing greater survivals of the old attitude toward bankruptcy.

The two basic principles in the bankruptcy systems of England and the United States—creditor participation in the conduct of the proceedings and in the administration of the estate, and some form of discharge—are present in most systems. In England and the United States a discharge may be granted by the court. In other countries the debtor is left to secure it through a legally controlled bargaining process between himself and the creditors. Thus in France a discharge is not given by the court but a debtor may under a certain procedure turn over to his creditors his assets in payment of the claims. In Germany, too, there is no provision for a discharge, which is the subject of compromise between the debtor and creditors under certain statutory regulations. As far as creditor participation is concerned, as regards both the conduct of the proceedings and the division of the assets, minor differences of detail are, not unnaturally, numerous. Usually in involuntary proceedings a certain number of creditors with claims of a minimum amount must file the petition. The equality of distribu-

tion is preserved by the voidance of fraudulent transfers preceding bankruptcy but on the other hand it is affected by the allowance of preferred claims such as those of wage earners or secured creditors. Moreover, bankruptcy does not reach absolutely all the assets of a debtor, since various exemptions are often allowed.

Differences become even more pronounced upon most other questions of law and administration. The definition of the primary act of bankruptcy is not everywhere the same. Under the American act one cannot be adjudged a bankrupt unless he is actually insolvent, in other words unless the aggregate of his property is not, at a fair evaluation, sufficient in amount to pay his debts. Thus one may be insolvent in the sense of not being able to pay one's debts as they mature and still not be subject to bankruptcy. A person, however, may be adjudged bankrupt on his own petition even if he is not insolvent; also creditors may have him adjudged a bankrupt, though solvent in the bankruptcy sense, if he has admitted in writing his inability to pay his debts and his willingness to be so adjudged, or if he has made a general assignment for the benefit of creditors. In England (when an act of bankruptcy requires insolvency) and in European countries generally, the test of insolvency is inability to meet maturing obligations. The statutes as a rule make a few exceptions with regard to persons who are entitled to the benefits of either voluntary or involuntary bankruptcy. For instance under American law municipal, railroad, insurance and banking corporations are not entitled to either form of bankruptcy, and such persons as wage earners and farmers are not subject to involuntary proceedings. Most countries provide for voluntary and involuntary proceedings. In Canada, however, there is no voluntary bankruptcy. Instead, an authorized assignment by a debtor to his creditor is recognized. This is devised in large part to encourage liquidations out of court through organizations of creditors. It is reported to work well and has gained considerable support in the United States. Many countries have not taken the step of extending the benefits of bankruptcy to non-traders. This is the case in France and Latin countries generally, including those of South America.

It is particularly the mechanics of administration that vary considerably in each country. Usually the administration is supervised by the courts, which appoint all major officers except the representatives of the creditors, normally called trustees. Perhaps the greatest divergence exists in England, where in 1883 the administrative features of bankruptcy were divorced from the judicial by allocating the former to the Board of Trade, a commerce committee of the Privy Council. Another innovation established in England is the special treatment given no-asset or small asset cases (less than £300). The theory of creditor control is apt to break down in such cases, since creditors have little or no incentive to become active. Accordingly the official receiver (an officer of the Board of Trade, usually salaried) takes the place of trustee for creditors; expenses of administration are lowered and liquidation accelerated.

The differences in the bankruptcy regulations of the various countries are determined largely by the prevailing attitude toward business failures. England, Canada, France, Germany and most South American countries have made an attempt to apply the principle of preventive medicine to the field of sick business. Although they have not carried the principle so far as to supervise businesses in danger of insolvency they have taken steps designed to prevent some of the more flagrant abuses and to give some assurance against repetitions of disaster. This is in marked contrast to the American tendency to improve the machinery for salvaging the wreck rather than to prevent it.

In European countries the more stringent attitude toward bankruptcy has manifested itself in the more vigorous controls set up over bankrupts. The penal provisions are very severe and there is strict supervision over the granting of discharges and releases to debtors. Even in England, where the practise more closely resembles the American, it is criminal to have precipitated a bankruptcy by gambling or other hazardous speculations, to have failed to keep proper books of account for two years preceding the bankruptcy or to have been guilty of various practises strictly fraudulent. The law is still harsher in Latin countries, where various types of bankruptcy are recognized with different legal consequences for each. These types may be described as fortuitous or simple bankruptcy, culpable bankruptcy and fraudulent bankruptcy. Debtors are often subject to temporary arrest under suspicious circumstances. In France and other Latin and South American countries there are criminal penalties not only for failure to keep books and gambling but also for incurring excessive personal and household expenses.

Supplementary to the criminal penalties is the

more effective control of discharges. In England they may be refused for violation of any of the penal provisions; moreover, sufficient flexibility is allowed to enable the courts to apply discretion in suspending discharges or in granting them conditionally. In France the creditors may excuse the culpability of the bankrupt except in cases of fraudulent practises, release him from the debts and reinstall him in the management of his business. In South American countries the conditions of discharge are generally difficult, and there is also another procedure, known as rehabilitation, which is distinct from discharge. A discharge merely releases the bankrupt from his debts; rehabilitation is a procedure through which he must go before being restored as an active member of the business community. It is somewhat comparable to the suspended discharge in England.

In the United States the contrast is great. In the first place a discharge must be either refused or granted. The reasons for refusing a discharge are with a few exceptions based upon fraudulent conduct. One such exception applies to a debtor who has received a discharge in bankruptcy within six years; another applies in case the debtor has failed to keep books of account or records from which his financial condition and business transactions might be ascertained, unless the court deemed such failure to have been justified in the light of all the circumstances involved. Apart from the fraudulent practises none of the other bars to a discharge operative in other countries is available in the United States.

In this country the leniency toward debtors is apparent. This leniency is in part due to the prevalent economic and social theory of freedom of opportunity. Many have felt that a nation with such large national resources could afford to let business men experiment even though credit losses increased as a consequence. But there is a growing feeling that while there is room for legitimate experimentation, illegitimate experimentation should be curbed by effective controls. To ask business men to acquire business habits by keeping books is merely to put them and those with whom they deal in a position to make accurate judgments respecting the exact condition of their business at any time. To penalize speculation carried on at the hazard of the business is to aid the business. To quarantine those who have failed because of their own incompetence and to allow those who have failed because of misfortune to make another attempt has been thought to draw the proper distinction between legitimate and illegitimate experimentation. Until a scientific study of the causes of failure is made there will be no factual basis for legislation along the lines of that of other countries.

In this country the equity receivership has been a favorite resort in cases of temporary financial embarrassment. Its use is possible, since normally the legal state of bankruptcy is not reached merely by inability to meet maturing obligations. It is thus a common method for effecting either liquidation or reorganization. Very frequently the receivership is desirable in order to accomplish a sale of the business as a going concern. The bankruptcy court may also appoint a receiver to manage the business until a sale or reorganization is effected. Thus the two devices may be used for the same purposes. Bankruptcy is, however, used primarily as a device to effect immediate liquidation, and a case which started as an equity receivership may be brought into bankruptcy if the receiver was appointed while the debtor was insolvent in the bankruptcy sense.

While these two devices handle the bulk of reorganizations and liquidations, in the last ten years there has been a decided increase in nonjudicial liquidations and reorganizations. This is accomplished through sixty-eight adjustment bureaus organized by the National Association of Credit Men. These bureaus collect and sell the assets and distribute the proceeds, while the debtor is usually released from further payment to his creditors. The claim is made that this liquidation is faster, with lower expenses and higher dividends than in bankruptcy, an assertion which has been challenged by some on the ground that bankruptcy takes all cases, while the group handled by the bureaus is highly selective. Reorganization through creditors' committees was employed quite extensively following the inventory deflation in 1920–21. It has been estimated that three quarters of the business embarrassments of that period were dealt with in this manner. Although creditors' committees had assumed similar roles in preceding years the practise had never before become so universal. Such committees lack the power and authority of courts but their high claim to efficiency and economy in reorganizing businesses is thought to outweigh the advantages gained in legal proceedings. Of course the extreme degree of cooperation which they require makes their widespread use impossible.

Abuse of bankruptcy proceedings is a popular

theme. Frequent investigations have revealed criminal practises among business men, lawyers, judges and other officials. These practises normally consist of secretion of assets by business men and diversion of funds by officials. Any system, however, is susceptible of such abuse and the present act seems fairly well devised to prevent or punish such conduct. In this connection the activity of organized credit men has been commendable; they have cooperated in securing prosecutions of hundreds of persons. One suggested reform is to make stricter the requirement that business men keep books and records, because their failure to do so undoubtedly tends to encourage fraudulent practises. There is also a considerable body of opinion which traces many abuses by debtors to the ease with which the debtor gets credit, and is thus enabled to gamble on success and to escape his obligations by going into bankruptcy in case of failure. The fact that a discharge will be refused if one has been granted within six years does not seem a sufficient deterrent. Another evil is the exploitation of debtors by those who solicit claims and force bankruptcy on individuals so that they may be appointed to act in administration. A vigilant administration can go far toward preventing this. There is also the not uncommon practise of making involuntary proceedings practically voluntary. The lawyer for the debtor may secure a friendly lawyer to represent creditors; the latter obtains assignments from creditors, initiates the action and secures the appointment of a receiver whom he represents. He may also obtain proxies from other creditors, elect a trustee—the creditors' representative—and act as his attorney. Thus the debtor and his lawyer are virtually in control and the administration becomes hostile to the creditors. Some courts have effectively checked this practise. Another evil goes back to the bankruptcy act itself. Congress has devised a legal system with too great a burden of officialdom; for example, under the act three appraisers are necessary, while one appraisal house could do the work more efficiently than the three non-experts frequently appointed. Liquidation is essentially a business problem and as such needs a business technique. A few judges have taken significant steps toward applying this technique to the problem by appointing as receivers banks and trust companies or representatives of trade groups. The former agencies have been intensively tried out in one district and although the practise is still merely an experiment it promises to be successful. In the vast number of districts, however, bankruptcy administration remains essentially legalistic.

Since no thorough study of the subject has been made little is known of the economic and social incidences of bankruptcy. In 1900 there were closed 12,339 cases with liabilities of $177,090,513. About half of the persons involved were farmers and wage earners, and over a fourth merchants; the average dividend payment was about 8 percent. In 1910 there were closed 14,829 cases with liabilities of $225,194,507. Almost a fourth of the debtors were farmers and wage earners and over a third merchants; the average dividend was about 9 percent. In 1920 there were closed 15,622 cases, somewhat less than half of which were those of farmers and wage earners and about a fourth of which were merchants; there were claims of $201,626,264.37 and dividends of about 9 percent. In 1928 53,592 cases were closed, a little more than half of which were those of farmers and wage earners and a little more than one fourth of which were those of merchants; the liabilities totaled $830,788,611 and dividends were about 8 percent.

It is commonly stated that bankruptcy statistics constitute a business barometer. While this may be true in general, it must be remembered that bankruptcy reflects more than merely business failures. In a number of districts preliminary surveys show that a large percentage of bankrupts have been wage earners who have availed themselves of the bankruptcy laws to escape the toils of loan sharks. The correlation between unemployment and bankruptcy of wage earners is not known. Many bankrupts are individuals not in business who seek to avoid payment of judgments, many of which arise out of automobile accidents. No doubt many other irrelevant cases can be eliminated. Even in respect to business failures no scientific correlation can be made until more is known respecting causes of failure. Furthermore, since bankruptcy is merely one of several liquidation or reorganization devices its statistics alone would not accurately represent the true extent of business depression. Concerns with relatively large fixed investments are generally handled in the equity receivership, while the type of business administered in bankruptcy is usually one whose capital is in fairly liquid form. There are of course exceptions, for many state courts administer in receivership enterprises of the latter type and occasionally a business of the former type is re-

organized in bankruptcy. Yet the distinction is of some significance in evaluating bankruptcy statistics as a business barometer since it indicates from the economic point of view the type of business with which bankruptcy deals.

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See: DEBT, IMPRISONMENT FOR; RECEIVERSHIP; CORPORATION FINANCE; ARBITRATION, COMMERCIAL; COURTS, COMMERCIAL; FRAUD; MERCANTILE CREDIT; TRADE ASSOCIATIONS.

Consult: Holdsworth, W. S., *A History of English Law*, 9 vols. (3rd ed. London 1922–26) vol. i, p. 470–73, vol. viii, p. 229–45; Levinthal, L. E., "The Early History of Bankruptcy Law" in *University of Pennsylvania Law Review*, vol. lxvi (1918) 223–50; Treiman, I., "Escaping the Creditor in the Middle Ages" in *Law Quarterly Review*, vol. xliii (1927) 230–37; Ringwood, Richard, *Principles of Bankruptcy* (15th ed. London 1927); Williams, R. L. B. V., *The Law and Practice in Bankruptcy* (13th ed. London 1925); Noel, F. R., *A History of the Bankruptcy Clause of the Constitution of the United States of America* (Gettysburg 1918); *State Insolvent Laws; a Compilation*, ed. by R. J. Moses (New York 1879); Williams, I. J., "The Effect of the Federal Bankrupt Act upon State Insolvency Laws" in *University of Pennsylvania Law Review*, vol. i (1902) 211–26; Williston, Samuel, "The Effect of a National Bankruptcy Law upon State Laws" in *Harvard Law Review*, vol. xxii (1909) 547–63; Remington, Harold, *A Treatise on the Bankruptcy Law of the United States*, 9 vols. (3rd ed. Rochester 1923–25); Collier, W. M., *Gilbert's Collier on Bankruptcy*, ed. by F. B. Gilbert, 2 vols. (Albany 1927); Dewing, A. S., *The Financial Policy of Corporations* (rev. ed. New York 1926) bk. v, ch. ix; Hagerty, J. E., *Mercantile Credit* (New York 1913); Blanton, B. H., *Credit, its Principles and Practice* (New York 1915); Merchants' Association of New York, Committee on Bankruptcy Reform, *Bankruptcy Reform* (New York 1924); Billig, T. C., "What Price Bankruptcy: a Plea for 'Friendly Adjustment'" in *Cornell Law Quarterly*, vol. xiv (1929) 413–46, and "Extra-Judicial Administration of Insolvent Estates" in *University of Pennsylvania Law Review*, vol. lxxviii (1930) 293–320; Clark, William, Douglas, W. O., and Thomas, D. S., "The Business Failures Project" in *Yale Law Journal*, vol. xxxix (1929–30) 1013–24; Duncan, Lewis, *The Law and Practice of Bankruptcy in Canada* (Toronto 1922); Dunscomb, S. W., *Bankruptcy: a Study in Comparative Legislation*, Columbia University Studies in History, Economics and Public Law, vol. ii, no. 2 (New York 1893); Esquivel Obregón, Toribio, and Borchard, E. M., *Latin-American Commercial Law* (New York 1921) chs. xxxvi–xxxix; Obarrio, Manuel, *Estudio sobre las quiebras*, 2 vols. (new ed. Buenos Aires 1926); Lyon-Caen, Charles, and Renault, L., *Manuel de droit commercial* (15th ed. Paris 1928); Percerou, Jean, *Des faillites et banqueroutes et des liquidations judiciaires*, 2 vols. (Paris 1907–13); Jaeger, Ernst, *Kommentar zur Konkursordnung* (5th ed. Berlin 1916), and *Konkursrecht*, Enzyklopädie der Rechts- und Staatswissenschaft (Berlin 1924); Torlai, Ubaldo, *I fallimenti*, Biblioteca di Ragioneria Applicata, no. 99 (Turin 1923); Tagliacarne, Guglielmo, "Sulle statistiche internazionali dei dissesti" in Institut International de Statistique, *Bulletin*, vol. xxii (1926) pt. iii, p. 343–63; Meili, Friedrich, *Lehrbuch des internationalen Konkursrechts* (Zurich 1909); Jitta, D. J., *La codification du droit international de la faillite* (The Hague 1895); Carle, Giuseppe, *La dottrina giuridica del fallimento nel diritto privato internazionale* (Paris 1875); Travers, Maurice, *La faillite et la liquidation judiciaire dans les rapports internationaux* (Paris 1894); Thaller, E. E., *Des faillites en droit comparé, avec une étude sur le règlement des faillites en droit international*, 2 vols. (Paris 1887).

BANKS, WILDCAT. In the course of the development of banking institutions in the United States prior to the Civil War there were three outstanding weaknesses: insufficient capital, fraudulent capitalization and lack of adequate systems for the redemption of notes. The term "wildcat banking" refers specifically to banks which put out irredeemable currency; it had its origin in the operations of irresponsible local banks which took advantage of lax state laws to float excessive note issues in the rural Middle West between 1837 and 1860. As some of these banks were located in remote districts where wildcats were said to be more numerous than human beings, they were derisively called wildcat banks.

From the beginning of the century many banks in the older eastern states put out irredeemable currency, for regulation in early charters was exceedingly loose. In the earliest charters there was no express provision made for the redemption of notes nor was there any penalty for non-redemption. The limitation of note issues to a certain proportion of capital, which was often represented by stock notes of shareholders rather than specie funds, was regarded as of little consequence. Frequently the issue of notes was considered a principal object of a bank's existence, and during the earlier part of the century many considered it improper and injurious to call upon a bank to pay its bills in specie. Objection was made to the cost of guaranteeing redemption because of the expense of transportation. Bills were rated at varying degrees of discount and there developed a class of money brokers whose business it was to exchange currencies at profitable commissions.

Not only was the volume of circulation related to the amount of capital but it was also, in some of the eastern states, related to indebtedness. Fictitious deposits were created in order to increase indebtedness; thus one type of indebtedness, notes, was built up upon the basis of another, deposits. Other devices were employed

by banks to increase circulation and avoid redemption. A fund would be placed in a distant bank to redeem notes and after it became generally known that such notes were at par in that section the bank would issue a new emission in a different shade of ink, at the same time giving secret orders to the correspondent bank not to pay the notes thus signed. In some states banks made their notes payable at a place other than that in which the bank was located. Notes were loaned on agreement that they would not be presented for redemption within a certain time. A most common method was that of putting notes in circulation at distant points. Its extreme form is to be found in the "Saddle-bag Bank" described by Niles in 1820 as a bank where notes were carried about the country in saddle bags to be exchanged with landowners for their notes. Such were some of the evil practises developed in the East and South when banking was comparatively new.

In New England the banks of Boston endeavored to remedy the confusion through what was known as the Suffolk system, forcing the country banks to keep on deposit in Boston sufficient funds to redeem notes. The Second United States Bank (1816–36) also improved the situation by a sound policy of redemption of note issues. When the charter of this bank expired in 1836, however, large numbers of local banks were established, particularly in the West of that day—Michigan, Ohio and Indiana. Here, for ten years or more, wildcat banking flourished.

The "free banking" system inaugurated by New York in 1838 and quickly copied by states to the west afforded easy opportunity for the establishment of new banks. It substituted for the granting of charters by special acts of the legislature, which frequently made of banks the creatures of political factions, the naive democratic device of opening the banking business to all who complied with certain nominal requirements. In order to end partisan corruption New York passed a law authorizing the state comptroller to issue circulating notes to any association organizing itself as a bank and depositing bonds of the United States or of any state or bonds secured by real estate of a certain specified grade. Numerous banks were quickly organized under this provision; but within five years twenty-nine banks failed and the securities deposited for outstanding notes yielded only 74 cents on the dollar. New York quickly changed its law and made such loose banking impossible within its borders; but neighboring states to the west which adopted the free banking system were slower in checking the evil. In Michigan little consideration was given to the quality of the securities. Although the law demanded that a certain percentage of the capital should be paid in specie before the bank opened for business, commissioners who examined banks in 1838 found that a single lot of specie had been passed from bank to bank and that some of the banks had practically no specie at all. According to a contemporary historian, "the Jackson County Bank placed before the commissioners a goodly number of ponderous and well-filled boxes, but on opening them and examining their content the top was found covered with silver dollars, but below was nothing but nails and glass" (Felch, p. 122). In Michigan 36 out of 40 banks failed within two years and in Indiana 51 out of 94 free banks failed before the panic of 1857. Illinois passed a free banking law in 1851. Of 60 banks organized within a few years after its adoption 14 were closed in less than ten years; but owing to stricter regulation than in some states the notes of all these banks with the exception of one were redeemed at par. Notwithstanding this outcome the bank commissioners in 1861 reported that the business of banking had "gone in many cases into the hands of irresponsible and non-resident persons, who having no object of interest except to get their notes into circulation and leave the billholders to take care of them, have located their banks in remote and inaccessible places, where no legitimate business can be done or is expected to be done, and thus the country has become flooded with what is known as wildcat currency" (Garnett, p. 49–50).

The chief sufferers from the issues of these frontier banks were the noteholders. Even when there was ultimate redemption the expense of transmittal not only depreciated the value of the notes of wildcat banks but in addition threw suspicion upon the currency of all banks. It was not until the national banking system was established in 1863 that domestic trade in the Middle West was relieved of this embarrassment.

DAVIS R. DEWEY

See: BANKNOTES; BANKING, COMMERCIAL; STATE BANKS.

Consult: Dewey, D. R., "State Banking Before the Civil War" in U. S. Senate, 61st Cong., 2nd Sess., *Senate Documents*, vol. xxxiv, no. 581 (1910); White, H., *Money and Banking* (5th ed. New York 1914) chs. vi–xii; Knox, J. J., *A History of Banking in the United States* (New York 1900); McMaster, J. B., "Wildcat Banking in its Teens" in *Atlantic Monthly*, vol. lxxii

(1893) 331–43; Felch, A., "Early Banks and Banking in Michigan" in Michigan Pioneer and Historical Society, *Collections*, vol. ii (1877–78) 111–24; Root, L. C., "Early Banks of Issue in Wisconsin" in *Sound Currency*, vol. v (1898) 121–44; Garnett, C. H., *State Banks of Issue in Illinois* (Urbana, Ill. 1898).

BAPTISM. *See* BIRTH CUSTOMS.

BAR. *See* LEGAL PROFESSION.

BAR, KARL LUDWIG VON (1836–1913), German jurist. He taught at a number of German universities and at the time of his death was professor of law at the University of Göttingen. Von Bar made valuable contributions to legal knowledge, covering a very broad field. Although he was particularly interested in criminal law and its reform he will be remembered chiefly for his work in private international law. His treatise, *Das internationale Privat- und Strafrecht* (Hanover 1862), was issued in a second edition as *Theorie und Praxis des internationalen Privatrechts* (2 vols., Hanover 1889); both editions were translated into English by G. R. Gillespie (Edinburgh 1883 and 1892).

During the thirty years preceding his death von Bar was the leader of German thought in private international law. Following Savigny, who first laid down the theory that the proper law to apply to a case is ascertained by a universal principle of law, von Bar maintained that "the state cannot assert the competency of its own legal system in absolute independence of other states." From this universally accepted doctrine an individual state might deviate; but "capricious deviations of this kind generally bring greater disadvantages in their train." He added that such deviations "are not truly law any more than the deviations from the law of nations in its technical sense, i.e. public international law, which a state may allow itself to practise, are law." As the principal representative of one of the three theories of private international law current in our own times, von Bar is important in the history of legal thought. His doctrine has few adherents, however, and his influence on the law of the world is not likely to be a lasting one.

JOSEPH H. BEALE

Consult: Bar, Axelena von, *Verzeichnis der Schriften von Ludwig v. Bar* (Göttingen 1916).

BARBERET, JEAN-JOSEPH (*c.* 1838–1920), French labor leader and journalist. His public life began with strenuous opposition to the Empire and collaboration in Rochefort's newspaper, the *Marseillaise*. He took part in the insurrection of October 31, 1870, which occurred during the siege of Paris, and was later associated with the beginnings of the movement for the Commune. Soon, however, he reverted to more moderate views and after 1873 was the outstanding figure in the reestablishment of the trade unions, which had been destroyed by the events of 1870–71. His program for them stressed technical education, the creation of employment bureaus, the establishment of cooperative enterprises and mutual aid. He advised the formation of joint councils of employers and employees as a means of preventing strikes, which he felt were dangerous for both the working class and the state. The first two labor congresses (Paris 1876 and Lyons 1878) accepted this program, but with the third congress (Marseilles 1879) leadership in the movement passed from the reformers to the revolutionaries and from Barberet to Jules Guesde. He was then appointed by Waldeck-Rousseau head of the bureau of occupational associations regulating both employers' and employees' organizations. He collaborated in preparing the law of March 21, 1884, which legalized the formation of trade unions and of their local and national federations. He was later director of the government bureau for workingmen's insurance and devoted himself energetically to its development. His writings include several historical accounts of the conditions of French industry. The most important of his works is *Le travail en France: Les monographies professionelles* (7 vols., Paris 1886–90), which is a collection of well documented studies of occupational associations in France.

ET. MARTIN ST.-LÉON

Consult: Weill, Georges, *Histoire du mouvement social en France, 1852–1902* (3rd ed. Paris 1924).

BARBON, NICHOLAS (*c.* 1640–98), English writer on economic subjects. He graduated as a doctor of medicine at Utrecht in 1664 and was made an honorary member of the London College of Physicians. Later he pursued a variety of occupations. He took an active part in the rebuilding of London after the Great Fire of 1666, served as one of the founders of the first London Insurance Office in 1681, as a member of Parliament in 1690 and 1695 and as a cofounder in 1695 with John Asgill of the Exeter Exchange Land Bank.

Barbon's economic works, written during the

last fourteen years of his life, included: *A Letter to a Gentleman in the Country Giving an Account of Two Insurance Offices* (London 1684); *Apology for the Builder; or a Discourse Showing the Cause and Effects of the Increase of Building* (published anonymously in 1685 and reprinted in *A Select Collection of Scarce and Valuable Economical Tracts*, ed. by J. R. McCulloch, London 1859). His fame as an economist, however, rests on two remarkable little treatises, his *Discourse of Trade* (London 1690; republished in *A Reprint of Economic Tracts*, ed. by J. H. Hollander, Baltimore 1905) and his *Discourse Concerning Coining the New Money Lighter* (London 1696). The first of these has been hailed as the basis for Adam Smith's *Wealth of Nations* because of its emphasis on the use value of goods and its advocacy of free trade founded on a refutation of the mercantilist balance of trade theory. Barbon reenforces the discussion of value in his second pamphlet, in which he distinguishes clearly between what he calls value and "vertue" and dismisses the idea of intrinsic value. He also applies this theory in defense of the view that because of its use in circulation the value of money is greater than would be warranted by its commodity content. Accordingly he takes the side of Lowndes against Locke in the controversy regarding the higher value of silver crowns which arose in connection with the recoinage of 1696–99.

R. D. RICHARDS

Consult: Bauer, Stephan, "Nicholas Barbon" in *Jahrbücher für Nationalökonomie und Statistik*, n. s., vol. xxi (1890) 561–90; Pfeiffer, E., "Nicholas Barbon" in *Revue d'histoire des doctrines économiques et sociales*, vol. iv (1911) 63–80; Monroe, A. E., *Monetary Theory before Adam Smith* (Cambridge, Mass. 1923); Richards, R. D., *Early History of Banking in England* (London 1929) ch. iv; Scott, W. R., *The Constitution and Finance of English, Scottish and Irish Joint Stock Companies*, 3 vols. (Cambridge, Eng. 1910–12) vol. iii.

BARBOSA, RUY (1849–1923), Brazilian publicist, orator, statesman and jurist. He was a frequent contributor to *O journal do commercio*, the powerful Rio de Janeiro daily, later became managing editor of *O diario do Bahia* and played a prominent part in the agitation for the abolition of slavery. He was an avowed opponent of the imperial regime and upon the overthrow of Dom Pedro II (1889) became a member of the government of Deodoro da Fonseca. In this capacity he rendered most conspicuous service in behalf of constitutionalism in Brazil. The constitution of Brazil as adopted was primarily his work and he was also very influential in establishing the new constitutional regime. His argument in the dismissal case of 1892, in which the national judiciary of Brazil decided that the acts of the national executive as well as those of the national legislature were subject to review by the national judiciary, has become a classic. He championed the independence of municipalities and was a strong opponent of the military in politics. For his opposition to the pretorian rule of the government he was exiled in 1893, but he returned two years later and rose rapidly to national prominence. In 1907 he was elected president of the Senate; he was a candidate for president in the elections of 1910, 1914 and 1919.

As head of the Brazilian delegation to the second Hague conference he championed the rights of small nations and the creation of an international court of arbitration. He maintained, however, that compulsory arbitration should in no way interfere with the internal affairs of a nation or deprive the parties of the right to choose the arbitral body. Believing that any debtor nation refusing to abide by arbitral award should be compelled by force of arms to pay its debts, he supported the Porter resolution. Barbosa was a staunch champion of the Allied cause during the World War. Later he was elected to membership in the Permanent Court of International Justice, and remained a member of this court to the end of his life.

N. ANDREW N. CLEVEN

Important works: *Os actos inconstituciones do congresso e do executivo ante a justiça federal* (Rio de Janeiro 1893); *O art. 6 da Constituticâo e a intervenção de 1920 na Bahia*, 2 vols. (Rio de Janeiro 1920); *Queda do imperio: "Diario de noticias,"* 2 vols. (Rio de Janeiro 1921).

Consult: Lapradelle, A. de, "Le rôle de Ruy Barbosa au Brésil et dans le monde" in *La vie des peuples*, vol. ix (1923) 1045–65; James, Herman G., *The Constitutional System of Brazil*, Carnegie Institution, Publication no. 334 (Washington 1923); Martin, Percy A., *Latin America and the War* (Baltimore 1925) ch. i.

BARCLAY, WILLIAM (1546–1608), political theorist. He was born in Scotland but in 1573 he emigrated to France, where he studied law and became professor of civil law, first at the University of Pont-à-Mousson and later at the University of Angers. Throughout his life he remained a devout Catholic.

Barclay's chief works, *De regno et regali potestate* (Paris 1600) and *De potestate papae* (London? 1609; English translation London 1611),

although unoriginal, are significant as summarizing and systematizing the arguments in behalf of the divine right of kings, around which French political controversy was already beginning to center. They represent the point of view of the Gallican monarchic *Politiques* and thus are equally hostile to the pro-papal doctrine of popular sovereignty set forth by Bellarmine and other Jesuits and to the antimonarchical doctrine of the Calvinists. Barclay presents three basic theses. Authority to command is derived from God alone, who granted it to the rulers of the chosen people, intending it to remain perpetually in kings. The universal obligation to obey without qualification this unlimited authority is the sole foundation of social tranquillity; since men will refuse to yield absolute obedience to any authority created by themselves, rebellion must result in anarchy and is practically never justified. Finally, the spiritual and temporal spheres are entirely distinct and the church may not limit the monarchy even through the exercise of its spiritual power.

C. H. DRIVER

Consult: Smith, D. B., in *Scottish Historical Review*, vol. xi (1914) 136–63; Dubois, Ernest, in Académie de Stanislas, *Mémoires*, 4th ser., vol. iv (1872) 59–176; Allen, J. W., *A History of Political Thought in the Sixteenth Century* (London 1928) p. 386–93; Figgis, J. N., *The Divine Right of Kings* (2nd ed. Cambridge, Eng. 1914) p. 130–31.

BARDI, a Florentine merchant family whose name was given to a mercantile and financial firm, partnership in which was not restricted to the members of the family. At the beginning of the fourteenth century the Bardi company numbered fifteen partners, five of whom lived in England, six in Flanders and four in France; ten of the partners were members of the Bardi family.

The prosperity of the Bardi dates from 1294 when they began to deal with the king of Naples, count of Provence. They lent him money for wars and supplied his armaments, obtaining in return permission to export the grain of Provence and of Apulia as well as fruits and dairy products of the latter region. Later the Bardi also sold French textiles and the scarlet cloth of Ypres.

From 1303 they were, along with the Cerchi and the Chiarenti, one of the three Guelph firms whom Benedict XI charged with the care of apostolic finances. They remitted to the Curia the sums which the papal nuncios collected in England, France and elsewhere. Through them the papal treasurer at Avignon placed credits at the disposal of the papal magistrate in Perugia and remitted to Cyprus and Armenia funds for the defense of these states. They loaned money to the nephews of Pope John XXII, to cardinals, to French and Italian bishops and to monasteries.

Their business was particularly active in England where they were the first of the Italian firms to establish branches and the first to pay with the proceeds of Peter's pence for the wool required in the Tuscan workshops. By 1345 the crown owed them 900,000 florins. The Bardi also remitted funds for private accounts to and from England. Thus in 1311 they paid the Florentine representative of two English students at Bologna ninety-seven and a half florins which had been deposited with their English agents. In 1312 the archdeacon of Exeter received from them 300 florins in the course of a similar transaction.

About 1310 they had succeeded in surpassing their two great rivals, the Peruzzi and the Acciaiuoli. From the preserved fragments of their books it is possible to estimate that their joint stock capital amounted in 1320 to 149,796 Parisian livres and deposits in 1312, exclusive of those in branches, to 25,751 livres. On these deposits they paid interest, disguised as *donum*, from 6 to 7 percent and a share in profits which in 1312–13 was 6 percent. The total profits for the period 1310–30 averaged about 20 percent, but they declined from 33⅓ percent in 1316–18 to 13 percent after 1322 and to about 10 percent by 1330.

On account of their prominent international position and large holdings of real property the Bardi resisted political and financial crises in Florence longer than any of the other financial houses. Nevertheless they were affected by the failure of the Scali in 1326 and by the difficulties with Venice in 1329, where they suffered seizures and reprisals in spite of the intervention of the king of France. But above all they were victimized by the bad faith of their royal debtors. Joanna of Naples repudiated a half of the debt contracted by Robert. The Bardi stores in England were sacked and burned by a mob incensed at their "usury," and the bankruptcy of Edward III led to the collapse (1345–46) of both the Bardi and the Peruzzi. The English branch of the Bardi survived the crisis, however, and reestablished its position as banker and merchant. Walter Bardi, the head of the branch after 1362, was for many years the

king's moneyer. A final settlement of the debts of the crown took place under Richard II in 1391.

HENRI HAUSER

Consult: Peruzzi, S. L., *Storia del commercio e dei banchieri di Firenze in tutto il mondo conosciuto dal 1200 al 1343* (Florence 1868); Sapori, Armando, *La crisi delle compagnie mercantili dei Bardi e dei Peruzzi*, Biblioteca Storica Toscana, vol. iii (Florence 1926), and "Le compagnie dei Bardi e dei Peruzzi in Inghilterra nei secoli XIII e XIV" in *Archivio storico italiano*, vol. lxxx (Florence 1926) 5–63; Meltzing, O., *Das Bankhaus der Medici und seine Vorläufer*, Volkswirtschaftliche und wirtschaftsgeschichtliche Abhandlungen, n. s., no. 6 (Jena 1906) p. 55–72; Yver, G., *Le commerce et les marchands dans l'Italie méridionale au XIII^e et au XIV^e siècles* (Paris 1903); Schneider, Georg, *Die finanziellen Beziehungen der florentinischen Bankiers zur Kirche von 1285 bis 1304* (Leipsic 1899); Russell, Ephraim, "The Societies of the Bardi and the Peruzzi in their Dealings with Edward III, 1327–1345" in *Finance and Trade under Edward III*, ed. by G. Unwin (Manchester 1918) p. 93–135; Bearwood, Alice, "Alien Merchants and the English Crown in the Later Fourteenth Century" in *Economic History Review*, vol. ii (1929–30) 229–60.

BARÈRE DE VIEUZAC, BERTRAND (1755–1841), leader and orator of the French Revolution. On the eve of the revolution Barère was well established at the bar in Toulouse. His *mariage de convenance* into the lesser nobility in 1785 had failed to give him a footing in noble society and had probably accelerated a natural tendency to accept the revolutionary ideology of his age. Elected to the Estates General as a deputy of the third estate of Bigorre, Barère became one of the most useful members of the Constituent Assembly (1789–91) and published a faithful account of its debates in the *Point du jour*, which he had founded in 1789. To his native characteristics of moderation and compromise this apprenticeship added the pliancy of the professional politician, which at a later date frequently bordered on chicanery and dishonesty. But both in the Constituent Assembly and later in the National Convention his tortuous, shifting tactics were redeemed by his uncompromising loyalty to the basic revolutionary concepts and by his ardent nationalism. His career in the National Convention falls into three periods: the first, from September, 1792, to July, 1793, during which he attempted unsuccessfully to mediate between the Jacobins, with whom he voted on the death of the king and other questions, and the Girondins, with whom he strove to preserve the integrity of the convention; the second, from July, 1793, to July, 1794, during which he was the spokesman of the governmental policy and the habitual military reporter of the Committee of Public Safety; the third, from the overthrow of Robespierre, whose downfall encompassed his own, to April, 1795, when an order for his immediate deportation was signed. No account of the social economic policy of the Terror government can be written without constant reference to Barère's activities. Among his most significant reports are those dealing with the Law of the Maximum, poor relief, extirpation of begging, the levy in mass, the teaching of the French language and the establishment of the École de Mars. His career after the Terror was marked by great vicissitudes of fortune.

LEO GERSHOY

Consult: *Mémoires de B. Barère*, ed. by Hippolyte Carnot and David d'Angers, 4 vols. (Paris 1842–44), tr. by De V. Payen-Payne (London 1896), posthumous and inaccurate, but a mine of information; Kuscinski, Auguste, in *Dictionnaire des Conventionnels* (Paris 1916–19) p. 23–29; Gershoy, Leo, "Barère, Champion of Nationalism in the French Revolution" in *Political Science Quarterly*, vol. xlii (1927) 419–30, and "Barère, Anacreon of the Guillotine" in *South Atlantic Quarterly*, vol. xxvi (1927) 266–79.

BARGAINING POWER does not emerge as a distinct subject for economic theory until legal support is furnished for concerted economic action. The two principal methods of concerted action are the corporate and the regulative. In the corporate form, individuals authorize a board of directors and a manager to make the bargains which legally bind the shareholders. Individual bargaining is thus eliminated. In the regulative method, however, the participants, whether individuals or corporations, yield to the rules, laws or regulations which limit their individual or corporate bargaining power. Individual bargaining continues, but is limited.

The premises of the individualistic economists did not include that of concerted bargaining power. Adam Smith, in basing his economic theory on the legal rights of the individual to liberty, equality and property, strongly opposed both forms of concerted action. As against them he set up an impersonal, quasi-mechanical competition which controlled individuals in their bargaining. The "corporations" which Smith so vigorously criticized were of the regulative kind, such as the guilds which imposed limits upon the individual bargaining of their members. He opposed even more strenuously the tariffs, bounties and trade privileges of mercantilism, representing other instances of the

regulative form of concerted economic action. Smith's individualistic and mechanistic presupposition dominated the classical and psychological economists and was carried to the extreme by the anarchists. On the other hand it was abolished by the communistic economists whose premises eliminated bargaining, both individual and concerted, by substituting its antithesis, rationing. As long as these doctrines prevailed there could be no scientific theory of that intermediate process between the individual and society which is the concerted bargaining power of individuals. All such action was denounced as monopolistic by the individualists and anarchists or as merely palliative by the communists.

Meanwhile in the decade 1850–60, unforeseen by Smith, Marx or Proudhon and unnoticed by later economists and courts, a new legal right in addition to the rights of liberty, equality and property was recognized by the legislatures both in England and America—the universal right of association. Corporations were not prohibited, as Adam Smith and the anti-monopolists demanded, but were universalized by general corporation laws rather than granted, as formerly, by special acts of legislatures. During the same period labor organizations, revivals of the guilds, abandoned their ideas of cooperative production or socialism and adopted the ideas of concerted bargaining.

The right to incorporate was granted to all who chose to do so, not because this device would increase their bargaining power, but because it would increase their productive power by enabling them to attract capital with the promise of limited liability. Likewise unions were suffered to exist, and not until twenty or thirty years later was it found that they had thereby acquired new bargaining power. By this time it was evident that the corporations also, by concerted action, had acquired a similar increase in bargaining power. As a result the end of the nineteenth century in America witnessed the enactment of antitrust laws applied to both corporations and unions.

After a period of vigorous prosecutions under these laws the courts finally discovered that in the effort drastically to abolish these devices for concerted action they were striking at the very base of property and liberty, the right to withhold from others what they need but do not own. This peculiar right of property had itself not been discovered by the Supreme Court until several years after the Slaughter House cases (16 Wall 36, 1872), the case of Munn *v.* Illinois (94 U. S. 113, 1876) and the so-called Granger cases (94 U. S. 155, 164, 179 and 180, in 1876). In the latter cases the states had reduced the prices which railway corporations were permitted to charge for transportation and had required the companies to furnish their services at these lower rates. The court at first held that this reduction of prices was not "taking property without due process of law" because their interpretation of property at that time was corporeal property, which evidently was not "taken." But afterwards (C. M. and St. P. Ry. Co. *v.* Minn., 134 U. S. 418, 1890) the court held that reducing prices was "taking property" and that the right to charge such prices as the owner might choose and to refuse to furnish service unless these prices were paid was one of the original rights of property of which the owner could not be deprived without a judicial hearing upon the reasonableness of the deprivation. This right of property came to be known as "intangible property," distinguished from the older "corporeal property" and "incorporeal property," the latter being debts. Bargaining power thus became a right of property because it turned on the right to withhold services unless the price was paid.

It is obvious that bargaining power, since it did not emerge distinctly until the regime of concerted action, could have no place in the classical and psychological economic theories which were based on corporeal property and free competition of individuals. But even during the earlier period dissatisfaction was already felt among economists themselves in regard to such assumptions of orthodox theory as "perfect competition," "higgling and bargaining," "marginal producer," "marginal utility," "natural law" and so on. The reality of these assumptions was questioned in the controversy over labor unions and it became even more apparent when industry, agriculture and banking began to imitate the concerted bargaining of trade unions.

The right to withhold services was recognized by the courts as a property right only if it was reasonably exercised. But a treatment different from that of public utilities was necessary in the case of manufacturing and commercial corporations, where price fixing was not acceptable. Hence in 1911 the concept of "reasonable restraint of trade" which had arisen as a regulative device in the seventeenth century reemerged and was introduced into the decisions (Standard Oil Co. *v.* U. S., 221 U. S. 1, and U. S. *v.*

American Tobacco Co., 221 U. S. 106). When in 1920, in the dissolution suit against the United States Steel Corporation (251 U. S. 417), it was found that this corporation had practised only reasonable restraint of trade, the legal recognition of bargaining power was further advanced. It came to a more specific determination in the Price Maintenance cases (Great Atlantic and Pacific Tea Co. *v.* Cream of Wheat Co., 224 Fed. 566 in 1915; U. S. *v.* Colgate and Co., 250 U. S. 300 in 1919; and Federal Trade Commission *v.* Beech Nut Packing Co., 257 U. S. 441 in 1922) where it was found that if the prohibition of price maintenance were carried to its effective limit the corporation would then be compelled to deliver its commodities to any buyer who might come along—a situation which would involve price fixing by the government. However, the right to withhold was limited in these decisions by restricting it to reasonable restraint of trade.

A similar discovery had previously been made in the case of laborers. It had been found that to prohibit laborers, by decrees of specific performance, from withholding their services even though they had contracted to work was a denial of the personal liberty guaranteed under the Thirteenth Amendment to the constitution. Business enterprises might, without such violation of the constitution, be compelled to specific performance if they had made contracts to deliver commodities; but they could not lawfully, except in the case of public utilities, be compelled to make such contracts. Thus, with the power to withhold commodities and services finally recognized in law, reasonable restraint of trade, according to the court's ideas of reasonableness but contrary to the antitrust laws, came to have a standing in law and its equivalent, bargaining power, a standing in economics.

During the past twenty years, distinguished as the period during which the process of reasonable bargaining power was admitted into the domain of law and economics, the process itself has obtained popular appeal under such names as stabilization of industry, stabilization of prices, orderly marketing and stabilization of employment. Such stabilization results from the wish for restraint against unlimited individual bargaining. In its connotations it is similar to that process which in labor economics was formerly known as "equalization of bargaining power over the competitive area." The purpose in the latter instance was to prevent the individual bargaining between competing employers and competing laborers from reducing wages and increasing hours of labor to the disadvantage of their competitors who paid higher wages or worked less hours per day. Extended to the business community under such names as business ethics, the purpose of this stabilization process is to prevent that individual bargaining of competitors which steals customers by cutting prices or steals labor by raising wages. The idea that both the purchasing power of the public and the supply of labor power are limited, although it was not contemplated by the early economists, is now gaining credence; therefore, according to the new ethical doctrine of "live-and-let-live," the proper procedure is to get only a reasonable share of that limited purchasing power or limited labor power. This cannot be done without stabilization and reasonable restraint of trade.

Historically the spread of the doctrine of reasonable bargaining power followed clearly distinguishable stages. Labor organizations were the first to move toward this doctrine, because they were the first to feel the pinch of the limited number of jobs and of the resulting discriminations and destructive competition. Soon railways and other public utilities were forced by law to come under the doctrine, because the supply of their services was evidently limited and their huge corporate form enabled them to set their own rules and prices for individual shippers and passengers. Manufacturing industries next came within the theory, the issue in their case culminating in the cases cited above. Then the banking industry was admitted to the process under the Federal Reserve Act which authorized concerted action of ten thousand banks in regulating the prices to be charged and the volume of bank credit to be issued. Finally the farmers, by enlarging the meaning of cooperation from cooperative production to cooperative marketing, aided by federal and state legislation, are in the process of obtaining a larger share of the world's limited purchasing power by their own concerted bargaining power.

In all of these cases there may be observed a shift of varying degree from concerted action directed toward an increase in the production of wealth, and highly favored by the economists and courts, to the concerted action directed toward restriction of the production of wealth, and highly disfavored. We have noted this shift in the case of business corporations and labor unions. A similar process may be also inferred

from the change of the objectives of farmers' cooperation from improvement of scientific agriculture to improvement of bargaining power. The Federal Reserve system was created in 1913 for the "accommodation of business and commerce," but in 1922 it shifted to restrictions upon the free granting of credit in the private transactions of member banks.

This increasing emphasis on bargaining power has found expression in a shift not only toward the corporate form of action but even more toward the regulative form of fixing maximum or minimum standards for the individual and corporate bargains of buying, selling, lending, hiring and excluding competition. The regulative form of bargaining power was established in some cases by positive governmental action; in others it was made possible by the negative government action of permitting that to be done which was deemed reasonable or indifferent. With the grant of permission by the government concerted action required for its effectiveness only such economic sanctions as profit, loss, exclusion from markets, loss of employment, etc., which might be brought to bear upon those recalcitrants who attempted to break away and act independently. Permission to impose these economic sanctions was granted by the Federal Trade Commission Act which included the proviso that it should not be deemed unlawful to "meet competition." According to this proviso it is not unreasonable restraint of trade to obtain leadership by the use of economic power in cutting prices below the level at which the small competitor can live. Under these circumstances the independent action of a competitor was likely to become even more economically destructive to himself than obedience to the practises and prices observed by the others. Thus the economic coercive sanctions of bargaining power, merely in its regulative form, became increasingly effective even without resorting to the corporate form.

Bargaining power with its sanctions of economic coercion rises to a preeminence even more comprehensive and world wide than the formerly dreaded political power with its physical coercion. Indeed the state either by its own direct act or by its permission of concerted action becomes one of the instruments of bargaining power. Through the use of this political instrument the struggle for bargaining power reaches its eminence. The economic theories of free competition and laissez faire, deductively worked out from the presuppositions of liberty, equality, self-interest, individual property and the mechanism of competition, give way to pragmatic theories of the reasonable use under all the circumstances of that bargaining power by concerted action which may be equally or unequally shared by individuals, classes or nations. These latter day theories of bargaining power come before the courts and economists under four groupings: unfair discrimination, or unequal opportunity for individual bargaining; fair competition instead of free competition; reasonable price instead of normal or natural price; and the equal or unequal treatment of the different kinds of bargaining power of public utilities, manufacturers, farmers, laborers, merchants and bankers. It is the emergence of these issues out of the new predominance of bargaining power that has recently centered the attention of economists and courts upon ethical theories of prices, values, practises and transactions.

JOHN R. COMMONS

See: ECONOMIC ORGANIZATION; PROPERTY; CORPORATION; CONTRACT; COMPETITION; LABOR CONTRACT; COLLECTIVE BARGAINING; COMBINATIONS, INDUSTRIAL; MONOPOLY; TRUSTS; FREEDOM OF CONTRACT; UNFAIR COMPETITION; RESALE PRICE MAINTENANCE; FEDERAL TRADE COMMISSION; CONTROL, SOCIAL; ECONOMICS.

Consult: Davidson, John, *The Bargain Theory of Wages* (New York 1898); Veblen, T. B., *The Theory of Business Enterprise* (New York 1904), and *The Place of Science in Modern Civilization* (New York 1919); Commons, J. R., *Legal Foundations of Capitalism* (New York 1924).

BARNARD, HENRY (1811–1900), one of the foremost American educators. He was graduated from Yale in 1830 and was subsequently admitted to the bar of Connecticut. He served one year as principal of the academy at Wellsboro, Pennsylvania, and spent fifteen months in travel and in the study of European educational institutions.

In 1837 he was elected a member of the Connecticut legislature and served as chairman of the legislative committee on education which organized the state board of education with Barnard as its first secretary (1838–42). He held a similar post in Rhode Island (1843–49) and again in Connecticut (1850–55). In both offices his reforms were practically coextensive with the establishment of the state school systems. Together with the work of Horace Mann in Massachusetts they constitute the beginnings of the public school system as we know it. Bar-

nard organized town libraries, the first teachers' institutes and the first classes for the professional training of teachers in America. He represented the United States at an international congress of education in London (1854) and was the moving spirit in the organization of the American Association for the Advancement of Education (1855), of which he was the first president. He was also instrumental in creating the office of Federal Commissioner of Education and was its first incumbent (1860–70).

Barnard's work as editor and author constituted the earliest literature of education in America and his greatest contribution to education. The *Connecticut Common School Journal* (vols. i–iv, 1846–49, and vol. x, 1855) is the most widely known among his prolific official publications. The *American Journal of Education* (32 vols., 1856–82) was largely his single handed effort and a veritable cyclopaedia in the theory and history of pedagogy. His more strictly original writings cover a wide field and include twenty-three volumes.

WILL S. MONROE

Important works: *Reformatory Education* (Hartford 1857); *Normal Schools* (Hartford 1851); *School Architecture* (Hartford 1842, 5th ed. Cincinnati 1855); *Pestalozzi and Pestalozzianism* (New York 1859, 2nd ed. 1862); *German Schools and Pedagogy* (New York 1861); *National Education in Europe* (New York 1854).

Consult: "In Memoriam Dr. Henry Barnard" in National Education Association, *Proceedings and Addresses*, vol. xl (1901) 390–438; Monroe, Will S., *The Educational Labors of Henry Barnard* (Syracuse 1893), and *Bibliography of Henry Barnard* (Boston 1897), containing a detailed list of Henry Barnard's own works and of works about him; Steiner, B. C., *Life of Henry Barnard* (Washington 1919); Philbrick, J. D., "Henry Barnard's Labors in Connecticut and Rhode Island" in *American Journal of Education*, vol. i (1856) 659–738.

BARNARDO, THOMAS (1845–1905), English pioneer in the cause of dependent and neglected children. He had intended at first to become a medical missionary to China but while he was in training at the London Hospital this interest gave way before the needs of London waifs, and his first philanthropic effort, a "Ragged School" of missionary character, was started while he was still an interne. The Earl of Shaftesbury and other wealthy men became interested in his schemes, which were eventually carried out by the organization which was later known as the National Waifs Association Inc. (better known as Dr. Barnardo's Homes). This association, which Barnardo founded and directed for many years, became an enormous organization for the care of homeless children; it managed two children's villages and fifty-five local homes and institutions, thirty-three of which were established during his lifetime. In 1882 he initiated a movement for the emigration of dependent children to the colonies, principally Canada, as a partial solution for their overcrowding in urban centers. Both boys and girls were equipped with a trade before they were sent out and after their arrival were given counsel until they reached the age of eighteen. A few years later, acting on his observation that children under two years of age do not thrive well under institutional care, he started to place out dependent infants in carefully inspected foster homes. He also reorganized the current methods of caring for physically handicapped children, putting them in the same group with normal children on the theory that this would sustain normality on both sides. The first effective English legislation concerning the guardianship of minors was achieved by his efforts; he carried a case through the House of Lords and aroused public attention to the possibility of abuse by parents of the rights of their children.

While some of Barnardo's methods have since been amended in the light of the subsequent experience of England and other countries, many of them have become recognized as fundamentally sound. His evangelical zeal, his dynamic personality and his remarkable executive ability contributed greatly toward popularizing the idea of child welfare.

ETHEL TAYLOR

Consult: Neuman, A. R., *Dr. Barnardo, As I Knew Him* (London 1914); Batt, J. H., *Dr. Barnardo, the Foster Father of "Nobody's Children"* (London 1904); Anon., *Children Reclaimed for Life, the Story of Dr. Barnardo's Work in London* (London 1874).

BARNAVE, ANTOINE PIERRE JOSEPH MARIE (1761–93), political figure of the French Revolution. After a violent campaign against the decrees of Loménie de Brienne he played an important role in the revolutionary manifestations in the Vizille Assembly of 1788 and was sent to the Estates General as a representative of the third estate. Both in the Estates General and in the Constituent Assembly his talent for oratory, second only to that of Mirabeau, made him an important figure in debates on all the great questions of his day. As the spokesman of the famous triumvirate he advocated the suspensory veto, the one chamber

system and jury trial in civil cases. It was upon his motion that the assembly voted to reserve to itself the right of war and peace. He was one of the founders of the Jacobin Society and opposed the pro-Negro measures of the Société des Amis des Noirs. Barnave was one of the three commissioners who were charged with conducting the royal family from Varennes back to Paris at the end of June, 1791. The trip strengthened his royalist sympathies and was the beginning of a series of interviews with Marie Antoinette which soon placed him under suspicion. On August 15, 1792, he was accused of intriguing with the court. He was brought before the revolutionary tribunal on November 28, 1793, and executed the following day.

Barnave was a typical representative of the bourgeoisie which, after having launched the revolution, tried to stay its course and limit its consequences. His aim was to give to the middle class the place which the aristocracy had formerly occupied in the central government and to exclude all other classes. In the course of the republican movement of July, 1792, he declared that the abolition of monarchy could mean ultimately the abolition of property. In his "Introduction à la Révolution française" (in *Oeuvres*, ed. by Bérenger de la Drôme, Paris 1843, vol. i, p. 98–110) Barnave concluded that the revolution had been prepared over a period of centuries by the slow evolution of the industrial middle class. His perception of the economic basis of all political change distinguishes him according to Jaurès as a precursor of Marx.

GEORGES BOURGIN

Consult: Bradby, E. D., *The Life of Barnave*, 2 vols. (Oxford 1915); *Marie-Antoinette, Fersen et Barnave; leur correspondance*, ed. by O. G. von Heidenstam (Paris 1913), tr. by Winifred Stephens and Mrs. Wilfrid Jackson (London 1926); Jaurès, Jean, *La constituante (1789–1791)*, Histoire Socialiste, vol. i (Paris 1901) p. 98–108.

BARNETT, SAMUEL AUGUSTUS (1844–1913), English social reformer, a pioneer in the founding of social settlements. Barnett belonged to the generation whose conscience was deeply moved by such results of the industrial revolution as the prevalence of squalor and want in large city areas. Like Arnold Toynbee he did not believe in the adequacy of the solutions offered by the revolutionary socialists or by the followers of Henry George. In 1872, after an apprenticeship with W. H. Freemantle and Octavia Hill, he settled with his young wife as vicar of St. Jude's in the Whitechapel slum section of London. Encouraged by Benjamin Jowett, T. H. Green and Alfred (afterwards Lord) Milner, a number of Oxford students, deeply impressed with the contrast between their own luxurious surroundings and the neglected state of the East End population and attracted by Barnett's gospel of Christian neighborliness, took up their residence with him. This was the nucleus which gave rise to Toynbee Hall, founded in 1884 as a residence with a library, lecture and reception rooms. The program of the settlement directed by Barnett included not only educational activities but also projects for model dwellings and other social reforms. The movement for university settlements spread rapidly to English provincial cities and to the United States; it was assisted by the University Settlements Association organized at the initiative of Barnett. In his later years as canon of Westminster he preached in the Abbey to large congregations which recognized him as a leader in the new interpretation of Christian charity. There is scarcely any modern movement for social betterment—health visitation, slum clearance, old age pensions, city planning, workers' education—which was not anticipated in Barnett's plans and work.

J. H. MUIRHEAD

Important works: *Practicable Socialism* (London 1888, 2nd ed. 1894), in collaboration with his wife; *The Service of God* (London 1897); *Religion and Progress* (London 1907); *Towards Social Reform* (London 1909), in collaboration with his wife; *Religion and Politics* (London 1911).

Consult: Barnett, H. O., *Canon Barnett: His Life, Work and Friends* (London 1918).

BARNEVELD, JOHN OF. *See* OLDENBARNEVELDT, JOHAN VAN.

BARONDESS, JOSEPH (1867–1928), American-Jewish labor leader and communal worker. Barondess was born in Russia and came to New York City in 1888, where he became employed as a knee-pants maker. He joined the struggle carried on by Jewish socialists and anarchists to abolish the sweat shop system which was then prevalent in the needle trades, and helped to organize the workers into unions. Impetuous, zealous, a good orator and a vivid figure, he soon attained a commanding position among the cloak makers and was their outstanding leader during the formative period of unionism in the nineties. He became especially prominent as leader of the great "lockout-strike" of the New York cloak

makers in 1890, which for the first time revealed to the general American public the frightful conditions under which immigrant workers labored.

In the earlier years of his career Barondess was a militant radical and exponent of the revolutionary class struggle. Later he became one of the first Jewish labor leaders to advocate the trade agreement. As manager of the Cloakmakers' Union during the nineties Barondess was frequently the center of factional strife. Opposition to him was particularly violent from members of the Socialist Labor party. They resented his inclination to work with the anarchists and claimed that the manner in which he first jumped his bail and later obtained his pardon after being imprisoned in connection with a strike unfitted him for leadership. These and other attacks and recriminations and the failure of the general strike of 1895 which he led caused Barondess' withdrawal from active participation in the labor movement.

In his later years he became an insurance broker. He played an important role in Jewish communal affairs, in social work, in education and in the Zionist movement. He was instrumental in bringing about a closer working together of the new immigrants from eastern Europe and the older German-Jewish elements. In 1919 he was a member of the Jewish delegation which secured from the Peace Conference minority rights for the Jews of eastern Europe.

DAVID SHUB

Consult: Lorwin, Lewis L. (Louis Levine), *The Women's Garment Workers* (New York 1924) chs. vii–xii; Weinstein, B., *Die yiddishe unions in Amerika* (New York 1929) in Yiddish; Cahan, A., *Bletter fun mayn leben* (Reminiscences), 4 vols. (New York 1926–28) in Yiddish, vol. iii, chs. i–iii.

BARONE, ENRICO (1859–1924), Italian mathematical economist. He showed an early interest in mathematics and was trained for a military career, attaining the rank of colonel on the Italian general staff. Barone gained distinction by a number of important works on military history. He first became interested in economics in the early nineties, when social science in Italy was undergoing a process of reorientation under the influence of the German historical schools and of Menger and Walras. In 1907 he left the army to become a professor of economics, and in the following year he published his *Principii di economia politica* (Rome 1908; German translation with an introduction by Josef Schumpeter, Bonn 1927), a remarkably lucid textbook of mathematical economics. His subsequent publications include a number of theoretical articles in the *Giornale degli economisti*, a book of lectures on colonies and commerce delivered at the Higher School of Commerce in Rome, a report on the limitation of output by the combined Sicilian sulphur producers (1909), a brilliant essay on industrial combinations published in *Problèmes actuels de l'économique* (Paris 1921) and *Hallesismo* (Rome 1924), a destructive criticism of the gigantic plan for an international bank which later went into bankruptcy. Barone's original contributions to mathematical economics are not numerous. He developed and extended Pareto's work on the theory of production. He elaborated the theory of limited competition or imperfect monopoly and applied it to a study of trade union policies and of transportation rates. He used the methods of pure theory in considering taxation as a procedure for distributing joint costs. Barone professed to be a disciple of Walras and Pareto, but he was really an eclectic. He dealt not only with general equilibrium theory but also with particular equilibria of Marshall's type. In the history of mathematical economics in Italy Barone ranks third, after Pareto and Pantaleoni.

G. H. BOUSQUET

Consult: Spinedi, Francesco, "Di un metodo nello studio della scienza economica" in *Rivista internazionale di scienze sociali e discipline ausiliarie*, vol. xcix (1924) 193–206 and 273–84; Del Vecchio, Gustavo, "L'opera scientifica di Enrico Barone" in *Giornale degli economisti*, vol. lxv (1925) 573–78.

BARONIUS, CESAR (1538–1607), Catholic church historian. From his native Naples he went to Rome to study law but, influenced by St. Philip Neri, he entered the church and became first a member of the community of San Girolano and then in 1575 a member of the Oratory, of which he was head for six years. At the instigation of Philip Neri he undertook to write for the Roman church a monumental ecclesiastical history similar to that written for the Lutheran church by the centuriators of Magdeburg. The result was his *Annales ecclesiastici* (12 vols., Rome 1588–1607), which carries the story of the church down to 1198. Baronius maintained that in the writing of history no source of any kind should be despised, even if it were apocryphal or heretical, and accordingly he relied on texts and archaeological evidence in his search for historical accuracy. He also

had confidence in "human reason" and was thus complacent in recording the instances in which the Catholics submitted to the judgment of pagan authorities their conflicts with the heretics. He was one of the first to recognize the importance of the catacombs of Rome for a study of the Christian church. Baronius was a cardinal and a candidate for the papal throne at the conclave of 1606. In 1745 he was declared Venerable by Benedict XIV.

GEORGES GOYAU

Consult: Kerr, Amabel, *Life of Cesare Card. Baronius* (London 1898); Goyau, Georges, *Le catholicisme et l'histoire, Ecclesia* (Paris 1927); Baur, F. C., *Die Epochen der kirchlichen Geschichtschreibung* (Tübingen 1852) p. 72–84.

BARRÈS, MAURICE (1862–1923), French novelist and publicist. After graduating from the lycée of Nancy, Barrès went to Paris in 1883 to study law but devoted most of his time to journalism. In 1889, a year after he published the first novel of the trilogy *Culte du moi* (complete ed. Paris 1892), he became a member of the Chamber of Deputies as a follower of Boulanger. The nationalist fervor which was heightened in the nineties by the Panama scandals and the Dreyfus affair found in Barrès one of its earliest and most inspired interpreters. *Les déracinés* (Paris 1897) and the other two volumes of the trilogy *Le roman de l'énergie nationale* were followed by the great *Les scènes et doctrines du nationalisme* (Paris 1902) and later by a number of works which on the eve of the World War emphasized the cultural differences separating France and Germany. His daily articles in the *Écho de Paris* during the war breathed the same spirit and were widely read.

Out of the intellectual and moral nihilism of his first youth one fact had been revealed to Barrès as indisputable, his own existence. He had clutched it with all the ardor of desperation and had constructed upon it a system of complete individualism. Underneath this cloak of ideas Barrès remained a patriot; the memory of the humiliating invasion which Lorraine had endured in his childhood still quickened his inmost sympathies and evoked a ready response. When, intellectually still unsatisfied, still questioning the oracle of his ego, he came at last face to face with those larger, more enduring realities —the nation, the province—he abruptly forsook his earlier doctrine and became a "convert" to nationalism. Believing that he had discovered in the "soil" and the "dead" the obscure forces which determine the life of the individual, he made of them a cult in which tradition, order, the family, the province, the native land all became objects of worship. Barrès continued to elaborate his doctrine of nationalism until the victory of France in 1918 brought about a new expansion of his sympathies and released in him a spirit of generosity toward all humanity. The change was signalized by the *Génie du Rhin* (Paris 1921), which revealed his discovery of a common Franco-German tradition through whose healing offices the grievances of the two nations might be obliterated. Thus his influence was twofold. The nationalism of his earlier period had been accepted and developed by the Action Française (*q.v.*) and had deeply affected the intellectual attitude of French youth in the early twentieth century, while the outlook characteristic of his later period is not unrelated to the French policy of *rapprochement* with Germany.

RENÉ GILLOUIN

Consult: Thibaudet, A., *La vie de Maurice Barrès* (2nd ed. Paris 1921); Curtius, E. R., *Maurice Barrès und die geistigen Grundlagen des französischen Nationalismus* (Bonn 1921); Parodi, D., *Traditionalisme et démocratie* (2nd ed. Paris 1923) p. 109–40; Gillouin, René, *Essais de critique littéraire et philosophique* (Paris 1913) p. 99–170.

BARRIOS, JUSTO RUFINO (1835–85), Guatemalan statesman. Barrios joined the liberal anticlerical movement, becoming one of its outstanding military leaders. In March, 1873, as acting president of Guatemala he abolished the clerical privilege of immunity from the jurisdiction of civil courts and proclaimed freedom of religious worship. Soon after his inauguration as president in June, 1873, he announced that all ecclesiastical endowments were to be merged in a national bank and that marriages solemnized between foreigners in Guatemala in accordance with laws of their own country should be valid. By later decrees he abolished all convents, divested cemeteries of their religious character and stipulated that a civil ceremony should be the only legal form of marriage. He also fostered the cause of education and aided in the development of railway and telegraphic communications. Barrios long cherished the plan of restoring the Federation of Central American States, which had dissolved about 1839. After his second election as president he issued on February 28, 1885, a decree proclaiming that a Central American Union was established. This ambitious announcement provoked bitter opposition

in some quarters, especially in Nicaragua and Salvador. Dictator Barrios led his army into Salvador and fell in battle on April 2, 1885. He died fighting for an ideal that was not yet acceptable to all the Central American republics. That ideal ignored the fact that the jealousies of local politicians, the heterogeneity of the population, the lack of a common monetary system and the difficulty of intercommunication were grave obstacles to the permanent establishment of a Central American Union.

WILLIAM SPENCE ROBERTSON

Consult: Burgess, P., *Justo Rufino Barrios* (Philadelphia 1926); Bancroft, H. H., *History of Central America 1501–1887*, 3 vols. (San Francisco 1882–87) vol. iii, chs. xx–xxi.

BARRON, CLARENCE WALKER (1855–1928), American financial journalist and newspaper owner. He was born in Boston and began his career as stenographer for a court reporter. He soon obtained reportorial appointments on various newspapers, and finally joined the staff of the Boston *Transcript* (1874). He took charge of the financial department of this newspaper and became especially concerned with the development of new methods of obtaining information, quick transmission of news and publication of exact facts instead of impressions or rumors on financial topics. In 1887 Barron instituted a news bulletin service in the Boston financial district; this service supplied information to subscribers by means of a series of slips, first typewritten or mimeographed, then printed. Later it developed into a daily financial newspaper, the Boston *News Bureau*. In 1897 he established a similar service in Philadelphia, the Philadelphia *News Bureau*. For both cities he had a working arrangement for the interchange of news with Dow Jones and Company of New York City. In 1902 Barron purchased this business, which included a local bulletin system, a ticker for transmitting news instantaneously by wire, and a newspaper, the *Wall Street Journal*; he thus consolidated the three principal financial news organizations in the East. He enlarged and developed both the ticker service and the financial news getting system of the enterprise generally, and by establishing more satisfactory relations with the patentees who controlled the ticker he insured an effective working agreement between them and the newspaper. As a reporter and newspaper owner Barron made an important contribution to the development of financial journalism by building up a more complete and essentially factual way of treating current events in the field of finance and speculation.

H. PARKER WILLIS

BARROS, JOÃO DE (1496–1570), Portuguese historian and colonial administrator. Barros' romance of chivalry, *Clarimundo* (Coimbra 1520), attracted the attention of the king and led to his being commissioned to write the history of the Portuguese in India. The king's death interrupted the project, but his successor, John III, appointed Barros general agent for the Portuguese colonies in 1533, and his long residence in India and close contact with colonial affairs enabled him to collect the documents and data for this history. It was favorably received throughout Europe and caused Barros to be known as the "Portuguese Livy." It was characterized by an impartiality somewhat marred by a patriotic tone and lack of critical spirit. But it stamps Barros as the first modern Portuguese historian. Besides providing a vast amount of new data in the best style of the age it was the first book to dissipate the absurd contemporary legends regarding Asia. From it Camoens drew the inspiration for his *Lusiadas*. Through the wide circulation of his chief work and also through his *Grammatica de lingua portugueza* (Lisbon 1540) Barros was very influential in fixing the Portuguese language. He was also the author of various moral essays (some of which received the approval of the Inquisition) defending traditional ethical principles against opportunism and self-interest. Some of his unpublished manuscripts deal with the history, geography and natural history of India and Africa.

L. L. BERNARD

Important works: *Asia de Ioam de Barros, dos fectos que os portuguezes fizeram no descobrimento e conquista dos mares e terras do Oriente* (first 3 vols. Lisbon 1552–63, 4th vol. Madrid 1615); the work was completed by Diego de Couto, 12 vols. (Lisbon 1602–73), and the whole edited in 24 vols. by Severim de Faria (Lisbon 1778–88) with a life of Barros.

Consult: Severim de Faria, M., in *Varios discursos politicos* (Lisbon 1791) p. 171–245; Barbosa Machado, D., *Bibliotheca lusitana*, 4 vols. (Lisbon 1741–59); Bell, A. F. G., *Portuguese Literature* (Oxford 1922) p. 192–98.

BARROT, CAMILLE HYACINTHE ODILON (1791–1873), French political figure. Under the Restoration he acquired a reputation as a lawyer and won the admiration of the

liberals by upholding the right of Protestants to leave their homes undecorated during Catholic processions. He became a leader of the society "Aide-toi, le-ciel-t'aidera," the object of which was to arouse the middle classes against the Restoration government. After the Revolution of 1830, in which he supported Lafayette, Barrot became leader of the dynastic opposition, the left wing of the monarchist party, in the Chamber of Deputies and directed the force of his brilliant though pompous oratory against the policies of the conservatives. He eventually joined the republicans in their demand for an extension of the franchise and took a conspicuous part in the banquet campaign which was the immediate cause of the Revolution of 1848. Alarmed at this unforeseen consequence Barrot made an unsuccessful attempt on the twenty-fourth of February to save the monarchy. When Louis Napoleon Bonaparte became president of the Republic he chose Barrot to preside over the Council of Ministers, but soon dismissed him as an ineffective politician. After the coup d'état of 1851 Barrot remained in retirement until Thiers appointed him president of the Council of State under the Third Republic. In *De la centralisation et de ses effets* (Paris 1861) Barrot advocated the fostering of municipal and departmental liberty as a means of creating a check upon the recurrent revolutions in Paris.

GEORGES WEILL

Consult: Barrot, C. H. O., *Mémoires posthumes*, ed. by Duvergier de Hauranne, 4 vols. (2nd ed. Paris 1875–76); Lyon-Caen, C., "Notice sur la vie et les travaux de Odilon Barrot" in Académie des Sciences Morales et Politiques, *Séances et travaux*, vol. lxxxviii, pt. i (1928) 27–60; Thureau-Dangin, P., *Histoire de la monarchie de juillet*, 7 vols. (2nd ed. Paris 1888).

BARROWS, SAMUEL JUNE (1845–1909), American prison reformer. He was editor of the *Christian Register*, the Unitarian organ, from 1880 to 1896. During this period he became identified with many liberal reform movements and developed a lasting interest in work for the condemned criminal. He had long been active in prison reform when he was chosen secretary of the New York Prison Association (1899). In his ten years of service he studied many aspects of prison reform and advocated better prison construction, work and recreation for prisoners, state control of prisons and the abolition of the fee system for sheriffs. Barrows was primarily concerned, however, with the substitution of treatment for punishment in the care of criminals through the use of parole, probation, the indeterminate sentence and the reformatory. He was instrumental in securing the passage of the New York probation law of 1901, the reformatory and probation laws of Oklahoma and the federal parole law. Barrows was appointed American member of the International Prison Commission in 1896; he also served as the first American president of the International Prison Congress. He wrote many magazine articles on prison reform and drew up numerous reports including several for the International Prison Association.

FRANK J. BRUNO

Consult: Barrows, Isabel C., *A Sunny Life* (Boston 1913); Kellogg, Paul U., "Samuel June Barrows" in *The Survey*, vol. xxii (1909) 307–13.

BARTER. The word barter in its simplest use means exchange. The sense in which the term is now commonly used is the exchanging of goods for goods as a stage in the development of economic relations. Hildebrand's well known stages of barter, money and credit economy were valuable, but further study by two generations of scholars has added material for alteration at some points and for refinement at others. At present we must consider in connection with early development four different categories or stages: gift economy, gift barter economy, pure barter and money barter. Of course these stages should not be considered universal or inevitable; the various categories would always overlap.

Among the most primitive men there was no barter, but there was a practise of making gifts. Some of the gifts were somewhat instinctive as in the giving food to the young, religious as in offerings to the spirits or simply social as in scores of different kinship and other relations, formal and informal.

When men began to consider returning gift for gift, a new stage, gift barter, was developing. No exact notion of equivalents probably existed; it was enough, at least at first, that a good will gift be followed by a return gift. The gift had become reciprocal, often accompanied by elaborate ceremonial. Indeed early human existence was shot through with a heavy burden of relations worked out by means of gifts. One of the most interesting examples of gift barter economy is the kula of the Trobriand Islanders, so fascinatingly described by Malinowski. The kula was a well ordered practise of exchanging ornaments. Necklaces of red shells were passed from one to another in a clockwise rotation; armlets of white shells were passed counterwise.

An individual had kula brothers to whom he sent necklaces and from whom he received armlets, and others to whom he sent armlets and from whom he received necklaces. Magic and ceremony were closely intertwined with the exchange. Kula brothers exchanged ornaments within the tribe or between tribes without regard to the friendship or enmity of their tribes. Probably this is an unusual institution when considered in its entirety. However, what is most interesting in this instance is the fact that along with the social intercourse went a dawning sense of objective values. The ornaments were valued in themselves in so far as they were worn or as the mere possession of them gave distinction. But the fortunes of men fluctuated as commonplace or highly prized ornaments came their way, soon in turn to be passed on to another.

Pure barter finally came upon the scene as an exchange of goods with a developing sense of equivalents, not of good intentions but of commodities. Closely connected with the kula, for example, is an open barter of goods. One bunch of taro may be worth one bundle of fish; one lime pot, a dozen cocoanuts or two pieces of sago. In early Irish history eight sheep were commonly worth one cow. Pure barter probably developed through silent trade. Among various African tribes it has long been customary for people to leave on their boundary some of their surplus products, expecting to find a suitable article in return. At times what is expected may be expressed in so many beans or pebbles laid nearby. If too much is looked for, no exchange may take place. In this dumb barter we have goods exchanged for goods. In the process there is no social intercourse and even a little danger if one party feels aggrieved. The whole transaction is based upon objective values. Of course no money is used; it is purely a matter of truck.

In money barter economy goods are still bartered for goods but in terms of a common measure of value. The almost classic *locus* is the Island of Yap, where goods are exchanged in terms of heavy circular flat stones resting in the native's yard or at the bottom of the sea if lost in transit. Other illustrations are found among peoples using metals by weight, especially iron and copper, which are obviously too clumsy to be much used in exchange.

The existence of money barter as an intermediate stage between pure barter and money exchange presupposes the evolution of a commodity into a common measure of value for other commodities before it is generally used as a medium of exchange. This is contrary to the traditional view according to which the development of a medium of exchange precedes that of a common measure of value. The latter hypothesis is consistent with the emphasis on the circulatory power rather than on the standard of value function of money, which naturally prevailed at the time when writers were chiefly interested in coined money. It minimizes the amount of barter by assuming that early trade was carried on not between individuals within the group, but only between groups. This view was supported by the contemporary notion of community of property.

The concept of barter was employed in economic theory as a method of simplifying the analysis where it was desirable to go beneath the "money surface" of economic phenomena. It found its uses in the assumed "rude state" of society in classical discussions of value and hypothetical explanations of the origin of money. It has done yeoman's service in marginal utility economics and is still widely used in the neoclassical theory of international trade. Since in the latter case gold bullion is implicitly involved as a measure of value, the concept used is that of money barter rather than of pure barter.

N. S. B. GRAS

See: MARKET; VALUE; MONEY; COMMERCE; INTERNATIONAL TRADE.

Consult: Hildebrand, Bruno, "Natural- Geld- und Creditwirtschaft" in *Jahrbücher für Nationalökonomie und Statistik*, vol. ii (1864) 1–24, reprinted in his *Nationalökonomie und andere Schriften* (Jena 1922) p. 325–57; Bücher, Karl, *Die Entstehung der Volkswirtschaft* (Tübingen 1893), tr. by S. M. Wickett as *Industrial Evolution* (New York 1901) chs. i–v; Oppenheimer, Franz, *Theorie der reinen und politischen Ökonomie*, in *Das System der Soziologie*, vols. i–iv (Jena 1922–29) vol. iii, pt. i, p. 277–301; Hoyt, Elizabeth E., *Primitive Trade; Its Psychology and Economics* (London 1926); Grierson, P. J. H., *The Silent Trade* (Edinburgh 1903); Malinowski, Bronislaw, "The Primitive Economics of the Trobriand Islanders" in *Economic Journal*, vol. xxxi (1921) 1–16, and *Argonauts of the Western Pacific* (London 1922); Mauss, Marcel, "Essai sur le don" in *L'année sociologique*, n. s., vol. i (1923–24) 30–186; Firth, Raymond, *Primitive Economics of the New Zealand Maori* (New York 1929) ch. xii.

BARTH, PAUL (1858–1922), one of the founders of historical sociology in Germany. He was trained in philosophy under Richard Avenarius, Max Heinze and Wilhelm Wundt at the University of Leipsic. As a young school teacher he was struck by the cleavage between the official German historiography of the neo-

Rankians and the other great branch of Hegelian philosophy of history, the Marxian materialism, that was getting hold of the lower classes of his country. Admitted as a *Privatdocent* at Leipsic on the basis of his dissertation, *Die Geschichtsphilosophie Hegels und der Hegelianer* (Leipsic 1890, 2nd ed. 1925), he began to look for a healing of this cleavage through the adoption of the new sociology of Comte and Spencer, for the reception of which his university had been prepared by the work of Wundt and Karl Lamprecht. Accordingly in his work *Die Philosophie der Geschichte als Soziologie* (Leipsic 1897, 4th ed. 1922) he came to identify what he conceived to be the real scientific task of history, as opposed to mere fact finding and artistic narrative, with the task of sociology. Although strictly opposed to the economic one-sidedness of historical materialism he was no less convinced of the strict applicability of the standards of natural science to historical knowledge and combated sharply the distinction made between "nomothetic" science and "ideographic" history by the philosophical school of Windelband and Rickert. As a pupil of Wundt he also upheld against this school the connection between the psychology of history and society and the new scientific and experimental psychology which was then invading the preserves of German academic philosophy. He objected to American sociology on account of its prevalent interest in modern and practical, as distinct from historical and theoretical, questions. But conversely it may be said of himself that too close an association with the problems of contemporary historiography prevented him from fully realizing the specific and systematic possibilities of sociological methods.

Barth was one of the first in Germany to base on the new experimental psychology a sociological pedagogy, by which he meant to supplant the system of Herbart so long prevalent there. His *Die Elemente der Erziehungs- und Unterrichtslehre* (Leipsic 1906, 10th ed. 1923) was translated into Russian, Spanish and Swedish. In his later works, such as *Die Notwendigkeit eines systematischen Moralunterrichts* (Leipsic 1919, 2nd ed. 1920) and *Ethische Jugendführung* (Leipsic 1919), he again advocated socio-ethical education based on moral values common to all ethical and religious systems.

CARL BRINKMANN

Consult: Barth's autobiography in *Die deutsche Philosophie der Gegenwart in Selbstdarstellungen*, ed. by Raymund Schmidt, vol. i (Leipsic 1921) p. 1–20.

BARTH, THEODOR (1849–1909), German politician and publicist. As syndic of the Bremen chamber of commerce in 1879 he fought in the Bundesrat against Bismarck's tariff reform. From 1881 to 1903, save for a brief interruption, he was a member of the German Reichstag. With the founding of the *Nation* in 1883 he created the Circle of Liberal Politicians, members of which had left the National Liberal party in 1880. During a quarter of a century (until 1907) the *Nation* was the best informed and most distinguished of German periodicals. Barth was a brilliant writer and enthusiastic speaker and in his mobile temperament was the exact opposite of Eugen Richter, from whom he separated in 1893 after nine years of collaboration. He was the most consistent protagonist of free trade, an early advocate of democratic parliamentarianism and of adequate international understanding. Although he was decidedly antisocialist, from 1903 on he sided with Naumann in urging a tactical coalition of Liberal and Social Democratic parties. When Chancellor Bülow succeeded in forming a conservative-liberal coalition in 1908, Barth was deeply disappointed and withdrew from the party of which he had been the leader and standard bearer for so many years. As a political type he was akin to Carl Schurz in his idealistic conception of political and social problems. He looked with apprehension upon the rise of imperialism among the nations and worked with a noble zeal to clarify international relations.

THEODOR HEUSS

Consult: Gygax, Paul, "Theodor Barth" in *Schweizerische Blätter für Wirtschafts- und Sozialpolitik*, vol. xvii (1909) 480–500; Feder, Ernst, *Theodor Barth und der demokratische Gedanke* (Gotha 1919).

BARTOLISTS. *See* COMMENTATORS.

BARTOLUS OF SASSOFERRATO (1314–57), mediaeval jurist. He took his doctor's degree at Bologna at the age of twenty and taught at Pisa and Perugia until his early death. His immense reputation as the "prince of jurists" rests wholly upon his enormous literary output during his short but productive life.

Bartolus was primarily a practising jurist who attempted to bring order into the confusion resulting from the competing systems of the Roman, canon, feudal and customary law of his time. His teaching upon the theory of statutes is the real beginning of analysis upon the conflict of laws. He conceded universality to the Roman law but held certain statutes to be

restricted in their operation to the persons and things under the jurisdiction of the sovereignty which enacted them. Fundamentally he thus taught that there are laws which do not have exterritorial effect—a great departure in the Middle Ages which tended to exalt personal law. The Dutch and French statutists who succeeded him, as well as more modern theorists, have been unable to impair the essential force and value of his doctrines. He may thus be regarded as the founder of private international law in the same way that Grotius is considered the founder of public international law.

Of wider interest is Bartolus' conception of jurisprudence. To him *civilis sapientia*, which may well be translated "social science," was, next to theology, the highest of human interests. The supreme office of the jurist was to interpret law in such ways as would conduce to the greatest good of society as an organic whole. While he taught the highest respect for all authority, human and divine, he claimed the right of individual judgment in applying this authority to practical social needs. It was this independence of judgment that gave to the opinions of Bartolus an importance second only to that of the original sources of the law themselves.

The political theory of Bartolus, as expressed in his treatise *De regimine civitatis*, had a profound influence upon later discussion, seen notably in Rousseau and Montesquieu. He accepts the Aristotelian division of governments into monarchy, aristocracy and democracy, but only as a general scheme. He amplifies this classification in two practical ways: first, by showing the probable perversions of government into tyranny, oligarchy and demagogy, and second, by noting its special applications to small, large and medium sized communities. Thus democracy is suited only for the small, monarchy only for the large, and a modification of both for the medium sized, governments. There is no absolute standard. This many sided freedom from a priori dogmatism was Bartolus' great contribution to the clearing away of mediaeval obstacles to straight thinking upon the deepest problems of social organization.

EPHRAIM EMERTON

Works: Collected works of Bartolus appeared in 1563 (Lyons, 7 vols.), 1577 (Turin), 1588–89 (Basel, 11 vols.), 1590 (Venice, 11 vols.) and 1602 (Venice). English translations of some of Bartolus' works are *Humanism and Tyranny; Studies in the Italian Trecento*, ed. by Ephraim Emerton (Cambridge, Mass. 1925); and *Bartolus on the Conflict of Laws*, tr. by Joseph H. Beale (Cambridge, Mass. 1914).

Consult: Woolf, C. N. S., *Bartolus of Sassoferrato* (Cambridge, Eng. 1913); *Great Jurists of the World*, ed. by John Macdonell and Edward Manson (Boston 1914) p. 45–57; Figgis, J. N., "Bartolus and the Development of European Political Ideas" in Royal Historical Society, *Transactions*, n. s., vol. xix (1905) 147–68; Savigny, F. C. von, *Geschichte des römischen Rechts im Mittelalter*, 7 vols. (2nd ed. Heidelberg 1843–51) vol. vi, ch. liii; Lainé, Armand, *Introduction au droit international privé*, 2 vols. (Paris 1888–92) vol. i, p. 131–63; Meili, Friedrich, "Die theoretischen Abhandlungen von Bartolus und Baldus über das internationale Privat- und Strafrecht" in *Niemeyers Zeitschrift für internationales Recht*, vol. iv (1894) 258–69, 340–46 and 446–73.

BARTON, CLARA (1821–1912), the founder of the American branch of the Red Cross. She was born in Oxford, Massachusetts, began to teach at the age of fifteen and continued until 1854 when she became a clerk in the Patent Office at Washington. One of the first women to hold a regular government clerkship with the same work and salary as a man, she was an early supporter of woman's suffrage and equal pay for equal work.

At the outbreak of the Civil War she volunteered her services to wounded soldiers in Washington, soliciting hospital supplies from Massachusetts friends. Later she secured permission to go to the front and arranged to have supplies follow her. She cooperated cordially with the Sanitary Commission but went as a free lance; an individualist by nature she found it difficult to work under supervision. Making Washington her headquarters she moved whenever news of a battle reached the capital. Finally she became superintendent of the department of nurses for the Army of the James and took charge of the hospitals of an entire army corps.

When the Franco-Prussian War broke out Miss Barton was in Europe and again gave her services. There she saw the Red Cross in action. Later she published a small pamphlet, *The Red Cross of the Geneva Convention, What It Is* (Washington 1878), and secured the interest of President Garfield in American adhesion to the Red Cross treaty. In 1881 when the American National Society of the Red Cross was organized in Washington she became its president. Her new organization found a great opportunity for service in national calamities. In its first year she conducted the disaster relief work of the Red Cross after the Michigan forest fires. She directed relief in the Mississippi floods of 1883 and 1884, the Texas famine of 1885, the Charleston earthquake (1886), the Johnstown

flood (1889), the Armenian massacre of 1896 in Turkey and the Galveston tornado and flood of 1900. In 1898 she went to Cuba with a cargo of supplies for the *reconcentrados* and was here when the *Maine* was blown up. She then organized Red Cross service on the battlefields and in the hospitals.

The American Red Cross was reincorporated in 1900 by a new act of Congress and two years later Miss Barton was elected president for life. She did not occupy this office for long, however, for an unhappy controversy arose in the Red Cross during the years 1902–04 which led to her retirement in 1904. She was then well past eighty and in many ways her methods were still individualistic when a highly organized system had become necessary. But her devoted service of nearly a quarter of a century had left the Red Cross with a wide popular appeal and noble traditions of humanitarian service from which a great organization has developed.

EDITH ABBOTT

Consult: Barton, W. E., *The Life of Clara Barton*, 2 vols. (Boston 1922); Epler, P. H., *The Life of Clara Barton* (New York 1915); United States, House of Representatives, 64th Cong., 1st and 2nd Sess., Committee on the Library, *Memorial to Clara Barton. Hearings on H. R. 16606* (Washington 1917).

BARTON, JOHN (dates of birth and death unknown), early nineteenth century English economist. He is remembered chiefly for his pamphlet entitled *Observations on the Circumstances which influence the Condition of the Labouring Classes of Society* (London 1817). In it Barton pointed out the fallacy implicit in the 1817 report of the Select Committee on Poor Law, which assumed that every increase in capital necessarily sets in motion a proportionately increased amount of labor. He held, on the contrary, that an increase of capital at the disposal of the employer leads to the introduction of labor saving machinery and so diminishes rather than augments the demand for labor. Since periods of unemployment are inevitable, he advocated a program of public relief. In his chapter on machinery, added to the third edition of the *Principles*, Ricardo conceded Barton's point to the extent of admitting that an increase of capital will be followed by an increased demand for labor "in a diminishing ratio." Malthus' answer to Barton reduced itself to the assertion that in general "the use of fixed capital is extremely favorable to the abundance of circulating capital" (*Principles of Political Economy*, London 1820, p. 261–65). In specific refutation of Barton, McCulloch argues in an appendix to his *Principles* that the introduction of machines lowers costs and enables consumers to use the unspent income in buying other goods. In spite of these criticisms Barton secured general recognition for the notion that the portion of capital providing the demand for labor might vary independently of variations in total capital.

W. H. DAWSON

Consult: Cannan, Edwin, *A History of the Theories of Production and Distribution* (2nd ed. London 1903) p. 114–16, 259.

BASEDOW, JOHANN BERNHARD (1724–90), German educator. After a restless youth and a period of theological studies he became in 1749 a private tutor. In this capacity he tested the "natural method" of instruction in Latin, a subject on which he wrote his doctor's thesis. For a number of years his pedagogical career was interrupted by extended controversies in which his theological writings involved him. He reverted to pedagogy, however, with the publication of the *Vorstellungen an Menschenfreunde* (Bremen 1768; later ed. by T. Fritzsch, Universal-Bibliothek, Leipsic 1903–06), a proselytizing work in which he advocated nonsectarian, practical instruction by the play method. His appeal aroused wide interest and procured the financial support that made possible the publication of the *Elementarbuch*, an elementary textbook, and the *Methodenbuch*, which were combined to form the *Elementarwerk* (3 vols., Dessau 1774; critical ed. by T. Fritzsch, Leipsic 1909). In 1774 Basedow founded a model school in Dessau which was called the Philanthropin. The chief features of the school were plain loose uniforms, physical exercise, walking trips, manual training and handicraft, a humane and spontaneous atmosphere and a "natural" mode of life, but it also provided for the active stimulation of ambition through orders of merit. The contrast to the traditional pedantic school methods attracted such able pedagogues as Campe, Guts Muths, Olivier, Salzmann, Trapp and Wolke. Basedow's restless and contentious temperament combined with other unpleasant traits made all his colleagues leave him and caused serious crises in the life of the Philanthropin. Shortly before his death Basedow withdrew, and in spite of clever advertising, good teachers and recognized results the school closed in 1793.

In his early works Basedow anticipated Rous-

seau as the herald of a rationalistic pedagogy. While *Émile* cannot have failed to influence him, he went beyond Rousseau in requiring that education be conducted in a community of students and that they be instructed at an early age in religious and sexual matters. He became the first rallying point of philanthropinism—the school of German educational thought in which "reason" and "nature" were used as concepts underlying a demand for reform in school organization and methods of instruction. This reform called for state schools under state supervision with departmental separation, objective instruction and the substitution of conversation for grammar and memorized vocabularies as a method of teaching.

HELMUT WIESE

Consult: Diestelmann, Richard, *Johann Bernhard Basedow*, Grosse Erzieher series, vol. ii (Leipsic 1897); Basedow, Armin, "Johann Bernhard Basedow 1724–1790" in *Friedrich Manns pädagogisches Magazin*, vol. cmxcv (Langensalza 1924), containing a bibliography; Piazzi, Alfredo, *L'educazione filantropica: nella dottrina e nell' opera di Giovanni Bernardo Basedow* (Milan 1920).

BASING POINT PRICES are delivered prices calculated by adding together the established price at some point, called the basing point, and specified freight charges from such point to the several points for which these prices are made, this formula being applied irrespective of actual origin of shipments or of actual freight incurred. There may be a single basing point, as Pittsburgh formerly was for rolled steel, or multiple basing points, as there are now for many steel products, cement and other commodities. In the latter case the basing point price for any given locality is the lowest sum of price at basing point plus freight therefrom, all basing points considered. Zone prices, as the term is commonly used, are a form of single basing point prices. The zone price is uniform for each of a series of specified areas or zones and is the sum of a price for basing point plus some sort of average of freight rates therefrom to various points in the zone. Zone prices for steel based upon Pittsburgh were common prior to 1903. The practise of equalizing freight or of allowing to the buyer freight in excess of that from the mill nearest to destination freightwise is a variant of the multiple basing point system. This practise rests on the theory of substantially uniform mill prices for standardized commodities shipped by mills variously located. Although prices are f. o. b. mill, freight equalized, if all mill prices are uniform, the formula results in a price for a given destination likewise uniform for all mills and made up of the mill price plus the lowest freight, all mills considered. The terms basing point and basing line are used also in connection with railroad rates.

Conspicuous as an example of basing point practise in the manufacturing field and illustrative of its nature, economic effects and legal status is the so-called Pittsburgh-plus system. Steel manufactured by mills outside Pittsburgh was quoted f. o. b. Pittsburgh, but was actually sold only (with certain minor exceptions) at a delivered price, i.e. the price f. o. b. Pittsburgh plus the all rail freight therefrom. This practise, which occurred sporadically prior to 1901, had by 1904 become general in rolled steel and was shown in the action by the Federal Trade Commission against the United States Steel Corporation, 1921–24, to have been an adjunct of the associations, agreements, pools, understandings and like devices for fixing and maintaining prices common to the steel industry prior to 1903 and for some time thereafter. It served the purpose of stabilizing the industry because it made the price of steel throughout the country depend upon a single variable: the price at Pittsburgh as established by the Steel Corporation. On September 1, 1917, the War Industries Board established a Chicago base price on plates, shapes and bars equal to the Pittsburgh base, but restored the exclusive Pittsburgh base on July 1, 1918.

In the first two decades of the century, steel fabricators outside Pittsburgh complained from time to time of discrimination in favor of Pittsburgh users. They were not, however, seriously affected while railway rates remained low. The increase in railway rates, however, during and since the war aroused western fabricators to action. On August 1, 1919, following the organization of several hundred steel fabricators into the Western Association of Rolled Steel Consumers, application was made by this association to the Federal Trade Commission for complaint against the United States Steel Corporation and certain of its subsidiaries, alleging that Pittsburgh-plus violated Section 5 of the Federal Trade Commission Act forbidding unfair methods of competition and Section 2 of the Clayton Act with respect to discriminatory prices. On April 26, 1921, complaint was issued by the commission.

In defense of Pittsburgh-plus it was asserted that Pittsburgh produced more steel than was

required for local consumption, while other manufacturing points produced less. The surplus moving to points of deficit, even though they were producing points, would command the Pittsburgh price plus the freight. This would result in the apparently discriminatory net mill prices for steel shipped from mills at points of deficit; but it was contended that this was a discrimination in good faith to meet competition and was permitted by Section 2 of the Clayton Act. This reasoning failed, however, to make clear why, if competition prevailed and there was a deficit production, for example, at Chicago, steel should be shipped therefrom at a net price lower than could be secured by supplying the Chicago demand. In fact the testimony and statistics furnished by steel manufacturers seemed to prove conclusively that Chicago produced much more steel than was required for local consumption. This surplus production coupled with costs actually below those at Pittsburgh made unreasonable the prices at Chicago, which were higher than those at Pittsburgh by substantially the amount of the freight.

The statement of the complainants, supported by the testimony of three economists, W. Z. Ripley, F. A. Fetter and J. R. Commons, contended that if steel were sold under freely competitive conditions its sale would be made f. o. b. producing mill, the f. o. b. mill price being uniform for all destinations. They held that the abolition of Pittsburgh-plus would have beneficial results in the decentralization of steel fabrication to points of relatively low cost production and large demand, in the substantial reduction of uneconomic freighting and finally in a reduction in prices to the ultimate consumers by an amount which would not only represent the Pittsburgh freight but also the existing increase in fabricators' and dealers' overhead due to increased cost of material and restricted volume.

On July 21, 1924, the commission ordered the defendants to cease and desist from quoting or selling in interstate commerce rolled steel products upon a Pittsburgh base price (unless shipped from Pittsburgh) or upon the price of any basing point other than that from which they were actually shipped. In 1922 the defendants had announced partial discontinuance of the Pittsburgh-plus practise and on September 16, 1924, they filed with the commission a report stating they would conform to the commission's orders as far as practicable.

While in this case the steel corporation had undisputed control of prices and the only charge was that of discrimination against non-Pittsburgh users of steel, the legality of which practise under the Clayton and Federal Trade Commission Acts has never been decided by the Supreme Court, another case involving the use of the single basing point in the attempt to induce competing manufacturers to quote uniform delivered prices came before the Supreme Court on a charge of violation of the Sherman Anti-Trust Act. In this case, that of the Maple Flooring Manufacturers Association (268 U. S. 563, June, 1925), the court found that the publication of "average costs" and of the freight rate book listing rates from basing point (Cadillac, Michigan) to destination cannot as such be taken as evidence of the existence of an agreement for fixing and maintaining prices and does not constitute an unlawful restraint of commerce.

Where the industry is not localized in a relatively small area the multiple basing point system appears to be more practicable than the single basing point in bringing manufacturers variously located to sell in a given locality at uniform delivered prices. It operates more easily under the guise of active competition, and while the general average of its delivered prices may be lower it is not necessarily so. Moreover it maintains the uniformity of prices at the destination point with all the rigor of the single basing point system. The legality of this practise was questioned on the basis of the Sherman Anti-Trust Act. In the Cement Manufacturers Protective Association case (268 U. S. 588, June, 1925) the Supreme Court ruled that the compilation and distribution to members of the association of freight rate books listing rates from established basing points to consuming cities did not imply a purpose to control prices and was not in itself an unlawful restraint of commerce.

When the basing point practise is generally observed by an industry, a definite price for each locality is fixed through the automatic operation of a formula method of selling, and all competition in price in such localities is thereby eliminated. The general level of delivered prices for the industry is forced above that of a freely competitive system by at least the amount of the cross freighting. Moreover under the multiple as well as the single basing point sales are made by the same manufacturer at the same time at different net prices

such as apparently to constitute discrimination within the meaning of the Pittsburgh-plus decision.

G. A. STEPHENS

See: DISCRIMINATIONS, PRICE; RAILROAD RATES; TRUSTS; IRON AND STEEL INDUSTRY.

Consult: Commons, J. R., "Delivered Price Practice in the Steel Market" in *American Economic Review*, vol. xiv (1924) 505–19; Fetter, F. A., "The Economic Law of Market Areas" in *Quarterly Journal of Economics*, vol. xxxviii (1923–24) 520–29; United States, Federal Trade Commission, *Decisions*, vol. viii (July 21, 1924–March 22, 1925) 1–65.

BASNAGE, JACQUES CHRÉTIEN (1653–1725), Protestant theologian and historian. Forced to leave France after the revocation of the Edict of Nantes, Basnage emigrated to Holland, where he was minister successively at Rotterdam and The Hague. Among his twenty-five works, mainly of theological interest, the most important is *L'histoire et la religion des juifs depuis Jésus Christ jusqu'à présent* (5 vols., Rotterdam 1706–11; new ed., 15 vols., The Hague 1716–26; tr. by T. Taylor, London 1706, abr. 1708). This work, intended as a supplement to Josephus, purports to deal with literary and intellectual as well as political history. Basnage was ignorant of Hebrew and his work is therefore based principally on the writings of Christian theologians together with those Hebrew classics which were accessible in Latin translations and a few more recent works in Spanish and Portuguese. In his acceptance of authorities Basnage was uncritical, not to say credulous. But he was the first historian, whether Jew or Gentile, to envisage Jewish history as a comprehensive whole from the Biblical age down to modern times and to draw upon secular as well as Hebraic sources for the reconstruction of the course of events. Hence Basnage's *magnum opus* rapidly attained semi-classical status among Jews as well as among Christians. It was considered by Gibbon and Voltaire the fundamental authority on the subject and was translated into English, Italian and even Hebrew. Not until the nineteenth century was well advanced was it superseded by Jost's *Geschichte der Israeliten*, which was based upon it.

CECIL ROTH

Consult: Mailhet, E. A., *Jacques Basnage, théologien, controversiste, diplomate, et historien* (Geneva 1880).

BASSERMANN, ERNST (1854–1917), leader of the German National-Liberal party. He began his career as a practising lawyer and as a member of the municipal council in his native Mannheim. In 1893, as a candidate of the National-Liberal party, he was elected to the Reichstag, where he served except for brief interruptions until his death. When Bennigsen retired in 1898 Bassermann succeeded him as party leader and, despite the pressure from one side to join the Conservatives and from the other to cooperate more closely with the parties of the Left, he effectively maintained the unity of his party. In 1902 he helped to put through the new protective tariff. He was a close friend of Chancellor Bülow and in 1907 he readily joined the conservative-liberal bloc led by Bülow in opposition to the coalition of the Center and Social Democratic parties. He was not in accord with Bülow's successor, Bethmann-Hollweg, whose handling of foreign affairs he considered unfortunate. Bassermann later became convinced of the necessity of political reform through the grant of wider powers to the Reichstag. After 1912 he therefore tended more toward the Left although he still refused to cooperate with the Social Democrats. During the war he was pessimistic about the future international position of Germany. Serious heart trouble prevented him from taking part in the movement for political reform which began in 1917.

Bassermann's speeches on foreign policy were collected and edited by Franz Mittelmann (Berlin 1914).

LUDWIG BERGSTRÄSSER

Consult: Roon, E. von, *Ernst Bassermann* (Berlin 1925); Goldschmidt, Hans, "Ernst Bassermann" in *Deutsches biographisches Jahrbuch*, vol. ii (1928) 13–18; Eschenburg, Theodor, *Das Kaiserreich am Scheideweg* (Berlin 1929).

BASSETT, JOHN SPENCER (1867–1928), American historian and publicist. As professor of history at Trinity College (1893–1906), now Duke University, and at Smith College (1906–28) he stimulated interest in the collection and publication of historical material; and as founder and editor (1902–05) of the *South Atlantic Quarterly* he exerted himself to quicken and broaden the intellectual life of the South. His essay, "Stirring up the Fires of Race Antipathy" (*South Atlantic Quarterly*, vol. ii, 1903, 297–305), provoked a public agitation of the race question. The feeling aroused by this incident involved Bassett in a controversy over academic freedom.

Bassett edited several collections of personal documents illustrative of American history at

different periods, in connection with which an essay on the life and times of the Byrd family of Virginia is especially important, and wrote a number of important monographs on the history of North Carolina. His most notable historical publications, however, were a *Life of Andrew Jackson* (2 vols., New York 1911; new ed. 1 vol., 1916), valuable chiefly for the period before Jackson's presidency; *The Middle Group of American Historians* (New York 1917), which remains the standard contribution to that field of historiography; and *The Correspondence of Andrew Jackson* (vols. i–iv, Washington 1926–29; vols. v and vi to be published). Under the inspiration of President Wilson's address of January 22, 1917, on the essential terms of peace, he wrote *The Lost Fruits of Waterloo* (New York 1918, 2nd ed. 1919), a discussion of the outlook for world peace and a league of nations. His last work, *The League of Nations: a Chapter in World Politics* (New York 1928), is a critical but sympathetic history of the league, of which he had become an enthusiastic supporter.

WILLIAM MACDONALD

Consult: *Smith College Alumnae Quarterly*, vol. xix (1928) 269–74; *South Atlantic Quarterly*, vol. xxvii (1928) 113–16; *American Historical Review*, vol. xxxiv (1928–29) 483–84.

BASTIAN, ADOLF (1826–1905), German anthropologist. Bastian has been called the father of ethnography, the first naturalist of *homo sapiens*. He traveled widely to collect his specimens; between 1850 and 1880 he visited Peru, Mexico, North America, China, Japan, Mongolia, Siberia, India, Australia, the South Seas and Africa. Bastian described his findings in such works as *Der Mensch in der Geschichte* (3 vols., Leipsic 1860), the first detailed descriptive account of exotic civilizations by one who had seen and heard for himself; *Die Völker des östlichen Asien* (6 vols., Leipsic 1866–71); and *Die Culturländer des alten America* (3 vols., Berlin 1878–89). In 1886 he became director of the Berlin Ethnological Museum, then exhibiting for the most part Bastian's own collections. Three years later he left for Russia and the East, where he spent the greater part of his remaining years in travel and study.

Although Bastian was a traveling naturalist he always remained a true spiritual son of the German philosophers. The basic concepts of his ethnological system were his "elemental ideas" (*Elementargedanken*) set forth in *Ethnische Elementargedanken in der Lehre vom Menschen* (Berlin 1895), his "folk-ideas" (*Völkergedanken*) set forth in his *Der Völkergedanke . . . und seine Begründung auf ethnologische Sammlungen* (Berlin 1881) and his "geographical provinces" set forth in *Zur Lehre von den geographischen Provinzen* (Berlin 1886). The "elemental ideas," although common to mankind, express themselves in varying forms through the "folk-ideas" tied to geographical provinces in which environmental factors and historical processes—including importations from without—cooperate in shaping local cultures. In these germinal ideas some anticipations of modern anthropological concepts may be discerned. The "elemental ideas" apply to the original nature of man, the "folk-ideas" are now discussed as culture, while the geographical provinces foreshadow the "culture areas" of American anthropologists. Bastian unfortunately did not clarify his thought by examples. Even the "elemental ideas" were nowhere enumerated. His literary habits were distracting and his lively and imaginative style was vitiated by obscurities. Interminable quotations, which bear witness to an amazing erudition and a stupendous memory, parentheses within parentheses, finally became so overwhelming that even Bastian's friends and disciples could no longer read him. His mind died not of decay but of involution.

ALEXANDER GOLDENWEISER

Consult: For his life, Steinen, Karl von den, "Gedächtnisrede auf Adolf Bastian" in *Zeitschrift für Ethnologie*, vol. xxxvii (1905) 236–49. For a complete bibliography of his writings up to 1896, *Internationales Archiv für Ethnographie*, supplement to vol. ix (1896). For his ideas: *Man*, vol. v (1905) 139–43; Schwarz, Richard, *Adolf Bastians Lehre von Elementar- und Völkergedanken* (Leipsic 1909); Hönigsheim, Paul, "Adolf Bastian und die Entwicklung der ethnologischen Soziologie" in *Kölner Vierteljahrschrift für Soziologie*, vol. vi (1926–27) 61–76; Preuss, K. Th., "Adolf Bastian und die heutige Völkerkunde" in *Ipek 1927*, p. 82–91.

BASTIAT, FRÉDÉRIC (1801–50), French economist and social philosopher. He occupied a position of considerable importance in his native *département* of Landes in his earlier years, having inherited a competence, engaged in agriculture, written on topics of provincial interest and served as local magistrate. In 1844 Bastiat attained more general distinction with the publication of his brilliant article in defense of free trade, "De l'influence des tarifs français et anglais sur l'avenir des deux peuples" in the *Journal des économistes* (vol. ix, 1844, p. 244–

71). Encouraged by Cobden's example he attempted the organization of Associations pour la Liberté des Échanges with slight success and became secretary of the Paris association. His reputation was greatly enhanced by the periodical appearance of his *sophismes économiques* and *petits pamphlets*, popular essays attacking protectionism and other forms of economic privilege as well as socialism.

Although primarily interested in controversial questions of public policy he began shortly before his death a systematic exposition of economic doctrines, of which his *Harmonies économiques* is the first volume. In this work he appears as the most ardent and complete continental exponent of economic liberalism. His thought is dominated by an optimistic naturalism reminiscent of the eighteenth century and by a belief in final causes which tend to produce "the indefinite approximation of all classes toward a level, which steadily rises—in other words, the equalization of individuals in the general amelioration." Like the physiocrats he clothed his work in the garment of the *jus naturae*. Starting from such implicit postulates his doctrinal system becomes of necessity an argument for freedom rather than a scientific interpretation of economic data. The book is built around a central antithesis between coercive and restraining institutions and those which arise spontaneously to adjust the reciprocal relations between individuals and the society in which they live.

His originality of doctrine, deriving somewhat from Dunoyer, is to be found mainly in his value theory. Departing from the Ricardian emphasis upon costs and sacrifice he traces value to a foundation of services rendered, exchange values thus representing a ratio between services. His theory of rent, directed at the socialistic modification of the Ricardian theory, translates the income from land into a reward for expenditures in making land productive and excludes the gifts of nature as a possible field of private appropriation. The similarity of his doctrines to those of H. C. Carey led to charges of plagiarism by the latter.

His somewhat cavalier treatment of facts to fit them into his value theory, and in particular the logical impasse in which his theory of rent involved him, provoked severe criticism both from the socialists and from such economists as Cairnes, Marshall and Böhm-Bawerk. In spite of his sincerity, enthusiasm and felicity of expression he failed to leave much mark upon the development of economic thought, a failure due perhaps as much to the instability of his philosophical position as to the weaknesses of his doctrinal system. Bastiat's works have nevertheless retained considerable popularity in France; the English translations of his controversial writings were often used for the purposes of antiprotectionist propaganda in the United States.

PAUL T. HOMAN

Works: *Oeuvres complètes*, ed. by P. Paillottet with biography by R. de Fontenay, 7 vols. (2nd ed. Paris 1862–64).

Consult: Gide, Charles, and Rist, Charles, *Histoire des doctrines économiques* (5th ed. Paris 1926), English tr. from 2nd ed. by W. Smart and R. Richards (Boston 1915) bk. iii, ch. i.

BATEMAN, ALFRED EDMUND (1844–1929), English statistician and civil servant. From 1865 to 1903 he was an official of the British Board of Trade. At an early stage of his service he became engaged in statistical work, and although he wrote little as a private person he had an important share in the development of the official trade statistics of his country. He was an active member of the Royal Statistical Society after 1877 and took a prominent part in the work of the International Institute of Statistics.

Bateman's main public service, however, was in the domain of commercial relations and overseas trade. From Sir Louis Mallet, his first chief in the old Commercial Department, he inherited the tradition of vigilant and active commercial diplomacy on behalf of British trade. Bateman was in large measure responsible for preserving this tradition through a time of great difficulty and apathy and for reviving eventually the practise of vigorous assistance to commerce through departmental and diplomatic action. He steadily refused to admit that the absence of a "bargaining counter" in the shape of a tariff was a sufficient ground for abstaining from direct participation in commercial negotiations, and although in this matter he was in some respects in advance of his time he lived to see his doctrine fully recognized. In 1897 he played an important part in initiating the Commercial Intelligence Branch which was the germ of the now flourishing Department of Overseas Trade.

A shrewd and tenacious negotiator, Bateman rendered distinguished service in the field of commercial diplomacy; he took part in numerous international negotiations such as the International Sugar Conferences of 1887–89 and the

conferences on industrial property (1911) and on exhibitions (1912). He was also a member of many domestic conferences and commissions which dealt with a wide range of subjects including commercial treaties, foreign and dominion trade, foodstuffs in war time and shipping rings.

H. LLEWELLYN SMITH

Consult: Royal Statistical Society, *Journal*, vol. xcii (1929) 641–43.

BATESON, MARY (1865–1906), English historian. She was educated at Newnham College, Cambridge, where she became a fellow and lecturer. Under the influence of Bishop Creighton, then professor of ecclesiastical history, she turned her attention to monastic history, on which she published several important articles in the *English Historical Review*. However, she soon discovered that her real interests lay in the field of municipal history. She was a rapid worker and in her short life produced an astonishing amount of valuable and original work in this field. The *Records of the Borough of Leicester* (3 vols., London 1899–1905) rank among the few "really adequately edited collections of English municipal documents." Her brilliant articles contributed to the *English Historical Review* (vols. xv–xvii, 1900–02) on "The Laws of Breteuil" threw an entirely new light on the development of English boroughs by tracing the origin of many of the borough customs hitherto regarded as indigenous to English soil to the Norman *bourg* of Breteuil. Her most mature and important work was *Borough Customs* (2 vols., Selden Society Publications, vols. xviii and xxi, London 1904–06), a careful classification of borough customs, supplemented by masterful introductions which dealt with the relation of borough law to common law and revealed the origin of many of its features in both folk customs and royal administrative law.

AUSTIN L. POOLE

Consult: Poole, Reginald L., in *English Historical Review*, vol. xxii (1907) 64–68.

BATESON, WILLIAM (1861–1926), British geneticist. Educated at Rugby and at St. John's College, Cambridge, Bateson became in 1908 professor of biology at Cambridge and two years later director of the John Innes Horticultural Institute at Merton. He made notable contributions to the study of variation and promoted the acceptance and elaboration of Mendelism. He also wrote on educational and social problems.

In his addresses before the British Association for the Advancement of Science and in other lectures Bateson frequently stressed the scientists' ignorance of the causes of mutations and hence of the way evolution occurs. His Toronto address before the American Association for the Advancement of Science in 1922 was, with utter misapprehension, hailed by anti-evolutionists in the United States as a vindication of their obscurantism. Bateson repeatedly emphasized the supreme importance of men of genius and of changes in the quality of the population in relation to cultural changes; but he did not view all race mixture as evil, holding that "everything turns on the nature of the ingredients." Deeply impressed with the social significance of individual differences he thought democracy unstable because it was not in harmony with biology. While he favored efforts to reduce the number of defectives he was skeptical of positive eugenic measures, present knowledge of human heredity being inadequate. Yet he feared lest popular education should impoverish genetically the lower classes when the upper classes are foregoing reproduction.

FRANK H. HANKINS

Important works: *Materials for the Study of Variation* (London 1894); *Mendel's Principles of Heredity* (Cambridge, Eng. 1909, 3rd impression with additions 1913); *Problems of Genetics* (New Haven 1913); *Essays and Addresses together with a Short Account of His Life*, ed. by Beatrice Bateson (Cambridge, Eng. 1928); *Scientific Papers*, ed. by R. C. Punnett, 2 vols. (Cambridge, Eng. 1928), containing also a complete bibliography.

Consult: Punnett, R. C., in *Edinburgh Review*, vol. ccxxiv (1926) 71–86; Morgan, T. H., in *Science*, vol. lxiii (1926) 531–35.

BATIFFOL, PIERRE (1861–1929), French historian of early Christianity. Batiffol studied in Paris under Hogan and the celebrated Hellenist, Tournier, and prepared for scientific theology under the direction of Duchesne and of the archaeologist, de Rossi. In 1898 he became rector of the Institut Catholique of Toulouse and with Mathieu founded the *Bulletin de littérature ecclésiastique*, which under his direction (1899–1907) became widely influential. He was forced out of his position as rector in 1908 through an accusation of adhering to modernism. He became chaplain of the Collège Sainte-Barbe, titular canon of Notre Dame of Paris and died suddenly as he was about to be admitted to the Institut de France.

Batiffol sought to discourage the clergy from striving after mere eloquence; in its place he urged them to substitute the scientific research of "positive theology." His eminent standing as a historian is assured by his fine, although perhaps too sharp, sense of discrimination and by his distinctly individual faculty for shedding new light on a problem through more exact interpretation of the literary and archaeological texts. Of his prolific works his vast researches into the origins of Catholicism are of primary importance: *L'église naissante et le catholicisme* (Paris 1908, 11th ed. 1929; tr. by H. L. Brianceau as *Primitive Catholicism* New York 1911); *La paix constantinienne et le catholicisme* (Paris 1914); *Le catholicisme de Saint Augustin* (Paris 1920); *Le siège apostolique* (Paris 1924). Opposing the thesis developed by Ritschl, Harnack, Sohm and Sabatier that the Christian community had been for a long period inorganic, bound together only by a common faith and brotherhood, Batiffol conceived of a Christian community in which from its very beginnings authority played its role both in doctrine and in administrative machinery. In his last volumes he emphasized particularly the dominion of the bishop of Rome. Although Batiffol's synthesis leaves something to be desired from the point of view of factual systematization and of its implicit philosophic basis, it remains of high quality. Even Harnack (*Theologische Literaturzeitung*, vol. xxxiv, 1909, p. 51–53) had the fairness to acknowledge it as epoch making.

PIERRE DE LABRIOLLE

Consult: Rivière, Jean, *Monseigneur Batiffol* (Paris 1929); Carrière, Victor, "Monseigneur Pierre Batiffol" in *Revue d'histoire de l'église de France*, vol. xv (1929) 126–29.

BATLLE Y ORDÓÑEZ, JOSÉ (1856–1929), Uruguayan statesman. After completing his education in Europe he returned to Uruguay, became editor of *La razón* and later founded the newspaper, *El día*, in which he attacked prevailing political abuses and irregularities. He served as the *jefe político* of Minas, became deputy for El Salto in 1891, member of the Council of State in 1898 and president of the Senate and provisional executive in 1899. In 1903 he was elected president of Uruguay and again in 1911, serving each time for four years.

Batlle y Ordóñez was one of the outstanding liberals who contributed to the social regeneration of Uruguay. He was a Social Democrat, an advanced and fearless reformer, and his radical social and political philosophy is often referred to as "Batllismo." Under his administration the government began to take a greater interest in the social and economic welfare of the masses, and legislation, modern in type, was enacted regarding hours of work, pensions, inheritance taxes and the nationalization of the telegraph and telephone service. His political reforms included putting elections on a fairer basis and countenancing political opposition. One of his most important projects was the reform of the constitution. He realized that a single strong executive gave rise to much of Uruguay's political upheavals and proposed the creation of a collegiate executive. This and other constitutional changes which he advocated were incorporated in the new constitution of Uruguay promulgated in 1919.

PAUL VANORDEN SHAW

Consult: Parker, W. B., *Uruguayans of To-Day* (London 1921) p. 57–62; Zum Felde, Alberto, *Proceso histórico del Uruguay* (Montevideo 1919) ch. viii; Testena, Folco, "El innovador: José Batlle y Ordóñez" in *Nosotros*, vol. xxviii (1918) 455–62.

BAUDEAU, NICOLAS, ABBÉ (1730–*c.* 1792), French economist. In 1765 he founded the *Ephémérides du citoyen* in order to defend the interests of "humanism" and to urge the abolition of slavery, but he used it also to combat the economic doctrines of Quesnay and his school. In 1766, however, Baudeau was suddenly converted from his liberal mercantilism, tinged with a more or less socialistic populationism, to physiocracy; from 1767 to 1772 his paper served as the official party organ of the physiocrats. The *Ephémérides* was suppressed in 1772 but from December, 1774, to June, 1776, and again in 1788 it reappeared under the title *Nouvelles ephémérides économiques*. A clever journalist, Baudeau could discuss with clarity a wide range of subjects. He gave currency to the new term physiocracy, and in his *Première introduction à la philosophie économique ou analyse des états policés* (Paris 1771; reprinted by A. Dubois, Paris 1910) furnished an exposition of the system, which although frequently considered most authoritative is really rather loose and superficial. His boldness as a propagandist proved his undoing. He indiscreetly reproached Turgot for diffidence in reform and compromised him by preferring rash charges against one of his colleagues. A plot of financiers brought about the suppression of the magazine in 1776 and the exile of its editor to the prov-

inces. A decade later Baudeau took an active part in the pre-revolutionary fiscal discussion and published *Les vrais principes de l'administration des finances opposés à ceux de M. Necker* (n. p. 1785) and *Idées d'un citoyen presque sexagénaire sur l'état actuel du royaume de France* (Paris 1787).

G. WEULERSSE

Consult: A. Dubois' introduction to his printing of Baudeau's *Première introduction* (Paris 1910); Weulersse, Georges, *Le mouvement physiocratique en France de 1756 à 1770*, 2 vols. (Paris 1910) vol. i, p. 103–06.

BAUDOUIN, FRANÇOIS (Franciscus Balduinus) (1520–73), jurist and humanist. He was born in Arras, then a part of the empire, and was educated at the University of Louvain. In 1540 he went to Paris, where he associated with Dumoulin and other eminent jurists. From 1548 to 1555 he held the chair of Roman law at Bourges. In Strasbourg he assisted Sturm in his Protestantisches Gymnasium and at Heidelberg he lectured at the university (1556–61).

Baudouin played a prominent part in the bitter religious conflicts of the sixteenth century. He was a zealous advocate of church reform without violence or schism and made several attempts at conciliation, including a plan for a series of public discussions between leaders of the different religious factions. His efforts in this direction failed, however, and resulted in his being distrusted and attacked by the Protestants and denounced as a heretic by the Catholics. His quarrels with his juristic colleagues, especially Duaren and Hotman, and the acrimony of his disputes with Calvin and Beza indicate a spirit less tolerant than that of his contemporary, Erasmus. But he maintained the lofty tradition of Papinian in that he declined to be one of Alva's judges and refused to defend the Massacre of St. Bartholomew.

Baudouin's writings were historical investigations rather than purely legal discussions. The celebrated pamphlet on the necessity of the historical method in law, entitled *De institutione historiae universae et ejus cum jurisprudentia conjunctione* (Paris 1561) established him as one of the founders of the historical school of jurisprudence. He coined the phrase "sine historia caecam esse jurisprudentiam." Baudouin's edition of the *Institutes* of Justinian was a notable illustration of his method, which was to interpret the texts in the light of ancient history and literature. Through Christian Thomasius and Heineccius his influence was maintained in Germany until it found expression in the school of Savigny and Puchta.

MAX RADIN

Important works: Baudouin's legal writings are contained in *Jurisprudentia romana et attica*, ed. by J. G. Heineccius, vol. i (Lyons 1738).

Consult: Stintzing, R., and Landsberg, E., *Geschichte der deutschen Rechtswissenschaft*, 3 vols. (Munich 1880–1910) vol. i, p. 382–83; Duquesne, Joseph, "François Baudouin et la réforme" in Académie Delphinale, *Bulletin*, 5th ser., vol. ix (1917) 55–108.

BAUDRILLART, HENRI JOSEPH LÉON (1821–92), French economist. A pupil of Victor Cousin, he began his academic career by teaching philosophy but soon shifted his attention to economics. In 1852 he was appointed professor at the Collège de France, where he lectured on the history of economic doctrines. He was also professor of economics at the École des Ponts et Chaussées and delivered popular lectures to working class audiences in Paris. During the years 1855–65 he was editor of *Journal des économistes*. In 1863 he was elected to membership in the Académie des Sciences Morales et Politiques.

At the age of twenty-five Baudrillart published *Éloge de Turgot* (Paris 1846) and several years later a thorough study of Bodin (*Jean Bodin et son temps*, Paris 1853). His principal work is *L'histoire du luxe privé et public* (4 vols., Paris 1878–80; 2nd ed. 1880–81). It is a discussion of the ethical and economic aspects of luxury in historical civilizations and demonstrates the ineffectiveness of sumptuary legislation. In 1878 he was put in charge of an investigation of the agricultural population of France, conducted by the academy. His reports describing the history and contemporary condition of peasantry in each province were first printed in the *Séances et travaux* of the academy and later republished separately (*Les populations agricoles de la France*, 3 vols., Paris 1885–93). He was also the author of an economic text (*Manuel d'économie politique*, Paris 1857; 5th ed. 1883) and of *Études de philosophie morale et d'économie politique* (2 vols., Paris 1858).

Baudrillart was one of the leaders of the French liberal school. He opposed protectionism and other forms of government regulation except in a few instances such as protection of women and children in industry. He believed that the productivity of labor depends upon its intellectual and moral development and that the lot of the working class can be improved through

education. This emphasis on moral factors is characteristic of Baudrillart's thought.

ED. ESMONIN

Consult: *Journal des économistes*, 5th ser., vol. ix (1892) 254–60; Waha, Raymund de, *Die Nationalökonomie in Frankreich* (Stuttgart 1910) p. 51–56.

BAUER, BRUNO (1809–82), German philosopher and theologian. Bauer was dismissed from his post at the University of Bonn for his *Kritik der evangelischen Geschichte der Synoptiker* (2 vols., Leipsic 1841), which denied not only the divinity of Christ but His historicity, and classified the evangelists with Homer and Hesiod. One of the leading spirits of the young Hegelians, Bauer substituted for the "absolute" of Hegel the "infinite self-consciousness" which spun the world out of itself by a process of immanent criticism. This was an inverted expression of an ethical rationalism, revolutionary in theory only, directed against the contemporary church and state. Emphasizing the centrality of consciousness, Bauer developed a heroic conception of history according to which the ideas of great personalities were regarded as the exclusive factor in all development. Since true criticism meant freedom from all presuppositions, he espoused an absolute philosophical nihilism which rejected republicanism and socialism as half way measures. Although Bauer influenced Stirner and Nietzsche, he was severely criticized by Marx on the ground that his apotheosis of self-consciousness was essentially just as much an expression of Christian philosophical idealism as the system of Hegel and logically led to historical fatalism. Marx claimed that Bauer's presumably classless, presuppositionless standpoint resulted, despite his militant atheism, in dangerous political romanticism. For example, Bauer opposed the political emancipation of the Jews, maintaining that they were not yet free from religious delusions. In later life he served Bismarck and reaction.

SIDNEY HOOK

Consult: Kegel, Martin, *Bruno Bauer und seine Theorien über die Entstehung des Christentums* (Leipsic 1908); Barnikol, Ernst, *Das entdeckte Christentum in Vormärz* (Jena 1927); Mauthner, F., *Der Atheismus und seine Geschichte im Abendlande*, 4 vols. (Stuttgart 1920–23); Mehring, Franz, *Geschichte der deutschen Sozialdemokratie*, 2 vols. (9th ed. Stuttgart 1919) vol. i, p. 125–28, 130–33, 192–96 and 209–12.

BAUER, GEORG. *See* AGRICOLA.

BAUMES LAW. *See* RECIDIVISM.

BAUMSTARK, EDUARD (1807–89), German economist. He studied at Heidelberg, where he attained distinction by writing a prize essay, *Des Herzogs von Sully Verdienste um das französische Finanzwesen* (Mannheim 1828). After serving as a *Privatdocent* in Heidelberg from 1829 to 1838 he became professor of cameral and political sciences at Greifswald, where he remained until his death. At the same time he was also director of the Eldena academy (1843–76) and thus played an important part in German agricultural education. His course of lectures in this field was published as *Einleitung in das wissenschaftliche Studium der Landwirtschaft* (Berlin 1858).

Baumstark belongs to the generation of Rau, Hermann and Lotz. As the "last cameralist" he produced the first systematic textbook of the old model, *Kameralistische Encyclopädie* (Heidelberg 1835), in which he stressed the historical rather than the practical approach. He was an early disciple of Ricardo and produced the first accurate translation of the latter's work, *David Ricardo's Grundgesetze der Volkswirtschaft und Besteuerung* (2 vols., Leipsic 1837–38; 2nd ed. of vol. i, Leipsic 1877), the second volume of which consists of eleven essays furnishing a commentary on Ricardo's system. Baumstark's economic liberalism is also reflected in his *Staatswissenschaftliche Versuche über Staatskredit, Staatsschulden und Staatspapiere* (Heidelberg 1833), in which he expressed his adherence to the doctrine of international division of labor and criticized protectionism. As a quantity theorist he opposed the prohibition of bullion export and an increase in circulating medium through reminting. He considered that the credit of a state is not affected by the form of its government or by the size of its army; reasonable laws securing internal peace and cultural progress constitute the determining factor.

KURT ZIELENZIGER

Consult: Mucke, Richard, "Eduard Baumstark" in *Jahrbücher für Nationalökonomie und Statistik*, vol. xxxi (1878) 363–79.

BAUR, FERDINAND CHRISTIAN (1792–1860), German theologian and head of the so-called Tübingen school. His reputation as the founder of scientific research in the field of early Christianity is based primarily on his comprehensive work *Paulus, der Apostel Jesu Christi* (Stuttgart 1845, 2nd ed. Leipsic 1866–67; tr. by A. Menzies, 2 vols., London 1875–76).

His works cover the entire field of church history and, as in *Die christliche Lehre von der Versöhnung* (Tübingen 1838) and *Von der Dreieinigkeit und Menschwerdung Gottes* (Tübingen 1841–43), place particular emphasis on the history of dogma. Baur's *Epochen der kirchlichen Geschichtschreibung* (Tübingen 1852) is a critical examination of earlier work in the field. In his *Lehrbuch der christlichen Dogmengeschichte* (Stuttgart 1846, 3rd ed. Leipsic 1867) and the *Geschichte der christlichen Kirche* (5 vols., Tübingen 1853–63; vol. i, 3rd ed., vol. ii, 2nd ed. 1863; vol. i tr. by A. Menzies from 3rd ed., 2 vols., London 1878–79) he attempted under the influence of Hegelian philosophy to show that the course of church history was determined largely by the development of ideas according to the scheme of the triad. Thus he explained the early Catholic church as the synthesis of Judaic Christianity, the thesis, and pagan Christianity, the antithesis. Catholicism appeared to him as the union of the idea of the church with the reality of the world of experience; Protestantism as the dissociation of the idea of the church from the visible church. Baur clearly acknowledged the significance of established legal and social institutions for the entire course of church development and repeatedly stressed the influence of the church in molding social life. He characterized church organization, alongside of dogma, as one of "the two principal forms in which the idea of the church realizes itself." Nevertheless church history for Baur remained intellectual history primarily. Baur gathered around him a band of disciples and coworkers who together formed the "Tübingen School." Among the more prominent members of this school were Eduard Zeller, Albert Schwegler, Karl Planck and Karl Köstlin.

KARL VÖLKER

Consult: Fraedrich, G., *Ferdinand Christian Baur, der Begründer der Tübinger Schule, als Theologe, Schriftsteller und Charakter* (Gotha 1909); Pfleiderer, Otto, *The Development of Theology in Germany since Kant and its Progress in Great Britain since 1825* (London 1890) p. 224–35, 284–98.

BAX, ERNEST BELFORT (1854–1926), English socialist, social historian and philosopher. Bax was one of the earliest students of Marx in Great Britain and continued throughout his life to work at the literary and philosophical exposition of socialist principles. Shocked by the fate of the Paris Communards he was led thereby to a study of revolutionary theory and ultimately in 1879 to the elucidation of Marx's *Das Kapital*, the doctrines of which he began to expound in review articles which gave great satisfaction to Marx himself. When the Democratic Federation (later called the Social Democratic Federation), founded by H. M. Hyndman in 1881, developed in a socialist direction he joined it. Later in 1884, however, when that body split on the question of political action he allied himself with William Morris, holding that the effort of the federation should be purely educational. Bax collaborated with Morris during the years 1886–88 in a series of articles on *Socialism: Its Growth and Outcome* (later published in book form, London 1893), which appeared in their journal, the *Commonweal*. In these articles the doctrines of the Communist Manifesto were adapted to English conditions. Bax was the economic and philosophical theorist of Morris' Socialist League, but when in 1890 the league was captured by the anarchists he returned to the Social Democratic Federation. He followed Hyndman in taking the patriotic side in the controversy which split the federation in 1915 and remained in association with him until Hyndman's death in 1921.

In addition to his socialist activities and writings Bax is known for an antifeminism which is to be found most forcefully expressed in his books, *The Legal Subjection of Men* (London 1896, new ed. 1908) and *The Fraud of Feminism* (London 1913), and for a materialist rationalism as shown in *The Problem of Reality* (London 1892, rev. ed. 1914). In both respects his position was distinctive in the British socialist movement. His work on German history, *The Social Side of the Reformation in Germany* (3 vols., London 1894–1903, originally published as three separate studies), is valuable for its social emphasis.

MAURICE B. RECKITT

Consult: Bax, Ernest Belfort, *Reminiscences and Reflexions of a mid- and late Victorian* (London 1918); Arch, Robert, *Bax, Thinker and Pioneer* (London 1927); Gould, F. J., *Hyndman: Prophet of Socialism, 1842–1921* (London 1928).

BAXTER, RICHARD (1615–91), English nonconformist clergyman. He has been called the greatest of English Presbyterians. After his ordination by the Bishop of Worcester, Baxter was assigned in 1641 to the parish of Kidderminster where he remained until 1660. During these troubled years of civil war the power and eloquence of his sermons brought him renown

as a great preacher. Warning landlords against a peasants' uprising, Baxter suggested that as a deterrent they present to each of their tenants a copy of his work, *The Poor Man's Family Book* (London 1674, 5th ed. 1684). His *Poor Husbandman's Advocate* (available only in MS) offers constructive recommendations for reforms. "Negroes and other slaves" gave him deep concern. He expresses no disapproval of enslavement for debt or as a result of the mischances of war, but "to go as pirates and catch poor negroes or people of another land that never forfeited life or liberty, and to make them slaves, and sell them, is one of the worst kinds of thievery in the world." In politics the subtlety of his mind always led him to favor a middle course. He gloried in the ancient monarchy of England, had no faith in the ability of common people to govern, and still argued for the rights of Parliament. In Kidderminster, in London, in prison or in retirement to escape the persecution of the governments of Charles and of James, Baxter worked steadily on a voluminous series of books which are a conspicuous part of that long line of popular Christian literature, the vogue of which has lasted even to the present day.

CAROLINE FRANCIS RICHARDSON

Consult: Baxter, Richard, *Autobiography*, edited with introduction, appendices and notes by J. M. Lloyd Thomas (London 1925); Powicke, F. J., *A Life of the Reverend Richard Baxter, 1615–1691* (London 1924); Stephen, James, *Essays in Ecclesiastical Biography*, 2 vols. (London 1907) vol. ii, ch. i.

BAXTER, ROBERT DUDLEY (1827–75), English statistician and economist. His works on population, national income and wealth, public debts, local taxation and railway economics were valuable for his time because of the clear and informative presentation of statistical data. Baxter's treatises on public finance contain elements of permanent value. He contested the view that long standing taxes on real property were rent charges belonging to the state, maintaining that they must rank as bona fide taxation. He held that the current taxation of land and working class income was proportionally greater than that of the larger industrial incomes, and opposed Goschen by asserting that real property taxation had increased during the past generation. He preached retrenchment in national expenditure, caution in borrowing, and lowering of taxes, so as to conserve the national resources for great emergencies. He propounded a scheme for paying off the national debt by the formation of a sinking fund out of the proceeds of the railway duty which should be invested annually in railway securities. For local taxation Baxter advocated the creation of larger urban units of taxation in order to equalize the burden; the levying of a small surtax upon personal income to relieve the poor rate on land; and the division of the rates between owners and small tenants. The principle, to "look at taxation as a whole," which he consistently followed, gave special value to all he wrote.

W. H. DAWSON

Important works: *The Budget and the Income Tax* (London 1860); *Results of Railway Extension* (London 1866); *National Income: the United Kingdom* (London 1868); *The Taxation of the United Kingdom* (London 1869); *National Debts* (London 1871); *Local Government and Taxation* (London 1874); "The Recent Progress of National Debts" in Royal Statistical Society, *Journal*, vol. xxxvii (1874) 1–14.

Consult: For a description and appraisal of Baxter's work on national income, Stamp, J. C., *British Incomes and Property* (London 1916) p. 432–36.

BAYLE, PIERRE (1647–1706), French publicist and *philosophe*. Bayle was professor of philosophy at the Protestant Academy of Sedan, but when this institution was suppressed in 1681 he was forced to leave France and went to teach at Rotterdam. From there also he was expelled in 1693 as a consequence of his quarrels with the minister Jurieu. As a liberal and an apostle of tolerance Bayle was in fact the butt of the attacks of the dogmatists in the ranks both of Calvinism and Catholicism. His *Pensées sur la comète* (1683), his *Critique générale de l'histoire du calvinisme* (1682), a criticism of a book by P. Maimbourg and his establishment of the *Nouvelles de la république des lettres* (1684–87), a truly international review, gave him considerable prominence; but his greatest work was the *Dictionnaire historique et critique* (1697), which was widely read during the eighteenth century.

These works have established Bayle as one of the pioneers in historical criticism, a great figure in the history of rationalist thought and a precursor of sociological positivism. A follower of Montaigne and Descartes, he applied the canons of historical evidence to the history of systematic philosophy and of religious beliefs and moral ideas, especially as exemplified in the Bible, in the doctrines of Greek philosophy, in the works of Spinoza and other philosophers

of his time and in the writings of the theologians. At the same time he proclaimed that morals were independent of religion and found a basis for them in natural conscience and social utility. Bayle considered that an absolute and universal criterion of morals was provided by reason, which was primarily important as a faculty of practical judgment. As a speculative faculty, however, reason was for Bayle, who was neither mathematician nor natural scientist, an instrument of limited and relative value leading to the construction of merely hypothetical systems of thought. Thus is explained his opposition to all forms of dogmatism and his justification of tolerance. Bayle imparted to the thought of the early eighteenth century the intellectual attitude from which were later to emerge the positive sciences of man and society. From his works Voltaire and the *encyclopédistes* derived most of their arguments against the theologians and metaphysicians.

RENÉ HUBERT

Works: *Oeuvres diverses*, 4 vols. (The Hague 1725–27) containing a complete collection of Bayle's works, with the exception of the *Dictionnaire historique et critique* (which was originally published in 2 vols., Rotterdam 1697; reprinted in several later French editions, of which the best was that by Desmaïseaux, 4 vols., Amsterdam 1740; English translation by the author, 4 vols., London 1710 and by Desmaiseaux, 5 vols., London 1734–38). There is a recent critical edition of *Pensées sur la comète* by A. Prat, 2 vols. (Paris 1911–12).

Consult: Delvolvé, Jean, *Religion, critique et philosophie positive chez Pierre Bayle* (Paris 1906); Fabre, Joseph, *Les pères de la révolution* (Paris 1910) p. 4–38; Delbos, Victor, *La philosophie française* (Paris 1921) p. 145–52; Vorländer, Franz, *Geschichte der philosophischen Moral, Rechts- und Staats-Lehre der Engländer und Franzosen* (Marburg 1855) p. 563–83; Sée, Henri, *Les idées politiques en France au xviii^e siècle* (Paris 1923); Martin, Kingsley, *French Liberal Thought in the Eighteenth Century: A Study of Political Ideas from Bayle to Condorcet* (London 1929).

BAZARD, SAINT-AMAND (1791–1832), French Carbonaro and Saint-Simonian. In his poverty stricken youth he was comforted by the conviction that he had "a mission in the world." Under the influence of his father-in-law he was an active supporter of the Empire and later joined the opposition to the reactionary policy of the Restoration. With his brother-in-law Joubert, with Buchez and Flotard, he founded in 1818 the lodge of the Amis de la Vérité. The object of this secret society, which soon numbered a thousand members, was to overthrow the monarchy and establish a virtual republic. After May, 1821, Bazard devoted himself entirely to the Carbonari movement in France and played an important part in the conspiracies of 1821 and 1822. The failure of the Belfort uprising and of his later attempts to propagate Carbonarism in the western provinces discouraged him. He presided over the congresses at Bordeaux which put an end to the activity of the society.

In the leisure which followed this disillusionment Bazard turned to the study of Saint-Simonianism and found in it the "germ of the new world" he had been seeking. Joining Enfantin and Rodrigues in their efforts to spread the doctrine, he founded the *Producteur* in 1825 and the *Organisateur* in 1829. In 1830 appeared his *Exposition de la doctrine de St. Simon* (2 vols., Paris; republished by C. Bouglé and E. Halévy, Paris 1924), the most important philosophical work of the Saint-Simonians, in which he collaborated with Enfantin. In this book Bazard developed the Saint-Simonian philosophy of history, and he attacked individualism with a vigor that was in part a reaction from his study of Jeremy Bentham, whose *Defense of Usury* he translated in 1828. Enfantin and Bazard collaborated in a *Manifeste aux Français* (Paris 1829), in which they attempted to state the principles of Saint-Simonian mysticism. When this work had been denounced in the Chamber (1830) as heralding nationalization of property and women, they replied with a letter to the president of the Chamber which was a vigorous statement of the tenets of Saint-Simonian religion. Before he died Bazard quarreled with Enfantin and tried to found a new school.

GEORGES BOURGIN

Consult: Spühler, Willy, *Der Saint-Simonismus. Lehre und Leben von Saint-Amand Bazard*, Züricher volkswirtschaftliche Forschungen, no. 7 (Zurich 1926); D'Allemagne, H. R., *Les Saint-Simoniens, 1827–1837* (Paris 1930). See also the bibliography for SAINT-SIMON AND SAINT-SIMONIANISM.

BEACONSFIELD, EARL OF, BENJAMIN DISRAELI (1804–81), British statesman and author. Disraeli was one of the principal creators of modern British Conservatism and the founder of what is known as Tory Democracy. He was the grandson of a well-to-do Jewish financier who had migrated from Italy to England in 1748, and the son of Isaac D'Israeli, who had won note as a collector of literary curiosities. His father's formal abandonment of

Judaism in 1817 and his own baptism into the Church of England the same year opened to him avenues of public life which were closed to non-Christians. He hesitated for some time between careers of business, literature and politics, but when he recognized that his genius lay in action he decided to seek power and fame in Parliament. His first effort to secure election was made in 1832, the year in which the great Reform Bill became law. He stood as an Independent because he dissented from both the major political parties: he hated the Whigs as enemies of the crown, subverters of the church and exploiters of the people; he disapproved of the Tories as merely reactionary, bent on defending obsolete privileges and devoid of constructive policy. He failed, however, to achieve success as an Independent. Hence after three defeats he gave his adherence to the Tories in 1835. His way to do so was made clear by the transference of the Tory leadership from the repressive Wellington to the progressive Peel. As a Tory he was elected member for Maidstone in 1837. For six years he faithfully and effectively supported Peel in Parliament. Then in 1843 he became critical and made a close alliance with a "Young England" group of Tory members who dissented from Peel's policy in respect of Ireland, the Poor Law, the Near East and the West Indies. Finally he broke into open revolt as head of a strong party of country Tories who resented Peel's abandonment of the Corn Laws in 1846. Although he could not save the Corn Laws he secured Peel's overthrow immediately after the repeal had been accomplished. By dint of consummate ability, courage and patience Disraeli worked and fought his way to the headship of the Tory party. He became its leader in the House of Commons in 1849; chancellor of the exchequer in 1852; and prime minister in 1868 and from 1874 to 1880, his terms of office being characterized by severe struggles with the Liberals under Gladstone. In 1876 he was created Earl of Beaconsfield by Queen Victoria.

A man of outstanding genius, Disraeli was singularly rich in political ideas. They are embodied in multitudinous speeches, in numerous newspaper articles, in a few formal treatises, but above all in his ten remarkable novels, of which the most important are *Coningsby* (1844), *Sybil* (1845) and *Tancred* (1847). In so far as he drew from sources outside himself, his masters were Bolingbroke and Burke. He emphasized the religious basis of society, the organic nature of the state, the solidarity of the community and the need for a balance of powers and interests in politics. He weaned the Tories from protection and won them over to moderate parliamentary reform as expressed in the Reform Act of 1867. He made the "condition of England" one of their main concerns and led his party to carry a number of health, housing, trade union and factory acts. He restored the prestige of Britain abroad and, largely through his constructive political imagination, which operated on an imperial scale, he took important steps toward the consolidation of the British Empire. His influence is still one of the most active elements in Conservatism.

F. J. C. HEARNSHAW

Works: *Selected Speeches of the Late Right Honourable the Earl of Beaconsfield*, ed. by T. E. Kebbel, 2 vols. (London 1882); Bradenham edition of the novels of Disraeli, ed. by Philip Guedalla (London 1926–27).

Consult: Monypenny, W. F., and Buckle, G. E., *The Life of Benjamin Disraeli*, 6 vols. (New York 1910–20); Murray, D. L., *Disraeli* (London 1927); Maurois, André, *La vie de Disraëli* (46th ed. Paris 1927), tr. by Hamish Miles (London 1927); Brandes, G. M. C., *Benjamin Disraeli, Jarl af Beaconsfield: en litteraer Charakteristik* (Copenhagen 1878), tr. by Mrs. George Sturge as *Lord Beaconsfield: A Study* (New York 1880); Sichel, Walter, *Disraeli, A Study in Personality and Ideas* (London 1904); Wilkinson, Wm. J., *Tory Democracy* (New York 1925); Hearnshaw, F. J. C., "Benjamin Disraeli" in *The Political Principles of Some Notable Prime Ministers of the Nineteenth Century*, ed. by F. J. C. Hearnshaw (London 1926) p. 177–228.

BEAUFORT, LOUIS DE (died 1795), historian of classical antiquity. Beaufort, about whose life almost nothing is known, was apparently a Dutch or German scholar of Huguenot ancestry. Directly inspired by L. J. Levesque de Pouilly's "Dissertation sur l'incertitude de l'histoire des quatres premiers siècles de Rome" (in Académie Royale des Inscriptions et Belles-Lettres, *Mémoires*, vol. vi, 1729, p. 14–29)—for he had not read Perizonius when the first edition of his own work appeared—he wrote his *Dissertation sur l'incertitude des cinq premiers siècles de l'histoire romain* (Utrecht 1738; 2nd ed. revised, The Hague 1750, and reprinted by A. Blot, Paris 1866; English translation London 1740), the first successful demolition of the traditional history. He gave as the principal reasons for his skepticism: the lateness and unreliability of even the earliest annals and of the first historian, Fabius Pictor; the loss of most of the records when the city was captured by the Gauls; the uncertainty about the early his-

tory of all modern states; the supernatural element, partisan bias and irrationality of the traditions and the way in which these are contradicted both by one another and by later authors of the best reputation. Beaufort's influence was considerable, and his wholly negative critique prepared the way for the positive reconstruction by Niebuhr, although the latter had not seen Beaufort's history until after his own was written. Beaufort's other works, which are of considerably less importance, were *Histoire de César Germanicus* (Leyden 1741) and *La république romaine* (2 vols., The Hague 1766).

W. A. OLDFATHER

Consult: Taine, H., *Essai sur Tite Live* (2nd ed. Paris 1874) p. 88–106; Blot, A., introduction to the 1866 edition of the *Dissertation*, p. iv–xiv.

BEAUJON, ANTON (1853–90), Dutch economist and statistician. While employed in the ministry of finance he wrote in preparation for the International Fisheries Exhibition held in London a *History of the Dutch Seafisheries* (London 1883) in which he showed among other things that Dutch fisheries revived after the removal of protection. When in 1884 the Dutch statistical society organized an institute and created a chair of statistics at the University of Amsterdam, Beaujon was put in charge of the institute and appointed professor. In the next year he succeeded N. G. Pierson to the chair of economics in the same university. In his *Handel en handelspolitiek* (Harlem 1888, 2nd ed. 1927), a systematic treatise on international trade, Beaujon maintained that the course of trade is determined by comparative costs and that countries with high costs of production are more prosperous, provided that high money wages in such countries are due to natural causes. He was strongly opposed to protection in any form and especially to "educational" and "wage-raising" tariffs.

He edited the *Bijdragen* of the institute, in which appeared most of his statistical papers, including the well known study of marriages since 1873. He also managed the publication of *Jaarcijfers*, the statistical annual of the Netherlands (and since 1889 of its colonies), which he reorganized on the model of Giffen's *Statistical Abstracts*.

P. LIEFTINCK

Consult: Verrijn Stuart, C. A., in Statistisch Instituut, *Bijdragen*, vol. vii (1891) 1–20, and in *Allgemeines statistisches Archiv*, vol. i (1890) 766–67.

BEAUMANOIR, PHILIPPE DE REMI, SIRE DE (*c.* 1246–96), French mediaeval jurist. He visited England and Scotland, held the royal offices of *bailli* and seneschal and was charged with a papal mission in 1289. His literary works, consisting of *chansons* and *contes*, are not above the level of the writings of his contemporaries. His real claim to distinction is his book *Li livres des coustumes et des usages de Beauvoisins* (written in 1280–83 and revised in 1289–90), which was frequently recopied, abridged and cited in legal histories even after the official publication of the *coutumes* in the sixteenth century.

Beaumanoir is conceded to be the greatest French jurist of the feudal period. In *Esprit des lois* Montesquieu called him "la lumière de son temps . . . et une grande lumière." Unlike his contemporaries, who were mere compilers, he was a writer of distinction and originality. He did not restrict himself to a clear formulation of the rules, but deduced their applications and the principles underlying them. He was an ingenious yet discreet innovator, imbued with the spirit of equity and kindness and with that concern for the unfortunate which was characteristic of his time. Some of his doctrines are famous, especially his propositions concerning the relation between legislation and custom and between temporal and spiritual powers, and his teaching on the subject of serfdom and guardianship of minors by the overlord. He knew how to provide vaguely grounded custom with a strong, subtly constructed, Roman-canonical foundation. The sources of his profound, intelligent erudition, his teachers, his models are unknown.

ED. MEYNIAL

Works: The two modern editions of the *Coustumes* are by Comte Beugnot in the series of *Société de l'histoire de France*, 2 vols. (Paris 1842), and by Am. Salmon in the *Collection de textes pour servir à l'étude et à l'enseignement de l'histoire*, vols. xxiv and xxx, 2 vols. (Paris 1899–1900).

Consult: Bordier, H. L., *Philippe de Remi, sire de Beaumanoir*, 2 vols. (Paris 1869–73); Beugnot's and Salmon's notes on Beaumanoir's life in their editions of the *Coustumes*; Carlyle, R. W. and A. J., *Mediaeval Political Theory in the West*, vols. i–v (Edinburgh 1903–28) vol. iii, p. 48–51 and 62–66.

BEAUMARCHAIS, PIERRE AUGUSTIN CARON DE (1732–99), French dramatist. He began his adventurous career as a watch maker, his father's calling, but a fortunate marriage in 1756 gave him access to the court. By sheer force of native intelligence and daring, coupled with

literary talent and a passion for intrigue, he developed into one of the most striking personalities of the late eighteenth century. He was playwright, pamphleteer, secret agent of Louis XV and Louis XVI, an irrepressible financial speculator as well as the central figure of several lawsuits and the victim of more than one lettre de cachet. When one of his many enterprises involved him in the famous Goezman suit he defended himself in a series of brilliant and widely read *Mémoires* attacking judicial injustice. His adventurous nature and taste for speculation were of great assistance to the cause of American independence. From 1776 on, under the name of Rodrigue Hortalez et Cie., and secretly aided by the French government, he sent the colonies regular supplies of arms and munitions. These shipments continued for several years, although hope of financial compensation was constantly deferred.

Beaumarchais' dramas, *Le barbier de Séville* (Paris 1775, ed. by L. Clarétie 1924) and the still more famous *Le mariage de Figaro ou la Folle journée* (Paris 1874, ed. by H. Babon 1927), have some importance in the history of political thought. It has been said that their presentation rang the tocsin of the *ancien régime*. Beaumarchais was far from being a conscious revolutionary or republican. But in the character of Figaro he embodied with such startling verve all his indignation against the hardships which his low birth had caused him to suffer that *Le mariage* burst upon that age of unrest as the most devastating of social satires and the most passionate of pleas for the rights of the talented and the oppressed. In the phrase of Danton, Beaumarchais "put an end to the aristocracy." Some of his epigrams have become formulae for the protest of the weak against the inequality of circumstances.

ANDRÉ LICHTENBERGER

Consult: Loménie, L. L. de, *Beaumarchais et son temps*, 2 vols. (4th ed. Paris 1880), tr. by H. S. Edwards, 4 vols. (London 1856); Hallays, André, *Beaumarchais* (Paris 1897); Hall, E. B. (S. G. Tallentyre), *The Friends of Voltaire* (London 1906) ch. ix; Marsan, Jules, *Beaumarchais et les affaires d'Amérique* (Paris 1919).

BEBEL, AUGUST (1840–1913), leader of the German Social Democratic party. He was the son of a Prussian petty officer and after the early death of his father he attended a school for poor boys in Wetzlar. He became a turner and after his journeyman's travels settled in 1860 in Leipsic, at that time one of the centers of German political activity. There he joined the newly founded Gewerblicher Bildungsverein (Industrial Educational Association) in which many radical and liberal scholars who had been disciplined by the government for their political beliefs were active. Bebel made use of this opportunity to read the literature of history and politics and to participate in discussions of current political problems. Here he became acquainted with the polemical writings of Lassalle and later, under the influence of Wilhelm Liebknecht who likewise had joined the Leipsic association, he studied the works of Marx and Engels and became a socialist of the Marxian persuasion.

Bebel was endowed with an unusual gift of oratory and soon won great prestige in labor circles. After the Austro-Prussian war of 1866 he and Liebknecht organized the Saxon People's party, which demanded among other things the complete unification of Germany as a democratic state, and in 1867 he was elected to the Constituent Reichstag of the North German Confederation. In 1869 Bebel helped form the Social Democratic party at Eisenach and was one of the leading spirits in effecting its union with the Lassallean group. In 1871 he was elected to the German Reichstag where, serving with only occasional interruptions until his death, he gradually attained the position of leader of the growing Social Democratic faction.

Bebel wielded an enormous influence over the German masses; although he eventually acquired an education far beyond the average level of the German worker he still remained essentially a simple working man who could speak to the workers as one of themselves. His dominance within the party is explained by his capacity to grasp quickly the problems of economic policy and his indefatigable cooperation in parliamentary committees. He opposed both the opportunism of Vollmar and the revisionists on the right, and the extreme revolutionary radicalism of the "younger" elements on the left. In contrast to the anti-parliamentarianism of Liebknecht he stood for positive collaboration of the Social Democrats in the Reichstag. Bebel was a steadfast opponent of imperialism and militarism. He opposed the Austro-Prussian War of 1866, refused to vote for the war credits during the Franco-Prussian War and continually denounced in the Reichstag the militarist tendencies of the government. He also advocated a basic army reform and the conversion of the army into a popular militia.

Bebel attained less distinction as a writer. His principal work, frequently cited, *Die Frau und der Sozialismus* (Zurich 1883; 50th Jubilee ed., Stuttgart 1910; tr. by M. L. Stern, New York 1910), is not a strictly scientific piece of writing. It is cleverly written socialistic propaganda that addresses itself primarily to women. Its description of the conditions among primitive peoples is based on Lewis H. Morgan's *Ancient Society*; in the part devoted to modern times it connects the inequality of the sexes with the shortcomings of the capitalist order. It attracted a large reading public in Germany and was translated into many languages. Bebel published also a number of other works dealing with current problems of party policy and with historical subjects. A collection of his speeches appeared posthumously (Berlin 1926, Eng. tr. New York 1928).

HEINRICH CUNOW

Consult: Bebel, August, *Aus meinem Leben*, 3 vols. (Stuttgart 1910–14), abr. Eng. tr. of the first two vols. (London 1912); Klühs, Franz, *August Bebel, der Mann und sein Werk* (Berlin 1923); Kampffmeyer, Paul, in *Biographisches Jahrbuch und deutscher Nekrolog*, vol. xviii (1913) 215–29; Michels, Robert, in *Archiv für Sozialwissenschaft und Sozialpolitik*, vol. xxxvii (1913) 671–700; Mehring, Franz, *Geschichte der deutschen Sozialdemokratie*, 4 vols. (12th ed. Stuttgart 1922) vols. iii and iv.

BECCARIA, CESARE BONESANA, MARCHESE DI (*c.* 1738–94), Italian criminologist and economist. Beccaria was born of a noble Milanese family and lived in easy circumstances throughout life, a man of thoughtful, retiring disposition, somewhat timid and lethargic.

The essentials of Beccaria's thought were based on an intensive study of the contemporary French and English rationalists. Through his intimate friend Alessandro Verri, an official of the prison in Milan, Beccaria had frequent opportunities to visit that institution, and the revolting scenes which he invariably beheld during these visits furnished the clinical information and the moral stimulus for the execution of his famous work, *Dei delitti e delle pene* (Leghorn 1764; tr. into English as *Essay on Crimes and Punishments*, London 1767). Beccaria wrote this work at the insistence and with the collaboration of his friend Pietro Verri, Alessandro's brother.

In order to appreciate the timeliness and novelty of the book it is necessary to recall the penal law at the time, characterized as it was by secret accusations, by almost complete absence of provision for the defense of the accused, by extensive use of the most savage types of torture, indiscriminate resort to capital punishment for many minor crimes and by barbarous lesser punishments such as whipping, branding and mutilation. Beccaria's criticism of the system in vogue envisaged the major criminological advances of the next century and a half, excepting only the modern psychiatric analysis of the criminal with its substitution of the conception of treatment for that of punishment. Arguing from the premise of the greatest happiness for the greatest number, that crime must be regarded as an injury to society, he pointed to the extent of the injury as the only rational measure of crimes. Punishment he held to be in itself unimportant, and justifiable only as a preventive measure. To prevent crimes laws were to be improved and published, virtue rewarded and education developed. Secret criminal procedure was to be abolished, the accused was to have every chance to defend himself, and punishment was to be made sure, swift and in proportion to the social damage wrought by the criminal. Crimes against property were to be punished by fines or, when the fines could not be paid, by imprisonment, and political crimes by banishment. Capital punishment was to be abolished in favor of life imprisonment as a better deterrent. Imprisonment was to be extended but humanized, and the prisoners were to be classified and separated.

Beccaria's brochure had an enormous influence. The French rationalists welcomed it; Voltaire proclaimed that it would assure its author immortality and would work a revolution in the moral world. Eminent writers on law and criminal reform, such as Sonnenfels in Austria, Filangieri and Renazzi in Italy, and Blackstone, Howard, Bentham and Romilly in England, were profoundly influenced by Beccaria's doctrines and freely acknowledged their indebtedness to him. Many practical reforms of criminal jurisprudence in Europe and America have also grown out of his *Essay*.

From 1768 to 1770 Beccaria was a professor of cameralist science in the Palatine School in Milan, being the second to hold a chair of political economy in Italy. Already in 1765 he had in his famous *Tentativo analitico sui contrabbandi* (contributed to *Il caffe*, a periodical he and the Verris had started) made an ingenious application of mathematics to economics by seeking to estimate how much of a given quantity of a commodity a merchant must succeed in smug-

gling in order to break even, if the rest were confiscated. His economic doctrines were most systematically embodied in his *Elementi di economia pubblica*, professorial lectures written in 1769–70, but, except for the first lecture, not published until 1804. In his views on economic policy Beccaria started with a mild type of mercantilism and later espoused some of the doctrines of the physiocrats, with whom he had become acquainted on a trip to Paris. He believed agriculture to be the only true productive industry, favored the abolition of the guilds and advocated complete commercial freedom within the nation. He was, however, opposed to complete freedom for foreign trade. In his tenure of several public offices he aided Pietro Verri and G. R. Carli in securing economic reforms affecting the corn trade, currency and taxation. His most original work, besides his mathematical treatment of economic theory, was in the field of population, where he considered the problem of the relation of population growth to the means of subsistence, and in the elucidation of the theory of normal value. His theory of capital is somewhat similar to that of Turgot, and his views on the division of labor and the determination of wages are remarkable in their similarity to those of Adam Smith when it is considered that they were written seven years before the publication of the *Wealth of Nations*.

HARRY E. BARNES

Works: *Opere*, ed. by Pasquale Villari (Florence 1854).

Consult: Cantù, C. A., *Beccaria e il diritto penale* (Florence 1862, containing a text of the *Essay*; French translation Paris 1885); Amati, A., Buccellati, A., and Maneini, P. S., *Cesare Beccaria et l'abolizione della pena di morte* (Milan 1872), containing a bibliography; Phillipson, C., *Three Criminal Law Reformers: Beccaria, Bentham, Romilly* (London 1923); Graziani, A., *Storia critica della teoria del valore in Italia* (Milan 1889) p. 72–76 and 80; Macleod, H. D., *A Dictionary of Political Economy* (London 1863) p. 252–59.

BECHER, JOHANN JOACHIM (1625–85), the most distinguished of the early cameralists. He was at first court physician and professor of medicine at Mainz and made important contributions to natural science. Later, in the administrative service of various German princes and of Leopold I of Austria, he wrote extensively on economic and political subjects. It was upon his initiative that the Austrian Commerz-Collegium, which centralized the government's fiscal and economic activities, was organized. He managed the state owned factory at Vienna and attempted unsuccessfully to bring about Dutch-Austrian cooperation in developing American commerce. Both directly and through his writings he exerted a considerable influence on the current economic policy of the Austrian government.

Becher's political doctrines are grounded in a moral philosophy akin to deistic protestantism. An adherent of monarchic absolutism, he believed in governmental paternalism, particularly in economic affairs. He proposed a plan of administrative organization which called for five boards entrusted respectively with matters of religion, moral discipline, education, civil affairs and the protection of citizens. Because of the prime importance of education in a welfare state, the board of education was to be superior to the others.

Becher's interest in economic questions was based on a clear recognition of the relation between underlying economic conditions and increase in population, the determining factor in a country's strength. Production and consumption as well as the growth of population are disturbed by extreme price fluctuations, resulting from the operation of monopolies, "propolies" or corners in a market, and "polypolies" or unregulated production. The government should maintain readily available supplies of necessaries, charter trading companies and establish factories and banks controlled by a state board of commerce. To encourage production it should accord preferential treatment to domestic goods by a system of import duties. Taxes must not hinder economic development; they should be regular and certain, and fall on the rich rather than the poor.

LOUISE SOMMER

Important works: *Moral Discurs* (Frankfort 1669); *Närrische Weisheit und weise Narrheit* (Frankfort 1680); *Politischer Discurs von den eigentlichen Ursachen des Auf- und Abnehmens der Städte, Länder und Republicken, in specie wie ein Land volkreich und nahrhaft zu machen* (Frankfort 1688, 4th ed. 1754).

Consult: Roscher, W., *Geschichte der Nationalökonomik in Deutschland* (Munich 1874) p. 270–89; Small, A. W., *The Cameralists* (Chicago 1909) ch. v; Zielenziger, Kurt, *Die alten deutschen Kameralisten* (Jena 1914) pt. ii, ch. iv; Sommer, Louise, *Die österreichischen Kameralisten*, 2 vols. (Vienna 1920–25) vol. ii, ch. i; Kander, Emil, "Johann Joachim Becher als Wirtschafts- und Sozialpolitiker" in *Schmollers Jahrbuch*, vol. xlviii (1924) 811–41; Apfelstedt, Heinrich, *Staat und Gesellschaft in J. J. Bechers politischen Discursen* (Darmstadt 1927).

BECHTEREW, WLADIMIR. *See* BEKHTEREV, VLADIMIR.

BECK, ADAM (1857–1925), Canadian administrator. Beck was one of the first to recognize the importance of hydro-electric power in providing an adequate foundation for an effective industrial structure in coal-less Ontario. He served on the commission appointed in 1903 whose report, issued in 1906, gave an exhaustive survey of comparative costs of power production and indicated the advantages of harnessing the Niagara cataract. As a member of the Conservative Whitney ministry of Ontario, Beck prepared and introduced in 1906 legislation creating a provincial Hydro-Electric Power Commission, of which he became chairman. His purpose was the purchase and ultimately the development of power at a minimum price and its distribution at cost to consumers through a public agency rather than by private enterprise. Municipal corporations were authorized to purchase power from the provincial commission for resale within the municipality. With provincial funds the commission constructed the equipment required for the transformation and transmission of power bought during the earlier years from private generating companies at Niagara. Subsequently the commission acquired certain of these companies and finally constructed the Queenston-Chippewa generating plant, the greatest single hydro-electric development in the world. Other power companies were purchased throughout the province and other water powers were developed to serve special regions until the publicly owned system secured a virtual monopoly of the development and sale of power in the province.

Beck remained chairman of the commission until his death. Of dynamic energy, he was frequently accused of a ruthless disregard for the rights of those whose interests were prejudiced by the extension of the most significant example of public ownership in the electrical field. He replied to these attacks by pamphlet and otherwise, distinguishing between "government ownership" as generally understood and "cooperative municipal ownership." Controversy regarding the success of Beck's experiment has been more acute outside than within the province, where the public has been generally well satisfied with the service provided by the commission both in rural and urban districts, and where the cooperative municipal system has been applied also to electric railways.

DUNCAN MCARTHUR

Consult: Biggar, E. B., *Hydro-Electric Development in Ontario* (Toronto 1920); Mavor, J., *Niagara in Politics* (New York 1925); Thompson, C. D., *Public Ownership* (New York 1925) ch. xiii; Stevenson, J. A., "Electric Power in Canada" in *New Statesman*, vol. xxvi (1926) 638–40.

BECKET, THOMAS (1118–70), archbishop of Canterbury in the reign of Henry II. He first served the king after his ordination in the office of chancellor "in four realms." When the king insisted on making him archbishop of Canterbury he was ordained priest June 2, 1162, and consecrated the next day. Almost at once he fell into dispute with the king, who encroached upon the rights of the primate, and soon a most serious quarrel arose chiefly on the question of "criminous clerks." Definite issue was joined when the Constitutions of Clarendon were promulgated (1164), and the dispute reached a climax at the Council of Northampton (1164), after which Becket fled from England. The main question was whether clergy accused of crime should be tried in the church courts but punished in the lay courts. Becket, as the champion of ecclesiastical freedom, regarded this as an infringement of the church's privileges. His stand was supported by the view that such an arrangement would work an injustice, since it meant virtually a double punishment for a single offense. Most of the bishops and the churchmen, both ordained and lay, supported him, and the poor folk also were on his side. The minor punishments of the church courts, which could not touch life or limb, were in a sense a popular protest against the savage mutilations inflicted by the king's courts. Becket spent years in exile. The attention of all Europe was drawn to the struggle because it was regarded as a crucial one between the church and the temporal power of the state. After years of bitter wrangling peace was made in 1170, but no sooner had Becket returned in triumph to Canterbury than some rash words of the king caused some knights to murder the archbishop in his own cathedral. Becket was immediately regarded as a martyr. He was canonized in 1173 and became the most popular of the saints revered by Englishmen and the religious "patron" of the city of London. As a result of his death the church won on almost every point.

W. H. HUTTON

Consult: Hutton, W. H., *Thomas Becket* (new ed. Cambridge, Eng. 1926), for the most complete biography in English; Stubbs, W., *Constitutional History of England in its Origin and Development*, 3 vols.

(6th ed. Oxford 1896–97) vol. i; Maitland, F. W., *Roman Canon Law in the Church of England* (London 1898) p. 132–47.

BEDDOE, JOHN (1826–1911), British anthropologist. He was educated at the universities of Edinburgh and London and qualified for the medical profession. Beddoe's interest in anthropology was evinced as early as 1853, when he published *A Contribution to Scottish Ethnology* (Edinburgh). About 1854 he joined the Civil Hospital Staff for service in the Crimean War. In the course of his medical duties during the war and the special trips that he made he had an opportunity to study the characteristics of various races of eastern Europe and western Asia. He supplemented the knowledge thus obtained by making similar studies in 1856–57 over the greater part of Europe. Returning to England in 1857 Beddoe settled down to practise medicine in Bristol. In the intervals of his medical practise and after his retirement in 1891 he continued his ethnological studies, and in addition to his earlier field trips made several later visits to the continent and one to Australia.

Beddoe's studies were made in the early years of the modern development of anthropology, when most anthropologists were measuring skulls and devising new chords, arcs and angles, treating living types in the same manner. Beddoe's clinical training caused him to lay less stress on measurement and more on the observation of the physical and psychical characteristics of the racial types that formed his data. Although he made craniological investigations on the old inhabitants of Britain his principal trend was in the direction of "observational anthropology," and it is in his work as the pioneer and chief exponent of this method that his importance lies. He was the first to make statistical investigations upon the color of the hair and eyes of the European peoples, devising for the purpose a simple method. He collected an immense number of data on somatology, and our present maps of the distribution of physical characters in the British Isles are based on his observations, as embodied in *The Races of Britain: a Contribution to the Anthropology of Western Europe* (Bristol 1885). His *Anthropological History of Europe* (Paisley 1893, rev. ed. 1912), an elaboration of the Rhind lectures delivered at Edinburgh in 1891, was a valuable sketch of the physical anthropology of Europe.

A. C. HADDON

Consult: Beddoe, John, *Memoirs of Eighty Years* (Bristol 1910), which throws many sidelights on the founders of anthropology with whom he was associated. See also Gray, John, in *Man*, vol. ii (1911) 151–53, containing a list of his publications; Royal Society, *Proceedings*, ser. B, vol. lxxxiv (1911–12) p. xxv–xxvii; Ripley, W. Z., *The Races of Europe* (New York 1899) ch. xii, and supplementary volume containing bibliography.

BEDE. *See* TAXATION.

BEDE (673–735), English historian and theologian. He received his early education from Benedict Biscop, founder of the sister abbeys of Wearmouth and Jarrow. Bede passed practically the whole of his life at Jarrow, where he devoted himself to studying, teaching and writing. The extent of his industry may be gauged from the list of his works, mainly Biblical commentaries, which he appended to the fifth book of his most famous work, *Historia ecclesiastica gentis Anglorum* (ed. by C. Plummer, 2 vols., Oxford 1896; tr. as *The Ecclesiastical History of the English Nation* in Everyman's Library, London 1927). This is a model of historical writing for its learning, breadth of outlook and chronological accuracy and constitutes the primary authority for a great part of early English history. Of greater European importance, however, is a small treatise on chronology, the *De temporum ratione* (ed. by T. Mommsen in *Monumenta Germaniae historica*, Auctorum Antiquissimorum, vol. xiii, Berlin 1898, p. 223–354), to which was added a chronicle on the six ages of the world from the creation to 729 A.D. In this work Bede adopted the mode of reckoning years from the Incarnation. The book was carried by English missionaries—St. Boniface and his companions —to the continent and was responsible for the introduction there of the system of dating from the year of grace.

Bede's work was of considerable influence in the development of the mediaeval chronicle which grew out of short notices or "annals" inserted in tables drawn up for the purpose of fixing the date of Easter. His own chronicle became the starting point of several series of annals both in England and on the continent. As a historian Bede is in advance of his time for his scholarly treatment of his subject, his lack of prejudice and his habit of mentioning the source of his information. Besides the works already referred to, Bede's account of the life of Cuthbert, of the lives of the abbots of Wearmouth and Jarrow and his epistle to Egbert

are especially noteworthy and throw much light on the conditions of monastic life at the time.

AUSTIN L. POOLE

Works: *The Complete Works of Venerable Bede*, ed. by J. A. Giles, 12 vols. (London 1843–44); *Opera historica*, ed. by C. Plummer, 2 vols. (Oxford 1896).

Consult: Werner, Karl, *Beda der Ehrwürdige und seine Zeit* (new ed. Vienna 1881); Plummer, C., Introduction to his edition of Bede's historical works (vol. i, p. ix–clxiv); Browne, G. F., *The Venerable Bede* (London 1919).

BEECHER, HENRY WARD (1813–87), American clergyman and publicist. Beecher's first pastorate after his ordination was in Indianapolis, where he addressed himself in his sermons to the problems of a newly created frontier community and sought in contributions to an agricultural journal to help the surrounding rural population. The eight years that he spent thus gave him an opportunity to develop a free and easy congeniality with people, perfect a preaching technique and consolidate in himself a religious fervor which were later to make him a conspicuous national figure. In 1847, after refusing several invitations which his growing reputation had prompted, he accepted a call to the Plymouth Church of Brooklyn, New York, and remained in this pastorate until his death. Here in a large auditorium especially constructed to accommodate the numbers who came to hear him he delivered weekly sermons which gained even wider currency by being distributed in pamphlet form; he further enlarged the sphere of his influence by his editorials in the *Independent* (1861–64) and in the *Christian Union* (1870–81) and by frequent lecture tours.

The dominant strain in Beecher's personality was an emotional directness which secured for him a wide influence in a community with a theology ridden past and created a vast audience for his utterances on public questions. Although he was not content with theology as an intellectual discipline or with religion as a set of ascetic rigors, his was no secular creed which reduced religion to everyday morality. His passionate directness invested with poetry his perception of a personal God, and his popularity was in no small measure due to the eloquence and lyricism with which he communicated this perception. He was formative also in contributing to the growing tradition current among prominent clergymen in a non-theocratic state of refusing to separate the religious life from the civic, of taking the nation as pulpit and the daily newspaper as text. Beecher's influence on American opinion was greatly enhanced by his talent for gaining publicity for his views. He was to find, however, that the very conspicuousness of his position gave his personal life, when "exposed" in the Beecher-Tilton adultery case in 1874, an unwelcome national attention.

Beecher showed forcefulness, skill and a considerable degree of courage in dealing with the issues raised by the troubled years leading up to the war and by the problems of reconstruction. While in the days of his Indianapolis pastorate he preferred to avoid the slavery question rather than antagonize those whose personal lives he sought to guide, his attitude toward this crucial issue of national policy became definite in his Brooklyn period when he felt more keenly his position of civic responsibility. He became an outspoken opponent of slavery, his opposition being tempered at first by a reluctance to endanger the Union and by the prevailing opinion that the constitution safeguarded slavery where it already existed. Later, however, his opposition to the Fugitive Slave Law went so far as to override even the latter qualification. Beecher supported Lincoln before the war, and in 1863 some of his best speeches were delivered to hostile audiences in England in defense of the Northern cause. After the war his position was a difficult one; he felt his way between the Republican "Radicals" and their demand for the rapid enfranchisement of the freedmen, and President Johnson's policy of reincorporating the seceded states into the Union. Practically all his views on public questions were in support of the currently mooted reforms of his age: against political corruption, for women's suffrage, for free trade, for civil service reform. His social thinking was deeply rooted in individualism; he had a strong emotional attachment to the charter of Anglo-Saxon liberties, a belief in the "natural" rights of man and a distaste for governmental regulation of individual life. Being not at all a social innovator he could only follow in the wake of contemporary political liberalism. He was not aware of the far reaching transformations that the industrial revolution of his day had wrought in the social structure, nor was he responsive to the plight of the underlying population.

MAX LERNER

Important works: *Freedom and War* (Boston 1863); *Lecture Room Talks* (New York 1870); *Lectures and Orations by Henry Ward Beecher*, ed. by N. D. Hillis (New York 1913).

Consult: Abbott, Lyman, *Henry Ward Beecher* (Boston

1903); Hibben, P., *Henry Ward Beecher, An American Portrait* (New York 1927); Brastow, L. O., *Representative Modern Preachers* (New York 1904) ch. iii.

BEER, GEORGE LOUIS (1872–1920), American historian and publicist. Beer's contributions lie in three fields. His historical work was done in the field of the old British colonial administration, to which he devoted three books: *British Colonial Policy, 1754–65* (New York 1907), *The Origins of the British Colonial Policy, 1578–1660* (New York 1908) and *The Old Colonial System, 1660–1754* (2 vols., New York 1912), which was never completed, the last volume published carrying the account to 1688. These volumes are based on prolonged and thorough investigation of the documents in the Public Record Office in London. In the field of modern Anglo-American relations he contributed articles to current journals and wrote one book, *The English-Speaking Peoples* (New York 1917), advocating Anglo-American cooperation as conducive to world peace and the advancement of the cause of civilization. Finally as chief of the colonial division of the American delegation at the Peace Conference in Paris he became a leading expert in the field of colonial administration and drew up reports, some of which were posthumously printed as *African Questions at the Paris Peace Conference* (ed. by L. H. Gray, New York 1923). He was largely the author of the mandate principle applied to the control of the forfeited German colonies and later was appointed the head of the Mandates Division of the Secretariat of the League of Nations. The labors of the conference, which undoubtedly hastened his death, prevented the completion of his historical work, and the refusal of the United States to enter the League brought to an end his connection with the mandate activities.

CHARLES M. ANDREWS

Consult: *George Louis Beer: A Tribute to his Life and Work* (New York 1924); Gray, L. H., introduction to Beer's *African Questions* (New York 1923).

BEGGING is a phenomenon closely associated with the emergence of private property. Primitive societies had no beggars. So long as men lived in small groups bound by blood ties the nearest analogue to begging was the hospitality asked for by travelers. With the disintegration of early forms of social organization the cases of begging multiply. In the oldest civilizations of which there is record begging was an honorable act and the giving of alms a meritorious one. The giving of alms was also a part of the ritual of many early religious feasts. In early societies the checks on begging were not in general deliberately imposed; its spread was limited rather by the discomforts of the life and the existence of other forms of support for those without adequate incomes. Polygyny provided for many who in later times would have been beggars. Prostitution, in early times as now, obviated much actual begging. Slavery, both voluntary and enforced, served as a means whereby dependents were cared for; while at a later date clientage and vassalage achieved a similar end.

Periods of social and economic disorganization and change have always been accompanied by increases in begging. There is no record of begging in Israel until after the growing commercial activity had disturbed the older pastoral and agricultural economy. In Rome there seem to have been few or no beggars until the foreign wars sent hordes of impoverished landed proprietors to the city. The political, economic and social changes during and after the Crusades did much to augment begging. In the fourteenth century the Black Death disturbed the whole economic and social structure of mediaeval Europe. The wars of the sixteenth and seventeenth centuries and the overseas expansion subsequent to the discovery of America upset the more or less stable relationships of feudal manors and mediaeval trading centers. Sheep enclosures drove thousands of workers from the land; while the industrial revolution sent hand spinners and weavers to the road, forcing them in many cases to beg their bread.

Throughout the Middle Ages, however, there was a further cause of begging in the Christian doctrine of the religious merit of almsgiving. The church always made efforts to care for its own poor and officially never ceased to discourage imposture and pauperization; but its machinery of prevention by no means equaled in efficiency the force of its religious theories in promoting beggary. With the rise of monasticism begging again became a holy occupation.

A similar religious value has been placed upon the beggar and his donor for many centuries in India, where holy beggars have infested every temple and shrine from time immemorial. Religion has given sanction to a profession made necessary by social disorganization.

In the western world the beggar became a problem for public attention only after the Black

Death. There were four or five distinct types of professional beggars wandering alone or in hordes over Europe in this era: the mendicant friars, or those posing as such; the gypsies, mentioned separately and dealt with sternly in the Elizabethan laws; the begging scholar, who became a familiar and tolerated figure after the rise of the universities; fakers of all kinds, who used palmistry, physiognomy, minstrelsy, fencing or some other craft or game as a cloak for their real vocation of roguery or begging; bands of rovers, discharged soldiers or servants, who started out as "sturdy beggars" perhaps seeking employment, but who often turned into bands of highwaymen and thieves.

In England begging was first regulated by the Statute of Labourers promulgated by Edward III and his Council in 1349 and enacted by Parliament under Richard II in 1378. The relevant sections of these statutes were directed specifically not at begging but at vagrancy. Legislation against vagrancy became increasingly severe, culminating in a Draconian law of Edward VI. Various punishments for vagrancy and begging such as whipping, detention in the stocks, burning the gristle of the ear and banishment were resorted to from time to time. Finally the great poor law of Elizabeth (1601) provided that able bodied vagrants should be sent to a workhouse, while those who would not work there were to be sent to the galleys, banished or executed as felons.

On the continent repressive measures alternated with the provision of charity as attempted solutions of the problem of begging. As early as 1531 Charles V, probably inspired by the Spaniard Vives, published in the Netherlands a long edict against vagrancy. It declared that the trade of begging created idleness and led to bad courses and that therefore none were to be permitted to beg under pain of imprisonment and whipping except mendicant friars and pilgrims and people who had suffered by war, fire and floods; balers and rogues were to be compelled to work.

In all this legislation a distinction was made or implied between able bodied beggars who were fit to work and the impotent poor. The latter were generally permitted to beg, often under a license which might provide that they operate outside the city limits. The legislation against the "sturdy beggar" was partially designed to clear the field for the aged, blind or other impotent poor whose right to their calling was recognized.

The distinction between the professional beggar and the unemployed laborer who begs until he can find work remains difficult to draw. Both groups are produced by unsettled social and economic conditions; the unemployed soon becomes a professional beggar. The sentimental appeal of weakness and deformity is always great, but most people will not refuse to give to any beggars unless they know of other adequate provisions for their maintenance.

In order to care for those who would otherwise become beggars an increasing number of methods have been tried by the state and by modern social agencies. In England the poor law of 1824 made begging a form of vagrancy and as such punishable by fine and imprisonment. No change in the status of the beggar was effected by the poor law of 1834; but the impossibility of keeping vagrants out of the workhouses led to the establishment there of the casual ward, admittedly caring for the professional beggar as well as for the honest seeker of work. Although students of the poor law continued to condemn it, the casual ward remained for many years an accepted feature of the English workhouse.

In the nineteenth century a number of countries founded labor colonies, usually compulsory, where vagrants and beggars are committed for stated periods and made to work under strict discipline. The most celebrated of such colonies are found in Belgium and Switzerland, but similar institutions have been established in Germany, Holland and England. Municipal lodging houses, developed in Germany, England and the United States, have offered some relief. Organized charitable and relief agencies prevent much begging; but all these institutions find it particularly difficult to deal with the professional beggar.

Begging has tended to become not only a profession, but an organized one. The beggars of the Middle Ages roved in bands and often belonged to fraternities with members in every country of Europe. Even today professional begging guilds or castes are to be found in some countries. In India there have long been professional begging castes, just as there are criminal castes. From time to time it is reported that professional beggars in some of our large cities are organized into guilds the better to enable them to pursue their daily tasks. Whether or not the beggars of any city are really organized in the modern sense, they certainly consort together and profit by division of territory. The

mendicancy police squads have done much to break up the more notorious of these ancient gangs. Nevertheless there are probably many professional beggars in every great city who make large sums by their begging, and according to current accounts some even reside in suburbs as respectable business men.

There is close connection now as always between professional begging and the ostensible peddling done by the crippled and the blind. Today in every country where the physically handicapped have not been adequately provided for they may be seen upon the streets making their appeals. However, in an increasing number of countries these classes are cared for by such means as pensions, reeducation and placement in workshops in which they can make an independent living. Moreover the state is striking at the source of such dependency in attempting to see that every blind and crippled child is rehabilitated physically at public expense and trained for a trade at which he can support himself.

Every relief agency is pestered by transient beggars, whether the tramp or the "fly-by-Ford" variety; in many cases they have been passed on from one city to another. If they refuse work which is found for them the agency can only let them go on. In the case of the professional beggar the agency usually fails to adjust the man to a steady life.

No adequate program for the prevention of begging has yet been found. The elements of such a program may be sought in a combination of repressive laws enforced by the police, the establishment of lodging houses manned by well trained case workers, an efficient system of employment offices, work colonies to which professionals can be sentenced, almshouses and hospitals for the old and sick, good case work by public and private relief agencies and the education of the public.

JOHN L. GILLIN

See: CHARITY; DEPENDENCY; VAGRANCY; MONASTICISM; RELIGIOUS ORDERS; UNEMPLOYMENT; MIGRATORY LABOR; CRIPPLES; BLIND; DEAF; POOR LAWS; ALMSHOUSE; LODGING HOUSES; SOCIAL CASE WORK; REHABILITATION.

Consult: Ashley, W. J., *Introduction to English Economic History and Theory*, 2 vols. (4th ed. London 1913–14) vol. i, pt. ii, ch. v; Lecky, W. E. H., *History of European Morals*, 2 vols. (3rd ed. New York 1890) vol. ii, p. 94–98; Aydelotte, Frank, *Elizabethan Rogues and Vagabonds* (Oxford 1913); Eden, F. M., *The State of the Poor, or an History of the Labouring Classes in England*, 3 vols. (London 1797) vol. i, p. 42–44, 81–86, 165–70; Webb, Sidney and Beatrice, *English Poor Law History in the Last Hundred Years*, vol. ix of their *English Local Government*, 9 vols. (London 1906–29) p. 771–78, 945–62; Ribton-Turner, C. J., *History of Vagrants and Vagrancy* (London 1887); Rivière, Louis, *Mendiants et vagabonds* (2nd ed. Paris 1902); Dawson, W. H., *The Vagrancy Problem* (London 1910); Kelly, Edmond, *The Elimination of the Tramp* (New York 1908); Solenberger, Alice W., *One Thousand Homeless Men* (New York 1911); Anderson, Nels, *The Hobo* (Chicago 1923); Bombay, General Department, *Report by Mr. O. H. B. Starte on Measures for the Prevention of Professional Beggary in the City of Bombay* (Bombay 1926).

BEHAVIOR CLINICS. *See* MENTAL HYGIENE.

BEHAVIORISM, in the words of the foremost exponent of this system of psychology, is "a natural science which takes the whole field of human adjustments as its own." Dr. Watson designs by means of this definition to assimilate psychology to physics, chemistry, biology and physiology, especially physiology; to discard everything in the older psychologies "which cannot be stated in the universal terms of science," in terms, that is, of matter, motion and number. Behaviorism rejects therefore the concepts of consciousness, sensation, perception, will, image and so on; such older terms as it does retain—e.g. attention, thinking and emotion—it redefines as forms of observable or inferred activities. It seeks consistently to state the conduct and the qualities of men in language taken from physiology. Save for the fact that it deals with the activities of the organism as a whole, while physiology is concerned with the functioning of the parts, behaviorism would be physiology. As it is, it presents itself as a sort of higher physiology, presupposing that discipline and supervening upon it. The data of behavioristic psychology, accordingly, are determinate and measurable; their relationships are invariant and quantitatively constant, expressible in laws as certain and definite as those of physics and chemistry. The aspiration of the behaviorist is to be able, like the physicist in his field, "to predict human activity with reasonable certainty" and to formulate "laws and principles whereby man's actions can be controlled by organized society."

According to Dr. Watson such a methodological premise and moral purpose appear for the first time in the history of psychology in behaviorism (preface to *Psychology, from the Standpoint of a Behaviorist*). The record, how-

ever, does not bear him out. The deterministic view of human nature, the notion of man as a machine whose parts and active principle can be discerned and used, has recurred in various forms from Spinoza's day on. Historically considered, behaviorism is only the current phase of a persistent aspiration to know the springs and motives of men in order to be able to predict and to control their behavior as the physicists know the physical world and can predict and control natural events. This aspiration took outstanding concrete form in that school of psychology known as associationism. It animated, with a Christian bias, David Hartley's *Observations on Man*; it was a postulate of David Hume's great *Inquiry* and it gave power and significance to the doctrines of Bentham and the whole utilitarian school which derives from him. Indeed Bentham's "felicific calculus" is a device for giving quantitative expression to human behavior in terms of the associationist psychology. Its tremendous influence came from the fact that it was the first powerful philosophy of human nature expressive of the growing importance of counting and accounting in the new economy of trade and manufacture which came with the industrial revolution. "Subjective" though its terms were, being engaged in setting up balance sheets of "pains" and "pleasures" (Watson eschews such terms), Benthamism was as preoccupied with human behavior and social control as Watsonism. To no small degree it achieved its social objectives. But as it failed to bring in a millennium and as economic laissez faire, political democracy and public education gave rise to new problems intrinsic to themselves, its associationist premises, which had underlain English thinking for more than a century, were first challenged, then rejected. Standards and principles deriving from German idealist philosophy were set up in their place in judgment upon them and were made the postulates of social theory and political practise. There ensued an interlude when the psychological view of human nature was without employment; when it was not being used either as underpinning for plans of social reform or as rationalization for acts of politicians manoeuvring for power. Psychology was free—and futile.

In this interlude arose the great war over the descent of man initiated by Darwin. Darwinism made psychology again a matter of practical moment. The exigencies of the controversy it aroused led to an assimilation of the qualities of mind to the structures of the body; the body was pushed more and more into the foreground of psychological speculation. The makers of the new human psychology—Wundt for example on the one side, James on the other—were anatomists and physiologists trained in the natural sciences and in medicine. On the other hand, in the study of animals, traditionally without souls, more and more was made of mental activities; Darwin in *The Expression of Emotion in Man and Animals* argued for an essential homogeneity of feeling throughout animal life; Lubbock and Romanes assimilated such life as lower animals have to the minds of men. Animal psychology became a scholarly pursuit, while human psychology more and more treated thinking, feeling and willing as instruments or organs of adjustment in the body's struggle for survival. Psychology became "functional" and thinkers as diverse as Herbert Spencer, John Dewey and William James worked out "functional" psychologies.

What such "functionalism" implied may be gathered from the fact that James, many years after he had dropped psychology, raised the question "Does Consciousness Exist?" (1904) and argued for the material identity of thoughts and things. For all that, functional psychology remained to an extraordinary degree on a speculative level. It might appeal to observation and common sense but it could set up no critical laboratory demonstrations. That could be done only where permanent structures, not changing activities, were premised and where precise, measured correlations could be obtained between the body's organs and the mind's states. Both these were easiest to reach in the psychophysics of the sense organs, and laboratory psychology actually and formally begins with the study of sensation. The step is from the physical problems of sound, sight and touch to the psychophysical problems of their anatomical ground and mental structure. It is a step variously taken by Müller, Weber, Hering, Helmholtz and Fechner. These savants deal with sensations as such without reference to their place in the mental life or their bearing on the psychological whole. Their technique and performance quickly develop into the "psychology without a soul," the psychophysical parallelism which established itself with Wundt and has prevailed in the academies until recent years. Wundt transferred to the psychological laboratory which he set up the technique of structural analysis he had learned in physiology and in physics. As by hypothesis no two observers

could share the same state of mind, the objective control of the body in an experiment had to be accompanied by reports of the parallel mental events observed introspectively. Devices like keimographs, electrical keys, pneumographs and so on, which could measure the time and space relations of bodily movements, were coordinated with introspection simultaneously carried on. The reports make a gigantic accumulation of printed matter which its critics declare adds nothing to the conceptions of the structure of the mind that Locke had not already set forth in his classic *Essay*. They offer nothing in the way of laws enabling scientific prediction and practical control.

At the end of the first decade of the current century functional psychology was still speculative and literary and animal psychology had only begun to turn from anecdote and anthropomorphism to scientifically controlled investigation. Mind or consciousness was recognized as a mode of adjustment to the environment but no way had been invented of subjecting it to scientific tests in that capacity. Advance in the knowledge of both human and animal life came from physiology, medicine and biology. Often these disciplines, when seeking to account for a structure or an activity, found themselves involved in the use of concepts that could as easily belong to psychology. However, animals are dumb. If they can and do introspect they cannot communicate their introspections. If there was to be an animal psychology at all, it would have to be one unvitiated by inferences from human mentality, yet satisfactorily accounting for animal behavior. Its data would have to be objective, specific, definite, measurable and subject to control in time and space, in a word, mechanisms amenable to measurements. In the United States, Thorndike, Watson and others worked out such mechanisms—the problem boxes, the discrimination and choice boxes, the mazes. They set up devices which would account for animal behavior in set situations without a word being said. In Russia, Pavlov and Bekhterev and their followers, starting with physiological premises and problems, projected their experiments, their technique and their terms far into the psychologist's domain.

This purely theoretic urge toward mechanistic precision and quantitative formulation deriving from physiology and biology was now reenforced by a practical one deriving from the industrialization of American economic life. A situation had developed which if by no means similar was in some sense analogous to that which had enlisted associationism a century before in England. Great and, from a human point of view, very costly and painful rearrangements of the national life were taking place. Men with the habits of one economy did not readily fit into the other. The process of learning the new ways was involved in maladjustments in the form of countless industrial accidents, labor troubles, financial disasters and the like. Political action and legal reforms of the type that were agitated by the associationists, although attempted, gave no relief and seemed irrelevant. What was called for was apparently something intrinsic to industry itself. What developed is the efficiency movement, the endeavor to adjust the man to the job and the job to the man. In this development psychology has played a major role.

The adjustments aimed at by Harrington and the other efficiency experts are necessarily objective and measurable. They call for premises and devices in principle precisely like those of the new animal psychology. They rule out introspection. They recognize only behavior and evaluate only performance. Beginning with the orthodox Münsterberg's pioneer devices to test the relevant sensibilities of the employees of a certain street railway, and with his grading scale based on performance records, the efficiency movement has spread with phenomenal rapidity into all fields of industrial, commercial and educational life. It captivated certain of the psychologists completely, and when the war came they exploited to the utmost the opportunity it gave them to make psychological tests of skills and "intelligence" without once in any way appealing to introspection or using the presumptions of the ruling academic psychology. Among the testers was John B. Watson, who had by that time already begun his studies in the development of reflexes and instincts in the human infant.

Thus the publication in 1919 of Watson's *Psychology, from the Standpoint of a Behaviorist* found a ready field. What had been since 1912 a sort of rebellious sideshow among the academic psychologists took on the dimensions of an intellectual revolution. Like psychoanalysis in another connection, it reoriented the mind with respect to the nature of man. It said authoritatively and clearly what important sections of the public had come mutely to feel; and it offset some of the more disagreeable implications of the Freudian doctrines. It made the world a simpler place to adjust to, and human nature a

more hopeful thing to deal with. Man, declared Watson, is "an assembled organic machine ready to run." At birth human infants, regardless of their heredity, are as equal as Fords. Each consists of an organization of units of unlearned behavior, each ready to respond to its appropriate stimulus. After birth the environment acts upon these units of unlearned behavior in an endless variety of ways. It "builds into" what is unlearned and unconditioned countless chains of conditioned and learned responses. It thus causes each "to develop into an ever-expanding system," a system of habits. One personality differs from another only as these habit systems differ: personality is the "end product of our habit-systems," our "conditioned" or "built in" ways of work and play, eating and drinking, sleeping and loving, being sad or merry, sound or sick. One of these habit systems has the vocal organs for its base; it is a way of talking. This when carried on subvocally is thinking, but not exclusively; thinking is also implicit manual or visceral behavior. The whole difference between thinking and doing may be said to be explication. Implicit behavior is thinking, explicit, doing. And as almost all behavior, whether implicit or explicit, consists in learned, conditioned, responses, it can be unlearned, unconditioned. Hence, social control has a sure ground. Let it only generate the desired conditioned responses.

From the standpoint of behaviorism, social psychology would arise wherever a study was made of such responses in the individual when the stimulus is one or more other individuals. Some of these responses are evoked by both human and non-human stimuli, others by human stimuli exclusively. Among the latter are language, gesture, every posture and movement of the human figure. As between individuals they operate constantly both as stimulus and as response. Solely activities of individuals, they cannot be referred to any other source. Hence there is no such thing as a collective mind: there are only numerous similar responses to the same stimulus by different men, as when a hundred soldiers step out at the word, "March!". The "behavior of crowds" is no more than the sum of the circling of stimulus and response from one individual to another and back again. In this circling consists whatever unity a crowd may have; it is different only in complication, not in principle, from the unity of a subway crowd during the rush hour, or a noonday crowd eating in Childs'. Its behavior and that of all groups must be considered a mechanically formulable resultant of the stimulus-response circle. All social sciences using quantitative methods, statistics and the like, may be said, whether explicitly or not, to rest on this premise. This would be particularly true of education and the economic disciplines. These have developed farthest because both appear more than any others to be instruments of social control. The study of other forms remains largely in the anecdotal-empirical stage. It cannot be said that anything approaching scientific knowledge in the behaviorist sense exists regarding fashions, fads, crazes, customs, conventions, rumors, public opinion or the institutions of church and state. In Soviet Russia, however, where the fundamental concepts of Pavlov are official doctrine and American behaviorism has a growing vogue, studies are being conducted in the dynamics of social behavior and social control as manifested in the group life of children from pre-school age up. These studies may be the beginnings of a behaviorist social psychology in terms of stimulus-response which may approximate the Watsonian ideal for behaviorism itself. At present the matter is in the air. A shift in dominant social interest or in ruling doctrine, whether in Russia or in the United States, may give behaviorism over to the same fate that befell associationism. For the life of a doctrine, like the life of a man, varies with its bearing on the ruling passions, the dominant drives of the community in which it appears. Generated by such needs, it lapses with their satisfaction.

HORACE M. KALLEN

See: PSYCHOLOGY; COMPARATIVE PSYCHOLOGY; CHILD PSYCHOLOGY; MENTAL TESTS; CONDUCT; PERSONALITY; SCIENCE.

Consult: Watson, J. B., *Psychology, from the Standpoint of a Behaviorist* (Philadelphia 1919, 3rd ed. 1929); Smith, Stevenson, and Guthrie, E. R., *General Psychology in Terms of Behavior* (New York 1921); Watson, J. B., *Behaviorism* (New York 1925), and *Psychological Care of Infant and Child* (New York 1928), and *The Ways of Behaviorism* (New York 1928); Weiss, A. P., *A Theoretical Basis of Human Behavior* (Columbus 1925); Murphy, Gardner, *An Historical Introduction to Modern Psychology* (New York 1929) ch. xvi; Pillsbury, W. B., *The History of Psychology* (New York 1929) ch. xvii; Boring, E. G., *A History of Experimental Psychology* (New York 1929) p. 580–89.

BEKHTEREV, VLADIMIR, (Bechterew, Wladimir) (1857–1927), Russian psychologist and neurologist. His chief work was the investigation of the objective neurological basis of personality in both its normal and its patho-

logical aspects. The psychological career of Bekhterev uniquely parallels the attempt of psychology to reach objectivity. After early studies with Charcot and certain German neurologists he worked as a student in Wundt's laboratory in Leipsic. Although the titles of some of his papers indicate that in common with most contemporary psychologists he still thought of psychological phenomena as psychic processes, during this period he was definitely participating in the new movement of experimental psychology.

Bekhterev soon became deeply impressed with the importance for psychology of neural structures and functions. This is a normal development from the attempted connection of psychic processes with physiological functions which animated experimental psychology. Bekhterev's studies on conditioned motor reflexes, or, as he called them, associated reflexes, contributed greatly to the subsequent shift of emphasis in psychology to the description of psychological phenomena in neural or general physiological terms. These early studies were stimulated by Pavlov's work on conditioned reflexes but Bekhterev went far beyond Pavlov in his emphasis on objectivity. He even eschewed the name psychology in favor of reflexology. His last work approached, in intention at least, the goal of physico-chemical description of biological or psychological phenomena.

Bekhterev applied his theories in studies of criminology, the organization of labor and similar subjects. He wrote voluminously on social as well as on psychological problems. Through a research institution which he founded in 1907 and which became the State Psychoneurological Academy of Leningrad (Gosudarstvenaya Psikhonevrologicheskaya Akademia), he continued until his death to direct a series of studies of child growth, mental hygiene, suicide, crime and other social problems of importance to Soviet Russia.

J. R. KANTOR

Works: The most complete available bibliography is to be found in *Obshchie osnovi refleksologii* (3rd ed. Leningrad 1926) p. 411–18. The more important works of Bekhterev are: *Osnovi ucheniya o funktsiyakh mozga* (Fundamentals of the science of brain functions), 7 vols. (St. Petersburg 1903–07), German tr. by R. Weinberg as *Die Functionen der Nervencentra*, 3 vols. (Jena 1908–11); *Vnushenie i yevo rol v obshchestvennoy zhizni* (St. Petersburg 1903), tr. into French by P. Kéraval as *La suggestion et son rôle dans la vie sociale* (Paris 1910), German translation (Wiesbaden 1905); *Obyektivnaya psikhologiya*, 3 vols. (St. Petersburg 1907–12), tr. into French by N. Kostyleff as *La psychologie objective* (Paris 1913), and into German (Leipsic 1913); "La psychologie objective appliquée à l'étude de la criminalité" translated from the Russian in *Archives d'anthropologie*, vol. xxv (1910) 161–88, German translation by T. Rosenthal as *Das Verbrechertum in Lichte der objektiven Psychologie*, Grenzfragen der Nerven und Seelen, no. 94 (Wiesbaden 1914); *Obshchie osnovi refleksologii* (Petrograd 1918, 3rd ed. 1926), tr. into German as *Grundzüge der Reflexologie des Menschen* (Vienna 1923); *Kollektivnaya refleksologiya* (Petrograd 1921), tr. into German as *Die kollektive Reflexologie* (Halle 1928); *Psikhologiya, refleksologiya i marksizm* (Psychology, reflexology and Marxism) (Leningrad 1925); *Refleksologiya truda* (Reflexology of labor) (Moscow 1926).

Consult: *Die Medizin der Gegenwart in Selbstdarstellungen*, vols. i–viii (Leipsic 1923–29) vol. vi, p. 1–52; Pines, L., in *Archiv für Psychiatrie und Nervenkrankheiten*, vol. lxxxiii (1928) 677–86.

BEKKER, ERNEST IMMANUEL (1827–1916), German jurist. His father, August Immanuel Bekker the great philologist, strongly influenced his method. Bekker was a professor at Halle, Greifswald and Heidelberg. He was a brilliant but paradoxical figure. A convinced Romanist at a time when the school of Savigny was in the ascendant, he nevertheless urged the study of all legal systems. He was highly critical of the historical school although faithful to its fundamental tenets. Basically a philologist, he was led by his interest in the texts to occupy himself almost exclusively with the pure Roman law, as in his early *Die prozessualische Konsumption im klassischen römischen Recht* (Berlin 1853) or in his later *Die Aktionen des römischen Privatrechts* (2 vols., Berlin 1871–73). On the other hand, he could be fully alive to the demands of the present as is shown by his *System des heutigen Pandektenrechts* (2 vols., Weimar 1886–89), the very title of which was challenging. His *Das Recht des Besitzes bei den Römern* (Leipsic 1880) is the link between Savigny's and Bruns' work on the one side and Ihering's on the other. Above all Bekker wanted to be a legal philosopher; yet he was really a thoroughgoing skeptic, suspicious of theory. He detected in the historical school a leaning toward natural law. He distrusted work of legal systematization. In the *Jahrbücher des gemeinen deutschen Rechts*, published from 1857–63, he pleaded for the recognition of the so-called common law elements in the German civil law. In the controversies over the adoption of the German Civil Code he combated Savigny's doctrine of mistake in law as based too much upon an abstract theory of the will, and his views prevailed to some extent in the code. In the most considerable work in

which he ventured beyond the Romanist field, the *Theorie des heutigen deutschen Strafrechts* (Leipsic 1857–59), he accepted Hegel's absolute theory of punishment, but upon the premise of the historical school. He accepted it not as the only right one but as the one historically realized in the German criminal codes of his time—a position consistent with his championship of common law elements.

WILLIAM SEAGLE

Consult: Stintzing, R., and Landsberg, E., *Geschichte der deutschen Rechtswissenschaft*, 3 vols. (Munich 1880–1910) vol. iii, pt. i, p. 692–93 and 847–52; Gradenwitz, Otto, in the *Zeitschrift der Savigny-Stiftung für Rechtswissenschaft*, vol. xxxvii (1916), Romanistische Abteilung, p. vii–xxxvii.

BELIAYEV, IVAN DMITRIEVICH (1810–73), Russian historian. For almost twenty years Beliayev occupied official positions in various Moscow archives and after 1852 was professor of Russian legislative history at the University of Moscow. In *Vremennik*, the publication of the Moscow Society of Russian History and Antiquities which Beliayev edited from 1848 to 1857, and in other publications he printed a great deal of hitherto unavailable archive material. As author or editor he published over one hundred works, some of which are considered standard monographs. They deal with a variety of subjects in the social and economic history of Russia from the ninth to the fifteenth century: the clergy, town government, peasantry and the agrarian order, state finances and the monetary system, military organization, law and the sources of legal history.

Beliayev was in general agreement with the Slavophile interpretation of Russian history; he contributed to various Slavophile publications and took a prominent part in the controversy between the Slavophiles and "Westernists" (*zapadniki*) regarding the peasant land commune (*obshchina*). He attempted to show that these communes were the dominant form of social organization in ancient Russia and the product of the Slavic *Volksgeist*. His Slavophilism was not a closely reasoned philosophic system but the result of his great sentimental attachment to ancient Moscow. The works to be mentioned in this connection are his book on peasants in Russia (Moscow 1860, 2nd ed. 1879), which is a classical treatise on land communes, and the four volumes of Russian history (Moscow 1861–72) forming a part of a projected twelve-volume work and covering the history of the northwestern territories of Novgorod, Pskov and Polotsk. Beliayev's was in many ways pioneer work in the social, economic and provincial history of Russia, but it suffered from a somewhat uncritical treatment of the sources and from the lack of a broad philosophical and sociological background.

BORIS EVREINOV

BELIEF. Because of its intimate relation to conduct, belief has been of continuing interest to social philosophers and its psychological nature a frequent subject of study. An important modern analysis of belief was that of Hume, who viewed it as a psychologic state differing from imagination only by its greater vividness and steadiness. It is at present generally recognized that to the extent that an idea fills the mind to the exclusion of possible alternatives we tend to hold it true. Thus fixed ideas and inflexible beliefs arise in a state of mental debility. Certain recent psychologists emphasize, as did the patristic and scholastic writers, the active element of assent in the judgment that something is true. Romantic philosophers have stressed the purely voluntary character of this assent; while others insist that when we truly believe, as when we truly love, we feel compelled to do so. The recognition that we have a choice means that another view is possible, and this is implicit doubt. One may, however, distinguish between the compulsion of the evidence of the subject matter and the inner compulsion of one's own nature to hold a proposition true despite the absence of objective evidence sufficient to silence the doubt of others. From this point of view beliefs differ in degree of intensity, indicated by such phrases as, "it is my opinion," "I am persuaded," "I am unalterably convinced."

Whatever the psychological characteristics of belief, it is clear that its specific forms are largely social in origin and are in many cases conditioned by our habitual emotional reactions with the result that through following a certain mode of life one generally ends by sharing the beliefs of others who follow that mode. Hypocrites are scarce because it is so easy to believe that which our conduct professes. Men generally believe that their professional groups, their nation, their city or section of the country, their college or fraternity, have certain inherent superiorities wholly invisible to outsiders. The social determination of belief is even more evident in such phenomena as booms, panics, crazes or fads. Le Bon has pointed out that in a crowd the beliefs or opinions of the wiser members are

generally depressed to the level of the majority. For the power of suggestion increases rapidly with an increase in numbers and it is always difficult to maintain opinions or practises different from those professed and approved by one's associates. Heretics who defy the opinions of the multitude depend all the more intensely on the devotion of their supporters.

Beliefs are transmitted not only unconsciously but also through the direct and intentional pressure of parents, teachers or other authoritative leaders. Both types of transmission are most effective in small homogeneous communities. It seldom occurs to a member of such a group even to doubt its prevailing views. The processes of intercommunication, commerce, travel or the mixing of diverse peoples in large cities break down such primitive certainty. "To have doubted one's own first principles is the sign of a civilized man," Mr. Justice Holmes has said. The state of doubt is, however, difficult and unpleasant. Doubt, "where all is double," requires much free intellectual energy. It complicates and renders more difficult our practical choices. To rid themselves of this burden most people rely on natural leaders and authorities or cling resolutely to certain plausibilities. Some attempt to follow the method of science, questioning everything until doubt is no longer possible; but since action must often precede the acquisition of adequate knowledge a large number of practical beliefs cannot be based on scientific evidence. Many firmly held beliefs are positively irrational and rest on excessive credulity or obstinate pride of opinion. Such beliefs are of the essence of superstition. The tendency to regard any chance coincidence of two events as a case of causal connection has not only led to various primitive, magical ideas, such as those attributing disease to the evil eye, but continues to add to the modern fund of superstitions. Persisting legends or myths, such as those glorifying certain statesmen as free from human imperfections, testify to man's perennial credulity, his will to believe that which is simple and pleasant.

Philosophers have long differed as to the way in which beliefs influence social evolution. Deterministic theories minimize their importance; beliefs are said to be only the ideologic reflections of the physical environment, of the racial inheritance, of the system of production, of the interests of the dominant class or of irrational emotions and feelings. On the other hand men have commonly believed in indoctrinating children and adults with the proper beliefs, whether by education, propaganda, preaching, advertising or various more indirect methods. In recent years, with the growth of psychologic interpretations of social development, the role of beliefs has been increasingly emphasized. The widespread recognition that the belief in science and the scientific method has revolutionized modern life is accompanied by the assertion that other types of belief have been equally or even more effective.

It is an ancient view, shared by such writers as Plutarch and Machiavelli, that religious and even superstitious beliefs are necessary for social life, "to manage and reform the vulgar." This idea appears in a modern sophisticated version in the theory of Sorel and Ross that myths or illusory beliefs are necessary to give *élan* and direction to social movements. These theorists have failed, however, to show by analysis what kinds of myths are effective, for obviously not all myths are influential. Again it has been held, notably by Kidd, that rational beliefs are always individualistic and that socially desirable conduct requires the subordination of the individual to the interests of the race, a process which can be sanctioned only by supernatural religion. This theory shows traces of the old view that religious peoples are the strongest. Doubts as to the complete social value of religious beliefs arise, however, from a survey of such facts as the religious sanctions of celibacy, slavery, the caste system or the sacrifice of children to Moloch; they arise even more strongly from a study of the extermination of such groups as the Albigenses and the Waldenses, because of the tenacity of their religious beliefs, and of the serious retardation of others by religious wars. The supposed facts about primitive life, assembled by Frazer to prove that superstitious and magical beliefs have strengthened respect for government, for life and property, for marriage and sexual morality, and have thus made for greater security, can be offset by an equally long list of the horrible effects on social life of various magical beliefs and superstitions.

More convincing is Max Weber's theory of the importance of religious ideas in molding economic development, and specifically his attempt to show that protestant asceticism led to the development of modern capitalism, although many of its underlying assertions have been successfully challenged, notably by L. Brentano, and although Weber has not made out a case for direct causal relation. The ambitious effort of Durkheim and his school to show that "the

fundamental categories of thought and consequently of science are of religious order" is based upon a view of religion which makes it synonymous with all the ritual of social life. But the fact that people take part in a common ritual or cult does not always mean that they have a common belief. Here too there is insufficient evidence of a definite causal relation between belief and the course of social evolution.

It is nevertheless true that most societies have felt the acceptance of certain beliefs essential to their survival, and have attempted by various means to suppress the practise and spread of other beliefs. In closely knit communities departures from group standards are so rare as to cause little concern. Few, if any, peoples previous to the Greeks thought it necessary to formulate the beliefs underlying their religion or their family, clan or industrial organization. While certain expressions were regarded as endangering the community because they might bring down the wrath of the gods or of evil spirits, speculation itself was considered too unimportant to require suppression. It is when religious organizations become voluntary and a definite formula of belief for admission to a group is necessary that dogma and creed appear. And it is when a society includes many different elements that the non-acceptance of certain beliefs first becomes a problem. Thus there is no creed or dogma in the Old Testament. The early development of the Christian church in the midst of hostile religions and its subsequent incorporation of so many diverse national groups and practises led to its insistence on the suppression of heresy. Unity of dogma was all the more urgent when the Roman Empire fell and the Catholic church tried to continue to rule different provinces subject to different temporal powers. Having assured the acceptance of its great central beliefs, the Catholic church has since allowed a great diversity of opinion and practise among its members; but the importance assigned to belief by the Christian tradition has continued to influence the history of the western world.

Political considerations have often led temporal rulers to support religious beliefs, while regard for public order and tranquillity have been the basis of many persecutions of heretics. The gradual secularization of thought and the more complete separation of church and state have led to a decreasing interest on the part of political rulers in religious beliefs and a consequent removal of religious disabilities. In England commercial expansion and the growth of dissent in the middle classes and in the cities led to the Toleration Act of 1689 and later to the emancipation of Catholics and Jews, the removal of religious tests for holding property or public office. One of the last steps in this direction occurred in 1877 when the English universities ceased to require adherence to the Thirty-Nine Articles as a prerequisite for fellowships and other privileges.

But with the growth of religious tolerance economic, political and social beliefs have assumed a greater importance and have become the subject of increasing attempts at control by governments or by voluntary associations. Modern governments, regarding socialism as a danger, have disqualified its adherents from certain honors, dignities or offices. It is often alleged that American universities adopt similar methods. Certainly belief in a heterodox code of marital or sexual relations might prevent a man from being elected to public office in some parts of the United States or in Great Britain. The United States excludes immigrants who believe in philosophic anarchy and it excludes from admission to citizenship those who believe that the law of God or conscience may take precedence over the call of the state to bear arms. After the World War an attempt was made in New York state to bar from teaching in the public schools those who did not believe in the existing form of national or state government. Similar attempts to prevent the dissemination of certain beliefs have been made in most modern states; while under dictatorships both the control of the expression of opinion and the development of methods of fostering beliefs approved by the ruling group have reached a high degree of perfection. In revolutionary movements as well, such as the socialist or communist parties, the need is strongly felt for formulated creeds to which adherents must subscribe so that heretics may be removed. Toleration of beliefs contrary to those one cherishes is possible only where there is a certain security and only for those who care more for scientific rectitude in the search for truth than for any of its results.

MORRIS R. COHEN

See: CONDUCT; CUSTOM; TRADITION; SUPERSTITION; RITUAL; RELIGION; PUBLIC OPINION; PROPAGANDA; CONTROL, SOCIAL; CIVIC EDUCATION; CHURCH; DOGMA; APOSTASY AND HERESY; BLASPHEMY; ATHEISM; CENSORSHIP; ANTIRADICALISM; INTOLERANCE; RELIGIOUS FREEDOM; ACADEMIC FREEDOM; FREEDOM OF SPEECH AND OF THE PRESS.

Consult: Hume, David, *Treatise on Human Nature*,

2 vols. (new ed. by T. H. Green and T. H. Grose, London 1874) pt. iii, §§ vii–x; Bain, A., *Emotions and Will* (3rd ed. London 1875) p. 505–38; Mill, James, *Analysis of the Phenomenon of the Human Mind*, 2 vols. (new ed. by J. S. Mill with notes, London 1869) vol. i, chs. xi–xii; James, William, *The Principles of Psychology*, 2 vols. (New York 1890) vol. ii, ch. xxi; Russell, Bertrand, *The Analysis of Mind* (London 1921) ch. xii; Lund, F. H., *The Psychology of Belief* (Boston 1925); Jastrow, J., *The Psychology of Conviction* (New York 1918); Guignebert, Charles, *L'évolution des dogmes* (Paris 1909); Le Bon, Gustave, *Les opinions et les croyances* (Paris 1911); Sorokin, P. A., *Contemporary Sociological Theories* (New York 1928) ch. xii. See also references cited in bibliographies of related articles.

BELINSKY, VISSARION GRIGORYEVICH (1811–48), Russian literary critic. Belinsky contributed numerous essays to Moscow and St. Petersburg reviews, in which he commented discursively on literature. He was at first a follower of German idealism and an advocate of pure art, but when he entered his thirties he discovered French socialism and opened a vehement if private campaign against the existing regime. Thenceforth he placed emphasis on art as an instrument of social betterment. A civic purpose, he argued, is not necessarily an adventitious element in a poem or story. The writer is the public conscience incarnate and his work, to be significant, must be sensitive to the needs and aspirations of the age, must stimulate the social consciousness of the masses. Since he attached value only to those literary works which were rooted in the common experience of life, he heralded the realistic method, championing Gogol and the younger writers. An intense, candid, irreverent soul, he was for years the autocrat of Young Russia. In the decades following his death his ideas gained a firm foothold among the educated classes and did much to popularize the notion of literature as subservient to social progress. At the turn of the century a reaction against this attitude considerably damaged his reputation, but in contemporary Russia Belinsky is held in high esteem as a forerunner of revolutionary ideology.

AVRAHM YARMOLINSKY

Works: Complete Russian edition containing so far vols. i–xii (St. Petersburg and Moscow 1900–26) still unfinished; *Pisma* (Correspondence), 3 vols. (St. Petersburg 1913–14).

Consult: Pypin, A. N., *Belinsky, evo zhizn i perepiska* (Belinsky, his life and correspondence) (2nd ed. St. Petersburg 1908); Miliukov, P., *Iz istorii russkoy intelligentsii* (2nd ed. St. Petersburg 1903), tr. into French by J. W. Bienstock as *Le mouvement intellectuel russe* (Paris 1918) p. 131–86 and 282–300; Mirsky, D. S., *A History of Russian Literature* (London 1927) p. 210–15; Poliansky, V., in *Literaturnaya entziklopediya*, vol. i (Moscow 1929) p. 394–405.

BELL, ANDREW (1753–1832), Scottish educator and Anglican clergyman. In 1787 he went to India and two years later became superintendent of the Military Male Orphan Asylum at Madras, where he put into practise the Madras system of mutual instruction, better known as the monitorial system. Upon his return to England he published *An Experiment in Education, made at the Male Asylum at Madras* (London 1797, 4th ed. 1808). Within a few years many monitorial schools were opened, but the credit for the movement was claimed equally by Joseph Lancaster, a Quaker, who had the following of the Nonconformist body for some time.

The monitorial system, which provided for pupil tutors under the direction of the master, was a phase in the philanthropic movement in education aroused by the social unrest accompanying the industrial revolution. It was designed to teach the lower classes the elements of letters, morality and religion in conjunction with vocational training and, it is said, to reconcile them to their social status. Fear of the non-Anglican influence of the Royal Lancasterian Institution (1808; known since 1814 as the British and Foreign School Society) led to the establishment of the National Society for Promoting the Education of the Poor in the Principles of the Established Church (1811), directed by Bell. The reduction of the cost of instruction which was made possible by the use of pupil teachers was a means to the popularization of schools and ultimately to their assistance by the state. The first government grant for elementary education in England was made (1833) through these two societies. Their religious basis, however, delayed for many years the advent of a genuine national system of state education in England.

MAX LEVIN

Works: *The Complete Works of the Reverend Andrew Bell* (Edinburgh 1832), while actually an abridged edition, contains his most important writings.

Consult: Southey, R. and C. C., *The Life of the Rev. Andrew Bell*, 3 vols. (London 1844); Meiklejohn, J., *An Old Educational Reformer, Dr. Andrew Bell* (Edinburgh 1881); Birchenough, C., *History of Elementary Education in England and Wales* (London 1914) chs. ii, vii; Adams, Francis, *History of the Elementary School Contest in England* (London 1882) p. 48–64. See also articles in *American Journal of Education*, vol. x (1861) 461–574.

BELLAMY, EDWARD (1850–98), American novelist and social theorist. Bellamy is significant chiefly as author of the utopian romance *Looking Backward 2000–1887* (Boston 1888) and as leader of the Nationalist movement of the late eighties and early nineties. *Looking Backward* portrayed a utopian society of 2000 A.D., devoid of the private monopolies, the wasteful, competitive and profit seeking production, the concentration of wealth and the accompanying social inequalities of the America of 1887. It was a state-socialistic organization in which the national ownership of all resources and all agencies of production and distribution was extended to include even such domestic utilities as food preparation and cleaning service. Such a portrayal with its premise of complete political, economic and social equality, while it expressed concretely the hopes and aspirations of many of that time, was in the main made palatable to an individualistic American audience through the medium of a romance tinged with sentiment and couched in a charming style. Its exposition of the benefits of science and invention and its acceptance of the new machine system made plausible the visualization of a utopia based on efficiency. The book was enormously successful, selling more than a half million copies in America within a few years, and was translated into many languages. *Equality* (New York 1897), another romance intended by Bellamy as a sequel, did not meet with equal success.

Out of the interest in *Looking Backward* grew the Nationalist movement to which Bellamy thereafter devoted himself as organizer and as editor of its publications, the *Nationalist* (1889–91) and the *New Nation* (1891–94). Despite the 162 clubs reported by its secretary as existing throughout the country and the even larger unorganized following, the movement could not maintain itself and passed over politically into the Peoples' party.

J. O. HERTZLER

Consult: Hertzler, J. O., *The History of Utopian Thought* (New York 1923) p. 227–36; Mumford, Lewis, *The Story of Utopias* (New York 1922) p. 159–69.

BELLARMINE, ROBERT FRANCIS ROMULUS (1542–1621), Italian Roman Catholic theologian. He became a Jesuit in 1560 and ten years later began to lecture on theology at the University of Louvain. In 1576 Gregory III appointed him to the chair of controversial theology at the newly founded Roman College, which he occupied for twelve years. On the basis of his lectures Bellarmine published *Disputationes . . . de controversiis christianae fidei adversus hujus temporis haereticos* (4 vols., Ingolstaat 1581–93; 3 vols., Rome 1832–38), a most exhaustive elucidation of Catholic tenets. In 1599 he was created cardinal and three years later archbishop of Capua. Bellarmine was called upon to defend the position of the church against the champion of Venice, Paolo Sarpi; against Pierre de Belloy, the apologist of Henry of Navarre; and against his personal friend Galileo. The most famous of all his controversies arose when he challenged the right of James I to exact an oath of allegiance from Catholics after the Gunpowder Plot. Bellarmine's most effective reply to James and to the regalist William Barclay was *De potestate summi pontificis in rebus temporalibus* (Rome 1610), in which with an attempt at moderation he developed his theory of the indirect power of the pope over princes.

According to Bellarmine the church was the most perfect of all political institutions. It governed through the pope, who received his authority directly from Christ and who, in order that he might not be hampered in carrying out his spiritual purpose over his wide domain, had been constituted an absolute monarch, independent of both church councils and civil powers. The authority of the prince was likewise sanctioned by God, but it was subject to certain conditions. If he became a heretic or attempted to interfere with the spiritual life of his subjects the pope could as a last resort depose him. Moreover, if the prince failed to govern with that enlightened regard for the people's interest described in Bellarmine's *De officio principis christiani* (Rome 1619), they themselves might have the sanction of the church to resist him. The papal right to interfere in temporal affairs, of which Bellarmine was perhaps the ablest defender, was condemned by Hobbes and others as the gravest error of the Roman church.

ROBERT H. MURRAY

Consult: Bellarmine, R. F. R., *Selbstbiographie . . . mit geschichtlichen Erläuterungen*, ed. by J. J. I. Döllinger and F. H. Reusch (Bonn 1887); Brodrick, J., *The Life and Work of Blessed Robert Francis Cardinal Bellarmine*, 2 vols. (London 1928); Raitz von Frentz, E., *Der ehrwürdige Kardinal Robert Bellarmin, S.J., ein Vorkämpfer für Kirche und Papsttum 1542–1621* (Freiburg 1921); De la Servière, Joseph, "Les idées politiques du Cardinal Bellarmin" in *Revue des questions historiques*, vol. lxxxii (1907)

378–412, and vol. lxxxiii (1908) 56–90; Schaff, D. S., *The Bellarmine-Jefferson Legend and the Declaration of Independence* (New York 1927).

BELLERS, JOHN (*c.*1654–1725), Quaker social reformer. His faith in the inner light led him to look upon the social conscience as the foundation of political authority. The social conscience expressed a common standard of right in social affairs, and Bellers' emphasis upon this was an alternative to the enforcement of church dogma, about which there was much disagreement among his contemporaries. His projects of social reform were all concerned with an organization of the social order which would enable the individual to develop his personality to the utmost. This is in striking contrast to the official church outlook, the Calvinist theory of the state and to such secular theories as those of Locke and Hobbes. His proposals include a plan for a college of industry which represents a special effort to improve the material and spiritual conditions of the workers. This plan did not involve the introduction of conscious socialism; the founders, like the modern shareholders of a company, were to have a controlling influence. Bellers emphasized the importance of educating the criminal and reforming criminal law. In common with William Penn he suggested a type of league of nations to do away with national rivalries; he advocated state hospitals as being more important to the country than expenditure on war.

PHILIP S. BELASCO

Important works: *Proposals for Raising a College of Industry . . .* (London 1695), reprinted by Robert Owen in his *New View of Society* (London 1818); *Essays about the Poor, Manufacturers, Trade, Money, Plantations and Immorality* (London 1699); *Some Reasons for an European State* (London 1710); *An Essay towards the Improvement of Physick* (London 1714).

Consult: Belasco, P. S., in *Economica*, vol. v (1925) 165–74, and *Authority in Church and State* (London 1928) p. 96–107.

BELLET, DANIEL (1864–1917), French economist and journalist. He abandoned his career as engineer with the central administration of public works to devote himself to economic studies and became eventually professor at the École Libre des Sciences Politiques and permanent secretary of the Société d'Économie Politique. He was the founder of the Ligue du Libre-Échange (1910). Bellet's talent as a journalist is evidenced by his numerous articles in such publications as *Journal des économistes* and *L'économiste français*. An adept at economic popularization, he wrote many books on a great variety of subjects. He was especially interested in the bearing of technology on economic problems, and his training in engineering enabled him to describe several important industries with great accuracy. Throughout his life Bellet remained the most faithful exponent of the liberal doctrine as formulated by Bastiat and Léon Say; he made no concessions to protectionism or to state interventionism.

ROGER PICARD

Important works: *Les grands ports maritimes de commerce* (Paris 1893); "Le mouvement libre-échangiste en France et dans les autre pays" in *Revue économique internationale*, vol. iii (1911) 306–17; *Illusions socialistes et réalités économiques* (Paris 1912); *La machine et la main d'oeuvre humaine* (Paris 1912); *Le chômage et son remède* (Paris 1912); *L'évolution de l'industrie* (Paris 1914).

Consult: *Journal des économistes*, 6th ser., vol. lvi (1917) 106–08 and 289–95.

BELLIGERENCY (from *belligerare*, to wage war) is the term used in international law to describe the legal condition or status of the parties to public war. The condition arises either from war between states, using the term state broadly to include all political entities having an internationally recognized status, or from civil war following insurrection within a state. Both in international and in civil war the modern practise of nations indicates that there are two requisites for belligerency: the first is the fact of a contest of arms; the second is some manifestation of intention or cognizance of the fact in the form of declaration or recognition. The latter requisite is not mere formalism. It serves to mark precisely, for the purposes of international law, the point at which belligerency begins. It is perhaps chiefly in respect to this requirement that the belligerency of international and of civil contestants differs.

In international contests belligerency usually begins with a formal declaration of war or is preceded by an ultimatum with conditional declaration. This is a modern revival of an ancient practise. In ancient times hostilities were usually preceded by declaration of war, but the custom was little observed after the seventeenth century and was not revived until late in the nineteenth century. The Franco-Prussian War of 1870 and the Russo-Turkish War of 1877 began with formal declarations, while the Spanish-American War of 1898 and

the Boer War of 1899 were preceded by ultimatums. Russia accused Japan of gross treachery in 1904 because Japanese torpedo boats attacked Russian men-of-war at Port Arthur before war had been declared. The question was considered at the Second Hague Peace Conference of 1907 and a convention was drafted as follows: "The contracting powers recognize that hostilities between them must not commence without a previous and unequivocal warning, which shall take the form either of a declaration of war, giving reasons, or of an ultimatum with a conditional declaration of war" (Convention III, Article 1). "The state of war must be notified to the neutral powers without delay, and shall not take effect in regard to them until after the receipt of a notification, which may even be made by telegraph. Nevertheless neutral powers cannot plead the absence of notification if it be established beyond doubt that they were in fact aware of the state of war" (Article 2). This convention was ratified by twenty-eight states, including most of the great powers, and was generally observed at the outbreak of the World War.

In civil contests within a state belligerency begins with recognition. There must be war in fact, of course, but it is not essential that the preexisting status of insurgency should have been recognized as such. Indeed the choice between recognition of insurgency and recognition of belligerency may often be quite arbitrary. The former hardly amounts to more than public cognizance of the insurrectionary contest. The state which thus takes cognizance of civil war in another state is not thereafter in a position, while the contest continues, to ignore or deny its existence. Beyond this it is not clear that recognition of insurgency has any very precise legal effect. Recognition of belligerency, on the other hand, concedes to the contest within the state most of the incidents and effects of a war between states.

The belligerency of insurgents may be recognized either by the state against which they are in revolt or by foreign states. The effect in the former case is to give the insurgents a war status in relation to all states. In the latter case the insurgents acquire by recognition a war status only in relation to the state against which they are in revolt and the recognizing state. Recognition by the state against which insurgents are in revolt is rarely express. If conceded it is usually by implication from acts affecting other states which are permissible only in time of war, such as blockade or the intercepting of cargoes of the nature of contraband. Recognition by foreign states, on the other hand, is usually express and generally takes the form of a proclamation of neutrality. Express recognition by foreign states may be expected to follow an implied recognition by the state against which insurgents are in revolt. Thus President Lincoln's proclamation of the blockade of southern ports, April 19, 1861, "in pursuance of the laws of the United States and of the law of nations," was soon followed by neutrality proclamations issued by the principal maritime powers. Recognition by foreign states, before the state against which insurgents are in revolt has at least impliedly conceded their belligerency, is always a delicate matter and the circumstances justifying it have been much discussed. Hall concludes, in a passage frequently quoted, that such recognition by a foreign state must be "based solely upon a possibility that its interests may be so affected by the existence of hostilities in which one party is not in the enjoyment of belligerent privileges as to make recognition a reasonable measure of self-protection" (8th ed., p. 39). Since recognition creates new legal relationships concerning others than the immediate parties it is said to be irrevocable.

The status of belligerency has its own standards, principles and rules applicable to both public and private relationships. Between belligerent states the normal avenues of communication are interrupted, intercourse becomes hostile and the laws of war are in force. Treaties may be abrogated, suspended or brought into effect depending upon their content. Private intercourse with the enemy is closely confined or prohibited. Enemy property on the sea becomes liable to capture and condemnation. Persisting non-hostile relations, such as the indirect diplomatic intercourse which continues through the legations of neutral powers, and special relationships resulting from the grant of safe conducts, the use of flags of truce, capitulations, armistices or peace negotiations, are justified by considerations of convenience, necessity or humanity. Between belligerent and neutral states the rules of neutrality limit the range of belligerent activities on the one hand and increase neutral responsibilities on the other. Between belligerent states and the individuals of neutral states contraband trade, breach of blockade and unneutral service incur the risk of visit, search, seizure and condemnation. So far as applicable and appropriate, like

consequences follow from the recognition of belligerency in civil war, both parties becoming entitled to a war status for the purposes of the contest in which they are engaged.

EDWIN D. DICKINSON

See: NEUTRALITY; BLOCKADE; CASUS BELLI; CIVIL WAR; REVOLUTION; WARFARE; RECOGNITION, INTERNATIONAL.

Consult: Hall, W. E., *A Treatise on International Law* (8th ed. by A. P. Higgins, Oxford 1924) p. 36–46, 444–68; Hyde, C. C., *International Law*, 2 vols. (Boston 1922) vol. i, p. 77–82, vol. ii, p. 195–201; Oppenheim, L. F. L., *International Law*, 2 vols. (4th ed. London 1926) vol. ii, p. 113–27, 134–42, 152–56, 192–229; Westlake, John, *International Law*, 2 vols. (2nd ed. Cambridge, Eng. 1910–13) vol. i, p. 50–57, vol. ii, p. 19–31; Wilson, C. G., *Handbook of International Law* (2nd ed. St. Paul 1927) p. 40–43, 235–46; Phillipson, Coleman, *The International Law and Custom of Ancient Greece and Rome*, 2 vols. (London 1911) vol. ii, p. 197–99; Maurice, J. F., *Hostilities without Declaration of War* (London 1883); Higgins, A. Pearce, *The Hague Peace Conferences* (Cambridge, Eng. 1909) p. 198–205; Wiesse, Carlos, *Le droit international appliqué aux guerres civiles* (Lausanne 1898); Rougier, A., *Les guerres civiles et le droit des gens* (Paris 1903).

BELLO, ANDRÉS (1781–1865), Latin American diplomat and publicist. He was born in Caracas, Venezuela, and there became a secretary to the Spanish governor in 1802. After the outbreak of the revolution in 1810 he was sent to England with Bolivar on a diplomatic mission and remained there until 1829, serving Venezuela, Chile and Colombia at various periods in diplomatic posts and at other times acting as editor, tutor and translator. While in England he studied the theories of Destutt de Tracy, Bentham and James Mill. When he returned to South America (1829) he became director of the College of Santiago, and from 1843 until his death was rector of the reorganized University of Chile. As rector he brought the university into line with the most advanced views in the physical and social sciences, and as teacher, editor and statesman he trained the first generation of social scientists and historians in Chile. Although not a partisan he was constantly drafted into public service because of his wide experience, honesty and knowledge of the social sciences at a time when Chile was little advanced. While he was senator he prepared the Civil Code of Chile (1885), which was copied by other South American states; he wrote treatises on law, philosophy, grammar and international law; he was for a considerable period adviser to the department of foreign relations; and he served as arbitrator between the United States and Ecuador (1864) and between Peru and Colombia (1865). Bello did more than any other man of his time to determine the character of Chilean civilization.

L. L. BERNARD

Works: *Obras completas*, published under the direction of the Chilean Government, 15 vols. (Santiago de Chile 1881–93).

Consult: Amunátegui, M. L., *Vida de Don Andrés Bello* (Santiago de Chile 1882); Balbín de Unquera, A., *Andrés Bello: su época y sus obras* (Madrid 1910); Blanco-Fombona, R., *Grandes escritores de América, siglo XIX* (Madrid 1917) p. 11–75.

BELOCH, KARL JULIUS (1854–1929), German historian of classical antiquity. With the exception of a single year at Leipsic, Beloch taught not in Germany but in Italy, where at the University of Rome he trained most of the men now outstanding in ancient history and archaeology in Italy. His first book *Campanien* (Berlin 1879) reflected his early interest in historic and economic geography. His next works, *Der italische Bund unter Roms Hegemonie* (Leipsic 1880), *Die attische Politik seit Perikles* (Leipsic 1884) and *Die Bevölkerung der griechisch-römischen Welt* (Leipsic 1886) showed rare sense for political and statistical realities. Since, however, they challenged conceptions sanctioned by great names—Mommsen, Grote, Böckh—they came into their due only gradually. Beloch's *magnum opus* was his *Griechische Geschichte* (3 vols., Strasbourg 1893–1904; 2nd ed. in 4 vols., completely revised, 1912–27). In this work is to be found the first sustained economic interpretation of Greek history. Beloch measured progress less by fluctuations in political systems and the development of formal excellence in art and letters than by the growth and spread of scientific ideas. Mass movements were emphasized. Beloch aimed to do for Greece what Mommsen in his *Römische Geschichte* did for Rome and in large measure, for better or worse, he succeeded. His *Römische Geschichte bis zum Beginn der punischen Kriege* (Berlin 1926) he himself characterized as "Geschichte ohne Darstellung," and his most distinguished pupil, De Sanctis, called it "Geschichte ohne Geschichte." In his many publications Beloch confined himself almost exclusively to the period before the establishment of Rome's hegemony, but his papers contain a vast body of statistics collected in archives during many years for a work on the population of the Mediterranean world in ancient, mediaeval and renaissance times.

Beloch was master of a German style French in its variety and clarity. In his critical procedure he combined deep distrust of ancient tradition with full confidence in his own intuitions. During all his life he was a rebel against authority, liberal in his political outlook and a hard fighter.

WILLIAM SCOTT FERGUSON

Consult: Beloch's autobiography in *Die Geschichtswissenschaft der Gegenwart in Selbstdarstellungen*, ed. by S. Steinberg, 2 vols. (Leipsic 1925–26) vol. ii, p. 1–27.

BELOW, GEORG ANTON HUGO VON (1858–1927), German economic and constitutional historian. Trained at Bonn under F. von Bezold and M. Ritter in history and under Th. von der Goltz and E. Nasse in economics, he initiated a new phase of research in German economic history. As Karl Lamprecht had done a short time before him, Below began with a study of the unedited sources of a Rhenish territory, the Duchy of Jülich and Berg; but in contrast to Lamprecht's leanings toward a new "cultural" and sociological historiography, Below's work, which establishes him as one of the founders of modern constitutional history in Germany, was from the outset characterized by a close connection with the older methods of political history and by an equally close contact with legal history, from which he borrowed its conceptual strictness. Since his favorite manner of writing was to use the critique of other theories as a starting point for developing his own, Below's chief contributions in these fields consist of articles or papers. Most of them were collected in the two classical books *Territorium und Stadt* (Munich 1900–02, enlarged ed. 1923) and *Probleme der Wirtschaftsgeschichte* (Tübingen 1920, 2nd ed. 1926). The comprehensive monograph on *Der deutsche Staat des Mittelalters* (Leipsic 1914, 2nd ed. 1925) did not get beyond the first general volume.

Perhaps the least controversial of Below's writings is the history of the *seigneurie* and manor (*Grundherrschaft* and *Gutsherrschaft*) in western and eastern Germany, in which he drew upon August Meitzen's fundamental treatise on German agrarian regimes and upon his personal background as a member of the native Prussian gentry. Another of Below's major interests was the growth of town economy and of mediaeval crafts and commerce. The characteristic feature and the lasting merit of his work in this field is the insistence on the role of free economic activity both in the agricultural communities and in the craft guilds. He was one of the first to recognize the influence of free agricultural communities on town government and, having challenged the hypothesis current since the days of Adam Smith as to the manorial origin of craft guilds, he pointed out the differences between early guild organization and *Hofrecht*. It cannot be denied, however, that he overlooked much that was valuable in the work of such opponents as Karl Bücher, Schmoller and Seeliger, who revived in a modified form Rodbertus' notion of manorial, municipal and territorial economies as self-sufficient areas and genetic stages, or Sombart, who emphasized the part played by the accumulation of land rent in the rise of towns, industry and capitalism.

Below's other works include a popular illustrated monograph, *Das ältere deutsche Stadtswesen und Bürgertum* (Leipsic 1898, 3rd ed. 1925); treatises on the "reception" of Roman Law in Germany, *Die Ursachen der Rezeption des römischen Rechts in Deutschland* (Munich 1905); the causes of the Reformation, *Die Ursachen der Reformation* (Freiburg i. B. 1916, 2nd ed. Munich 1917); the Italian policy of the mediaeval Emperors, *Die italienische Kaiserpolitik des deutschen Mittelalters* (Munich 1927); and *Die deutsche Geschichtsschreibung von den Befreiungskriegen bis zu unseren Tagen* (Munich 1924), which deserves notice for its shrewd, if often biased, elaboration of the differences between German and Western historiography and of the non-socialist fountainheads of economic history. The last work was published in the *Handbuch zur mittelalterlichen und neueren Geschichte* (Munich 1903–28), an important series, which Below edited in collaboration with Friedrich Meinecke.

Below was a conservative in politics and a nationalist in outlook. As he grew older he became increasingly hostile to democracy and to the republican regime in Germany. It is characteristic that in the last decade of his life he combated the teaching of sociology as a separate discipline. Although his influence was felt in all branches of social science, Below confined himself to teaching history, serving as professor successively at Münster, Marburg, Tübingen and after 1905 at Freiburg i. B.

CARL BRINKMANN

Consult: Autobiography in *Die Geschichtswissenschaft der Gegenwart in Selbstdarstellungen*, ed. by S. Steinberg (Leipsic 1925); Aubin, H., "Georg von Below als Sozial- und Wirtschaftshistoriker" in *Vierteljahr-*

schrift für Sozial- und Wirtschaftsgeschichte, vol. xxi (1928) 1–32; Klaiber, L., *Georg von Below, Verzeichnis seiner Schriften* (Stuttgart 1929).

BELUZE, JEAN PIERRE (1821–1908), French cooperator, a carpenter by trade. After Cabet departed for America to found an Icarian colony at Nauvoo, Beluze, who was his disciple, assumed the direction of the Icarian bureau of Paris and for twelve years managed the collection of subscriptions for the colony. Subsequently, however, he reached the conclusion that communism could not be realized, and advanced instead a program of cooperation for the workers. His *Les associations conséquences du progrès: crédit au travail* (Paris 1863) contains a theoretical section on the advantages of workingmen's associations and a practical section giving detailed provisions for a people's bank. The immediate success of the book made it possible for him to found the Société du Crédit au Travail of which he was appointed manager. Its supporters included conservative capitalists like Casimir-Périer and Augustin Cochin, young republicans like Clemenceau and revolutionists like Bakunin. With Elisée Reclus, Beluze at the same time founded a journal, *L'association*, to spread his ideas. The society prospered for three years and rendered valuable services to the producers' cooperatives which were being founded in various cities. Encouraged by its success the society wished to extend its activities to include the whole of France; it rapidly increased its loans without sufficiently investigating the solvency of the borrowing associations. The business of the society grew out of all proportion to its capital and it failed in 1868. Thereafter Beluze lived in retirement.

GEORGES WEILL

Consult: Gaumont, Jean, *Histoire générale de la coopération en France*, 2 vols. (Paris 1924) vol. i.

BENBOW, WILLIAM (born about 1784), English radical agitator. He was self-educated and a shoemaker by trade and appears to have preached intermittently from Nonconformist pulpits in his earlier years. Later he became a printer and bookseller. Both as a pamphleteer and as an orator he had a trenchant and often scurrilous style; he was sentenced in 1840 (not for the first time) to a term of imprisonment on a charge of seditious language. He was a member of various radical societies, including the National Union of the Working Classes, and was one of the lesser Chartist leaders.

Benbow's importance rests on his pamphlet, *Grand National Holiday or Congress of the Productive Classes*, probably written in 1832, and the first written expression of the theory of the general strike. Benbow himself did not use the term but he set forth the idea that the workers, "the productive classes," should emancipate themselves by the simple device of proclaiming a "national holiday" and stopping work for a month. Every family of workers was to lay in a stock of food for a week; the other three weeks it was assumed would present no difficulty. Local committees were to appoint delegates to a national congress and there proceed to reform society by a just distribution of wealth. Although the people were urged not to be squeamish, violence was not directly advocated. Indeed violence should be unnecessary, for the passive resistance of the workers would bring all economic and governmental activity to a standstill. For all its crudity this plan, insisting as it did on the need for class consciousness and unity among the workers, exercised a powerful influence during the stormy period of the thirties and forties. The Chartist Convention in 1839 decided on the proclamation of a "national holiday" but rescinded the resolution shortly before the holiday was to take place. When the curtain was finally rung down on the People's Charter, Benbow's plan disappeared. Obviously, however, it was a forerunner of French syndicalist schemes for the general strike.

C. M. LLOYD

Consult: Carpenter, Niles, "William Benbow and the Origin of the General Strike" in *Quarterly Journal of Economics*, vol. xxxv (1921) 491–99; Beer, M., *A History of British Socialism*, 2 vols. (London 1919–20) vol. i, p. 314–18; West, J., *A History of the Chartist Movement* (London 1920) p. 68–70.

BENDIXEN, FRIEDRICH (1864–1920), German writer on currency. Bendixen was manager of the Hypothekenbank in Hamburg from 1895 on, and the practical experience thus gained is reflected in his articles and longer works. In them he developed the theory of "classic" money and employed it in commenting upon current monetary and banking problems. He professed to be a follower of G. F. Knapp's monetary nominalism, and attempted to provide the economic counterpart to the latter's essentially legalistic theory. According to Bendixen the economic function of money is to serve as a medium of exchange. In the hands of its holder money is merely a draft on the stock of goods

available in the community; as money it need therefore have no inherent or independent value. Money based on bills and notes resulting from commercial transactions is "classic" or perfect money; it is a draft pure and simple; it is closely tied to a commodity basis; it is created when needed and disappears with the passing of the need. Theoretically such money may exist without a gold backing and its purchasing power will remain stable. Although he denied the existence of any problem of money value, Bendixen's practical conclusions concerning this question must fall in line with ordinary quantity theory. Again in his proposal of money issue he comes close to the theorists of the banking school and is subject to the same criticisms. One commodity value may give rise to a series of successive transactions and hence to a quantity of money representing a multiple of this value; moreover, money so created need not necessarily disappear with the destruction of the commodity. Any rise in prices is bound to result in an addition to the amount of money, and this in its turn will lead to a still further increase in prices; "classic" money is tainted therefore with dangerous possibilities of inflation.

ERWIN VON BECKERATH

Important works: *Das Wesen des Geldes* (Munich 1908; 4th ed. by Karl Elster, Munich 1926); *Geld und Kapital* (Leipsic 1912; 3rd ed. by Karl Elster, Jena 1922); *Währungspolitik und Geldtheorie im Lichte des Weltkrieges* (Munich 1916, 2nd ed. 1919); *Das Inflationsproblem*, Finanzwirtschaftliche Zeitfragen no. xxxi (Stuttgart 1917).

Consult: Budge, S., "Vom theoretischen Nominalismus" in *Jahrbücher für Nationalökonomie und Statistik*, 3rd ser., vol. lviii (1919) 471–509; Van Dorp, Elisabeth C., in *Archiv für Sozialwissenschaft und Sozialpolitik*, vol. xlvii (1920–21) 889–94.

BENEDICT, SAINT (*c.* 480–*c.* 553), monastic reformer. He was sent from his native Umbria to Rome for his education, but before its completion he became disgusted with the moral tone there and retired to a cave near Subiaco where he lived as an anchorite. Later he founded twelve small monasteries near by. Soon after 520 he established a larger religious community at Monte Cassino in Campania, where he remained until his death.

Benedict's importance lies in the Rule which he framed for monastic life, of which some of the chapters are liturgical but most deal with monastic organization and discipline. In the monasteries of a communal character which existed at that time in western Europe there was more independence and less organization than a strictly coenobitic ideal allowed. Benedict's Rule required absolute obedience from the brethren, who collectively formed, as it were, a large family governed with paternal autocracy by the abbot. It was marked by an insistence on "stability" and "constant occupation." Performance of the canonical office, manual labor and devotional reading made up the daily life of the monks.

The purpose of the Rule and the circumstances under which it was composed have been variously explained. It has been held that it was framed by Benedict for Monte Cassino alone or for that house and any others which he may have intended to establish. Others have suggested that the Rule was written at the instance of some abbots in Italy who desired definite guidance for the proper direction of their communities at a time when there existed in all western monasteries much variety of usage and occasionally considerable laxity. Recently, however, Dom John Chapman has advanced a fresh interpretation to the effect that the Rule was intended for monasteries of various types in Italy and possibly beyond, and that Benedict in all likelihood drew it up at the request of someone in authority, perhaps Pope Hormisdas. Dom Chapman rightly emphasizes the markedly legal phraseology of the Rule as well as its frequent references to possible monastic abuses, which are intelligible only if its purpose was to assist in reforming existing houses. He also gives reasons for supposing that the Rule became known in northern Africa and southern Gaul within a few years after its publication and that some of Benedict's ordinances were used soon after by Justinian in certain of his *Novellae* dealing with monasteries.

The Rule fulfilled its purpose admirably in institutionalizing western monasticism. By the time of Charlemagne it had become all but universal in monasteries, and later when new orders were formed their constitutions were largely based on the Benedictine.

M. L. W. LAISTNER

Important works: Text of the Rule, *Regula monachorum*, with linguistic commentary, ed. by B. P. Linderbauer (Metten 1922; reissued as *Regula monasteriorum* with corrections as vol. xvii of the *Florilegium patristicum*, Bonn 1928); also edited with copious references to sources by C. Butler (2nd ed. Freiburg i.B. 1927); English translation, *The Rule of Saint Benedict*, by Cardinal Gasquet (London 1909).

Consult: Chapman, J., *St. Benedict and the Sixth*

Century (London 1929); Butler, C., *Benedictine Monachism* (2nd ed. London 1924); Delatte, P., *Commentaire sur la règle de Saint Benoît* (Paris 1912), tr. by J. McCann (London 1921).

BENEDIKT, MORITZ (1835–1920), Austrian criminologist and professor of neuropathology at Vienna. A chance reference of Virchow to brain anomalies in epileptics caused Benedikt in 1875 to begin a study of the brains and the skulls of criminals. The same year he made a preliminary report of his findings at a meeting of natural scientists (Gesellschaft deutscher Naturforscher und Ärzte, *Tageblatt der 48. Versammlung*, Graz 1875, p. 134–42), and published the final results in *Anatomische Studien an Verbrecher-Gehirnen* (Vienna 1879; tr. by E. P. Fowler as *Anatomical Studies upon the Brains of Criminals*, New York 1881). He concluded that criminals belonged to an anthropological variety of the human species. This theory, based on certain brain surface anomalies (confluent fissures), he later abandoned. The final formulation of his ideas is found in *Die Seelenkunde des Menschen als reine Erfahrungswissenschaft* (Leipsic 1895, p. 230–53) and well summarized in "Die Wiener Schule und die Criminal-Anthropologie" (in *Medicinische Blätter*, vol. xxv, 1902, p. 39–41).

Benedikt assumed that the influence of environmental factors made criminals of many biologically normal individuals. Many persons, however, were peculiarly disposed to antisocial behavior (*homo criminalis neurasthenicus*, the professional criminal, in particular; *h. c. e morbe aut ex intoxicatione*; and *h. c. degeneratus*, e.g. the congenital epileptic and the hereditary insane). Their skulls and brains presented anatomical anomalies, not peculiar to them alone but common to all subtypical individuals, including those suffering from mental disorders, epilepsy and brain diseases, either inherited or acquired in early childhood. These anomalies did not prove the existence of corresponding moral deterioration. Only a suspicion of such a connection would be justified until more were known about the structural and the functional properties of the brain.

His biological approach to crime causation brought Benedikt into substantial agreement with the Lombrosians, although he never accepted Lombroso's concept of atavism. Benedikt was apparently ignorant of Lombroso's earlier researches and regarded himself as the founder of the "new" criminal anthropology, a subject which after all formed but a relatively small part of his scientific work. He was favorably known for his contributions to mental therapy and wrote extensively on questions of natural philosophy. His researches were generally characterized by a critical attitude born of a strong realization of the nature and the dangers of scientific bias.

THORSTEN SELLIN

Consult: There is autobiographical material of value in Benedikt's *Hypnotismus und Suggestion: Eine klinisch-psychologische Studie* (Vienna 1894), and in his *Aus meinem Leben: Erinnerungen und Erörterungen* (Vienna 1906). See also Pagel, J., *Biographisches Lexikon hervorragender Ärtze des neunzehnten Jahrhunderts* (Berlin 1901) cols. 130–32; Wininger, S., *Grosse jüdische National-Biographie*, vols. i–iv (Czernowitz 1925–29) vol. i, p. 304; Chaym, Georg, in *Sozialistische Monatshefte*, vol. lv (1920) 1109.

BENEFICE. *See* CHURCH; FEUDALISM.

BENEFIT OF CLERGY. This term is applied to the immunity of clerics from the criminal jurisdiction of the secular courts. The growth of benefit of clergy coincided with the rise of the mediaeval church. At once a symptom and a partial cause of the elevation of the clergy into a class apart from and above the laity, its general acceptance in mediaeval Europe marked the vindication of the sacrosanct character of the priest and his ghostly office.

The claim of *privilegium clericale* originated in the Christian church under the Roman Empire, possibly as far back as the Council of Nicaea; but it took centuries of persistent effort to secure its practical effect and its universal recognition by the secular authorities. Early attempts to remove the clergy from the jurisdiction of the civil tribunals and to render them amenable only to the synod invariably broke down before the invincible strength and maturity of the Roman judicial system. Justinian recognized the privilege in part but took care to subject it to imperial prerogative. Under the Frankish and Carolingian kings, a period when the demands of the church were out of all proportion to its power to enforce them, benefit of clergy, although conceded in theory, continued to be ignored in practise. In the latter half of the ninth century, however, several factors promoted the growth of clerical immunity: the decay of the royal power permitted the church to encroach upon the province of lay justice; the rise of feudalism encouraged the indefinite multiplication of jurisdictions; while the Pseudo-Isidorian Decretals asserted the imprescriptible right of the clergy to exemption from the secular law. In the tenth

century the Cluniac revival and in the eleventh the Hildebrandine reform further exalted the sacerdotal body and proclaimed its superiority to all mundane powers. Benefit of clergy was only one of the claims that were now put forward in the name of "freedom of the church"; yet it was one of the few which secured in almost all the states of mediaeval Europe an unqualified victory. Upon this victory, in the twelfth century, the scientific study of the canon law set the seal of authority.

The category of clerks which *ratione personae* came under the jurisdiction of the church was extremely comprehensive; it included among others the learned professions, the minor officials and servants of religious institutions, university students and Crusaders. A system which placed so large a class outside the ordinary law of the land inevitably generated abuses. The privilege was exploited by many persons whose only apparent connection with the religious profession was the tonsure, which accordingly came to be greatly prized by criminals for the protection which it conferred. For the penalties imposed by the courts-Christian were considerably milder than those of the lay courts. They could not pronounce judgments of blood, and since the bishops were unwilling to support the expense of prisons a convicted clerk rarely suffered any punishment more serious than degradation. This virtual impunity had a very unfortunate effect upon the clergy themselves and was one of the strongest contributing factors in the corruption of the ecclesiastical body which provoked the censures of the reformers. The Reformation, however, did not destroy the privilege; even in the reformed countries it lingered on, a dangerous anachronism until the beginning of the nineteenth century. The claim is still maintained by the papacy.

Closely allied to the church's jurisdiction *ratione personae* was its jurisdiction *ratione materiae*, which had grown up alongside the other out of the primitive powers of discipline wielded by the church over its members. It was comparatively easy for the church to assert its right to cognizance of those offenses which, while possessing a definite spiritual significance, yet for the most part went unpunished by the lay courts. Crimes against faith—heresy, irreligion, sorcery, sacrilege—were obviously a primary concern of the spiritual authority, although the assistance of the secular arm might be needed for their suppression; but it was not difficult to discover a category of *delicta mixta* which included such offenses against Christian morality as adultery, fornication, perjury, blasphemy and, where practised by Christians, usury; nor did it require an undue exercise of sophistry to interpret certain of these offenses in such a way as to draw into its courts many cases more proper for the secular judge. Thus, for example, simple breach of contract was often construed as perjury. Moreover the extension of church jurisdiction was in some measure encouraged by the lay suitors themselves. In the earlier Middle Ages when the secular law was no more than a confused mass of barbarian custom, wholly inadequate in many departments, and at best ill applied, the law of the church seemed in comparison an admirable system. The judgments of its courts were frequently more equitable, merciful and unprejudiced than were those of the state.

In England benefit of clergy, in addition to the characteristics which were common to the institution throughout mediaeval Europe, developed some unique features. From the Conquest on, the stronger English kings sternly resisted the claim. William I, when he separated the jurisdictions, restricted the courts-Christian to cases touching the cure of souls; the weak Stephen was obliged in his charter of 1136 to recognize the privilege; but Henry II in the Constitutions of Clarendon offered to the church no more than the best civilians of the Middle Ages were willing to grant. After the murder of Becket, however, the concession of benefit of clergy was a part of the price which Henry had to pay for peace with the church. Thenceforward a clerk accused of a felony—the privilege did not apply to misdemeanors—could be tried only in the bishop's court. The normal procedure was that after a preliminary hearing in the lay court and a jury verdict, the clerk on claiming his privilege was delivered to the bishop or his officer and tried in the church court by the ancient process of compurgation. Until the fourteenth century some attempt had been made to limit benefit of clergy to clerks regularly ordained, although, as on the continent, persons were frequently found in holy orders who apart from the tonsure and clerical habit were indistinguishable from laymen; but the ordinance *pro clero* of 1350 extended the immunity to "all manner of clerks secular as well as religious." It became the custom to require the accused person to give proof of his ability to read; so that the first verse of Psalm 51, which was the usual test, became known as the "neck-verse." In the reign of

Henry VII an attempt was made to check such abuses by an enactment stipulating that benefit of clergy could be claimed by a layman only once—this to be ensured by branding him on the thumb; but the privilege was extended under Edward VI to peers of the realm who could not read and in the reign of William and Mary to women.

In 1576, as a result of the farcical character which the process of compurgation had come to assume, it was enacted that the offender pleading benefit of clergy should no longer be turned over to the bishop but should be either discharged or subjected to imprisonment for not longer than one year. Offenses came to be classified as either clergyable or non-clergyable and as the number of capital crimes increased the legal fiction of benefit of clergy came to fulfil an important function in tempering the severity of a barbarous criminal code. In the reign of Anne the reading test was abolished and thereafter any man or woman guilty of a felony could claim benefit of clergy for a first offense unless the crime committed was expressly excluded by statute. Thus, in the words of Blackstone, "was converted by gradual mutations, what was at first an unreasonable exemption of particular popish ecclesiastics into a merciful mitigation of the general law with respect to capital punishment." Maitland, on the other hand, says that this development made the law capricious without making it less cruel. Undoubtedly the English criminal law of the eighteenth century was capricious, but in its actual working it displayed a capricious mercy rather than a capricious cruelty; and this was due largely to benefit of clergy. As the list of non-clergyable offenses was augmented by statute it became the consistent practise of juries, instructed by the judges in cases where the punishment prescribed was obviously too severe, to return a verdict which made the crime a clergyable offense and thus liable to only a relatively mild punishment. Although in the majority of cases the juries did not, as is frequently asserted, acquit the criminal outright, they did all in their power to avoid imposing the extreme penalties of the law. There was a fair average of convictions; and to escape capital punishment by means of benefit of clergy did not as a rule mean to go scot free. But the reform of the criminal code deprived the ancient anomaly of the last reason for existence and it was abolished in 1827.

In America, both before and after the Revolution, the majority of recorded instances of benefit of clergy relate to the southern states. Massachusetts, however, offers the celebrated case of the trial of the British soldiers concerned in the Boston Massacre, two of whom claimed and were allowed benefit of clergy. In several of the slave states the privilege was abolished much earlier for free persons than for slaves; in Virginia, for example, the dates are respectively 1796 and 1848. It was apparently in the Carolinas that benefit of clergy most generally prevailed and here it continued longest, being abolished in North Carolina in 1854 and in South Carolina not until some ten years later. It was abolished by federal statute in 1789–90.

LEONARD MANYON

See: CANON LAW; CHURCH; MONASTICISM; ECCLESIASTICAL COURTS; CRIMINAL LAW.

Consult: Lea, H. C., *Studies in Church History* (Philadelphia 1883) p. 177–233; Fournier, P., *Les officialités au moyen âge* (Paris 1880); Génestal, R., *Le privilegium fori en France*, vols. i–ii (Paris 1921–24); Blackstone, William, *Commentaries on the Laws of England*, bk. iv, §§ 365–74; Stephen, J. F., *A History of the Criminal Law of England*, 3 vols. (London 1883) vol. i, p. 459–74; Pollock, F., and Maitland, F. W., *The History of English Law before the Time of Edward I*, 2 vols (2nd ed. Cambridge, Eng. 1911) vol. i, p. 439–57; Holdsworth, W. S., *A History of English Law*, 9 vols. (3rd ed. London 1922–26) vol. iii, p. 293–302; Gabel, L. C., *Benefit of Clergy in England in the Later Middle Ages*, Smith College Studies in History, vol. xiv (Northampton 1929); Cross, A. L., "English Criminal Law and Benefit of Clergy during the Eighteenth and Early Nineteenth Centuries" in *American Historical Review*, vol. xxii (1917) 544–65, and "Benefit of Clergy in the American Criminal Law" in Massachusetts Historical Society, *Proceedings*, vol. lxi (1927–28) 154–81.

BENEFIT SOCIETIES. *See* MUTUAL AID SOCIETIES; FRIENDLY SOCIETIES.

BENEFITS, TRADE UNION. Trade union benefits are financial aids provided through trade unions for members or the families of members whose wage incomes have been curtailed for reasons beyond their control or who face unusual expenditures. In the narrow and older sense union benefit schemes are to be distinguished from union insurance plans in that they apply to all members, make no provision for policies and accord individuals no legal claim to a definite amount of relief. In a broader sense the term "benefits" includes union insurance programs which permit members to subscribe voluntarily for policies of varying size. Union disbursements to strikers are frequently called benefits, but as a rule the term refers particu-

larly to welfare or friendly services, notably payments on account of unemployment, loss of tools, emigration, sickness, accident, disability, old age or death. Practically all unions both in the United States and abroad endeavor to provide strike relief, some according to prearranged rules and others making hasty provisions when emergencies arise, while practise with respect to welfare benefits differs widely.

British trade unions have performed benefit functions since their earliest days. In the eighteenth century societies of skilled tradesmen commonly assisted sick or unemployed members and arranged for their burial, thus carrying on the guild tradition of mutual aid. Stable and large scale benefit schemes first appeared with the advent about 1850 of "new model" unionism, which was based largely upon the financial policies of high dues, large funds and extensive benefits. Although the rise about 1890 of "new unionism" among the unskilled and hitherto unorganized workers represented a temporary reaction against insurance and other conservative policies, the majority of British unions had adopted benefit plans of some sort by 1900. These have been continued or extended ever since and mutual insurance is still firmly entrenched as an important instrument of union policy. Registered unions made benefit payments from their own funds (apart from Ministry of Labour grants for unemployed members which they also disbursed) of £3,893,000 in 1925, £9,719,000 (including strike relief of £5,617,000) in 1926, £3,470,000 in 1927 and £3,564,000 in 1928. Unemployment payments, which usually come first in importance, amounted in recent years to about a third of all benefits. Next in order, apart from the highly variable strike allowances, are expenditures on account of sickness and accident, death and old age. In general it is the unions of skilled and relatively well paid workers which maintain the most extensive programs, while a number of organizations of poorer paid workers offer little beyond strike relief and modest funeral grants.

In the United States benefit schemes developed later than in Great Britain and are even today less common. Although local unions had performed friendly society functions since the early decades of the nineteenth century, it was not until about 1880 that the national unions began to provide benefits. Successful experience with mutual insurance on the part of the Locomotive Engineers and the Railway Conductors, the Cigar Makers and the Iron Moulders, encouraged other unions to follow their lead, so that by 1900 many of the organizations affiliated with the American Federation of Labor were making death payments at least. Since then benefit programs have been gradually extended and the present tendency, according to the Bureau of Labor Statistics, is "towards the expansion and increase of benefits wherever the funds of the union will warrant." Nevertheless there are not more than 20 American national trade unions which can be said to have plans of real importance. The American Federation of Labor Executive Council reports that 86 out of 111 national and international unions for which data were available made benefit and insurance payments of £28,269,790 in 1927. The four railway brotherhoods of engineers, firemen, conductors and trainmen paid about half of this amount and the bulk of the remainder was paid by a dozen other organizations of skilled and relatively prosperous workers. Death benefit schemes, providing ordinarily for payments of from $50 to $300, are by far the most numerous; and there are a limited number of sickness, disability and superannuation plans involving a greater expense. Unemployment relief is granted by only three national unions. It is notable that the "new unions" of the clothing industry, which have grappled seriously with the problem of unemployment, have made no attempt to establish unemployment benefits but have endeavored to pass the burden of insurance over to their industry. Voluntary insurance plans, which have been well developed among the railroad brotherhoods for many years, appear to be growing in popularity, and a number of unions have recently purchased group insurance policies for their members. It should be noted also that many American unions have undertaken to provide for their members a variety of "welfare" or "beneficiary" services which are akin to benefits and are so entitled on occasion. Among these schemes are old age, tuberculosis and convalescent homes and hospitals, health centers, recreational and educational programs, credit unions, housing projects, cooperative purchasing plans and banking and investment undertakings.

In most other countries where trade unions have attained reasonable stability they have employed the method of mutual insurance on a considerable scale. Many of the German, Austrian, Swiss, Belgian and Danish unions had extensive programs of unemployment and other benefits before 1914 and in most cases these have

survived the chaos of war and reconstruction. The ebullient trade unions of France have never paid much attention to benefits and in general their leaders have denounced such schemes as detracting from the revolutionary purposes of labor organizations. Nor have benefit programs proved popular in Australia, where organized labor has stressed political action. In both these countries, as well as in the United States, friendly societies and fraternal orders have been more important than trade unions as agencies for voluntary insurance. It is of interest that in the recently created Jewish labor unions of Palestine a comprehensive scheme of benefits has been inaugurated.

Trade unions have adopted benefit policies for two major reasons—to provide relief for necessitous members and to increase organization strength and bargaining power. While the two cannot be completely dissociated it may be said that in the United States the former motive has been the more important and in Great Britain the latter. The brotherhood schemes, for example, have arisen primarily to meet the particular needs for protection of workers to whom ordinary commercial insurance is made difficult of access because of the unusual risks attached to hazardous occupations. In general the relative position of benefits in union policy in the two countries is indicated by the fact that the American unions are more concerned than the British with death benefits and voluntary insurance and less so with unemployment relief. Apart from strike payments, which are obviously indispensable to collective bargaining, unemployment benefits are far more useful than other types as means of forwarding the trade objectives of organized labor, for they lessen the danger that unemployed members will undermine standards of work and wages by accepting employment on whatever terms they can get. In both countries, however, it is accepted union doctrine that at least in well paid trades where workers can afford to pay high dues mutual insurance attracts recruits and, more important, gives members a financial interest in their union that discourages desertion. Another notable advantage of benefit schemes, from the standpoint of labor leaders, is that they provide large funds which in emergency can be used to finance strikes or to support the unemployed.

A common characteristic of strong beneficiary unions is that they are conservative in matters of trade policy. The administration of relief funds has proved useful training for officers, but it has tended to develop sober executives rather than crusading leaders. The unwillingness of labor organizations to give up their vested interests in well developed plans of mutual insurance has on occasion proved an obstacle to amalgamation. Moreover, many unions were at one time impelled to oppose state social insurance because they feared that their own schemes might be undermined. In Germany and Great Britain, however, the labor movement has long been converted to state insurance. When the British health and unemployment insurance programs were adopted in 1911 it was recognized that they should supplement rather than displace existing plans; and in both the British and German plans for social insurance it was provided that the unions should share in the administration. In the United States the attitude of conservative unionists toward compulsory social insurance has been equivocal, but apparently this has been induced not so much by fear for their benefit plans as by prejudice against governmental paternalism. The declaration of the 1929 Toronto convention of the American Federation of Labor in favor of state old age pensions is one of a number of recent indications that organized labor in America is becoming more kindly disposed toward certain forms of state social insurance.

The objection is frequently raised against trade union benefits that they are of dubious value as instruments of social insurance. Few benefit schemes are actuarially sound, it is pointed out, and their administration through union machinery is difficult. Administration is generally conceded to have been much more satisfactory in Great Britain than in the United States, but in both countries there are abundant instances of payment of fraudulent claims, denial of valid claims and mismanagement of funds. These difficulties and the high dues required discourage many unions from undertaking unemployment, disability and old age relief. Benefit funds may ordinarily be used for purposes other than those for which they were intended. As a rule such payments as are made are small. Thus the individual unionist, it is argued, has no guaranty that he will receive adequate assistance when he needs it. Furthermore, none but the most elementary schemes can be maintained by weak unions of poorly paid workers; and it is these who stand most in need of social insurance.

HARRY M. CASSIDY

See: TRADE UNIONS; FRATERNAL ORDERS; MUTUAL.

AID SOCIETIES; MUTUAL INSURANCE; GROUP INSURANCE; SOCIAL INSURANCE.

Consult: Webb, S. and B., *Industrial Democracy* (new ed. London 1920) pt. ii, ch. i; Weyl, W. E., "Benefit Features of British Trade Unions" in U. S. Bureau of Labor, *Bulletin*, no. 64 (1906) 699–848; Kennedy, J. B., *Beneficiary Features of American Trade Unions* (Baltimore 1908); Smelser, D. P., *Unemployment and American Trade Unions* (Baltimore 1919) ch. vi; Parker, F. E., "Beneficial Activities of American Trade Unions," U. S. Bureau of Labor Statistics, *Bulletin*, no. 465 (Washington 1928); Seidel, R., *The Trade Union Movement of Germany* (Amsterdam 1928); Hansson, S., *The Trade Union Movement of Sweden* (Amsterdam 1927); Frankel, L. K., and Dawson, M. M., *Workingman's Insurance in Europe* (New York 1910); International Labour Office, "Voluntary Sickness Insurance" in *Studies and Reports*, ser. M (Social Insurance), no. vii (Geneva 1927).

BENEKE, FRIEDRICH EDUARD (1798–1854), German philosopher, psychologist and educationist. While docent at the University of Berlin he published *Grundlegung zur Physik der Sitten* (Berlin 1822) in opposition to Kant's *Grundlegung zur Metaphysik der Sitten*. Contending that morality demands behavior varying with the individual, Beneke found the basis for morality in the "moral sense" rather than in the categorical imperative. The "Epicureanism" of this work cost him his teaching position and he took refuge in Göttingen. In 1827 he was allowed to return to Berlin where he was made associate professor in 1832, a position which he held until his death. In 1833 he published *Lehrbuch der Psychologie als Naturwissenschaft* (4th ed. Berlin 1877). Psychology is for Beneke the sole foundation of all the philosophical sciences, such as logic, ethics and aesthetics. It is a natural science and must find its starting point in experience. The psychic life is a development from simple elements which Beneke identifies with the innumerable primal faculties of the soul and the function of psychology is to determine these elements. In his *Erziehungs- und Unterrichtslehre* (2 vols., Berlin 1835–36; 4th ed. 1876) he applied his analysis of the processes of development to a theory of education. Although his basic assumptions brought him into conflict with Herbart, both agreed as to the close relation between psychology and pedagogy. Beneke's doctrine, popularized among German teachers of the liberal school by his greatest disciple, J. G. Dressler, and by Diesterweg, continued to be effective until the advent of physiological psychology.

HELMUT WIESE

Consult: Dressler, J. G., "Kurze Charakteristik der sämmtlichen Werke Benekes" in the fourth edition of Beneke's *Lehrbuch der Psychologie*, p. 285–312; Gramzow, O., *Friedrich Eduard Benekes Leben und Philosophie* (Bern 1899); Ueberweg, Friedrich, *Grundriss der Geschichte der Philosophie*, 5 vols. (12th ed. by K. Praechter, Berlin 1923–28) vol. iv. p. 186–97, containing bibliography; Brett, G. S., *A History of Psychology*, 3 vols. (London 1912–21) vol. iii, p. 63–76.

BENEVOLENCES. *See* FORCED LOANS; TAXATION.

BENEVOLENT ORDERS. *See* CHARITY; RELIGIOUS ORDERS.

BENJAMIN, JUDAH PHILIP (1811–84), American lawyer and statesman. Benjamin was born in the West Indies, of Jewish parents, and came with them to Charleston, South Carolina. He studied law in New Orleans and at the age of twenty-three was associated with Thomas Slidell in the publication of a *Digest* of the decisions of the superior courts of Louisiana. His rise in the legal profession was meteoric and he soon became the outstanding commercial lawyer of New Orleans and an authority on the Spanish system of law, similar to that of Louisiana. In 1853 he declined a seat on the United States Supreme Court. As a planter he introduced upon his broad acres at "Belle chasse" the most progressive methods of sugar culture and manufacture, being one of the first to test the discoveries of the French chemists, whose methods he commended to other sugar planters in a series of articles in *De Bow's Review*.

Benjamin's chief importance lies in his connection with the political history of the South. A conspicuously successful career in Louisiana politics as a Whig led to his election in 1852 to the United States Senate. The growing tension in the slavery controversy, however, and the break up of his old party induced him to join forces with the southern members of the Democratic party, under which banner he was reelected to the Senate in 1859. Throughout the fifties he had, along with other southerners, dreamed of building up the South economically by such means as the construction of an isthmian canal to tap the commerce of the Orient, but with the election of Lincoln he lost all hope of preventing secession. When the Confederacy was set up he was selected by President Davis to serve as attorney general and was soon transferred to the more important post of secretary of war. Under his supervision the department was thoroughly reorganized, but the previous failure

of the Confederacy to secure European munitions made his task a difficult one. A storm of criticism followed the loss of Fort Henry, Fort Donelson and Roanoke Island, and the responsibility for failing to provide the Confederate forces with sufficient ammunition was laid to the secretary of war. President Davis, however, with undiminished confidence in Benjamin, promoted him in March, 1862, to the office of secretary of state, an important and difficult assignment which, in spite of the popular hatred of him, he effectively administered until the end of the war. In this office he was responsible for the campaign of Confederate propaganda carried on to induce European intervention; and when toward the end of the war the Confederate man power began to be seriously depleted, Benjamin proposed to arm the Negroes and enrol them as soldiers, with the promise of eventual emancipation.

After the collapse of the Confederacy Benjamin fled from the Union forces, escaping to England by way of the West Indies. In the land of his father's nativity the southern *émigré* resumed the practise of law, won a new fame and repaired his wrecked fortune. His *Treatise on the Law of Sale of Personal Property* (London 1868, 6th ed. 1920) proved an instantaneous success and became standard. His arguments before the Privy Council and the House of Lords were influential in shaping legal development and displayed his remarkable versatility in handling the codes of native law and custom of the regions comprising the British Empire.

ARTHUR C. COLE

Consult: Butler, Pierce, *Judah P. Benjamin* (Philadelphia 1907).

BENNETT, JAMES GORDON (1795–1872) and his son of the same name (1841–1918), American journalists. In 1835 the father founded the New York *Herald*, which sold for a penny a copy at a time when six-cent newspapers were edited for the well-to-do and when news was printed principally for its political effect. The period was one of rapid industrial development: immigration was increasing at an accelerating rate; railroads were building and new groups of business men were rising to power. The presence of Andrew Jackson in the White House put a new emphasis on popular rights, the extension of the franchise and the demand for education at the public expense. Automatically there was created a market for newspapers cheaper than those in existence, but the first of these, founded in 1832, was short lived. In 1833 Benjamin Day established the *Sun*, in New York City, which sold at a penny a copy and soon became a flourishing property.

The elder Bennett's leadership of the *Herald* lay in the energetic gathering of news and in its exploitation as a commodity. His paper specialized in accounts of violent crime, illicit love, Wall Street speculation, the hazards of the race track and the prize ring. The climax of his news making came when, in collaboration with his son and the London *Telegraph*, he sent Henry M. Stanley to find David Livingstone in Africa, the search ending successfully in the latter part of 1871. The exploit proved profitable in the fame and added circulation it brought to the paper. Editorially the *Herald* was flippant, cynical and highly prejudiced. The elder Bennett sided with the slave owning South until Lincoln sent an emissary who persuaded him to change front; subsequently he declined the ambassadorship to France.

The son after his father's death did much to encourage exploration and the development of aviation through the use of his journal's columns and through prizes. He regarded the paper, however, not only as a source of revenue but as an agency for his own aggrandizement. He was a social toady and made his property serve his ambitions. Through personal spite he forbade his editors to mention the name of President Theodore Roosevelt. He printed the advertisements of prostitutes and was fined heavily in a federal court for doing so. Finally he fled the country and edited his paper after a fashion from a yacht abroad. It declined rapidly in prestige and influence.

The patterns which now dominate metropolitan news selection and presentation were cut by the elder Bennett and elaborated by his son. They thought a daily journal should be sensational, but should also be "light and amusing." Their influence is still perceptible in the invasion of privacy by the press, the treatment of public affairs from the vantage point of the crowd's passions rather than in the light of reasoned judgments, and the competition for mass circulation at the expense of high standards. The son increased his contribution to these defects by founding the New York *Telegram*, an afternoon daily given over mostly to flashy material. This paper attained a larger circulation than the *Herald*, especially among working people, and did much to establish false notions

of living and meretricious standards of success. It set the pace for the present tabloid picture papers.

SILAS BENT

Consult: Seitz, Don C., *The James Gordon Bennetts* (Indianapolis 1928); Bleyer, Willard G., *Main Currents in the History of American Journalism* (Boston 1927) ch. vii; Villard, Oswald G., *Some Newspapers and Newspaper-Men* (rev. ed. New York 1926) ch. xvi.

BENNIGSEN, RUDOLF VON (1824–1902), German political leader. The revolutionary events of 1848–49 were decisive in determining his political ideas. A descendant of the old Hanoverian nobility, Bennigsen became one of the leaders of the National Liberal movement that strove to transform the loose German Confederation into a closed national state organized in accordance with the constitutional ideals which dominated the continent after 1830. Together with men like Unruh and Schulze-Delitzsch he founded in 1859 the *Deutscher Nationalverein*, a political society modeled on the Italian plan. Its program called for the creation of a "little Germany," united under Prussian leadership and freed from the old particularism of the separate states; in the creation of this national state it proposed to draw upon liberal ideas and untrammeled public opinion. After 1862 this policy met with the opposition of the Prussian prime minister, Bismarck. The founding of the empire under Bismarck's auspices thwarted the national and liberal movement but also realized many of its aspirations. Thenceforward the preponderance of power lay with Bismarck, who could claim the credit for final achievement.

From 1867 until the end of his life Bennigsen was leader of the National Liberal party. During the period of his collaboration with Bismarck (1871–77) he had a decisive influence in the Reichstag. Bismarck's attempt toward the end of 1877 to induce Bennigsen to enter the ministry failed because of the opposition of the old emperor and the demands of the Liberals for two additional cabinet posts. In 1879 the split between the free traders and the protectionists was the beginning of the decline of Bennigsen's party. His appointment as head of the Prussian administration of the province of Hanover (1888) marked the beginning of his gradual withdrawal from the center of the political arena.

HERMANN ONCKEN

Consult: Oncken, Hermann, *Rudolf von Bennigsen*, 2 vols. (Stuttgart 1910).

BENOISTON DE CHATEAUNEUF, LOUIS FRANÇOIS (1776–1856), French statistician. After serving as a military surgeon in several campaigns, in 1810 he took office in the ministry of finance, where he remained until 1833. During this period he became interested in statistics, which he applied to the study of various social problems. His chief work, *Recherches sur les consommations de tout genre de la ville de Paris en 1817 comparées à ce qu'elles étaient en 1789* (read before the Académie des Sciences in 1819; published in Paris in 1821), was based both on official records and on much laborious research in private establishments. It estimated not merely the prices of raw materials, to which Lavoisier in his investigation of consumption in 1789 had confined himself, but of manufactured articles as well. It also presented a classification of the expenditures of the population of Paris for such large groups as food and fuel. Benoiston was the author of several important studies in vital statistics, treating such subjects as the changes in mortality between 1775 and 1825, fertility in Europe at the beginning of the nineteenth century and longevity among the rich and the poor, among scholars and among aristocrats. He also wrote on penal institutions and the care of foundlings. Many of his studies were published in the *Annales d'hygiène publique et de médecine légale*, a paper founded and edited by Villermé, with whom after 1833 Benoiston undertook a series of scientific investigations in the provinces.

LOUIS VIGOUROUX

BENTHAM, JEREMY (1748–1832), British social philosopher. Bentham's position in the history of the social sciences is that of a very great inventor of social expedients. He was not the first utilitarian, i.e. he was not the first to conceive of happiness as the end of human existence or of the associationist psychology as the main determining condition in attaining that end. But throughout his long life he set himself, with amazing industry and fertility, to invent practical methods of organization by which human happiness might in a modern community be "maximised." He compared his own work with that of the chemists and physicians who during his lifetime were arranging material phenomena under laws and inventing expedients for increasing human control over the material world. In a draft preface among the Bentham manuscripts he describes his writings as "an attempt to extend the experimental

method of reasoning from the physical branch to the moral" (quoted in Halévy, vol. i, p. 290).

Bentham was a lawyer, and his most conspicuous success as an inventor was in the reform of English law and judicial procedure. Sir James Stephen said that Bentham's legal writings "have had a degree of practical influence upon the legislation of his own and various other countries comparable only to that of Adam Smith and his successors upon commerce" (*History of the Criminal Law of England*, vol. i, London 1883, p. 216). Less known is the direct and indirect effect of Bentham's work on political and administrative institutions. The fact that the fall from power of the British aristocracy in 1832 led neither to social revolution or administrative chaos at home nor to the break up of the new British Empire abroad was largely due to the political expedients—local government reform, open competition in the civil service, scientific health and police administration, colonial self-government, Indian administrative reform—which Bentham's disciples either found in his writings or developed, after his death, by his methods.

Bentham himself was never in Parliament, never an official or a member of a royal commission and never in "society." A small income during his father's lifetime and a legacy after his death enabled him to live without either the necessity or the discipline of professional earning. But his inventive genius never again, after the failure of his Panopticon scheme of poor relief, lost touch with reality. To this end he kept up in his own house and at his own table personal intercourse with anyone who had the power and the will to promote human happiness, whether a visitor from South or North America, a radical printer just out of prison, a reforming schoolmaster (like Rowland Hill) or a cabinet minister.

The practical influence of Bentham's work on social organization was largely due to the fact that his charm of character and absolute disinterestedness enabled him to win the devotion of two generations of disciples and assistants —Lind, Dumont, James and John Mill, Place, Grote, Southwood Smith, Parkes, Bowring, Austin and others—who preached his doctrines, prepared for the press most of his books and in Parliament and the government offices drafted bills, distributed pamphlets and managed committees. J. S. Mill described in his *Autobiography* how Bentham's work gave for him, as for other philosophical radicals, "unity to my conception of things . . . a creed, a doctrine, a philosophy, . . . the inculcation and diffusion of which could be made the principal outward purpose of a life. And I had a grand conception laid before me of changes to be effected in the condition of mankind through that doctrine" (New York 1924, p. 47).

In Bentham's writings those who desire to reform judicial procedure or the relation between ministers and officials and central and local authorities may still in the twentieth century find new and practical suggestions. But perhaps the best help that the social reformer can acquire from him is guidance in the difficult art of being a reformer.

GRAHAM WALLAS

Works: Most of the writings published by Bentham himself appear in John Bowring's unequally edited collection (11 vols., Edinburgh 1838–43). Much valuable unpublished material is contained in the very large collection of Bentham's MSS. bequeathed by him to University College, London. A complete bibliography of Bentham's published works was compiled by C. W. Everett and printed as an appendix to the English translation of Halévy's study of philosophic radicalism.

Consult: For the life of Bentham the rather unsatisfactory biographies by John Bowring (vols. x and xi in his edition of Bentham's *Works*) and by C. M. Atkinson (London 1905), and the brief sketch by Graham Wallas in *Political Science Quarterly*, vol. xxxviii (1923) 45–56. For a critical evaluation of Bentham's works and influence: Halévy, Élie, *La formation du radicalisme philosophique*, 3 vols. (Paris 1901–04), tr. by Mary Morris (London 1928); Stephen, Leslie, *The English Utilitarians*, 3 vols. (London 1900) vol. i; Wallas, Graham, "Bentham as Political Inventor" in *Contemporary Review*, vol. cxxix (1926) 308–19; Dicey, A. V., *Lectures on the Relation between Law and Public Opinion in England* (2nd ed. London 1914) lecture vi.

BENTINCK, LORD, WILLIAM CAVENDISH (1774–1839), British colonial administrator. He was appointed by the East India Company in 1803 to the governorship of Madras, and there he began the reforms with which his name is identified. In concert with the experienced Indian administrator, Sir Thomas Munro, he settled the land tenure of the province on the basis of peasant proprietorship to the benefit of both the revenue and the people at large. His strong measures for the suppression of the mutiny of native regiments at Vellore in 1806 were disapproved by the Court of Directors and he was recalled. On his return he resumed the military and diplomatic service interrupted by his appointment. He was one of the first English statesmen to work for the revival of

Italian unity and he caused the British government some difficulty by his proclamations in support of this ideal while commanding at Genoa in 1814. In 1827 he was appointed governor general of Bengal. His administration is memorable as a period of peace in which the principle of government with scrupulous regard for the sentiments and interests of the governed was more firmly established in the British administration of India. In 1833, when the East India Company's Charter Act was passed, Bentinck became the first governor general of India. He greatly increased the employment of Indians in place of Europeans in the public service, reformed and reduced military expenditure and settled the land tenure of the northwest provinces on a basis which recognized the rights of the cultivators. In conjunction with Macaulay, Bentinck laid the foundation for the modern Indian educational system, making English the medium of instruction. He was careful in his impartial regard for Indian customs and beliefs, but attacked with unsparing severity antisocial practises which covered their corruption with a religious sanction. The bands of Thugs who lived by the ritual murder and robbery of travelers were suppressed and the practise of suttee or the burning of widows was put down with the approval of the best Indian opinion.

ARTHUR PERCIVAL NEWTON

Consult: Boulger, Demetrius C., *Lord William Bentinck* (Oxford 1892); *Cambridge History of the British Empire*, vol. iv, *British India 1497–1858*, ed. by H. H. Dodwell (Cambridge, Eng. 1929) p. 577–79.

BENTON, THOMAS HART (1782–1858), American statesman. Benton was born in North Carolina of old colonial stock, spent his young manhood in Tennessee and after 1815 helped to build the territory of Missouri into a state, becoming its most distinguished citizen. He represented Missouri as senator during its first thirty years of statehood and when Jackson was elected to the presidency Benton became the leader of the administration forces in the Senate. He was a copious and pompous speaker and displayed a classical erudition upon his western themes. As an anti-Bank, hard-money Democrat he fought Jackson's battles in season and out. He regarded himself as a special protector of the interests of the West, concerning himself with the Oregon territory and the Texas question, advocating the annexation of California and seeking to aid the fur trade, the caravans to Santa Fe and the Continental railway scheme. He was very influential in the formation of the government's homestead policy. For a generation he was a leading exponent of Jacksonian democracy and the most authentic spokesman of the new West.

Benton was so staunch a Unionist and so lukewarm a defender of slavery that he lost control of Missouri politics in 1850 and was defeated for reelection to the Senate. Despite a term in the House of Representatives his political career was over. He devoted most of his remaining years to literary labors, among them the composition of his memoirs, *Thirty Years View* (New York 1854–56), which was a political history of the period as well as an autobiography, his *Historical and Legal Examination . . . of the Dred Scott Case . . .* (New York 1857) and an *Abridgement of the Debates of Congress, 1789–1856* (16 vols., New York 1856–61).

FREDERIC L. PAXSON

Consult: The materials needed for a sound biography of Benton were destroyed by the burning of his home. A brief sketch by Benton's daughter, Jessie, in Frémont, John C., *Memoirs of my Life* (Chicago 1886) p. 1–17; Meigs, William Montgomery, *The Life of Thomas Hart Benton* (Philadelphia 1904); Rogers, Joseph M., *Thomas Hart Benton* (Philadelphia 1905); Roosevelt, Theodore, *Life of Thomas Hart Benton* (Boston 1887): are all imperfect.

BEÖTHY DE BESSENYO, LEO (1839–86), Hungarian statistician, economist and sociologist. Although he was the son of a wealthy nobleman Beöthy chose a career of public service. He obtained employment with the state in 1867 and advanced to the position of assistant director of the Central Statistical Office in 1883. He organized the collection of data on foreign trade, railway traffic and mining and thus laid the foundation of these branches of statistics in Hungary. For twelve years he edited the yearbooks and other publications of the Central Statistical Office. In his economic work *Nemzetlét* (National existence, Budapest 1876) Beöthy championed protection as a necessary defensive weapon in the struggle of nations for existence. He was very critical of the classical school and emphasized the importance of nationality and national feeling. As a sociologist Beöthy is best known for his work on the origins of human society (*A társadalmi fejlödés kezdetei*, 2 vols., Budapest 1882), a rich source of descriptive-sociological and prehistoric materials. In attempting to solve inductively the problem of social origins he studied the development of the

chieftaincy, which he considered the oldest social institution, more ancient than the patriarchal family. He found that the development of various social formations was conditioned by degree of political organization. Where the latter became incompatible with the stage which society reached in its evolution, dissolution inevitably set in and new social forms took the place of old.

ALEXANDER L. KRISZTICS

BERCH, ANDERS (1711–74), Swedish economist, the founder of the academic study of economics in Sweden. In 1738–39 the parliament established a professorship in economics at Uppsala University, probably the fourth in Europe, and made Berch its first holder. While at Uppsala, Berch published an essay on political arithmetic (1746) in which he attempted unsuccessfully to apply the methods of Graunt and Petty to Swedish conditions. More remarkable, however, was his bulky volume on general economics, published in 1747, which constituted something of a new departure; it was translated into German (*Einleitung zur allgemeinen Haushaltung . . .* , Halle 1766) for use as a textbook. This treatise represents more than a discussion of detailed questions of practical economic policy, like the contemporary pamphlet literature in England, Holland and Sweden; it is also far more systematic and readable than most of the books of German cameralists. Its viewpoint is that of moderate Swedish mercantilism, but its conclusions are more general in character and of wider applicability than those of such representative German and French mercantilists as Dithmar, Lau and de la Mare. In a modest way he consequently belongs among the pathfinders of an independent economic science.

ELI F. HECKSCHER

BÉRENGER, ALPHONSE MARIE MARCELLIN THOMAS (1785–1866), French criminologist. He joined the "constitutional opposition" to the throne in 1828, in 1830 headed the parliamentary commission which tried the ministers of Charles X and in 1831 was appointed a member of the Court of Cassation. His supreme efforts throughout his life were directed toward reforming the methods of dealing with criminals. His *De la justice criminelle en France, d'après les lois permanentes, les lois d'exception et les doctrines des tribunaux* (Paris 1818) was a bold attack upon the abuses in the administration of justice under the Restoration. Citing with admiration the example of America and England, he demanded the cessation of administrative arbitrariness, the abolition of secret police, the dissolution of special tribunals, provost courts and military commissions and the restoration of the jury trial in their place. Under the July Monarchy Bérenger was largely responsible for the Penal Code of 1835, which reduced the number of crimes punishable by death and recognized the possibility of "extenuating circumstances" for the condemned. His *De la répression pénale, comparaison du système pénitentiaire en France et en Angleterre* (Paris 1855) was a comparative study undertaken at the instance of the Académie des Sciences Morales et Politiques and buttressed by statistics and psychological knowledge. Emphasizing the fact that punishment should be not only a deterrent but a means of reform, Bérenger advocated three phases of punishment: imprisonment, communal life, parole. Together with Charles Lucas he had founded in 1833 a society for the protection of young ex-convicts in the department of the Seine. His son, René Bérenger (1830–1915), who continued his work, was particularly interested in the regeneration of the criminal as well as in general prison reform, and important legislative enactments in this field are to be traced to his influence.

WILLIAM OUALID

Consult: Giraud, C., "Notice historique sur la vie et les travaux de M. Bérenger" in Institut de France, Académie des Sciences Morales et Politiques, *Mémoires*, vol. xiv (1883–84) 179–216. For the younger Bérenger: Joly, H., "René Bérenger" in *Revue des deux mondes*, 6th ser., vol. xxx (1915) 43–74.

BERGBOHM, KARL MAGNUS (1849–1927), German legal philosopher and international lawyer. He was professor successively at the universities of Dorpat, Marburg and Bonn. Influenced by his teacher, von Bulmerincq, who had begun the liberation of the law of nations in Germany from the political, moral and philosophical sentiments and abstractions which vitiated it, Bergbohm became the arch champion of positivism in international law. Treaties and the law of states he considered the only valid sources of international law and the only instrumentalities for its development. He drew a fruitful distinction between true "normative" treaties and those merely "negotiative." The codification of international law he regarded as hopelessly utopian. These ideas led naturally to his work on the treaties which established

the doctrine of armed neutrality, *Die bewaffnete Neutralität, 1780–83* (Berlin 1884).

Although he opposed the doctrine of natural law he recognized that jurisprudence had need of a philosophical basis. The philosopher of law, however, was to aim at the solution of those intellectual and theoretical problems without which positive law could achieve no unity. This is the object of the chief work to which he owes his fame, *Jurisprudenz und Rechtsphilosophie*, of which, however, only the first volume, *Das Naturrecht der Gegenwart*, was published (Leipsic 1892). Bergbohm may be regarded as the forerunner of the neo-Kantians.

ELEMÉR BALOGH

Consult: Hrabar, V. E., in *Zeitschrift für Völkerrecht*, vol. xiv (1928) 559–63.

BERGER, VICTOR LOUIS (1860–1929), American socialist leader. He was born in Austria-Hungary and studied at the universities of Budapest and Vienna. He came to the United States in 1878, worked at various trades, taught in the public schools of Milwaukee and from 1892 on devoted himself entirely to socialist politics and journalism, representing consistently the moderate wing of the movement. At the conventions of the American Federation of Labor which he attended as representative of the Milwaukee local of the International Typographical Union he was conspicuous among the "borers from within" in the Socialist opposition to Gompers. Together with Eugene V. Debs, whom he is said to have converted to socialism, Berger organized the Social Democratic party which in 1901, jointly with an insurgent wing of the Socialist Labor party, formed the Socialist party. As a leading member of the national executive committee of the latter party he steadily opposed the radical faction which was first led by William D. Haywood and which in recent years served as the basis for the Workers' party. He was the master mind and tactician of the party in Wisconsin; under his leadership it became a vital factor in state politics and has dominated the city administration of Milwaukee since 1910. In the same year Berger was elected to the House of Representatives, being the first Socialist to win election to Congress. He was again elected in 1918, but was denied his seat because of his outspoken stand against American participation in the World War. He was twice reelected by increased votes and on both occasions denied his seat by a war minded Congress. In 1918–19 he was tried before Judge Landis in Chicago on a number of indictments for anti-war speeches, found guilty and sentenced to twenty years in Leavenworth; the decision, however, was reversed by the United States Supreme Court in 1921. He was reelected to Congress in 1922 and served there for three successive terms, prominent as a strong advocate of remedial social legislation. Berger founded and edited the German daily *Vorwärts* (1892–98), the English weekly *Social Democratic Herald* (1901–11) and the daily *Milwaukee Leader*, of which he remained editor until his death.

J. B. S. HARDMAN

BERGH, HENRY (1811–88), American humanitarian and pioneer in animal protection. During a short diplomatic career in Europe he became acquainted with the work of the Royal Society for the Prevention of Cruelty to Animals. After his return to America in the face of much scoffing he organized in 1866 the American Society for the Prevention of Cruelty to Animals, of which he served as president until his death. Although the society was intended to engage in the work of protecting animals throughout the entire country, in practise it limited its efforts largely to New York City. In 1867 he sponsored, and persuaded the New York legislature to pass, an animal protective law. The New York Society for the Prevention of Cruelty to Animals attacked the cruel treatment of omnibus horses and of animals transported to abattoirs, and campaigned against cock and dog fights, against tail docking and other fashionable abuses of horses and against animal vivisection. It also established drinking troughs for horses in New York City.

Bergh was actively interested in preventing medical experiments on animals. He had endeavored in vain to have such experimentation prohibited in the animal protective law of 1867. After a long campaign he placed an antivivisection bill before the New York legislature, but failed to obtain its passage.

Shocked by a particularly flagrant case of adult brutality toward a child—the Mary Ellen case—in 1875 Bergh and his humanitarian associates launched the New York Society for the Prevention of Cruelty to Children, thus inaugurating the organized movement for child protection in the United States.

WILLIAM J. SHULTZ

Consult: Coleman, Sydney H., *Humane Society Leaders in America* (Albany 1924) ch. ii; McCrea, Roswell C., *The Humane Movement* (New York 1910) p. 147–56.

BERING SEA CONTROVERSY. *See* FISHERIES.

BERKELEY, GEORGE (1685–1753), Bishop of Cloyne, British philosopher, economist and political theorist. Berkeley was educated at Trinity College, Dublin, where he received the impetus of the new philosophy of Newton and Locke. His *Essay towards a New Theory of Vision* (1709) showed that vision was not the reception of external objects but the mind's interpretation of visual signs. This theory was developed in his *Treatise concerning the Principles of Human Knowledge* (1710), the conclusion of which was that the world is real only in so far as it is the experience of some percipient mind, which mind was held to be God. Berkeley enlarged continually upon the theme until in the *Siris* (1744) it became full fledged neo-Platonism of the English type.

Since the core of this philosophy is the ubiquity of the Deity, Berkeley's writings on political and ethical problems are based upon man's relations to God. Thus in *Passive Obedience* (1712) he attempts to prove that resistance to government is wicked on the ground that it is resistance to the moral law as personified in God. Berkeley directed this treatise mainly against Locke's theory that rebellion is justified when government ceases to protect and realize the public weal. He argued that only the will of God could declare what was beneficial to the public weal, that His will was found in the "laws of nature," to be sure, but that these laws were not to be discovered outside religion. Berkeley's ethics was very similar. In *Alciphron* (1732) he attacks the "minute philosophers," Shaftesbury, Mandeville and Collins, whom he likens to the French libertines, founding morality on "public benefit" or "taste." In reality, he says, they are apologists for vice and the true morality must be founded upon a belief in God, whose existence is the guaranty not only of the reality of the perceptible world but also of the moral.

As an economist Berkeley, although he produced no systematic treatise, threw out a number of original and significant suggestions in the *Querist* (1735–37) which give him a place as a forerunner of Adam Smith in the transition from mercantilism to a more rational economic creed. This work, written soon after Berkeley arrived in Ireland and while he was freshly impressed with its economic conditions, is concerned primarily with the possibility of improving them through the encouragement of industry and the promotion of a national bank whose chief function was to be the circulation of funds to supply tools and materials for work. The theme of the *Querist*—the encouragement of industrial production and population growth and the discouragement of unproductive consumption, speculation and idleness—found expression also in his *Essay toward Preventing the Ruin of Great Britain* (1721), written soon after the failure of the South Sea scheme.

GEORGE BOAS

Works: *The Works of George Berkeley*, ed. by A. C. Fraser, 4 vols. (Oxford 1901), containing prefaces, annotations, appendices and biography.

BERLIN-BAGDAD RAILROAD. *See* TRANSPORTATION; WORLD WAR.

BERLIN, CONGRESS OF. *See* NEAR EASTERN PROBLEM.

BERLINER, ABRAHAM (1833–1915), Jewish historian. He was born in Prussian Posen and received a thorough rabbinic training but no secular schooling. In 1865 he moved to Berlin where in 1873 he was appointed docent and later professor of Jewish history and literature and librarian at the newly founded Rabbinical Seminary. He founded in 1874 the *Magazin für jüdische Geschichte und Literatur* (continued from 1876–93 as the *Magazin für die Wissenschaft des Judentums*) and in 1885 together with David Kaufmann revived the society Mekize Nirdamim for the publication of mediaeval literary and historical manuscripts.

Berliner's scholarly activities ranged over a vast field of Jewish history and literature. Of particular importance were his pioneering investigations into the social history of the Jews in the Middle Ages. He regarded the mediaeval life of the Jews as extending well into the eighteenth century and drew his information chiefly from rabbinical sources of the fifteenth, sixteenth and seventeenth centuries, particularly from the different collections of *minhagim* (local customs) and *responsa*. His work lacks a genuinely historical appreciation of social and economic phenomena and of the relation between Jewish and general European history.

SALO BARON

Important works: *Aus dem inneren Leben der deutschen Juden im Mittelalter* (Berlin 1871, 2nd ed. 1900); *Persönliche Beziehungen zwischen Christen und Juden im Mittelalter* (Halberstadt 1881); *Aus den letzten*

Tagen des römischen Ghetto (Berlin 1886); *Über den Einfluss des ersten hebräischen Buchdrucks auf den Cultus und die Cultur der Juden* (Berlin 1896); *Geschichte der Juden in Rom*, 2 vols. (Frankfort 1893).

Consult: Grünberg, S., *A. Berliner* (in Hebrew)(Berlin 1912); Eppenstein, S., "Abraham Berliners wissenschaftliche Wirksamkeit" in *Jeschurun*, vol. ii (1915) 457–80; Nobel, N. A., Freimann, A., and Marx, A., in *Jüdische Presse*, vol. xxxiv (1903) 219–22.

BERNARD OF CLAIRVAUX (1090–1153), monastic reformer, church statesman and theologian. Bernard was the chief propagator, although not the founder, of the Cistercian order, a strictly reformed branch or type of Benedictine monasticism, and the greatness and work of the order are indirectly his. The insistence of the Cistercians on manual labor and solitude made them colonizers of uncultivated districts like northeast Germany and like northern England where they practised sheep farming. They received uneducated men as *conversi* or lay brothers, and the federation of their monasteries under a general chapter became a general model of future monastic organization. Like Gregory the Great, Bernard was a contemplative forced into action. Without official position, through sheer greatness of character, he came to be the controlling religious force in Europe, traveling, preaching irresistibly, healing a papal schism, urging a crusade (*cf.* his *Epistolae*). His *De consideratione*, addressed to the Cistercian, Pope Eugenius III, is an "examination of conscience of the Papacy," a loyal yet candid statement of the responsibilities and dangers of centralization. For the guidance of a bishop he wrote *De moribus et officio episcoporum*, for monks *De praecepto et dispensatione*. In *De laudibus novae militiae*, while praising the Templars' defense against the infidel, he vigorously condemned the prevalent warfare between Christians. The last of the patristic, positive theologians, he opposed the nascent scholasticism of Abélard. His own doctrine, mainly embodied in his *Sermones*, has had an enormous influence, particularly in developing affective piety and mystical theology.

W. A. PANTIN

Works: *Opera omnia*, ed. by J. Mabillon in J. P. Migne, *Patrologia latina*, 221 vols. (Paris 1844–65) vols. clxxxii–clxxxv, tr. by S. J. Eales as *Life and Works of Saint Bernard*, 4 vols. (London 1889–96).

Consult: Vacandard, E., *Vie de Saint Bernard, Abbé de Clairvaux*, 2 vols. (4th ed. Paris 1920); Coulton, G. G., *Five Centuries of Religion*, 2 vols. (Cambridge, Eng. 1923–27) vol. i; Berlière, U., *L'ordre monastique* (3rd ed. Lille 1924) ch. vi, containing a good bibliography; Pourrat, P., *La spiritualité chrétienne*, 3 vols. (4th ed. Paris 1921–27), tr. by W. H. Mitchell and S. P. Jacques, 2 vols. (London 1922–24) vol. ii, ch. i and ii; Butler, C., *Western Mysticism* (2nd ed. London 1927).

BERNER, ALBERT FRIEDRICH (1818–1907), German jurist and criminologist. Berner was professor of criminal law at the University of Berlin (1848–99) and took an active and important part in the codification of the criminal law of the German Empire. He began as a strict Hegelian and his first work *Grundlinien der kriminalistischen Imputationslehre* (Berlin 1843) and its sequel *Die Lehre von der Teilnahme am Verbrechen* (Berlin 1847) still show the influence of Hegel's dialectics. As early as 1845, however, he had begun to break away from Hegel's absolute view of the criminal law and thereafter, although still under his influence, he always sought to reconcile the relative and absolute theories of punishment. He substituted for Hegel's doctrine of punishment as the ideal cancellation of wrong the doctrine of punishment as retribution. This was the result of the compromising influence of French law upon him, which may especially be traced in his *Wirkungskreis des Strafgesetzes nach Zeit, Raum und Personen* (Berlin 1853), a comparative study of extradition. These tendencies are fully manifested in his chief work, the *Lehrbuch des deutschen Strafrechts* (Leipsic 1857), which by 1898 had gone through eighteen editions exhibiting a progression in Berner's thought toward practical use rather than philosophical content. Eventually Berner even came to hold that acquaintance with actual penal institutions is of more value to the criminalist than the study of philosophical abstractions. Nevertheless, although Berner was one of the first in Germany to oppose capital punishment and to favor special treatment for young offenders, his Hegelianism prevented him from entertaining any thoroughgoing views of limited criminal responsibility.

ELEMÉR BALOGH

Consult: Stintzing, R., and Landsberg, E., *Geschichte der deutschen Rechtswissenschaft*, 3 vols. (Munich 1880–1910) vol. iii, pt. ii, p. 680–87.

BERNHARDI, THEODOR VON (1802–87), German economist and historian. He was active in the Prussian diplomatic service and published a number of historical works. He is best known, however, for his *Versuch einer Kritik der Gründe, die für grosses und kleines Grundeigenthum angeführt werden* (St. Petersburg 1849; 2nd ed. with

a preface by Karl Diehl, Leipsic 1925). Beginning with the problem of large versus small scale production in agriculture, Bernhardi analyzes the contention advanced by many English classical economists that superior productivity results from large agricultural units. He holds that what is most important as a criterion of policy in this connection is not the net economic return nor even the gross return, but the bearing of the organization of agricultural production on the ultimate interests of society as a whole. He takes this opportunity for a keen and detailed criticism of the classical stand on such fundamental questions of economic theory as value, price, capital, income, rent. As he reaches the special subject of his work, the expediency of unrestricted alienation of landed property, Bernhardi takes the comparative historical viewpoint. He describes historical and contemporary conditions in Italy, England, Ireland and parts of Germany, utilizing the best sources available during his time. On the basis of these studies of actual experiences with a variety of land systems, Bernhardi concludes that unrestricted division of land often leads to the formation of a rural proletariat and the growth of equally unsound latifundia. The goal of agrarian policy, he maintains, should be a well balanced system of small, medium sized and large land holdings, flourishing beside one another.

KARL DIEHL

Consult: Demuth, Fritz, *F. Th. von Bernhardi. Ein Beitrag zur Geschichte der Nationalökonomie des 19. Jahrhunderts* (Jena 1900); Skalweit, August, *Agrarpolitik* (2nd ed. Berlin 1924) p. 224–28.

BERNOULLI, a family of Swiss mathematicians who made important contributions to the theory of probability. Jacques Bernoulli (1654–1705) was the first to establish the theory of probability on a scientific basis and to recognize the possibility of its application to social phenomena. In the fourth, unfinished, part of *Ars conjectandi* (Basel 1713; the only complete translation is in German by R. Haussner, 2 vols., Leipsic 1899), the great work on which he labored for twenty years, he formulated and completely proved the famous Bernoulli theorem: "If in each of a given series of experiments there are r contingencies favourable to a given event out of a total number of contingencies t, so that $r \div t$ is the probability of the event at each experiment, then, given any degree of probability c, it is possible to make such a number of experiments that the probability, that the proportionate number of the event's occurrences will lie between $(r + 1) \div t$ and $(r - 1) \div t$, is greater than c" (as translated in J. M. Keynes, *A Treatise on Probability*, London 1921, p. 340). The importance of this theorem can scarcely be overstated. It was developed and more precisely defined by de Moivre, Montford, Stirling, Bayes and Laplace and formed the basis of Poisson's law of large numbers. It was the first expression of the basic idea of modern statistics, namely, that in dealing with a large number of events it is possible to reduce their occurrence to general laws even though each event if taken separately may be unpredictable. While earlier tentative formulations of the probability calculus by Pascal, Fermat and Huyghens were applied merely to games of chance, Bernoulli stated that in *Ars conjectandi* he would demonstrate the employment of probabilities in dealing with social, moral and economic phenomena.

Nicholas Bernoulli (1687–1759) was the nephew of Jacques and of another distinguished mathematician, Jean Bernoulli (1667–1748), who solved several interesting questions of probability theory. Beginning in 1709 Nicholas attempted by using Huyghens' methods to establish mathematically certain probabilities in the field of vital and criminal statistics. For example he estimated the time interval sufficient to consider an absent person legally deceased, the premium for insuring to a girl a dowry or an annuity from the day of her marriage, the probability of the truth of different types of testimony and of the guilt of an accused person. This type of research was later developed by Poisson and Cournot as a study of the probability of judgment.

Daniel Bernoulli (1700–82), the son of Jean, applied the probability calculus to astronomical problems. He treated errors of observation as a branch of the science of probabilities. In the field of social statistics he attempted to give a precise numerical evaluation of the influence of inoculation on longevity. The value at which he arrived, the prolongation of life by three years, was, despite the insufficiency of data and resort to hypotheses, identical with the calculations made forty years later by Duvillard, who relied on a comparison of mortality tables before and after the discovery of the vaccine. He also established the average duration of marriage in relation to the ages of the husband and wife, and studied sex ratios at birth.

MAURICE HALBWACHS

Consult: Merian, Peter, *Die Mathematiker Bernoulli*

(Basel 1860); Gouraud, Charles, *Histoire du calcul des probabilités* (Paris 1848); Todhunter, Isaac, *A History of the Mathematical Theory of Probability* (London 1865).

BERNSTEIN, ARON (1812–84), German journalist. Bernstein, a native of Danzig, studied to be a rabbi but soon came to Berlin to take up journalism. He was a leading representative of that influential group of German Jews who combined political with religious radicalism. Bernstein signed the famous *Aufruf* of 1845 and otherwise participated in establishing the Berlin Jewish reform congregation. He was a "forty-eighter" and, when reaction threatened in 1849, he founded the *Urwählerzeitung*, Berlin's first democratic paper, in order to arouse and direct popular sentiment in defense of the revolution. The paper was suppressed in 1853 after Bernstein had served a prison sentence, whereupon he established with Franz Duncker the *Berliner Volkszeitung*, "Organ für Jedermann aus dem Volke," which numbered among its contributors many important radicals. Bernstein was gifted with an unusual power of clear exposition of difficult political, economic and social problems, and his presentation of them in a simple, lively manner was extremely popular and influential among the lower classes. His journalistic writings, which dealt with natural science and general culture as well as politics and economics, introduced his readers to the main stream of current ideas and affairs and set a model of broad intellectual interest which subsequent radical journals on the continent have continued to follow. Many of his editorials were collected under the title *Revolutions- und Reaktionsgeschichte Preussens und Deutschlands von den Märztagen bis zur neuesten Zeit* (3 vols., Berlin 1882). He also published several books of Biblical criticism, a number of ghetto stories and a popular manual of natural science which was frequently reprinted.

KURT ZIELENZIGER

Important works: *Aus dem Jahr 1848* (Stuttgart 1873); *1849: Verfassungskämpfe und Kabinets-Intriguen* (Stuttgart 1874); *Bis nach Olmütz* (Stuttgart 1874); *Die Jahre des Volkes* (Stuttgart 1873, 2nd ed. 1875); *Die Jahre der Reaktion* (Berlin 1881); *Schulze-Delitzsch: Leben und Wirken* (Berlin 1879).

Consult: Bernstein, Eduard, *Von 1850 bis 187-* (Berlin 1926) p. 4–6, 212–13; Salomon, L., *Geschichte des deutschen Zeitungswesen*, 3 vols. (Oldenburg 1900–06) vol. iii, p. 559–61; Lazarus, I., "Die Berliner Presse" in Verein für die Geschichte Berlins, *Mitteilungen*, vol. xxv (1908) 254–55.

BERNSTORFF, ANDREAS PETER (1735–97), Danish statesman. He was brought into the Danish service in 1758 by his uncle, J. H. E. Bernstorff, and was rapidly promoted. Oracular and self-sufficient, and surpassing his uncle in strength of character and capacity for business, he served the state as devotedly as the elder statesman had served the king. He was dismissed with the fall of his uncle in 1770, but the overthrow of Struensee, whose doctrinaire reforms had subverted almost every institution, led to the recall of the younger Bernstorff in November, 1772. He held nine important offices, involving business in the treasury, board of trade and foreign office. Under Guldberg he remained prominent until 1780, when he was sacrificed to the demands of Danish nationalists and of Russia. Recalled by the crown prince when the latter triumphed over the reactionaries in 1784, he ruled as premier until his death in 1797. Although he was a great German landed proprietor and the husband of a Stolberg, he served Denmark most loyally and in his later years won the hearts of the merchants of Copenhagen. Thus while continuing his uncle's success in avoiding war he could go beyond him in diffusing liberal ideas. He championed neutral rights with lasting effect. A friend of freedom, he did much to create the atmosphere in which after 1784 it blossomed in Denmark. Peasant emancipation, the creation of individual holdings, the abandonment of cruel punishments, the abolition of the slave trade (1792), the furtherance of education and of the freedom of the press—all these may be credited to his administration. Under a lunatic king he raised the prestige of the crown and promoted the social unity which Denmark sorely needed.

W. F. REDDAWAY

Consult: Friis, Aage, *Bernstorfferne og Danmark*, 2 vols. (Copenhagen 1903–19), vol. i tr. into German by F. F. W. Buhl (Leipsic 1905); *Bernstorffske Papirer*, ed. by A. Friis, 3 vols. (Copenhagen 1904–13) published in both Danish and German; Linvald, A., "Oplysningens Tidsalder" (Age of Enlightenment) in *Det danske Folks Historie*, ed. by A. Friis, A. Linvald and M. Mackeprang, 8 vols. (Copenhagen 1926–29) vol. vi, p. 1–193.

BERNSTORFF, JOHAN HARTVIG ERNST (1712–72), Danish statesman. A Hanoverian nobleman by birth, he served Denmark from 1732 until 1770. After 1751 he had almost entire control of foreign affairs; at the same time he exercised considerable influence over the internal administration. From 1752 to 1767 he

played a great part in the centralized direction of trade and industry, while at least until the change of king in 1766 he represented the small group of councilors who really ruled the nominally autocratic state. Thus for nearly twenty years his personality and ideas were to a great degree predominant in Denmark.

A courtly, dapper little man, well educated by tutors, books and travel, eminently virtuous, kindly and Christian, he nevertheless sometimes failed, both as a man and as a statesman, to appreciate sordid facts. However, he brought a breath of European culture and an example of energy, incorruptibility and goodness into a narrow and sluggish society. Regarding war, if avoidable, as the worst of evils, he kept Denmark from intervention even in the Seven Years' War. He actively endeavored to increase Danish commerce, manufactures and shipping, and showed sympathy with the hard lot of the serfs. On the other hand, regarding himself as the servant of God's anointed, he did little to check the flagrant vices and profuse expenditures of the kings. Accepting the existing divisions of society, Bernstorff increased still further the burden of oppressive taxation. He failed to realize his own incompetence in economic matters and apparently wasted state treasure. A foreigner himself, he was blind to the latent strength of Danish patriotism. Thus he fell almost unlamented.

W. F. REDDAWAY

Consult: Friis, Aage, *Bernstorfferne og Danmark*, 2 vols. (Copenhagen 1903–19), vol. i tr. into German by F. F. W. Buhl (Leipsic 1905); *Bernstorffske Papirer*, ed. by A. Friis, 3 vols. (Copenhagen 1904–13) published in both Danish and German; Linvald, A., "Oplysningens Tidsalder" (Age of Enlightenment) in *Det danske Folks Historie*, ed. by A. Friis, A. Linvald and M. Mackeprang, 8 vols. (Copenhagen 1926–29) vol. vi, p. 1–193.

BERT, PAUL (1833–86), French colonial administrator and educational reformer. He was a professor of physiology but the Revolution of 1870 led him into politics. Here he became famous as an advocate of compulsory, free and lay instruction—a triad of educational principles soon adopted by the Third Republic. In January, 1886, he was appointed *résident-général* of Annam and Tonkin in order to test the colonial theory of Jules Ferry. By the time of his death in the following November he had demonstrated the efficacy of the protectorate scheme as opposed to the usual French method of assimilation, and had made his policy a tradition in colonial annals. His influence was out of all proportion to the changes he introduced or to the actual events of his administration. When he set out to substitute for the reigning empiricism a scientific organization of the colonies, he found Annam in revolt and control of Tonkin confined to the Red River delta. He won over the royal figurehead and the governing *literati* in Annam, and expelled the hated foreign mandarins from Tonkin. In a position which seemed to call for Gatling guns rather than elections, Bert with the audacity of genius summoned representatives of the provinces of Tonkin (a Council of Notables) to discuss national problems. He set up a Tonkin Academy to train native administrators who would be friendly to the French and who would possess the *imprimatur* of culture so essential in a Chinese country. He made of his *résidents* merely protectors and supervisors, and all laws had to reconcile the interests of the natives with the needs of moderate progress. These reforms were all accomplished within six months. After his death there was a reaction against his policies and even his own followers in Indo-China deserted his principles. But his theory remained and was transferred through Gallieni to Lyautey and the present school of colonial administrators.

STEPHEN H. ROBERTS

Consult: Ducloz, J., "L'enfance et la jeunesse de Paul Bert" in Société des Sciences Historiques et Naturelles de L'Yonne, *Bulletin*, vol. lxxviii (1924) 5–105; Chailley-Bert, J., *Paul Bert au Tonkin* (Paris 1887); Roberts, S. H., *History of French Colonial Policy (1870–1925)*, 2 vols. (London 1929) vol. ii, p. 439–45; Basch, V., "Paul Bert et l'oeuvre scolaire de la République" in *Grande Revue*, vol. xiii (1900) 593–632.

BERTILLON, ALPHONSE (1853-1914), founder of the science of criminal identification. He began his career in the Paris police department as clerk in 1878 and later became the organizer and chief of its Service d'Identité Judiciaire. Before his time positive identification of recidivists was frequently impossible. Branding had been abolished; the "rogues' gallery" had failed. Inspired by Quételet, Bertillon devised a system of identification based on the facts that in mature men the skeletal structure remains unchanged, its dimensions can be accurately measured externally and so many such measurements can be taken that errors in identification are avoided. Finally, these measurements can be easily classified. His system was officially adopted in France in 1888 and rapidly spread to other countries. He later improved it

by adding to its eleven body measurements chromatic notations on eyes, hair and beard, and descriptions of scars, marks and deformities (*Identifications anthropométriques: instructions signalétiques*, Melun 1885, 2nd ed. 1893; English translation Chicago 1896). Certain defects in the system, especially the difficulty of applying it to women and physically immature persons, forced him to make use of fingerprints, but the dactyloscopic method, which was later to displace his own, was to him only a supplementary device.

Bertillon's contributions to the technique of criminal investigation were also significant. Mention should be made of the "descriptive portrait" (*le portrait parlé*), the standardized photograph and the metric photograph (*La photographie judiciaire*, Paris 1890; English translation New York 1897).

THORSTEN SELLIN

Consult: Lacassagne, A., in *Archives de l'anthropologie criminelle*, vol. xxix (1914) 161–66, containing a fairly complete bibliography of Bertillon's writings; Locard, E., "L'oeuvre d'Alphonse Bertillon" in *Archives de l'anthropologie criminelle*, vol. xxix (1914) 167–86; Borgerhoff, T., in *Bulletin et mémoires de la Société d'Anthropologie de Bruxelles*, vol. xxxiii (1914) 79–93; Stockis, E., in *Archives internationales de médecine légale*, vol. v (1914) 186–91; Heindl, Robert, *System und Praxis der Daktyloskopie und der sonstigen technischen Methoden der Kriminalpolizei* (3rd ed. Berlin 1927).

BERTILLON, JACQUES (1851–1922), French statistician and sociologist. He was trained for the profession of medicine but early devoted himself to work in the field of vital statistics. He succeeded his father, Louis-Adolphe Bertillon, as director of the municipal statistical bureau of Paris (1883–1913) and as professor of demography at the École d'Anthropologie. Later he taught demography at the Collège Libre des Sciences Sociales, which he helped to found in 1895. During the World War he superintended the work of collecting and arranging the statistics of French war losses.

Bertillon is notable chiefly for his efforts, through the International Institute of Statistics, to induce different nations to adopt similar classifications and methods of treating statistical material. In 1893 he recommended an international classification of the causes of death; this classification, of which there were to be three forms—an abridged, an intermediate and a detailed—combined the features of the most generally used national systems. The "Bertillon classification" was revised in 1900 and 1909 under his direction; a further revision was made in 1920.

Bertillon was equally interested in the problem of French depopulation. In 1896 he helped to found the Alliance Nationale pour l'Accroissement de la Population Française. He published a number of works on the subject and in 1910 prepared a report for the first French commission on depopulation, in which he furnished an analytic description of the causes, consequences and remedies for the decline of the French birth rate. He considered as chief causes exaggerated thrift, the burdensomeness of large families, the peculiarity of French inheritance law and custom, and "social capillarity." In 1918, together with Paul Coquemard, he founded *La femme et l'enfant*, a magazine of propaganda for an increase in the birth rate and for special protection to be afforded for large families. He was made a member of the Conseil Supérieur de la Natalité immediately following its establishment in 1920.

Bertillon was a prolific author. His works include a number of books concerned with population statistics, a general course of statistics and over three hundred articles in *L'annuaire statistique de la ville de Paris*, of which he was editor, in the *Journal* of the Société de Statistique de Paris and in other periodicals.

JOSEPH J. SPENGLER

Important works: *Statistique humaine de la France* (Paris 1880); *Étude démographique du divorce* (Paris 1883); *Atlas de statistique graphique de la ville de Paris en 1888* (Paris 1890); *Cours élémentaire de statistique administrative* (Paris 1895); *L'alcoholisme et les moyens de le combattre* (Paris 1904, 3rd ed. 1911); *Le problème de la dépopulation* (Paris 1897); *La dépopulation de la France* (Paris 1911).

Consult: Barriol, A., in Société de Statistique de Paris, *Journal*, vol. lxiii (1922) 267–69; Bourdon, Jean, in *Revue d'économie politique*, vol. xxxvi (1922) 638–42.

BERTILLON SYSTEM. *See* CRIME; IDENTIFICATION.

BERTIN, LOUIS FRANÇOIS (1766–1841), French journalist. With his brother, Bertin de Vaux (1771–1842), he bought in 1800 the *Journal des débats*, then an undistinguished newspaper which had been founded in 1789. Napoleon I subjected the paper to rigorous censorship, changed its name to *Journal de l'empire* and finally in 1811 confiscated it. After Waterloo Bertin returned to his "petit royaume" and gave powerful support to the Bourbon monarchy until he found its policy inconsistent with his ideal of constitutional government. The breach which began under the ministry of Villèle be-

came complete after the appointment of Polignac. After the July Revolution the *Journal des débats* once more supported the government. Bertin exerted a powerful influence not on the masses but on the intellectual élite; "we write," he said, "only for five hundred persons in Europe." He was the guide of that vital fraction of the French bourgeoisie which from 1815 to 1848 sought to perpetuate the best achievements of the French Revolution. Like that bourgeoisie he was friendly to progress but at the same time deeply attached to social order. In order to meet the growing interests of his public Bertin gave much space to the great economic changes of the time and made other innovations in the French press. He was one of the first to perceive the importance of the editorial and of advertising; he did much to further the development of the *roman feuilleton*; and through literary and dramatic criticism he exercised a considerable intellectual influence. When Bertin died the *Journal des débats* was, in the phrase of J. J. Weiss, a European institution.

ANDRÉ MORIZE

Consult: *Le livre du centenaire du journal des débats: 1789–1889* (Paris 1889) p. 14–47, 69–96, 158–91; Pereire, A., *Le journal des débats politiques et littéraires, 1814–1914* (Paris 1914) p. 1–102, containing a bibliography.

BESELER, KARL GEORG CHRISTOPH (1809–88), German jurist and political leader. He was born in Schleswig-Holstein, graduated from the University of Kiel in 1833 and taught at Basel, Rostock, Greifswald (1842–59) and Berlin (after 1859). In Greifswald he completed his three-volume work, *Die Lehre von den Erbverträgen* (Göttingen 1835–40), which established his reputation as one of the leading "Germanists." In his *Volksrecht und Juristenrecht* (Leipsic 1843) he made a plea for the study of the indigenous element in German law and legal practise, which involved him in a violent feud with Puchta. The completion of his principal work, *System des gemeinen deutschen Privatrechts* (3 vols., Leipsic and Berlin 1847–55; 4th ed., 2 vols., Berlin 1885), was interrupted for some time because of his participation in the reform movement of 1848. He played a prominent part in the Frankfort national assembly and was a member of the deputation that offered the imperial crown to the king of Prussia. In the Prussian lower chamber (1849–52) he did particularly commendable work in connection with the Prussian penal code of 1851. Later on he represented the University of Berlin in the Prussian upper chamber. His importance as a jurist lies partly in the fact that he succeeded in incorporating in the national legal system the ideas he derived from his researches in the history of German law. It is even more significant, however, that he introduced into legal thinking the idea of the corporate association derived from old German law and thereby became the "father of the association theory," which was subsequently elaborated and completed by his great disciple, Otto von Gierke.

RUDOLF HÜBNER

Consult: Beseler's own memoirs, *Erlebtes und Erstrebtes, 1809–1859* (Berlin 1884); Hübner, R., in *Allgemeine deutsche Biographie*, vol. xlvi, p. 445–72; Stintzing, R., and Landsberg, E., *Geschichte der deutschen Rechtswissenschaft*, 3 vols. (Munich 1880–1910) vol. iii, pt. ii, p. 507–19.

BESOLD, CHRISTOPH (1577–1638), German political scientist. Besold became professor of jurisprudence at Tübingen in 1610 and at Ingolstadt in 1637. He was a typical polyhistorian, combining an erudition in history, philosophy and law with the knowledge of many languages. As a great teacher he counted among his pupils many German statesmen and jurists, and his ninety-two works prove that he was a prolific writer as well.

In his political writings he was a protagonist of absolute monarchy and of Bodin's theory of sovereignty. He opposed Machiavellism, however, and warned rulers against being too tyrannical. After his conversion to Catholicism he championed vigorously the doctrines of his new faith. Besold's few works on economic questions associate him with such writers as Bornitz, Klock and Faust, the legal school of seventeenth century fiscal writers. Since he was a jurist rather than an economist he cannot be regarded as a mercantilist or cameralist. He denied the sterility of money capital and approved of interest charges, contending that legal limitation of the rate of interest and the operation of a public pawnbroking establishment would eliminate usurious practises. He insisted on the importance of accumulating a public treasure, for the increase of which he advised the use of fines, regalia and bequests and also contributions from prosperous citizens. He looked with favor on customs duties and advocated the continuance of the guilds, which should be prevented, however, from any agreement tending toward monopoly. Although in-

significant as an economist, Besold is of considerable importance in the history of fiscal science.

KURT ZIELENZIGER

Important works: *Collegium politicum* (Tübingen 1614); *De aerario publico discursus* (Tübingen 1615); *Politicorum libri duo* (Frankfort 1620); *Discursus politici* (Strasbourg 1623).

Consult: Roscher, Wilhelm, *Geschichte der Nationalökonomik im Deutschland* (Munich 1874) p. 195–205; Zielenziger, Kurt, *Die alten deutschen Kameralisten* (Jena 1914) p. 123–25.

BESTUZHEV-RIUMIN, KONSTANTIN NIKOLAYEVICH (1829–97), Russian historian. He studied at the University of Moscow (1847–51) under a number of gifted young historians and jurists who strengthened his interest in Russian history. After graduation he became a private tutor and later taught for some time in secondary schools. During the period of journalistic activity which followed he gained such prominence as a writer of critical historical reviews and as a translator of foreign historical works that he was selected to succeed Kostomarov as professor at the University of St. Petersburg. He lectured there for seventeen years, until severe illness forced him to retire. From 1878 to 1881 he was director of the Higher School for Women, and in 1890 he was elected member of the Russian Academy of Sciences.

Bestuzhev-Riumin was one of the most outstanding representatives of the reaction against the trends then dominating Russian historiography which derived the course of history from a single determining principle. He recognized the motley character of Russian historical development and explained it by the multiplicity of interacting factors. Following the tradition of Schlözer and Pogodin, he concentrated his attention on the critical examination of the sources and of the controversial historical hypotheses. It is significant that he was granted an honorary degree for his monograph on Russian chronicles to the end of the fourteenth century (St. Petersburg 1868). His work on the history of Russia (vol. i, St. Petersburg 1872; first part of vol. ii, 1885) begins with a lengthy introduction devoted to a critical survey of sources and historiography. He brings the story down to the end of the sixteenth century and, in contrast to the historians of the "state" school, devotes considerable space to cultural history.

V. MIAKOTIN

Consult: Shmurlo, E., in *Severny Vestnik*, vol. xii (1897) nos. 4, 5, 6 and 8.

BETHMANN HOLLWEG, THEOBALD VON (1856–1921), German statesman. Bethmann was greatly influenced by the commercial and agrarian activities of his family, and by the bureaucratic condition in which he grew up. He began his career in the Prussian civil service, became minister of the interior (1905), imperial secretary of state for the interior (1907) and finally in 1909 was called by Wilhelm II to succeed Bülow as imperial chancellor. As chancellor Bethmann Hollweg was most successful in his moderating influence on the Kaiser. The specific features of his internal administration included the continuation of policies he had already planned, such as the comprehensive insurance law (1911) and the unsuccessful attempt to democratize the Prussian franchise (1910), the granting of greater autonomy to Alsace-Lorraine (1911) and the financing of necessary armament increases (1911–13). In foreign affairs he found a hostile group of powers encircling Germany, but was opposed to a militaristic program and desired peace in Europe. He reversed Bülow's policy of unlimited support of Austrian schemes in the Balkans and retarded the building of warships. He broke through economic "encirclement" by the agreement with Russia (1910–11) and with England (1912–14) but failed to obtain non-aggression pacts from them because of the opposition of France within the Entente. The Morocco crisis of 1911, engineered by Kiderlen-Wächter and brought to a peaceful issue by Bethmann and the Kaiser, poisoned Franco-German relations. Toward Austria Bethmann's position was that Germany was not bound to support her in Balkan adventures, no "vital interests" being at stake; but in 1914 he agreed with Wilhelm II that the existence of the Austro-Hungarian monarchy was imperiled and that Germany must support her in punitive action against Serbia even if Russia intervened. He and Jagow tried to limit Austria's action to punishment rather than aggression, and insisted finally that Austria stop at Belgrade and accept the English plan of mediation. Russian mobilization, however, made war inevitable. During the war Bethmann's program included electoral reform in Prussia, restricted submarine warfare and a conciliatory peace. Unsuccessful in these he remained in office only to moderate policies he considered unsound, but was forced out in July, 1917, by Ludendorff and Hindenburg.

Bethmann Hollweg's chancellorship was a failure not because his policies were superficial

but because events moved too rapidly for his long-run methods. Humble, serious and factual, he scorned the arts of the demagogue. His lack of humor prompted solemn answers to his critics at home and abroad. He had a Kantian sense of responsibility and belief in the power of the intellect that survived the disillusioning experience of public life.

M. H. COCHRAN

Consult: Bethmann-Hollweg, T., *Betrachtungen zum Weltkrieg*, 2 vols. (Berlin 1919–21), vol. i tr. by George Young (London 1920), and *Kriegsreden* (Stuttgart 1919), with historical introduction by F. Thimme; Hammann, Otto, *Bilder aus der letzten Kaiserzeit* (Berlin 1922); Hartung, Fritz, in *Deutsches Biographisches Jahrbuch*, vol. iii (Stuttgart 1927) p. 21–41; Fay, S. B., *The Origins of the World War*, 2 vols. (New York 1928).

BÉTHUNE, MAXIMILIEN DE. *See* SULLY, DUC DE.

BETSKY, IVAN IVANOVICH (1704–95), Russian educator. Betsky, who was the illegitimate son of a Russian noble, Prince Trubetskoy, spent his youth in Copenhagen and Paris and later resided for a long time in various European capitals. At the age of sixty he was called by Empress Catherine II to take charge of educational affairs in Russia. An ardent admirer of the pedagogic theories of Montaigne, Locke and Rousseau, he attempted to put them into practise in the two St. Petersburg confined-residence schools for boys and girls of the nobility, modeled by him after St. Cyr. He hoped that by separating the pupils from their coarse family environment for the entire period of their education and by bringing them up according to the principles of advanced pedagogy, he would raise a new breed of people and eventually effect a moral regeneration of society. Sound emotional and moral training was to be emphasized in preference to merely intellectual instruction; teaching, adapted to the peculiarities of the individual student, was to be conducted in an atmosphere of gayety and joy without resort to compulsion. Along the same lines Betsky also organized and directed the House of Education in Moscow for orphaned, illegitimate and abandoned children; it served later as a model for similar establishments in the provinces. The pupils of this house and of the schools founded by Betsky for the children of handicraftsmen and merchants were after graduation protected by special privileges from some of the worst evils of the Russian political and social system. Although actual practise fell far short of Betsky's aspirations he is important for the bold advocacy of such ideas as the greater individualization of instruction, equalization of curricula for boys and girls, the value of a liberal education in preparation for even a technical vocation and the abolition of corporal punishment.

A. A. KIESEWETTER

Important works: *Les plans et les statuts des différents établissements . . . pour l'éducation de la jeunesse . . .* 2 vols. (Amsterdam 1775), a translation from the Russian.

Consult: Maykov, P. M., *I. I. Betskoy* (St. Petersburg 1904); Lappo-Danilevsky, A. S., *I. I. Betskoy i evo sistema vospitaniya* (I. I. Betsky and his educational system) (St. Petersburg 1904).

BETTERMENT TAXES. *See* SPECIAL ASSESSMENTS.

BETTING TAX. *See* GAMBLING.

BEUST, FRIEDRICH FERDINAND VON (1809–86), Saxon and Austrian diplomat and statesman. After filling various diplomatic posts Beust became foreign minister of Saxony (1849) and the leading spirit of the cabinet. He was highly regarded in Vienna and in the smaller German states but was looked upon with great suspicion by Bismarck. An exponent of the "triad" idea, Beust urged the formation of the secondary states of Germany into an independent state beside the two great powers, Prussia and Austria. The plan, however, incurred the growing opposition of Prussia. Under Beust's leadership Saxony with other German states joined Austria against Prussia in the war of 1866. After the Prussian victory Bismarck forced his resignation. He was then called into service by the Austrian emperor, Francis Joseph, appointed foreign minister and a year later imperial chancellor. He brought to a successful conclusion the Compromise (*Ausgleich*) of 1867 with Hungary, restored constitutional government and abrogated the concordat with Rome. Inspired by a spirit of *revanche* against Prussia he secretly attempted to bring about an alliance of Austria-Hungary with France and Italy, but the Prussian victory at Sedan (1870) nullified all his plans and he was compelled to resign (1871). He became ambassador at London in 1872, where he incurred the unqualified distrust of Disraeli. When his position at London became untenable he was in 1878 appointed ambassador at Paris. Dismissed in 1882 for

plotting against Bismarck, Beust retired from public life to write his memoirs.

EDUARD VON WERTHEIMER

Consult: Beust, Friedrich Ferdinand, *Aus drei Viertel-Jahrhunderten*, 2 vols. (Stuttgart 1887), tr. into Eng. as *Memoirs of Friedrich Ferdinand Count von Beust*, ed. by Henry de Worms, 2 vols. (London 1887); Ebeling, F. W., *Friedrich Ferdinand Graf von Beust*, 2 vols. (Leipsic 1870–71); Wertheimer, Eduard von, *Graf Julius Andrássy*, 3 vols. (Stuttgart 1910–13).

BEVERAGE INDUSTRY. *See* LIQUOR INDUSTRIES; FOOD INDUSTRIES.

BEVERIDGE, ALBERT J. (1862–1927), American statesman and historian. Beveridge was born in Ohio and passed his boyhood in poverty in Illinois. In 1885 he was graduated from DePauw University and, until his thirty-sixth year, practised law. His rare powers of oratory soon gave him a national reputation. He declared for the permanent retention of the Philippines before a shot had been fired in the war with Spain and, on being elected to the United States Senate in 1899, immediately went to the islands to prepare himself for the role he had assumed as the foremost imperialist in the country. When Theodore Roosevelt became president, Beveridge supported his ameliorative legislation. The Meat Inspection Law was his alone and he proposed to limit child labor by means of the Interstate Commerce Act. A defender of trusts, he insisted upon rigid supervision; a proponent of protection, he opposed prohibitory rates and began a long and futile fight to force the Republican party to the adoption of scientific revisions on findings of a tariff commission. In 1909 he was one of the Republican insurgents who bitterly fought the Payne-Aldrich tariff. This attempt to liberalize his party aroused powerful enemies and he was defeated for reelection in 1910. Having abandoned hope of making his party progressive he joined the new Progressive party, delivered the keynote speech at the convention that nominated Roosevelt, accepted the gubernatorial nomination in Indiana and, after Roosevelt, became the most significant of the party's leaders. He accepted the Progressive senatorial nomination in 1914, hoping to prevent reconciliation with the Republican party, but was defeated. On the disintegration of the Progressive party he rejoined the Republicans in 1916 and supported Charles E. Hughes for president. Six years later he was the Republican senatorial nominee but the old factional enmities were again fatal. In his early life Beveridge was dominated by Hamiltonian concepts and his later philosophy was that of a liberalized federalism. His intense nationalism colored his entire career and arrayed him belligerently against the League of Nations.

On his retirement from the Senate in 1911 he began his *Life of John Marshall* (4 vols., Boston 1916–19), a book which was an interpretation of constitutional history as well as a monumental biography. After his defeat for the Senate in 1922 he turned to the preparation of a *Life of Abraham Lincoln* planned upon the same scale and intended to carry on his interpretation of constitutional history. He died with half the biography uncompleted, but the two published volumes (Boston 1928) are concededly the most thorough and authentic dealing with the period before Lincoln's presidency. Among his other books are *The Russian Advance* (New York 1903), the product of a trip to Russia made to observe the economic and political trend, and *What Is Back of the War* (Indianapolis 1915), written as the result of a trip to Germany, France and England, and regarded as somewhat pro-German.

CLAUDE G. BOWERS

BEYER, GEORG (1665–1714), German jurist. He was a pupil of Christian Thomasius, who furnished the inspiration for the course of lectures, the first which were concerned with the native Germanic law, given by Beyer in Wittenberg beginning in 1707 (edited by Michael Heinrich Griebner as *Delineatio iuris Germanici*, Halle 1718, 4th ed. 1740) and constituting his significance in the history of law. Thirty-nine of Beyer's works are known. He distinguished himself by assiduously collecting the scattered material of the Germanic law and making it part of the system of the Institutes. He was especially interested in native Saxon law as embodied in the Saxon Mirror, but followed the prevailing tendency in forcing both the older and the more recent German law into the mold of Roman law, an error which continued to be characteristic of German legal science for more than a century. Beyer, however, deserves great credit for denying the validity of Roman penal law in Germany and for energetically stressing instead the *Carolina*, the penal code of the time of Charles V.

HANS FEHR

Consult: Jugler, J. F., *Beyträge zur juristischen Biographie*, 6 vols. (Leipsic 1773–80) vol. i, p. 184–208, which is particularly valuable for a complex and accurate bibliography of Beyer's works; Stobbe, Otto,

Geschichte der deutschen Rechtsquellen, 2 vols. (Brunswick 1860–64) vol. ii, p. 423–24; Stintzing, R., and Landsberg, E., *Geschichte der deutschen Rechstwissenschafts*, 3 vols. (Munich 1880–1910) vol. iii, pt. i, p. 137–38.

BEZOLD, FRIEDRICH VON (1848–1928), German historian. Bezold studied history in Munich, Göttingen and Berlin and came especially under the influence of Waitz. He held professorial positions in Munich, Erlangen and Bonn and in 1883 was appointed member of the historical commission of the Bavarian Academy of Sciences. He devoted himself at first to the study of classical antiquity but soon shifted his interest to the Renaissance and the Reformation. His collection, *Aus Mittelalter und Renaissance* (Munich 1918), contains some penetrating studies on the struggle between science and faith (astrology, occultism, natural philosophy, Kabbala) as well as fragments of a larger work on Bodin which Bezold contemplated. His last book, *Das Fortleben der antiken Götter im mittelalterlichen Humanismus* (Bonn 1922), reveals a deep understanding of the significance of superstition in the spiritual life of a people. Bezold's most significant works are, however, his *Geschichte der deutschen Reformation* (2 vols., Berlin 1886–90) and his "Staat und Gesellschaft des Reformationszeitalters" in *Die Kultur der Gegenwart* (pt. ii, vol. v, Berlin 1908, sect. i). Raised in the liberal atmosphere of Munich and inspired by the ideals of 1848, which later made him the most bitter critic of the era of Wilhelm II, he liberated the historical writing on the Reformation from its narrow theological limits. He gave more emphasis than had hitherto been given to the social and economic currents in the sixteenth century and ranked the Reformation in its true importance as an epoch making period of great national significance. While Bezold attempted to envisage western civilization as a whole, the individuality of historical development was of greater significance to him than its metaphysical explanation.

FEDOR SCHNEIDER

Consult: Beyerhaus, Gisbert, in *Historische Zeitschrift*, vol. cxli (1929) 315–26.

BIANCHINI, LUDOVICO (1803–71), Italian economist and public figure. Bianchini, a professor at the University of Naples and a prolific author, revealed a breadth of vision and considerable familiarity with French and English economic literature. His early work, *Principii del credito pubblico* (Naples 1827, 2nd ed. 1831), although inferior to Nebenius, is still a noteworthy study of the types of public loans, including paper money. In order to take advantage of lower interest rates he recommended the use of callable loans, a suggestion further elaborated in a later monograph (1836), in which he discussed the problems of conversion. Financial questions are treated historically in his principal work, *La storia delle finanze del regno di Napoli* (3 vols., Naples 1834–35; 3rd ed., 1 vol., 1859), which is in fact almost as much a treatise on social and economic history as the later *Storia economico-civile di Sicilia* (2 vols., Naples 1841). The theory of public finance and the history of financial doctrines are discussed also in the second volume of his *Scienza del ben vivere sociale e della economia degli stati* (2 vols., Palermo and Naples 1845–55); the first volume is given to a critical, but not always illuminating, history of economic theory. Bianchini dealt with questions of economic policy in his interesting monographs on the German customs union and on the anti-corn law agitation in England in the years 1842–46. In the latter, *Sulle riforme doganali della Gran Bretagna del 1842 al 1846* (Palermo 1846), Bianchini described the doctrinal and historical background of the agitation, analyzed the economic effects of a free trade policy and suggested that in order to offer effective relief to the working classes the abolition of corn laws must be accompanied by an extension of factory and child labor legislation.

AUGUSTO GRAZIANI

BIBLE. *See* SACRED BOOKS.

BICAMERAL SYSTEM. The bicameral legislature, so prevalent a characteristic of modern constitutional government, is historically rooted in the stratified social order of the later Middle Ages, in a regime in which the various social classes—higher nobility, lower nobility, clergy and townsmen—constituted politically independent "estates." In times of emergency each of these social classes met as an independent "estate" in a "states general" to make its contribution to the revenues of the king. They were not bodies representative of the nation. Only in the king was the ideal of national unity vaguely expressed in political form. Although they constitute the historical antecedents of modern parliaments and legislatures, it is obvious that these mediaeval "states general" have no institutional similarity or logical connection with

them. It was largely by accident that in England these several social orders came to sit in two houses. This circumstance did not change the character of the English Parliament. It remained essentially a "states general." Under the Tudors it became a subservient instrument of the monarchy. Only through the political struggles of the seventeenth century were the foundations of modern constitutional government laid in England. The question of the organization of Parliament on a bicameral or unicameral basis could not arise until this stage of political evolution had been reached. In France three estates met separately at irregular intervals until 1614 and did not meet again until 1789 on the eve of the French Revolution. In Sweden four separate estates continued to meet until 1866. The modern bicameral system on the continent of Europe really dates from the later eighteenth century when French revolutionary ideas, reenforced by English example, ushered in the new epoch of constitutionalism.

Two eighteenth century doctrines have been employed in the defense of modern constitutional government. The one supports the bicameral principle, the other the unicameral. The first is the doctrine of checks and balances with which Montesquieu's name is indissolubly connected. The second is that of popular sovereignty and the "general will" which received its classic statement from Rousseau. Reflecting the scientific point of view of the eighteenth century, best revealed in Newtonian physics, Montesquieu's theory of the state embodied the conception of an equilibrium of forces. The bicameral system is merely one application of this doctrine of checks and balances. Montesquieu himself argued for two chambers on the ground that where an aristocracy exists a separate representation of it is required in order that the common liberty may not result in its enslavement. A legislature of two chambers is desirable, it is urged, to secure the necessary deliberation, to avoid haste, to balance the judgment of the representatives of the masses by that of the representatives of the wealthy and aristocratic elements in society. This consideration was certainly present in the minds of the statesmen who framed the American federal and state constitutions. The apocryphal story of Washington pouring the hot tea from his cup into the saucer to cool, thus illustrating the value of the Senate as a body moderating the impulsive tendencies inherent in the House of Representatives, indicates the character of the argument.

The doctrine has been expanded in later theoretical discussions. A government, it is alleged, in which a strong executive, elected by popular vote and thus in a position to claim to be the mandatary of the nation, is set over against a single legislative chamber elected on the same principle embodies in itself the elements of inevitable conflict. The experience of the second republic in France is supposed to afford practical evidence of this danger. A bicameral legislature, when the two houses are in agreement, can be trusted to express the will of the people, and the justice and wisdom of their decisions can scarcely be challenged; while in case of disagreement between the two houses the executive will occupy the position of arbiter. Thus government, resting upon a tripod instead of upon only two legs, will enjoy stability. Three is the least number out of which a majority may be formed. In a bicameral system a majority, consisting of both houses or of one house and the executive, is always possible, and the presumption is that the opposing single element must give way in any crisis.

In this general form the argument has been urged for any and all constitutional governments. Additional reasons have been presented and have carried great weight with respect to certain special forms of government. The theoretical defense of the bicameral system has been especially cogent in the case of federal governments, where it has been felt necessary to provide representation for the member states as well as for the masses of the people. Thus the United States Senate, in which the states are equally represented, embodies the principle of state autonomy, state equality and state rights, as against the national House of Representatives, in which the principles of popular sovereignty and numerical majority find expression. In the German, Austrian and Swiss federal systems, in the Canadian and Australian federations and in several of the Latin American governments this dualism exists and is justified on similar theoretical grounds of checks and balances. In very democratic countries like Australia and New Zealand where economic and social problems are dominant the two-chamber system is defended as affording representation to both capital and labor. This argument is likewise not unfamiliar in the United States. The larger extent of the electoral districts on the basis of which the upper chamber is elected, in some instances the more restricted suffrage by which it is chosen or the employment of a system of

indirect election, special property qualifications which are required for eligibility, the consequent greater expense that is involved in securing election, and often the fact that members of the upper chamber are not paid, insure that this body will include more rich men than the lower house—men who will naturally approach every problem from the capitalistic point of view. Thus, it is asserted, the two great economic factors of modern society receive due representation.

The eighteenth century theory of democracy, embodying the doctrines of popular sovereignty and the general will, was used effectively in opposition to the bicameral system. Rousseau himself denounced all forms of representative government. His was a system of direct democracy. But his disciples grafted the principle of representation upon his doctrine and clothed the representative assembly with the supreme legislative attributes which Rousseau had reserved for the people themselves. Their conclusion was simple and logical. If the people are sovereign, if there is a single national will, this can be expressed only through a single organ elected by majority vote, not through several organs. The general will at any moment, and with regard to any particular question, must be definite and certain. There ought not to be two contradictory voices. This would be to organize an absurdity. The entire theory is implicit in the dilemma which the Abbé Sieyès propounded: "If the upper house agrees with the lower it is superfluous; if it disagrees, it ought to be abolished." Tugot and Condorcet in France and Samuel Adams and Paine in America supported this view. Benjamin Franklin, who was undoubtedly more influenced by a comparison of the experience of the colony of Pennsylvania, where the legislature was unicameral, with that of most of the other American colonies, which had the bicameral system, than by the fine spun theories of the French doctrinaires, gave a practical turn to the argument. He declared that "a legislative body divided into two branches is like a carriage drawn by one horse in front and one behind pulling in opposite directions." Certainly the frequent deadlocks between the two houses in the American Congress and state legislatures, resulting in failure to enact much needed legislation, weigh heavily against the bicameral system.

The argument in favor of a single chamber has acquired additional support with the clearer perception of the nature of parliamentary government in England and in other governments of the cabinet type. In this form of government it has come to be clearly seen that the primary function of parliament is not law making but control of the executive. There has thus developed a conception of centralized authority under strict responsibility and control as against the notion of checks and balances. One cannot serve two masters, and any attempt to subject the executive to the control of two independent and often antagonistic chambers involves the frustration of national policy, if not the breakdown of government itself. The bicameral system is logically inconsistent with the principle of ministerial responsibility which constitutes the cornerstone of governments of the parliamentary type. In England the question of the House of Lords dominated English politics for nearly a century and received only a partial solution in the Parliament Act of 1911, by which the upper chamber was practically reduced to the status of a mere consultative and advisory body. In effect the English government operates on the unicameral principle. In France the existence of two chambers of approximately coordinate power has resulted in kaleidoscopic changes of ministry. Ministerial instability has been the outstanding characteristic of French politics during the Third Republic.

American federal and state governments are still based upon the principle of checks and balances and the bicameral system continues to be a cardinal feature. In American municipalities, however, the pendulum has swung definitely in the opposite direction. When Lord Bryce wrote his *American Commonwealth*, in the middle eighties of the last century, the prevailing type of city government in the United States included a bicameral council; and his statement that "the government of cities is the one conspicuous failure of the United States" was only too well deserved. The marked improvement in the character and quality of municipal government may be traced directly to the establishment of unicameral councils or commissions. This reform was doubtless due to the application of methods employed by business corporations, where boards of directors are always organized in single bodies, rather than the result of any theoretical considerations. The successful experience of these reorganized city governments, together with the increasingly unsatisfactory character of American state government, has led to a considerable movement for single-chamber state legislatures. In California in 1913

the legislature voted in favor of a constitutional amendment providing for a unicameral legislature, but the necessary two thirds was not obtained. A similar proposal was submitted to popular referenda in Oregon in 1912 and 1914. In the latter year a majority of those voting on the proposition favored the amendment but the necessary majority of all those voting at the election was not forthcoming. In 1913 and 1915 the governors of Kansas and Arizona respectively urged the advisability of reform in this direction. The subject has been agitated in other states and has been frequently considered by organized bodies of political scientists and lawyers.

That there has been a definite reaction against the bicameral system is evident. While the national governments of all the larger constitutional states retain two chambers, unicameral legislative bodies are found in Bulgaria, Turkey, Finland, Esthonia, Jugoslavia, Latvia, Lithuania, Honduras, Costa Rica, Salvador, Panama, the Canadian provinces (except Quebec and Nova Scotia), in Queensland, in the cantons of Switzerland, in many of the states of the German and Austrain federal republics and in most of those of the Latin American federations. Although there is as yet no basis for predicting a general substitution of one chamber for two in national governments, the question continues to be actively and widely discussed. The basis of discussion is assuming a far more pragmatic and less theoretical character.

A bicameral system based upon a principle entirely different from that which has prevailed since the establishment of constitutional government is being currently advocated by certain political and social theorists and has obtained initial institutional form in recent constitutional changes in Europe. A system in which one chamber elected by equal and universal suffrage on the basis of geographical areas is balanced by a second chamber representing functional economic groups is forecast by such writers as Léon Duguit in France and Sidney and Beatrice Webb in England. The establishment of a functional Economic Council by the German constitution and the creation in France of a body similarly constituted from economic groups, although both bodies are merely advisory and consultative in character, reflect the new orientation. In Italy perhaps even more significant constitutional changes in the direction of functional representation have recently been put into effect. It is, however, as yet impossible to prognosticate what may be the future development of these ideas and institutions.

W. J. SHEPARD

See: LEGISLATIVE ASSEMBLIES; STATE GOVERNMENT, UNITED STATES; MUNICIPAL GOVERNMENT; REPRESENTATIVE GOVERNMENT; FEDERALISM; CABINET GOVERNMENT; CONGRESSIONAL GOVERNMENT; CHECKS AND BALANCES; POPULAR SOVEREIGNTY; STATES' RIGHTS; FUNCTIONAL REPRESENTATION.

Consult: Mill, J. S., *Considerations on Representative Government* (London 1905) ch. xiii; Temperley, H. W. V., *Senates and Upper Chambers* (London 1910); Marriot, J. A. R., *Second Chambers* (new ed. Oxford 1927); Lees-Smith, H. B., *Second Chambers in Theory and Practice* (London 1923); Rockow, L., "Bentham on the Theory of Second Chambers" in *American Political Science Review*, vol. xxii (1928) 576–90; McBain, H. L., and Rogers, L., *The New Constitutions of Europe* (New York 1923) ch. iii; Bryce, James, *Modern Democracies*, 2 vols. (London 1921) vol. ii, ch. lxiv; Great Britain, House of Commons, Conference on the Reform of the Second Chamber, *Letter from Viscount Bryce to the Prime Minister*, Parliamentary Papers, vol. x, Cd. 9038 (London 1918); Laski, H. J., *The Problem of a Second Chamber*, Fabian Tract no. 213 (London 1925); Roberts, G. B., *The Functions of an English Second Chamber* (London 1926); Esmein, A., *Éléments de droit constitutionnel français et comparé*, 2 vols. (8th ed. Paris 1927–28) vol. i, p. 115–56; Duguit, L., *Traité de droit constitutionnel*, 5 vols. (2nd ed. Paris 1921–25) vol. ii, p. 542–71; Luce, R., *Legislative Assemblies* (Boston 1924) ch. ii; Garner, J. W., *Political Science and Government* (New York 1928) ch. xx; Barnett, J. D., "The Bicameral System in State Legislation" in *American Political Science Review*, vol. ix (1915) 449–66; Rogers, L., *The American Senate* (New York 1926).

BIDDLE, NICHOLAS (1786–1844), American financier and politician. After some years passed in diplomatic service at Paris and London and in literary activities which ranged from aesthetics to political pamphleteering, Biddle was in 1819 appointed by his friend, President Monroe, as one of the government directors of the Second Bank of the United States. In 1823 he succeeded Langdon Cheves as president of the Bank. Biddle modified to some extent the conservative policy of his predecessor; under his regime credit expansion by the western branches was made possible through the branch issue of drafts on the parent bank, which circulated as currency. Together with the freer use of inland bills of exchange, the circulation of branch drafts weakened the dependence of business upon the notes of the state banks and the services of the private dealers in exchange. This policy aroused the vigorous resentment of frontier communities eager for easy credit, so that with the advent of the Jackson administration the Bank became the

subject of political attacks. At first inclined to conciliate President Jackson, Biddle, with his "aristocratic" Philadelphia background, came increasingly under the influence of Clay and other anti-Jacksonites. He was induced by them to apply in 1832 for an extension of the Bank's federal charter, not due to expire until 1836. Jackson took up the issue gladly and vetoed the rechartering bill, with the result that the Bank question became a major issue in the ensuing presidential campaign. Jackson won and in 1833 ordered a gradual withdrawal of government deposits from the Bank, thus materially hampering its operations. A state charter enabling the Bank to continue was secured in Pennsylvania, but the speculations upon which it embarked thenceforth resulted in repeated suspensions of payments until it finally failed in 1841, two years after Biddle's resignation as president.

PAUL WEBBINK

Consult: Catterall, Ralph, *Second Bank of the United States* (Chicago 1903); Bowers, Claude, *Party Battles of the Jacksonian Period* (Boston 1922) chs. viii and xi.

BIEDERMANN, FRIEDRICH KARL (1812–1901), German publicist, parliamentarian and historian. In 1835 he became *Privatdocent* in philosophy at the university of his native Leipsic and three years later was promoted to an "extraordinary" professorship. In 1842 he published his first major work, *Die deutsche Philosophie von Kant bis auf unsere Zeit* (2 vols., Leipsic 1842), in which he advocated, in opposition to the idea of the absolute propounded by Fichte, Schelling and Hegel, a more empirical attitude toward the vital questions of political and social organization. Throughout the early forties he took a leading part, both as editor of the *Deutsche Monatsschrift* and as member of the Leipsic municipal council, in the practical reform movements of the day: the establishment of constitutional government in the various German states, liberty of the press and national unification. Elected to the Frankfort parliament of 1848 he joined the moderate Liberals. In the debates on "fundamental rights" he stood preeminently for the separation of church and state and became a founder of the "Hereditary Empire" party and a leader of the delegation sent to Berlin to offer the imperial crown to Friedrich Wilhelm IV. Because of his opposition to the reactionary persecution after the dissolution of parliament he was sentenced by a Saxon court to a month's imprisonment and dismissed from the university. He took refuge in Weimar, where after 1855 he edited a government owned Liberal newspaper. In 1865 his Leipsic professorship was restored to him and later Biedermann became a member of the National-Liberal party in the first German Reichstag, 1871–73. For years he had been at work on his monumental *Deutschland im achtzehnten Jahrhundert* (2 vols., Leipsic 1854–80; vols. i and ii, pt. i, 2nd ed. 1880). This truly remarkable attempt at a comprehensive picture of the many different phases of German national culture in the eighteenth century—political, social, intellectual, educational, religious and literary—distinguishes Biedermann as one of the earliest and most outstanding representatives of the German *kulturgeschichtliche* method.

KUNO FRANCKE

Consult: Buchholz, G., in *Biographisches Jahrbuch und deutscher Nekrolog*, vol. vi (1904) 413–17; also Biedermann's autobiographical works, *Mein Leben und ein Stück Zeitgeschichte*, 2 vols. (Breslau 1886–88), and *Erinnerungen aus der Paulskirche* (Leipsic 1849).

BIEL, GABRIEL (*c.* 1425–95), German theologian and philosopher. He was professor of theology at the University of Tübingen, which he had helped to found, and in his later life joined the Brethren of the Common Life. In his philosophy Biel was a nominalist and follower of William of Occam. His most important work, *Epithoma pariter et collectorium circa quattuor sententiarum libros*, edited and completed by his pupil Wendelin Steinbach (Tübingen 1501), is a methodic exposition of Occam's thought. Biel, however, has little in common with the deteriorated scholasticism of the fifteenth century. Avoiding intellectual juggling and empty speculation, he gave much attention to questions of practical life, maintained friendly relations with the humanists and took considerable interest in the social movements of his time.

Biel's progressive economic views were first pointed out by Roscher, who introduced Biel to modern students of economics. His advance beyond his predecessors is illustrated particularly in his views on just price and on the morality of merchandising. The equality which justice demands in exchanges is not determined by anything intrinsic to the contract but by the utility of the goods for human life. A price fixing law should take into account human needs, the scarcity of the goods and the labor and difficulty of obtaining them. This is similar to the rule of market price, except that Biel seems to have held to the traditional doctrine which measured the cost of production by the customary cost of

living. Trading, according to Biel, is not in general evil but good and necessary, and the trader is worthy of the remuneration called gain, provided that he carries on his work for worthy ends. There are only two such ends: personal and family sustenance in accordance with the trader's station in life, and charitable distribution. It is not lawful to seek an accumulation of wealth in order to live in idleness, indulge in pleasures or enjoy pomp and splendor.

The sections of Biel's work dealing with currency were later published separately as *Tractatus de potestate et utilitate monetarum* (Mainz 1541). Here he severely denounces princes who debase the currency or impose arbitrary burdens of taxation, those who curtail the rights of the people to forests, meadows and water, and likewise the rich sportsmen who encroach upon the lands of the peasantry.

JOHN A. RYAN

Consult: Linsemann, F. X., "Gabriel Biel und die Anfänge der Universität zu Tübingen" and "Gabriel Biel der letzte Scholastiker, und der Nominalismus" in *Theologische Quartalschrift*, vol. xlvii (1865) 195–226, 449–81 and 610–76; Roscher, W., *Geschichte der Nationalökonomik in Deutschland* (Munich 1874) p. 21–28; Garnier, H., *De l'idée du juste prix* (Paris 1900) p. 74–83.

BIERLING, ERNST RUDOLPH (1841–1919), German jurist. Bierling, who was professor at Greifswald, was at first concerned with canon law but, confronted with the problem of the juristic character of the law of ecclesiastical associations, he turned to a general examination of juridical principles and to studies in the philosophy of law. In 1877 he published the first volume of *Zur Kritik der juristischen Grundbegriffe* (2 vols., Gotha 1877–83), which he later expanded and systematized in his chief work, *Juristische Prinzipienlehre* (5 vols., Freiburg and Tübingen 1894–1917).

With Adolf Merkel, Bierling represented the school of the "Allgemeine Rechtslehre" in Germany, which may best be described as a type of analytical jurisprudence. Without disdaining the positive law, the exponents of the school sought to subject it to analysis upon general philosophical principles. Bierling thus sought those juristic categories a priori applicable to all legal situations but in themselves without positivistic content. These he recognized as the concepts of legal subject and legal object, legality and illegality; above all he dealt with the concept of law itself, which, however, he held was not to be derived by abstraction from the positivistic rules in which it simply happened to be manifested. He thus had much in common with the neo-Kantians; indeed Stammler similarly developed the a priori basis of juristic knowledge in his *Theorie der Rechtswissenschaft* (2nd ed. Halle 1923.)

ELEMÉR BALOGH

Works: Bierling's canonical works are listed in Schulte's *Geschichte der Quellen und Literatur des canonischen Rechts*, 3 vols. (Stuttgart 1875–80) vol. iii, pt. ii, p. 236.

Consult: Radbruch, Gustav, *Grundzüge der Rechtsphilosophie* (Leipsic 1914) p. 14–18; Hölder, E., in *Kritische Vierteljahrsschrift für Gesetzgebung und Rechtswissenschaft*, vol. xxxvii (1895) 1–52; Schuppe, W., "Die Methoden der Rechtsphilosophie" in *Zeitschrift für vergleichende Rechtswissenschaft*, vol. v (1884) 269–74.

BIGGS, HERMANN MICHAEL (1859–1923), American public health administrator. After studying medicine in the United States and Germany, Biggs returned to New York in 1885 and became instructor in the newly established Carnegie Laboratory of the Bellevue Hospital Medical College, where he taught pathology, therapeutics and the practise of medicine. When New York was threatened by cholera in 1892 Biggs persuaded the Board of Health to establish a department of pathology and bacteriology. He became director of the laboratory, which made important studies in the etiology of diphtheria and which as a pioneer exerted a powerful influence in bringing about the establishment of public health laboratories throughout the world. In 1894 Biggs introduced antitoxin treatment of diphtheria on a comprehensive scale in New York. At the same time he launched the first organized administrative campaign against tuberculosis and after a bitter struggle against the conservatism of the medical profession established the fundamental principles of laboratory diagnosis of tuberculosis and of the reporting, isolation and sanatorial and clinical treatment of cases under public auspices. From 1902 to 1913, under Biggs' leadership as "general medical officer," the health department of New York City developed programs for infant welfare, school hygiene, venereal disease control and public health nursing which made it a model for other city health departments.

In 1913 Biggs served as chairman of a commission which prepared a thorough reorganization of the New York State Department of Health; in 1914 he became state commissioner,

developing at Albany an organization and program widely influential among state departments of health. In 1917 he made a survey of the tuberculosis problem in France and laid down the basic principles upon which the Rockefeller Foundation conducted its fruitful work in that country; and in 1920 he reorganized the League of Red Cross Societies at Geneva and outlined the sound policies on which it has since been conducted. Biggs' last major service was a study of the problem of medical care in the rural districts which led to the passage in 1923, a few months before his death, of a bill for state aid in the development of rural hospitals, clinics and health services, involving social principles of profound significance. Biggs was the most effective administrative leader in the field of public health which the United States has yet produced.

C.-E. A. WINSLOW

Consult: Winslow, C.-E. A., *The Life of Hermann M. Biggs* (Philadelphia 1929).

BILIŃSKI, LEON (1846–1923), Austrian-Polish economist and statesman. A professor at the University of Lemberg after 1874 he also filled many administrative and political offices. He was governor of the Austro-Hungarian bank (1900–09), minister of finance of Austria (1895–97 and 1909–11), of Austria-Hungary (1912–15) and of the new Polish state (1919). His literary activity was no less varied. He wrote in both Polish and German, but many of his works, particularly those dealing with current problems, did not survive the test of time. The more noteworthy of his productions are two manuals of social economics (in Polish, 1873 and 1880), a manual of finance (in Polish, 1876) and smaller works on railway tariffs (in German, 1875) and on the tax burden of Austrian agriculture (in German, 1880).

Biliński is best remembered, however, for his contribution to the controversy about luxury versus income taxation, a subject which at the time agitated the German speaking world. In his *Die Luxussteuer als Correctiv der Einkommensteuer* (Leipsic 1875) with its characteristic subtitle, *finanzwissenschaftlicher Beitrag zur Lösung der sozialen Frage*, Biliński took a stand for luxury taxes and against income taxes, investigated the place of luxury taxation in current theory and practise and recommended practical means for carrying out his proposal. A year later in "Die Stellung der Vermögens- und Verkehrssteuern im Steuersysteme" (in *Annalen des deutschen Reichs für Gesetzgebung, Verwaltung und Statistik*, vol. ix, 1876, p. 719–28) he attempted to show that the principle of the luxury tax can be applied to both indirect and direct taxation; in the latter application the luxury tax becomes virtually a general property tax, bearing particularly heavily on unearned increment, inheritance, gifts, and lottery and speculative gains. Georg Schanz, then a young man, characterized this idea as new, but as correct and practicable only in part. *Die Gemeindebesteuerung und deren Reform* (Leipsic 1878) showed that Biliński still believed in the validity of the principle and attempted to incorporate it in a system of local taxation.

FRANZ MEISEL

BILL OF EXCHANGE.

HISTORICAL. The bill of exchange is a credit instrument of long standing and of great importance in the wholesale trade. Originally devised as a promissory note, it soon took on the form of a draft. Such extensive changes have occurred in the bill of exchange that it is impossible to give a useful definition that will apply to the forms and practises of all ages. Generally speaking we may say that it has been a document or bill (*bulla*) indicating an indebtedness incurred in one kind of money to be settled in another kind. The word "exchange" (*cambium*) did not originally refer to the sale of the goods giving occasion to the bill, but to the change from one system of coins to another. While the bill of exchange was probably devised in order to give credit to a customer, who was to make payment when the goods had been sold at a distant point, it possessed other advantages. For instance it made possible compliance with local laws against the export of gold and silver and it removed the risk of transporting coins, since it could be sold to someone who needed to make a payment at a distant point but who feared the risk of carrying the money.

It is not possible to state definitely when and where the bill of exchange first appeared. It may be discovered among the clay tablets of later Babylonian history or in the papyri of later Egyptian history. It is thought by some scholars that when Cicero in his letters to Atticus and others spoke of the transfer of money he was referring to the bill of exchange. But the *permutatio, permutare Athenas* and similar expressions may have reference to the drafts of private bankers. The bill of exchange may also, conceivably, be dealt with implicitly in the

Roman legal codes. It is a matter of speculation whether the mediaeval bill of exchange was handed down from antiquity through Byzantium.

Various early writers have assigned the origin of the bill of exchange to the Jews and to the Lombards. Some have placed it in Amalfi, others in Florence; but the most likely *locus* where it first appeared and whence it spread rapidly to other Italian towns and Marseille is Genoa. Certainly the earliest clear cases of bills of exchange come from Genoa. The one described by Goldschmidt (p. 420) is dated 1156, while that put first by Endemann (p. 81) bears the date 1157. A common form for these early bills is as follows: "I, A. B., have accepted from you, C. D., goods of the value of so many pounds of Genoese money, and I promise to pay to you in Alexandria in bezants of Alexandria, so many bezants to the pound, before the arrival of a certain date."

The promissory note which was the original form of the bill of exchange developed alongside of the sea loan and there is not always a sharp distinction between the two. In fact the slow process by which the original confession of indebtedness and promise to pay was gradually improved points to the slow emergence of a new form of credit instrument. In the latter part of the thirteenth century something similar to the draft was used in addition to the promissory note. It was not until the 1330's, however, that the draft appeared in its modern form. In the next century the draft form triumphed and shortly afterward the acceptance of the draft by the drawee became an established practise. In the fourteenth century the bill of exchange spread to England and Flanders and from Flanders to northern Germany. By this time the private money changers (*campsores*) and lenders, or private bankers as we may call them, had come to occupy a commanding position in handling bills of exchange.

In both France and England the bill of exchange fell under the suspicion and regulation of secular authorities during the fourteenth century. Theologians and jurists had also begun to take cognizance of it. Distinction was then made between actual exchange of coins (*cambium reale*); genuine exchange by bills (*cambium per literas*), which was divided into two classes, bills payable at fairs and those payable in towns; and dry exchange (*cambium siccum*), in which both the debt and its repayment involved only one kind of money. Dry exchange was often a disguise for a straight loan; and since it savored of usury was opposed by the church. Although the ordinary bill of exchange was accepted by ecclesiastical authorities, there might have been embedded even within its innocent wording a considerable interest charge.

From 1550 to 1650 the practise of endorsing bills of exchange made rapid headway in Italy and particularly in France. For several centuries the bill of exchange had characteristically been payable at some fair. But endorsement, which added to the security of the bill, gave it great currency; indeed it came to circulate almost everywhere as money. In the seventeenth century the fairs were largely supplanted, as far as bills of exchange were concerned, by the central towns, particularly Amsterdam and London. It became common in early colonial trade, as well as in trade in the Orient, to pay for goods secured from Europe by bills of exchange on one of these two cities.

In London in the seventeenth century bills of exchange were discounted by goldsmiths and other private bankers and later by the Bank of England. Bill brokers arose to discount the domestic bills and foreign brokers to discount the foreign bills. The forms and commercial usages of England, which spread to the American colonies both as a part of common law and as enacted by provincial legislatures, persisted in the United States. The discounting of bills of exchange has since 1781 constituted a prominent part of the business of state banks, at least in the commercial centers.

Originally the bill of exchange had developed as part of the Law Merchant of Europe with a persistent tendency to uniformity. In the modern period, however, there arose a diversity of forms and rules. This was due to the acceptance of Roman law on the continent and its rejection in England, which held to the common law and developed no separate commercial code. Indeed we may say that the Law Merchant became part of the common law of England, while on the continent rules and regulations were made to cover the situations regarded in England as mere practises. There have thus developed differences in the wording of the bill, endorsement, days of grace, interest and other features. In the efforts that have been made at various international conferences since 1885 it has been easier to harmonize French and German practises than to effect an agreement between the continental and Anglo-American.

N. S. B. GRAS

MODERN. The American Uniform Negotiable Instruments Law defines a bill of exchange as "an unconditional order in writing . . . signed by the person giving it, requiring the person to whom it is addressed to pay on demand or at a fixed or determinable future time a sum certain in money to order or to bearer." This definition is almost identical with the one in the English statute, after which it was modeled. A bill is more commonly called a "draft," but the latter word has no definite legal meaning. The companion instrument to the bill is the unconditional written promise to pay money, known as the note. Bills and notes (orders and promises) together make up the main body of what are called negotiable instruments, a group of money contracts distinguished in a legal way not merely by the exceptional freedom and ease of their transfer but also by unusual rules (derived from the historical Law Merchant) that are applied to protect the so-called holder in due course from a certain class of defenses against payment that might be available to the obligor against a previous holder, such as the defenses of counterclaim, lack of consideration or fraud.

The one who writes the order constituting a bill is known as the "drawer," and the one directed to make payment is known as the "drawee," while the person named to receive payment (in regular course the first holder of the bill) is called the "payee." The transfer or "negotiation" of the instrument substitutes a new payee for the old. Ordinarily negotiation requires endorsement by the transferor, which (in the case of an unqualified endorsement) imposes on him a liability similiar to that of a guarantor of the instrument.

Bills are drawn payable on demand or at sight, i.e. when first presented to the drawee, or at a stated time after sight or after the date of the bill. The mere creation of the bill by the drawer cannot bind the drawee upon it as a contract, even though the latter may owe as much money as is called for in the bill. To become obligated the drawee must "accept" the instrument.

Although not popularly understood to be such, the check is a bill of exchange (a "demand bill upon a bank" is the statutory definition). The right to draw a check is founded on the fact that the bank owes the drawer money payable on demand, his so-called deposit. One bank may draw a check upon another bank with which it carries a balance or account, but this instrument would usually be called a draft. The chief use of these drafts is to enable their purchasers to make remittances to persons in distant places to whom they owe money or with whom they wish to establish credits. In a given country the sight or demand exchange available upon any foreign country consists in greatest part but not wholly of such bank drafts.

Bills are drawn by merchants upon other merchants, that is, by sellers or exporters upon the corresponding buyers or importers, but these drafts are much more prevalent in foreign than in domestic trade. Such bills may be on demand but are usually payable a stated number of days after sight. They commonly have the shipping documents covering the goods sold attached to them, primarily to serve as collateral security. In the foreign trade these bills are usually but not always drawn payable in the money of the country of the drawee, e.g. in pounds sterling upon a drawee in England, in francs upon a drawee in France. These instruments have two chief uses: to enable the exporter to obtain payment for his goods in his home money, whether by sale or by collection of the draft, and to enable both merchants to throw upon some bank the burden of financing the goods during their transit. The second use is realized whenever a bank purchases the draft or makes an advance upon it as collateral.

A. C. WHITAKER

See: INTERNATIONAL TRADE; FOREIGN EXCHANGE; BANKING, COMMERCIAL; COMMERCE; NEGOTIABLE INSTRUMENTS; ACCEPTANCE; CHECK.

Consult: FOR HISTORY: Goldschmidt, L., *Universalgeschichte des Handelsrechts* (3rd ed. Stuttgart 1891); Endemann, W., *Studien in der romanisch-kanonistichen Wirtschafts- und Rechtslehre bis gegen Ende des siebzehnten Jahrhunderts*, 2 vols. (Berlin 1874–83); Huvelin, Paul, *Essai historique sur le droit des marchés et des foires* (Paris 1897); *Documents inédits sur le commerce de Marseille au moyen-âge*, ed. by Louis Blancard, 2 vols. (Marseille 1884–85); Freundt, Carl, *Das Wechselrecht der Postglossatoren*, 2 vols. (Leipsic 1899–1909); Cole, A. H., "Evolution of the Foreign Exchange Market of the United States" in *Journal of Economic and Business History*, vol. i (1929) 384–421.

FOR THE MODERN BILL OF EXCHANGE: Escher, F., *Foreign Exchange Explained* (New York 1924) chs. i, vii, viii, xiii; Cross, I. B., *Domestic and Foreign Exchange* (New York 1924) chs. iii, iv, vii, viii; Whitaker, A. C., *Foreign Exchange* (New York 1922) chs. i, ii, vi, vii, ix, x; Samuel, A. M., *The Working of the Bill of Exchange* (2nd ed. London 1929) p. 7–30; League of Nations, Economic Committee, *Unification of Laws Relating to Bills of Exchange and Promissory Notes* (Geneva 1923); Brannan, J. D., *The Negotiable Instruments Law Annotated* (4th ed. rev. by Z. Chafee, Jr., Cincinnati 1926) p. 810–64, 935–56; Chalmers, M. D., *A Digest of the Law of Bills of Exchange* (9th ed. London 1927).

BILLINGS, JOHN SHAW (1838–1913), American vital statistician and leader of the medical profession. In the course of thirty years' work in the office of the surgeon general (1865–95) he created almost single handed a great medical library and edited the first series of its monumental *Index Catalogue* (16 vols., Washington 1880–95). As medical adviser to the trustees of Johns Hopkins Hospital in Baltimore he abolished the old fashioned clinical lecture and introduced many marked improvements in hospital administration and medical training. He was one of the most widely consulted public health experts during the twenty years preceding 1895. In 1879 he was elected president of the American Public Health Association in recognition of his services in the yellow fever campaign in Memphis. After the merging of the libraries of the Astor, Lenox and Tilden foundations to form the New York Public Library (1895), Billings was appointed its first director and in this position practically created the institution as it now stands. He sketched the plan for the building, supervised the reclassification of the books, secured funds from Carnegie and obtained land from the city for over forty of the free circulating libraries constituted as branches of the central library.

In the field of statistics Billings' contributions are no less distinguished. While in charge of the vital statistics of the tenth census (1880) he suggested to the young engineer, Hermann Hollerith, that the laborious work of hand tabulation could be replaced by mechanical devices and by the use of a card with holes punched to represent the items; he thus initiated the present mechanical tabulation systems used throughout the world. Billings argued for uniform registration of births and deaths in all the states before "registration areas" were established. He was the first American to construct reasonably accurate life tables of unselected populations and to use them intelligently as measures of community health (1879–80). Being interested in the relation of morbidity and mortality to geographical conditions, he tabulated as part of his work on the eleventh census (1890) the mortality of several large cities, taking as his units small sanitary districts which were determined by consultation with the local authorities. Special reports were issued for Washington and Baltimore (1893), New York and Brooklyn (1894) and for Boston and Philadelphia (1895). This tabulation by small areas, abandoned until 1910 when it was revived in New York City, is now being adopted by a number of large cities and constitutes one of the most significant developments of modern municipal statistics.

ROBERT E. CHADDOCK

Consult: Garrison, Fielding H., *John Shaw Billings* (New York 1915), containing a bibliography of Billings' writings; Mitchell, S. Weir, in National Academy of Sciences, *Biographical Memoirs*, vol. viii (1919) 375–83; Willcox, Walter F., "John Shaw Billings and Federal Vital Statistics" in American Statistical Association, *Journal*, vol. xxi (1926) 257–66.

BILLS OF CREDIT. This term had its origin in issues of promissory notes emitted by American colonies. The first of these was made by the Massachusetts Bay Colony in 1690 to meet an emergency occasioned by the war between England and France. Orderly government in the colony had been disturbed by the forfeiture of its charter in 1684, and the collection of taxes was thus delayed. Soldiers returning from the unsuccessful campaign against Canada clamored for their pay and there was fear of a mutiny. The General Court consequently ordered the issue of bills of credit to the limit of £7000, which was increased the next year to £40,000. The first notes were promptly redeemed, but this new device of anticipating taxes was soon adopted as a regular practise. A second war with France (1702–13) imposed new financial burdens and the issue of bills of credit was accelerated at the same time that measures for securing their retirement were slackened. Redemption was prolonged to three years, then five years, and for bills put out in 1715 the redemption date was 1722.

Coupled with fiscal necessity was the demand for a more ample supply of a monetary medium to satisfy the needs of trade. There was but little specie money in the colony. As the colonies were unable to provide exports in volume adequate to balance their commerce with Europe, there was a constant outward drain of precious metals which were gained from trade with the Spanish colonies to the south. To meet this need bills were issued by the government of Massachusetts in 1711 and 1714 as loans to citizens, on the pledge of real estate. Similar loans were repeated later. These bills circulated side by side with bills of credit and aggravated the difficulties caused by the growing volume of irredeemable currency.

There was scarcely a year until 1750 that new issues of bills of credit were not put out by Massachusetts. Their volume steadily increased

until in 1750 there were £1,819,000 outstanding, constituting two fifths of the total amount issued to that date. Redemption could be accomplished only by taxation; but to this there was strong opposition. Depreciation increased and prices rose violently with accompanying burdens upon wage earners, salaried classes and lenders of money. Instead of complete redemption futile efforts were made to replace old issues by new issues at fixed scales of depreciation, so that trading was harassed by the current circulation of old tenor notes, middle tenor notes and new tenor notes having varying degrees of value. In 1750 the notes of Massachusetts were worth in specie but one tenth of their face value.

Other colonies, under the plea of emergency, followed the example of Massachusetts: South Carolina in 1703; New Hampshire, Connecticut, New York and New Jersey in 1709; Rhode Island in 1710; and North Carolina in 1712. Somewhat later the other colonies, influenced more by the needs of trade than by war emergency, also issued bills: Pennsylvania in 1723; Maryland in 1734; Delaware in 1739; Virginia in 1755; and Georgia in 1760. These issues were more carefully safeguarded and consequently depreciation was not so marked. Some of the other British North American and West Indian provinces also emitted bills.

The English government attempted to curb the issues. In vain colonial governors called attention to the dishonoring of public faith as well as to the demoralization of industry and trade caused by the circulation of depreciated money. Bills could be redeemed only by taxation and the colonists were jealous about this privilege. Efforts to restrain issues were regarded as an unjustifiable interference with local liberties. Parliament finally exercised its prerogative; in 1751 it forbade any further issue of legal tender bills by the New England colonies and in 1764 extended this prohibition to the other colonies.

It was almost inevitable that the colonists should resort to the issue of bills of credit during the revolt against England. The Continental Congress had no definite authority to collect revenue; and even the Articles of Confederation withheld any compulsory power of taxation. The colonists had little accumulated wealth and for such property as they had there were no financial institutions to convert it into forms available for loans. Nor could the rebellious colonies expect to obtain credit in foreign countries until the establishment of a stable government. The colonists, moreover, were familiar with the services which had been rendered by forced issues of promissory notes; and perhaps the recent prohibition of such issues by the royal government made them all the more popular. During the years 1775 to 1779 the Continental Congress authorized forty different issues amounting to $241,552,000; and the individual colonies put out nearly $209,524,000 in addition. The issues of the continental treasury, if depreciation be taken into account, furnished nearly half of its total income during the years 1775 to 1783. Continental notes were not specifically declared to be legal tender; but efforts were made to secure legislation to punish those who refused bills. Such legislation was difficult to enforce and as the issues multiplied their depreciation was disclosed by the rapid increase in prices. By the end of 1779 the value of continental currency in specie was 40 to 1. To remedy the situation Congress turned to the old device of extinguishing the old issues by a new one. This was done at a rate of 20 for 1. A considerable portion of the bills were thus redeemed, but those outstanding still continued to depreciate. Although after 1780 Congress ceased to issue bills of credit, by 1781 the outstanding bills were valued at 100 to 1 and soon ceased to pass as currency. Notwithstanding the debacle resulting from the issue of continental money, after the revolution seven states resorted to new emissions. The legislatures of most of these states were under the influence of debt burdened farmers.

The Articles of Confederation expressly gave Congress power to emit bills. The articles were prepared and were passed by the Continental Congress during a period of active emission; but when they were approved by the last state in 1781 bills were no longer being issued. The constitution adopted in 1789 forbade the states to issue bills of credit, but it was silent as to the power of Congress. Early drafts of the constitution gave Congress power "to borrow money and emit bills on the credit of the United States"; but subsequently "and emit bills" was struck out by a vote of nine to two. There was, however, no direct prohibition of issuing bills of credit and it was a debatable question whether Congress possessed this right among its "implied" powers. Emergency led Congress to issue notes in 1812, 1837, 1846, 1857 and during the Civil War period. None was made legal tender until 1862, and the legality of these was strongly contested because their value in terms of gold had greatly depreciated. In 1869 the

United States Supreme Court decided (Hepburn *v.* Griswold, 8 Wall 603) that the legal tender acts which had been passed during the war were unconstitutional as applied to contracts made prior to their enactment. Although later contracts were not passed upon in this case the reasoning of the majority of the court made it appear that the acts were invalid in all situations. A year later, however, after two new justices had been appointed to the court it was decided (Knox *v.* Lee, 12 Wall 457) that the acts were constitutional in regard to contracts made both before and after their passage. This meant that in the settlement of any private debt the acceptance of greenbacks as legal tender was obligatory.

There was also prolonged controversy as to whether certificates of indebtedness authorized by states and banknotes issued by private corporations were bills of credit and therefore illegal. Missouri, for example, issued certificates in small denominations, receivable in discharge of taxes or debts to the state. In 1830 the Supreme Court decided (Craig *v.* State of Missouri, 4 Peters 410) that the certificates were bills of credit and were therefore unconstitutional; but in 1837 (Briscoe *v.* Bank of Kentucky, 11 Peters 257) it upheld the constitutionality of banknote issues on the ground that they were issued on the credit of a bank rather than on the faith of a state.

DAVIS R. DEWEY

See: PAPER MONEY; LAND BANK SCHEMES; DEBT, PUBLIC.

Consult: Dewey, D. R., *Financial History of the United States* (10th ed. New York 1928) p. 21–30, 34–43 and 67–70; Bullock, C. J., *Essays on the Monetary History of the United States* (New York 1900); Phillips, H., *Historical Sketches of the Paper Currency of the American Colonies* (Roxbury 1865–66); Davis, A. M., *Currency and Banking in the Province of Massachusetts Bay*, 2 vols. (New York 1901) vol. i; Douglass, William, *A Discourse Concerning Currencies of British Plantations in America*, reprinted in American Economic Association, *Economic Studies*, vol. ii (1897) no. 5, p. 265–375; Hickox, J. H., *History of the Bills of Credit or Paper Money issued by New York* (Albany 1866); Bronson, H., "A Historical Account of Connecticut Currency, Continental Money and the Finances of the Revolution" in New Haven Colony Historical Society, *Papers*, vol. i (1865) pt. ii; Bullock, C. J., "The Finances of the United States from 1775 to 1789" in University of Wisconsin, *Bulletin*, Economics, Political Science and History series, vol. i (1895) 117–273.

BILLS OF LADING. *See* NEGOTIABLE INSTRUMENTS.

BILLS OF RIGHTS. Bill of Rights is the term commonly applied to the English Statute 1 William and Mary, Session 2, chapter 2, of 1689, the most important of the parliamentary enactments by which legal effect was given to the revolution settlement. Its chief constitutional and political significance lies in the important limitations it imposed on the royal prerogative; it declared to be illegal the suspending of laws by the king, the dispensing with laws as exercised before the revolution, the levying of money without authorization of Parliament and the retention of a standing army in time of peace without Parliament's consent. The statute also asserted the subjects' right of petition and, in the case of Protestants, the additional privilege of bearing arms; it declared that elections to Parliament ought to be free, that freedom of debate therein "ought not to be impeached or questioned in any Court or Place out of Parlyament," "that excessive Baile ought not to be required nor excessive Fines imposed nor cruell and unusuall Punishments inflicted," that jurors ought to be empaneled and returned "duely," that in cases of high treason juries should consist of freeholders only and that "Parlyaments ought to be held frequently." The bill further declared that since James had "abdicated," William and Mary "be and be declared" king and queen "of England, France and Ireland and the dominions thereunto belonging" and provided for the succession on their deaths, limiting it to Protestants and those married to Protestants.

The Bill of Rights, although in form and legal effect an ordinary act of Parliament, has always been ranked with Magna Carta and the Petition of Right as one of the few fundamental documents of the English constitution. Its provisions concerning the succession were supplemented in 1701 by the Statute 12 and 13 William III, chapter 2, known as the Act of Settlement, and the royal declaration against transubstantiation, prescribed in the bill, was abolished in recent times; but most of the other provisions of the act are still the law of the land.

In America, as earlier in England, a "revolution settlement" brought with it the apparent need for formulations of rights. But in this case the representatives of the people were drawing up constitutions for their newly created governments and were therefore enabled to guard more effectively against governmental encroachments on individual rights by embodying these rights in the constituent law itself rather than

in the isolated acts of a purely legislative body. The first "bill of rights" in America after the outbreak of the revolution was that adopted by the constitutional convention of Virginia on June 12, 1776, to accompany the first Virginia constitution, which was agreed to about two weeks later. As adopted it follows closely a draft, still in existence, made by George Mason, and fourteen of its sixteen articles are in substance his. The first constitution of Pennsylvania, prefaced by a "Declaration of Rights" also of sixteen articles, was completed on September 28, 1776, and was followed by those of Maryland, North Carolina, Vermont, Massachusetts and New Hampshire. In the first constitution of New Jersey, of New York, of Georgia and of South Carolina no distinct bill of rights appears, although somewhat similar safeguards are usually included in the body of the constitution. In all subsequent state constitutions in the United States varying types of "bills" or "declarations" of rights are to be found, related in their general character to the early ones and usually following them rather closely in both form and substance.

The draft of the constitution of the United States as completed by the assembly at Philadelphia in 1787 contained no distinct bill of rights. The debates in the several states on the ratification of the constitution, while disclosing a great difference of opinion as to the necessity for one, did indicate a widespread feeling that such a bill was required. Among the amendments proposed the addition of a formal declaration of reserved rights was several times included. Hamilton argued with force against this in number 84 of the *Federalist*, but it was becoming evident that without the assurance of the addition of some such reservations a sufficient number of ratifications was unlikely to be obtained. As a consequence a resolution of the first Congress which met under the new constitution in 1789 proposed twelve amendments, ten of which received the requisite number of ratifications.

These first ten amendments to the federal constitution, popularly known as the "bill of rights," and composed mainly of parts drawn from the earlier state bills of rights, forbid the government of the United States to do certain things and enjoin certain other things upon it. Congress is forbidden to enact any law respecting an establishment of religion or prohibiting its free exercise, to abridge freedom of speech or of the press or the people's right peaceably to assemble and to petition. There shall be no infringement of the people's right to bear arms and no issuance of general warrants. In time of peace there shall be no quartering of soldiers in any house except with its owner's consent, nor in time of war except in a manner to be prescribed by law. Articles 5 and 6 contain specific guaranties of the fair and lawful trial of accused persons, and article 8 forbids in the words of the English Bill of Rights excessive bail or fines and cruel or unusual punishments. Article 7 enjoins trial by jury in all civil cases of any importance and requires that in a reexamination in any United States court of a fact tried by a jury none but the rules of the common law be followed. The last two articles expressly reserve to the people all rights and to the states or the people all powers not specifically enumerated. All these restrictions affect the organs of the national government, not those of the several states, and many of them are identical with limitations originally imposed upon English kings.

But it was not alone the Constitution of the United States which was patterned after the bills of rights adopted in the American states before 1789. These were also the models for the famous French Declaration of the Rights of Man and of the Citizen, drawn up in 1789 and later combined with the constitution of 1791, and for similar declarations in the constitutions of 1793 and 1795. From France these ideas spread throughout Europe and ultimately beyond. The Belgian constitution of 1831, for example, contained a bill of rights, and after the Revolution of 1848 the number of such constitutions increases. The revolutions and the creation of new states which accompanied or followed the World War naturally brought about the adoption of many new constitutions containing for the most part bills of rights on which the influence of the French Declaration of 1789 is obvious. Among the more important are the constitutions of the new German Empire in 1919 and of Bavaria in the same year, of Austria and Czechoslovakia in 1920, Poland in 1921, Greece in 1927 and Lithuania in 1928. As early as 1857 Mexico had a constitution with a bill of rights. Turkey adopted one in 1924.

The basic theory underlying the early bills of rights is a belief in the rights of individual men and in rights existing in the law of nature independent of states or their laws, as set forth especially in Locke's *Second Treatise of Government* (1690). Some of these rights were regarded

as alienable and might be entrusted by a people to its government for due compensation, but there are others of which no man is ever capable of divesting himself or his posterity even by consent or for compensation; they are inalienable. An instrument of government ought then to consist of two parts: a "frame" or form of government in which the first of these two kinds of rights, the alienable ones, are entrusted to the various organs of the state under proper safeguards for due compensation in the form of just and effective government; and a "bill of rights" enumerating the inalienable rights of the people which they cannot delegate to their government and which the latter is explicitly forbidden ever to infringe. Such was the theory, and it was never put in a form more succinct than in the *Essex Result*, written in 1778 by Theophilus Parsons, later chief justice of the supreme judicial court of Massachusetts (*Memoir of Theophilus Parsons*, Boston 1859, app. i).

C. H. McILWAIN

See: CONSTITUTIONS; NATURAL RIGHTS; CIVIL LIBERTIES; CIVIL RIGHTS; AMENDMENTS, CONSTITUTIONAL; INDIVIDUALISM.

Consult: Anson, W. R., *The Law and Custom of the Constitution*, 3 vols. (5th ed. Oxford 1922); Story, Joseph, *Commentaries on the Constitution of the United States*, 3 vols. (Boston 1833); Rowland, K. M., *The Life of George Mason*, 2 vols. (New York 1892); Boutmy, E. G., *Études de droit constitutionnel* (7th ed. Paris 1923), tr. by E. M. Dicey (London 1891); Aulard, F. V. Alphonse, *Histoire politique de la révolution française* (3rd ed. Paris 1905), tr. by B. Miall as *The French Revolution*, 4 vols. (London 1910); Jellinek, Georg, *Die Erklärung der Menschen- und Bürgerrecht* (3rd ed. Leipsic 1919), tr. by Max Farrand (New York 1901).

BIMETALLISM AND MONOMETALLISM. The standard of a monetary system may be defined as that commodity with whose fluctuations in value the value of the monetary unit also fluctuates. Thus under the gold standard whatever forces operate to increase the value of gold as a commodity also tend to enhance the purchasing power of the monetary unit, and a decrease in the commodity value of gold would be accompanied by a depreciation in the value of money. Under monometallism, although the circulation may include several metallic and paper elements, there is but one standard commodity in terms of which the value of other commodities is measured.

It is commonly asserted that in order to establish any particular metal as the standard it is necessary to provide for the free convertibility of that metal into currency and for the convertibility of the country's currency into the standard metal. At the same time the non-standard elements in the currency system are divorced from the value of the commodity of which they are composed by restriction of the supply in circulation and maintenance of their metallic content below their face value. As long as these arrangements are observed the value of the currency unit cannot depart widely from that of the standard bullion to which each unit gives title. Under the gold standard, for instance, if gold should tend to become more valuable as a commodity than as a coin it would be withdrawn from circulation; and in opposite fashion a relative superabundance of gold as a commodity would be avoided by the increasing absorption of gold in monetary uses. The effect of these convertibility arrangements might, however, be obtained in other ways. It might be within the realm of possibilities to tie an irredeemable paper currency to gold simply by effecting the proper adjustments in its supply. But whether interchangeability is provided or not, the supply of the non-gold elements must be regulated; this is the prime essential of any gold standard system. Legal guaranties of interchangeability are only a means of announcing intention to maintain such regulation.

A bimetallic system is in operation if a nation would maintain the same conditions with respect to two standard commodities as are maintained for one in a monometallic country. The two commodities generally selected or evolved as standards have been silver and gold. Under bimetallic systems mints have been open for the free coinage of both metals into the same currency units and there has been actual, if not legal, exchangeability of gold and silver coin. The relative amounts of the two metals necessary to create the same currency unit is known as the "mint ratio."

The difficulty of effectively maintaining a bimetallic system has been a matter of bitter currency controversy. Monometallists have maintained that a currency cannot be kept stable in terms of two commodities unless by force of sheer coincidence their exchange value does not fluctuate, and that a currency tied to one standard tends to vary in terms of the other. The opening of new mining fields as well as the development of improved technical processes of production must always tend to alter the conditions of supply of the two metals. Furthermore the relative demand for gold and silver in the

arts must undergo constant variation. Changes in the market ratios of these two commodities, the monometallist has insisted, are just as likely to occur as in the case of any other two commodities, such as corn and wheat, pork and beef or iron and copper. To secure the stability of the exchange ratio between gold and silver Alfred Marshall proposed what he called a symetallic standard, under which the government would stand ready to buy or sell a "wedded" pair of gold and silver bars for a fixed amount of currency. The monetary standard would be in effect a single metal representing a compound of gold and silver in a fixed ratio.

Much experience with bimetallism was required before it became generally recognized that the unchanging ratio of gold to silver is a probable outcome of the existence of bimetallic systems in important countries. The durability of the precious metals, the fact that their total monetary stock is always greatly in excess of the output of any single year and of the normal demand for use in the arts, create a situation entirely different from that which prevails in the case of perishable or specialized commodities. For instance, although the production of silver might for a time considerably expand, the relative supplies of the two metals available as bullion need not be altered to any significant degree. The metal tending to become cheaper, in this case silver, would go in increased quantities to the mints, so that the increase in its production would not exert its full force in the bullion market. On the other hand there would be a tendency for gold, the metal becoming relatively scarcer, to leave monetary use and become available in the arts. This tendency of the bullion supply of the metal growing relatively more abundant to be absorbed in monetary uses, and of the metal growing relatively scarcer to be withdrawn from circulation, must operate, according to the bimetallist, as long as the market ratio departs from that fixed at the mints. This principle is known as the compensatory principle or the doctrine of bimetallic flows.

Monetary history does not furnish indisputable demonstrations of the strength of the compensatory principle. American experience tends to throw some doubt on the potency of bimetallic flows. Under the 15 to 1 mint ratio of 1792 gold was undervalued and little of it entered into monetary circulation; whereas, after the acts of 1834 and 1837 which fixed an approximate mint ratio of 16 to 1, little silver was coined. At no time has bimetallism been really effective in the United States. European experience on the other hand has convinced many students of the strength rather than the weakness of bimetallic flows. Practically from the beginning of the nineteenth century to the early seventies the market ratio of gold to silver remained close to 15 1/2 to 1. In view of the enormous changes in the relative outputs of the two metals which occurred during this period it would be difficult to find an explanation of the stability of their market ratio other than that based upon the operation of bimetallism at 15 1/2 to 1 in France and in other countries of the Latin Union. Since France was then a much larger consumer of the precious metals for monetary purposes than the United States it may plausibly be argued that the failure of bimetallism to operate in America under other mint ratios than that of 15 1/2 to 1 supports rather than weakens the case for the compensatory principle.

The advantages claimed for bimetallism are the avoidance of the evils of dislocated exchanges between gold and silver standard countries and the greater stability of the price level under bimetallism than under a monometallic gold or silver standard. In the second half of the nineteenth century, when a number of countries were still on a silver or bimetallic basis or had just demonetized silver, there were many who believed that international bimetallism would furnish a satisfactory solution of the difficult problem of exchanges. At the present time the argument from stability of foreign exchange rates would receive little attention. By means of the gold exchange standard, countries whose circulation consists primarily of paper or silver have found an effective method of stabilizing their exchanges with gold standard currencies.

The price-stability argument, the assertion that the value of the currency unit is less likely to undergo serious fluctuations under bimetallism, is equally out of date. It attracted attention in the last quarter of the nineteenth century when the continuous fall in prices was causing considerable hardship, but lost its force in recent years when the problem of price stabilization came to receive a different emphasis. Various new plans have been devised for the purpose of stabilizing the price level; adherents of such plans commonly hold that bimetallism would either be unnecessary or would increase the complexity of the problem.

The final abandonment of bimetallism seems to be traceable somewhat more to the events and accidents of history than to logical analysis of its

virtues and defects. Students of monetary systems would probably agree that the outlook for bimetallism at the close of the eighteenth century was distinctly favorable. Although the ratio was ineffective, legal provision for bimetallism had prevailed in England; and it might reasonably have been anticipated that when permanent arrangements were made to effect the transition from the regime of depreciated paper after 1797 the double standard would be restored under workable conditions. In England traditions seemed to favor bimetallism because experience had shown its value in avoiding the evils of a "parallel currency," a system under which the two metals had been coined into unrelated units. Although in the early nineties of the eighteenth century the assignats were driving both gold and silver from France, traditions in that country also pointed toward the resumption of bimetallism. A law was enacted in 1803 providing for the free coinage of both metals at the old ratio of 15 1/2 to 1. In the United States also the act of 1792 opened mints to the coinage on private account of both gold and silver.

English currency developments, however, supplied the principal obstacle to the continued operation of bimetallism. From 1717 to 1785 practically no silver had been coined in England and the country's metallic currency tended more and more to consist of gold. With the expulsion of silver from France during the assignat period there was a growing fear that silver might displace gold to an undesirable extent in English circulation; consequently in 1798 an act was passed suspending the coinage of silver and imposing certain limitations upon the legal tender power of silver currency. Later the act of 1816, looking forward to the termination of the regime of depreciated paper, set the mint purchase price at a point which might have resulted in the absorption of a large portion of France's silver. But in anticipation of this supposed danger the act provided that the right of the public to sell silver to the mint would remain in abeyance until the date therefor should be stipulated by proclamation. No such proclamation was ever issued, however, and the coinage act of 1870 superseding that of 1798 made no reference to the purchase price of silver. Silver coins were thus relegated to the classification of a subsidiary currency retained in circulation by the device of undervaluation and restriction of supply.

In the first half of the nineteenth century the burden of absorbing into monetary use the silver production not required at existing prices for commercial purposes fell principally upon France. After the fifties, for twenty years or so, the gold discoveries resulted in heavy mint coinages of the yellow metal. But these fluctuations in supply did not drive either metal completely out of circulation in France; in 1865 some further support for bimetallism was gained by the formation of the Latin Union, which in addition to France comprised Belgium, Italy and Switzerland. In 1866 the Papal States, and in 1867 Greece and Rumania, joined this union.

By the early seventies, however, increasing silver production and the defection of Germany from the ranks of silver standard nations increased the burden upon the bimetallic confederation. When the new German Empire undertook currency reform it copied the gold standard of England, the most important trading nation of the world, rather than the bimetallic standard of its vanquished rival, France. With Germany's decision to abandon silver the Latin Union became discouraged; in 1873 France took steps to check the coinage of silver and shortly thereafter the Latin Union dissolved.

In the United States bimetallism was legally abandoned in 1873 by an act of Congress which closed the mints to the coinage of silver on private account. At that time there was relatively little silver in circulation. By the Bland-Allison Act of 1878, however, the mints were opened to the coinage of a limited amount of silver dollars. The restriction of the supply of silver coinage and the possibility in practise of obtaining gold in exchange for silver currency enabled the treasury to circulate silver dollars on a par with gold. Since the silver in the dollar was worth as bullion varying amounts ranging upwards of forty cents, there was a limit, even though gold redeemability might be refused, to the extent to which the value of silver coin could fall in terms of gold. Receiving primary support from gold and potentially partial support from silver, the dollar became the unit of a currency system frequently referred to as the "limping standard."

With the downfall of bimetallism and the continued decline in the gold value of silver, silver standard countries suffered heavily in their remittances to gold standard nations. These silver countries, particularly India, and the silver interests in the United States exerted powerful pressure to secure an international agreement favorable to bimetallism. International conferences were held in Paris (1878, 1881) and in Brussels (1892), but they failed, largely because of the determined opposi-

tion of England and Germany and the weakness of the support given to the bimetallist cause by France. Silver countries had thereafter no practicable alternative except to attempt to stabilize the gold values of their silver currencies. After the close of the nineteenth century the devices of the exchange standard lessened the cost of affixing their currencies to gold.

HAROLD L. REED

See: MONEY; FOREIGN EXCHANGE; GOLD; SILVER COINAGE; MONETARY UNIONS; MONETARY CONFERENCES; FREE SILVER.

Consult: Darwin, L., *Bimetallism* (London 1897); Giffen, Robert, *The Case Against Bimetallism* (4th ed. London 1896); Walker, F. A., *International Bimetallism* (New York 1896); Russell, Henry B., *International Monetary Conferences* (New York 1898); Helfferich, Karl, *Das Geld* (6th ed. Leipsic 1923), translation ed. by T. E. Gregory, 2 vols. (London 1927) vol. i, chs. ii–vi; Willis, H. P., *A History of the Latin Monetary Union* (Chicago 1901); Hepburn, A. B., *A History of Currency in the United States* (2nd ed. New York 1924); Laughlin, J. L., *History of Bimetallism in the United States* (4th ed. New York 1897).

BINDING, KARL (1841–1920), German jurist and historian. He held professorial positions at Basel, Freiburg i. B., Strasbourg and Leipsic. In his general outlook Binding belonged to the historical school and opposed the natural law approach. He devoted numerous searching studies to the history of Roman and German law and was an outstanding theorist in penal law, which he treated in a number of careful and comprehensive studies. Refuting the accepted vague notions that penal law prescribed behavior he showed in his "theory of norms" that the legal propositions by which the state demanded obedience and guided individual action (*normae agendi*) were independent of and logically prior to penal law, and that penal law was a secondary form of control with the sole function of determining the extent to which behavior contrary to the norms involved punishability as a special legal consequence. In the controversy as to the nature of punishment he sharply opposed the views of the "modern school," that punishment is simply a measure of security against dangerous persons. His own position was that punishment is the public reaction to behavior contrary to the norms, that is, to a breach of the law, and that its function is to uphold the authority of the laws. In this connection Binding worked out the nature and varieties (*dolus* and *culpa*) of guilt.

ERNST VON BELING

Important works: *Die Normen und ihre Uebertretung*, 4 vols. (Leipsic 1872–1920; 4th ed. of vol. i appeared in 1922 and 2nd ed. of vol. ii in 1914–16); *Grundriss zur Vorlesung über gemeines deutsches Strafrecht*, 3 vols. (pt. i in one volume, Leipsic 1879, 8th ed. Leipsic 1913; pt. ii in two volumes, Leipsic 1896–1901, 2nd ed. Leipsic 1902–05); *Handbuch des Strafrechts* (Leipsic 1885); *Grundriss des deutschen Strafprozessrechts* (Leipsic 1881, 5th ed. 1904); *Strafrechtliche und strafprozessuale Abhandlungen*, 2 vols. (Leipsic 1915).

Consult: Nagler, J., "Karl Binding zum Gedächtnis" in *Gerichtssaal*, vol. xci (1925) 1–66; Beling, Ernst, in *Deutsches biographisches Jahrbuch*, Ueberleitungsband ii (1917–20) 495–99.

BINET, ALFRED (1857–1911), French psychologist. He is best known for his work on the measurement of mental abilities. Binet was a student of the natural sciences, of law and of medicine. Although his early work under Charcot and Féré stimulated a particular interest in abnormal psychology he contributed richly to all branches of psychological investigation. In 1892 he became adjunct director of the recently founded psychological laboratory at the Sorbonne and from 1894 until his death he was its director.

Binet was a prodigious writer. His researches are recorded chiefly in the journal *L'année psychologique*, which he founded in 1895 and in which may be traced the gradual development of his interest in intelligence testing. Very early in his career he set out to determine the differences in mental traits between individuals. He dwelt upon the possibility of measuring "richness of inspiration, accuracy of judgment and the general ability of the mind." To this end he devised simple tests differentiating between the intelligent and unintelligent. He compared children in these categories with reference to head measurements and skin sensitivity, made anthropological measurements of abnormal boys and studied handwriting, palmistry and physiognomy as possible indicators of intelligence.

In 1900 the Société Libre pour l'Étude Psychologique de l'Enfant, an association of psychologists and school teachers working on practical psychological problems in the schools, was founded under Binet's leadership. In 1904 Binet was appointed member of a commission to formulate recommendations for the administration of special classes in the public schools. His work on this commission led him to construct in collaboration with Simon a scale of tests to aid in the diagnosis of feeblemindedness. The rough scale which appeared in 1905, with the tests graded merely in order of difficulty,

is nevertheless significant as the first standardized scale for the measurement of intelligence. A revision appeared in 1908 and with it the important concept of mental age. Binet again revised the scale in 1911, the year of his death. It has since been widely used and frequently modified, especially in the United States.

Binet's work is characterized by originality and sound common sense. Distinctly practical in his outlook he did not build up any complex theory of intelligence. Although more refined statistical procedures than he used have since been applied, Binet's contribution to the measurement of intelligence is the most important of his generation.

R. PINTNER

Consult: Simon, Th., "Alfred Binet" in *L'année psychologique*, vol. xviii (1912) 1–14; Claparède, Ed., "Alfred Binet" in *Archives de psychologie*, vol. xi (1911) 376–88, tr. by Mary Louch in *Child Study*, vol. v (1912) 18–24, 97–102; Larguier des Bancels, J., "L'oeuvre d'Alfred Binet" in *L'année psychologique*, vol. xviii (1912) 15–32; Martin, Robert, *Alfred Binet* (Paris 1924); Peterson, Joseph, *Early Conceptions and Tests of Intelligence* (New York 1925) p. 117–267.

BIOLOGY, as its name implies (Greek: *bios*, life; *logos*, discourse), is the science of life. The term itself was coined by Lamarck and Treviranus independently and in the same year, 1802, as a comprehensive designation for the science of all living organisms, whether plant or animal. The lack of such a designation prior to the nineteenth century is indicative of the late recognition of biology as a separate branch of science. Earlier biological theories and discoveries, like early chemical or geological theories, took their place as parts of complete cosmologies, to which they gave content and from which they drew their meaning. The observations of life among primitive peoples clearly possess this generalized character, while all the biological discussions of antiquity are to be viewed rather as materialistic or idealistic interpretations of the world than as attempts to distinguish between living and inert nature.

Biology as a unified science could come into existence only after the recognition of a principle or set of principles informing all living things and distinguishing them from inert matter. Partial insights accumulated gradually, but it was only in the nineteenth century that such recognition became explicit and general. The older philosophical interpretations had first to give way to a series of disparate and experimental approaches to the universe. The development of physics in the seventeenth and chemistry in the eighteenth century laid the groundwork for all modern science. It was the recognition of the cell as the basis of all life which supplied a theoretical principle unifying the older studies of plant and of animal life, drawing together too studies of structure, anatomy and morphology, and of function and physiology. After the middle of the nineteenth century it was possible to look back and visualize all the earlier work in anatomy or taxonomy as biological work. The dramatic reception of the doctrine of evolution impressed firmly on contemporary thought the reality and importance of biological science. The research and study of the twentieth century have resulted in the development of a multitude of separate and often very distinct subdivisions of biology—cytology, microbiology, bacteriology, embryology, endocrinology, genetics—as well as the older studies of anatomy, morphology and physiology. The study of living organisms is becoming affiliated with other sciences, with organic chemistry, with psychology, with eugenics, until it is again more accurate to speak of biological sciences than of biology. The biological approach has, however, left a definite impress on current thought, while in the separate fields biology continues to develop funds of knowledge which no student of society can afford to neglect.

The history of biology in early times can be traced only very sketchily. The study of living things has always been closely related to the practise of medicine, and those early traces of biological knowledge which are to be found in Babylonia or Egypt are derived from medical science. In early Greece too it was Hippocrates and his predecessors who laid the foundation for the contributions of Democritus and Aristotle. In the work of the former the study of living organisms is subordinated to a very completely elaborated materialistic interpretation of the universe. It is with Aristotle (384–322 B.C.) that we get the first attempt at scientific observation and description of animal and human life. His treatises *On the History of Animals*, *On the Parts of Animals* and *On the Reproduction of Animals* not only summarize a large part of what was previously known about animal life but contain a multitude of new facts resulting from Aristotle's own observations and dissections, descriptions of numerous forms from the higher mammals down to the sponges and many accounts of anatomical structure.

Nothing comparable to the achievements of

Aristotle appeared for over eighteen centuries. The Alexandrian philosophers kept up some medical studies; Pliny (23–79 A.D.) wrote more copiously than had Aristotle on natural history, but he was exceedingly uncritical and unreliable; Galen (*c.* 130–200 A.D.) contributed much to our knowledge of anatomy. Then for a long period the western world became absorbed in mystical discussions while the knowledge of antiquity was kept alive largely by the Arabian scholars. With the early Renaissance there was a new interest in all the forms of life; the stimulus to detailed observation of the human body came first from the painters—Leonardo da Vinci but exemplified a current interest. It is not surprising that the work of the period was chiefly anatomical. Andreas Vesalius (1514–64), perhaps the outstanding figure in the history of anatomy, broke away from ancient tradition and despite opposition and even personal danger carried on epoch making investigations of the structure of the human body. About the same time the German Cordus (1515–44) established botany on a scientific basis. A new direction was given to scientific development by William Harvey (1578–1657), court physician to Charles I, through his discovery of the circulation of the blood and his original researches on embryonic development. Harvey was the chief scientific exponent of a mechanical concept of nature which was finding expression in the works of Descartes and Leibnitz and gradually replacing the authority of the Aristotelian doctrines. But his greatest importance lies in the added impetus which his work gave to the study of anatomy, making the outstanding scientific achievement of the seventeenth century the accumulation of a mass of anatomical descriptions and generalizations which have been the basis of all later developments in this field.

Toward the latter part of the seventeenth century the perfection of the microscope made possible the exploration of a new world of living things. It enabled Hooke, Grew, Malpighi, Schwammerdam and Leeuwenhoek to provide the basis of our knowledge of the minute structure of plant and animal life. Leeuwenhoek (1632–1723) was the first to reveal the existence of the world of micro-organisms; he also discovered the human spermatozoon. The work of these microscopists was of particular importance in that it laid the foundation for the formulation of the cell theory.

These new discoveries, undermining the older theories without as yet providing the fundamental concepts for a new series of directed observations, led the biologists of the seventeenth and eighteenth centuries to a preoccupation with systematic description and classification. The great leader in this movement was the Swedish naturalist, Linnaeus (1707–78), who originated our binomial system of nomenclature and described in his great work, the *Systema naturae* (1st ed. Leyden 1735), all the then known species of the plant and animal kingdoms. Early in the nineteenth century knowledge of the relationships between groups of animals as well as of structure and classification was greatly advanced by Cuvier (1769–1832), a pioneer in the application of the comparative method to anatomy and palaeontology. The work of Cuvier's contemporary, Lamarck, added much to our knowledge of the invertebrate animals. Lamarck (1744–1829), however, is chiefly noteworthy as the first to give a thoroughgoing exposition of the theory of organic evolution, although his evolutionary speculations and those of his colleague, Saint-Hilaire, met with strong opposition and the dogma of the fixity of species remained a commonly accepted doctrine.

When studies on the minute structure of plant and animal tissues led to the formulation of the cell theory by Schleiden and Schwann in 1838 and 1839, modern biology as a separate science had reached the beginning of its period of maturity. This generalization had far reaching consequences in the development of morphology, embryology, histology and physiology. The improvements of the microscope which made possible the study of cells also led to a greatly increased knowledge of the minute forms of plant and animal life. The long and vigorously contested controversy as to whether these minute forms might originate spontaneously out of organic infusions was finally settled in the negative by the work of Pasteur (1822–95) and Tyndall (1820–93), who showed that there is no critical and conclusive evidence that life is ever generated except from some antecedent organism. Pasteur in particular demonstrated that micro-organisms are the causative agents of putrefaction and fermentation, knowledge which has proved of great practical as well as theoretical value. Pasteur's studies led him to think that such organisms might be responsible also for the causation and spread of infectious diseases. He found that two diseases of silk worms are caused by micro-organisms and contributed to the demonstration that anthrax, or splenic fever, is caused by a bacillus. These discoveries,

leading to the determination of the bacterial origin of several diseases, have revolutionized the science of medicine and have contributed greatly to the successful results of surgery.

Throughout the eighteenth century the study of living organisms had been definitely limited by the vagueness of the current knowledge of chemical reactions. The development of the science of chemistry by Priestly and Lavoisier had removed some of these limitations and at the same time given a new impetus to philosophic speculation. In the early nineteenth century the progress of organic chemistry gave the biologist a new tool with which to work, while the formulation of the theory of the indestructibility of energy completed the general theoretical substructure of early nineteenth century science.

With this new technical and theoretical equipment it was to be expected that biology would develop through a multiplication of detailed and specific studies. And thus for a time it did. But it was with the enunciation of the theory of organic evolution by Charles Darwin in 1859 that biology received its fundamental modern impress and assumed a dominant place in the complex of natural sciences. The idea of evolution was not entirely new, as enthusiastic historians soon demonstrated; it had been set forth in a quite developed form by Lamarck a century previously. But despite its obvious value as a unifying concept it had never before received widespread attention. The progress of the science of geology and the multiplication of detailed studies had furnished Darwin with a firmer substructure for his theory; at the same time scientists were more in need of such a logical framework. The social and philosophical implications of the doctrine of evolution were immediately apparent; it substantiated the fervent belief of the nineteenth century in progress, while the subsidiary doctrine of natural selection justified in striking fashion the emphasis of contemporary liberals on free competition and free enterprise.

This taking over of the concept of evolution into the general cultural life gave a new importance to the science of biology, a new weight to all its conclusions. At the same time the doctrine itself influenced the course of development of knowledge of living things. In providing a unifying theory it gave new impetus to the study of anatomy and morphology and especially to the little known field of embryology. In the search for proof or confutation of the theory the younger scientists unearthed masses of conflicting but valuable data. In the last decade of the nineteenth century cytology received the greatest attention, and technical methods were developed to a high point. The nervous system in particular was studied in great detail, with the consequent laying of a foundation for the affiliation of biology with psychology. The discovery about 1880 of the course and significance of fertilization, almost as important as the discovery of the circulation of the blood although less heralded, made possible future work in heredity. During the same years new studies in microbiology, especially in bacteriology, and in vegetable morphology greatly increased the range of biological knowledge.

The inevitable result of this activity was a revaluation of the assumptions and hypotheses of the doctrine of evolution. The earlier attacks on the entire concept were not renewed; instead biologists began to divide into opposing groups on the basis of their explanation of the process of evolution. Darwin himself had put forth a variety of explanations; greatest emphasis was laid on the role of natural selection in determining the evolution of species, but he thought also that environment might have a direct influence on bodily changes. The neo-Darwinians, most eminent among whom was August Weismann (1834–1914), made natural selection the sole cause of evolution. Another group, reviving Lamarck's contention that acquired characters might be inherited, attacked the arguments of the neo-Darwinists. The controversy tended to become sterile and contributed to that waning of the influence of Darwinism at the close of the nineteenth century which was both marked and hastened by the appearance and popularity of such philosophies as those of Carlyle and Nietzsche.

Biology during the twentieth century has been essentially experimental, and the enunciation of general theories has been followed by an attention to particular researches. In the study of heredity, while the concept of evolution remains as one of the basic presuppositions, detailed experiment is providing richer and more confusing knowledge of processes. The rediscovery of the work of Mendel (1822–84), the appreciation of the importance of mutations by de Vries (1848–) and other studies have set the problem in different terms. At the same time biology is expanded so that it meets and mingles with other sciences. The study of heredity inevitably leads to the study of eugenics and population with all their

social implications. Biological geography has come to add to the group of facts assembled by geographers or anthropologists. Some of the most striking recent work has been in the field of biochemistry, with experiments on colloids and on fermentation and especially with the discovery of the role of internal secretions. The importance of biology for psychology is still not easily estimated.

Modern biology shows as yet no tendency to develop a new series of unifying generalizations. It has remained almost entirely unaffected by the revolutionary concepts of the physical sciences; in the doctrine of emergent evolution (*see* EVOLUTION) one can see a philosophical reaction to certain modern trends; but in general biologists, not too greatly troubled by the lack of unified concepts, are devoting themselves to research on specific problems. This multiplicity of detailed studies and hypotheses makes it impossible to summarize even briefly the substance of modern biology. It is possible only to give some indication of the character of the generalizations still accepted, the substantial core of the science—the base from which new studies proceed—and the concepts which have entered most generally into the contemporary body of scientific knowledge.

It has become apparent that the fundamental processes of growth, assimilation, metabolism, respiration, excretion and irritability are much the same in all organisms from the simplest plants to the highest forms of animal life. Whether or not life processes are absolutely distinct from the activities of inorganic objects, living beings present a number of fairly distinctive peculiarities. Living substance, or protoplasm, is chemically very complex and unstable; it varies in composition not only in different organisms but also in different organs of the body. Protoplasm is not merely one substance, but a group of highly complex substances, always associated in living bodies with many other materials such as water, salts and numerous substances in the form of food or waste products. This fact renders the synthetic formation of protoplasm by the chemist a task of stupendous, if not altogether insuperable, difficulty.

Protoplasm, or in Huxley's famous phrase "the physical basis of life," undergoes a twofold process of waste and repair which is called metabolism; it is formed out of simpler constituents and it breaks down again into waste products. The building up processes are responsible for growth, which in living substance takes place not by the addition of material to the outside, as in the growth of most inorganic bodies, but by the incorporation of assimilable materials throughout the mass. This remarkable power of converting very diverse food materials into a specific variety of protoplasm is one of the most distinctive of the attributes of living creatures. It constitutes the basis of individuality. Each organism is a kind of vortex through which matter is continually passing but whose form remains fairly constant amid an ever changing content. The process of metabolism in its reverse aspect liberates energy, derived largely from the oxidation of organic compounds, for the performance of the functions of the organic body. Metabolism is thus the basic feature of life activity.

Another general peculiarity of living creatures is their tendency to undergo cyclical changes. In higher forms this is exhibited in the phenomena of growth, development and finally death, each form tending to go through its cycle in about a given time, whether it be but a few days, three score and ten years or many centuries, as with the giant redwood trees of California. All organisms have the power of replacing individuals through the process of reproduction. This process always involves some form changes, even in the fission of the simplest bacteria, but in all higher forms it is associated with the phenomenon of development. In the more complex organisms development leads to natural death as the final culmination of a series of vital activities. Among lower organisms, however, death is usually a fortuitous event. The process of simple fission enables the organism to live in its descendants and, barring accidents, such organisms may be potentially immortal.

The property of irritability which is common to all organisms enables them to react to the forces of the outer world. Responses to stimuli are exhibited by plants as well as by animals but it is only in the latter that behavior, as distinguished from the vegetative functions of life, comes to constitute a conspicuous and striking feature of vital activity.

Of all the properties of living beings the power of adaptation is perhaps the most distinctive. The parts of an organism are not only admirably fitted for the performance of their special functions, but the activities of the several parts are subordinated to a definite end: the preservation of the individual and the perpetuation of its kind. Organisms continually adjust themselves to meet the changes in their environment.

Spencer's famous definition of life as "the continuous adjustment of internal relations to external relations" lays emphasis upon this process of adjustment or adaptation as the very essence of vital activity. Meeting an object of prey a carnivorous animal may respond by making efforts at pursuit and capture. If these are successful food is devoured; its presence in the stomach brings about an adaptive reaction in the secretion of gastric juice; then follow other adaptive reactions on the part of the alimentary canal and finally the absorption, transportation and assimilation of the products of digestion. Organisms frequently restore lost parts by a series of activities apparently guided by some directive agency to the realization of this end. Living creatures adapt themselves to changed conditions in manifold ways: muscles become stronger by exercise; bones become thicker when subjected to added strain; skin develops protective calluses as a result of frequent contact; and the individual may become acclimated to changes of temperature and immunized to various diseases. A large part of the activities involved in the process of living consists in making responses of an adaptive kind.

It is this remarkable adaptiveness which has led many to the view that mere physical and chemical processes can never provide a satisfactory explanation of vital phenomena. Those who hold to what Loeb has called "the mechanistic conception of life" believe that life phenomena are explicable in the last analysis in terms of the laws which obtain for non-living matter. Certainly chemical and physical processes constitute a large part of the activities of the organism; but we have no way of knowing whether all the phenomena of life will eventually prove susceptible of a mechanistic explanation. The vitalists believe that there will always be some unexplained residue. They contend that life is something *sui generis* and postulate some teleological principle or entelechy as its coordinating and directing agency. This fundamental conflict of assumptions the progress of the science of biology has not resolved.

It has been said that recognition of the cellular constitution of living matter is one of the theoretical bases of modern biology. We now know that in all but possibly some of the very simplest forms of life protoplasm is organized into bodies known as cells; each cell has a certain individuality of its own although all are dependent to a considerable degree upon other cells with which they are associated. All cells are known to arise by the division of previous cells, *omnis cellula e cellula*. In higher organisms all are descendants of the fertilized ovum or egg cell, which is a cell set apart for the function of reproduction. Some of the cells of the embryo produce other reproductive cells, but the majority of them are modified to form the epithelial, muscular, nervous and other cells which make up the organs and tissues of the body. Since the primary germ or sex cells form therefore both body cells and other germ cells there is a continuous series of cell generations from one organism to the next and through an indefinite series of organisms. It is this continuity which forms the physical basis of heredity.

The basis of August Weismann's well known doctrine of the continuity of the germ plasm was an emphasis on the distinctiveness of germ plasm and body plasm. According to this doctrine body plasm is produced from germ plasm, but the latter is derived not from the body, as had been commonly held previously, but from antecedent germ plasm. Thus offspring resemble their parents because both are derived from a continuous stream of germinal substance which is carried by successive bodies in a relatively unmodified form.

This method of interpreting heredity is a very simple and natural one. It was used by Weismann as an argument against the Lamarckian theory of the transmission of acquired characters. For if the germ plasm is not, strictly speaking, derived from the body it would follow that acquired characters, as distinguished from those which owe their origin to the germ cells, would probably not be transmitted to the offspring. Those who reject the Lamarckian theory usually appeal, like Weismann, to the operation of natural selection as an explanation of evolutionary changes. Darwin chose the term natural selection to indicate the similarity of the evolutionary process to the artificial selection practised by breeders of plants and animals. By choosing for parents those forms which happen to vary in the direction in which he desires to improve his stock the breeder is able to produce many different varieties suited to his purposes.

Darwin had been greatly impressed by the striking accomplishments of selective breeding. If it could be demonstrated that something analogous occurs in nature what might it not have accomplished in the millions of years during which life has existed on the earth? The idea that a continual selection takes place in nature was suggested to both Darwin and Alfred Russel

Wallace by Malthus' *An Essay on the Principle of Population* (London 1798), which demonstrated that the tendency of peoples to multiply at a geometric rate naturally leads to overcrowding, scarcity of food and other unfavorable conditions with the result that increase in numbers automatically brings about its own check. It could scarcely be otherwise than that animals and plants, which tend to multiply at a geometric rate, should also be subjected to the same struggle for existence and checks to natural increase which are found in human populations. Only a small part of the organisms which are produced can possibly survive. Inasmuch as organisms breed up to the limits of subsistence, and since numbers must remain about the same year after year, only two organisms, on the average, will survive to replace their two parents. All organisms vary, and as some are better fitted to survive than others the individuals which are preserved will in general be those which are best adapted to their conditions of life. Hence, as Darwin and Wallace argued, there is continually going on in nature a selective survival dependent on differences in hereditary endowments. Darwin amply proved that there was much variability among species in nature as well as among those under domestication. Hence the survival of the fittest has every opportunity to operate and under the circumstances can scarcely fail to do so.

Thus natural selection, according to the Darwinian theory, constitutes the chief factor in evolutionary changes. It acts on every peculiarity of the organism, internal or external, whose variations may increase or decrease the chances of survival. It is ever tending to bring about a better adaptation of the organism to its environment. It acts moreover only for the benefit of the species concerned. As Darwin admitted, nothing could afford a more serious difficulty to his theory than the evolution of structures of no value to their possessor, but solely of service to another species. From the nature of the case everything produced by natural selection must have a utilitarian significance for its possessor. This consequence of the theory is one of considerable interest in relation to its application to the field of human relations.

One of the most important theoretical bearings of the doctrine of natural selection is its relation to teleology, for it would explain the apparent purposiveness of organic nature by means of natural causes. This constitutes perhaps its chief interest for the philosopher and the theologian. The biologist, however, is primarily interested in whether or not it affords a satisfactory explanation of organic evolution. On this point biologists entertain many different opinions. Some consider that its influence is trivial and concerned only with the elimination of a certain number of ill adapted variants and that it contributes nothing to the progressive development of the species. Others, like Weismann who speaks of "the all sufficiency of natural selection," attribute evolution practically to this cause alone. All sorts of intermediate positions have been developed by recent biologists but natural selection remains as the most widely accepted single theory concerning the cause of organic evolution.

There is no doubt that natural selection is operative in the human species as well as in lower organisms, but the way in which it acts is conditioned by the kind of civilization which develops in any given time and place. Some writers have contended that because of our advances in medical and sanitary science and our custom of fostering the weaklings who would have perished in a more primitive regime the action of natural selection has been almost completely abolished. There is, nevertheless, much evidence that selective elimination still goes on. It is manifested in the enhanced death rate of persons with an inherited proclivity to various defects and diseases. Haemophilia, or bleeding, transmitted as a sex linked Mendelian character, is a frequent cause of death. Persons with an inherited tendency to contract tuberculosis or other germ diseases tend to be eliminated by natural selection. Most of all, natural selection is conducive to the elimination of the feeble-minded, among whom the death rate is relatively high and the infant mortality frequently excessive. Were it not for the higher fecundity of the intellectually subnormal, natural selection would probably tend to get rid of this stratum of humanity with a satisfactory degree of rapidity.

Selective forces act in the human species in many ways. The eugenicists and the sociologists have made many studies of the operation of the process. Thus de Lapouge in his work *Les sélections sociales* (Paris 1896) has distinguished between military, political, religious and economic selection. Of all the forms of selection occurring in human society, that resulting from warfare has elicited the most discussion. It is an interesting fact, bearing on the possible contributions of biology to a science of society, that both militarists and pacifists appeal to the prin-

ciple of selection in supporting their case. Several writers who admit that modern warfare tends to eliminate the best individuals of all contending parties nevertheless maintain that it leads to the supremacy of the best endowed groups and hence to the replacement of inferior by superior peoples. The last few centuries, for instance, have witnessed an enormous expansion of the Caucasian race which has displaced more primitive peoples who had the misfortune to be in the way. But if war has led in some instances to biological advancement, most modern wars between civilized nations cannot be said to have had this effect. Usually they do not lead to biological replacement and are in no way defensible from the standpoint of biological evolution.

Group conflict, however, has probably played an important role in the early development of the human species as it has in the evolution of social animals. Animal societies secure certain advantages for their members and may be regarded as among the many devices evolved by selection as an aid to survival. First among these advantages is that of protection. In the members of societies of ants, bees, wasps and termites the instinct to resist attacks upon the group are strongly developed. In herds of wild hogs, cattle and horses an attack upon one individual will arouse the hostility of the whole group, and this tendency toward mutual defense affords a valuable protection against predatory carnivores that might overcome an isolated individual.

There are other advantages besides mutual protection conferred by social relationships. Sometimes a society is an offensive as well as a protective association, as in the case of packs of wolves and colonies of driver ants. Or again it may be in part industrial, as with the bees, ants, termites and beavers. Animal societies present more than mere analogies with the social organizations of human beings. Both kinds of organizations have a common root and mode of origin, and they have much the same biological significance. Like animal societies, human societies depend to a large extent upon social instincts and impulses. To understand the nature of man one must go far back into the earlier stages of evolution and try to gain some idea of the forces which have shaped the course of his development. Herein lies one of the chief contributions of biology to the study of human society.

It is not alone the value of a knowledge of the biological factors in social phenomena which constitutes the importance of biology for the student of society. He must also be interested in the profound influence of discoveries in the biological sciences on the development of civilization. This influence in its earliest and most unorganized form is very conspicuous in such a field as that of agriculture. When man first began to cultivate the soil he made it possible to secure a much larger supply of food than had previously been available. The domestication of animals furnished him with beasts of burden, clothing and meat; and the cultivation of grains and fruits not only contributed to support a greater population but produced marked changes in the character of social life. The enormous increase in population which occurred during the nineteenth century was due in no small measure to knowledge of plant physiology, of the causes and cures of plant diseases, of the methods of improving varieties by selected breeding, of soil bacteriology, of effective methods of fertilizing and cultivating the soil, and of the methods of preparing and preserving the products of plant life.

Ever since the dawn of civilization man has obtained food and clothing from the lower animals. A modern packing house taking advantage of the most recent biological discoveries utilizes animal products in much more numerous ways and even makes extracts from the various endocrine glands. But the most conspicuous effects of advancing biological knowledge are observed in relation to the role of smaller forms of animal and plant life. Although many of these, such as the insects which effect the cross pollination of plants, are of benefit to the agriculturalists, there are hordes of predatory insects and other forms which directly and indirectly do an enormous amount of damage. It is estimated that the losses due to insect pests in the United States amount annually to about $800,000,000. There are also numerous parasitic worms which injure plants and a larger number which infest animals. About a hundred species prey upon men. Some very destructive plant diseases are caused by protozoans; others are due to yeasts, fungi and bacteria. Tracing these diseases to their causes often leads to a discovery of a remedy. Man is engaged in a continuous conflict with numerous small creatures which attack his cultivated products, both plant and animal, and he has profited greatly in this struggle by his increased knowledge of the world of life.

Biological knowledge has been of even greater practical value in relation to medicine and hygiene. Anatomy and physiology form the foun-

dation of our knowledge of both the normal and the abnormal functioning of our bodies. Some diseases, such as cretinism and diabetes, are caused by an insufficiency of a specific internal secretion, or hormone, and when the proper hormone is supplied a marked improvement frequently follows. Some of the most striking achievements of modern medicine are based upon the control of bacteria. The almost complete elimination of yellow fever, the marked decrease of malaria, typhoid fever, cholera and the plague, the wonderful achievements of antiseptic surgery and the discovery of effective vaccines and sera have contributed much to the reduction of human mortality. The modern interest in public health programs has been both stimulated and made possible by increasing biological knowledge; along these lines further developments are to be expected.

Biology assumes an even greater social significance through its contributions to our knowledge of the processes of heredity. In this new field the discoveries are as yet too partial to be applied with any such certainty as the simpler anatomical or medical knowledge. Great as are the advances which have been made in the study of eugenics, biologists as yet have only the crudest techniques for preventing the perpetuation of undesirable human characteristics and are still less able to produce desired combinations of traits.

Again and again, particularly since the general acceptance of the theory of evolution, philosophers and social scientists have turned to biology in the hope that it might furnish a clue to the ends of individual and social existence. If life has developed from simplicity to complexity through certain paths, cannot the next steps be plotted? The idea of human society as an organism with definite biological laws of growth has had a particular appeal for numerous periods. But the doctrine of evolution itself combats the idea of teleological development, while the increase of biological knowledge has broken down the old classifications of species and groups and raised a doubt as to the reality of any unilateral path of progress. Students of society are being forced to a realization that they cannot look to natural laws for values or goals. Biology is unable even to define the limits of health without reference to non-biological standards of acceptable or undesirable equilibria. Social health must be an even more relative concept. Certain diseases biology can help to banish; it can give some clues as to the nature and limits of all life processes; it can predict the results of some kinds of action; but to the question of final values biology, like all other sciences, can give no answer. Its partial replies are none the less to be sought and used.

S. J. HOLMES

See: EVOLUTION; ORGANISM, SOCIAL; MECHANISM AND VITALISM; HEREDITY; ENVIRONMENT; EUGENICS; POPULATION; RACE; MAN; ANIMAL SOCIETIES; HUMAN NATURE; PSYCHOLOGY; MEDICINE; SCIENCE.

Consult: Nordenskiöld, Erik, *Biologens historia*, 3 vols. (Stockholm 1920–24), tr. by L. B. Eyre (New York 1928); Dampier-Wetham, W. C. D., *A History of Science and its Relation with Philosophy and Religion* (Cambridge, Eng. 1929) chs. vi, viii; Rádl, Emmanuel, *Geschichte der biologischen Theorien* (Leipsic, pt. i, 2nd ed. 1913; pt. ii 1909), tr. by E. J. Hatfield (London 1930); Spencer, Herbert, *Principles of Biology*, 2 vols. (rev. ed. London 1898–99); Holmes, S. J., *An Introduction to General Biology* (New York 1926); Jennings, H. S., *The Biological Basis of Human Nature* (New York 1930); Woodger, J. W., *Biological Principles* (London 1929); Huxley, Julian, *Essays of a Biologist* (London 1923); Parshley, Howard M., "Biology" in *History and Prospects of the Social Sciences*, ed. by H. E. Barnes (New York 1925); Hankins, F. H., *An Introduction to the Study of Society* (New York 1928) chs. vi–vii; Sorokin, P., *Contemporary Sociological Theories* (New York 1928) chs. iv–vii.

BIOMETRY. *See* ANTHROPOMETRY; BIOLOGY.

BIPARTISAN BOARDS. *See* BOARDS, ADMINISTRATIVE.

BIRKBECK, GEORGE (1776–1841), English educational reformer. He studied medicine in London and in Edinburgh, where Brougham, Jeffrey and Francis Horner were among his friends. In 1799 he became professor of natural philosophy at the Andersonian Institution in Glasgow, where he established lectures in science for artisans in 1800. Sympathetic observation of their needs determined his action, and simple language in teaching and the use of effective experiments insured his success. When he left Glasgow in 1804, shortly to become a medical practitioner in London, the mechanics' class was continued and in 1823 became the Glasgow Mechanics' Institution. Meanwhile in 1821 Leonard Horner, inspired by the Glasgow example, founded the Edinburgh School of Arts, and the success of both these ventures led to the founding, under Birkbeck's auspices and with the support of Brougham, of the London Mechanics' Institution in 1823. This institution is now Birkbeck College of the University of London and has maintained a continuous tradi-

tion of part time adult education under the partial control of its students. Mechanics' institutes spread rapidly throughout the British Isles, while the examples of Glasgow and London, in particular, stimulated parallel developments in France and the United States. It was Brougham who became the particular champion of the movement, but Birkbeck was active as president of the London Mechanics' Institution until his death, lecturing there regularly on a great variety of subjects and giving financial aid toward the construction of a building. Birkbeck helped to establish other institutions in London, in which he also lectured. Moreover he was a founder and member of the council of University College in London. He also played a prominent part in the agitation which had for its object the repeal of the tax on newspapers.

MABEL PHYTHIAN

Consult: Godard, J. G., *George Birkbeck* (2nd ed. London 1888); Burns, C. D., *A Short History of Birkbeck College* (London 1924).

BIRKMEYER, KARL VON (1847–1920), German jurist. He was a professor of law at the universities of Rostock and of Munich (1886–1912). As one of the leaders of the "classical school" of criminal law Birkmeyer ardently defended the principle of free will as the fundamental basis of responsibility and upheld the notion that the primary purpose of punishment is retribution proportionate to the crime, not excluding, however, the lesser purposes of amending and deterring the criminal. Birkmeyer further drew a sharp distinction between punishment and purely preventive measures not depending on the question of guilt. In conjunction with J. Nagler and others he edited a series of treatises in criticism of the sociological school of Liszt (*Kritische Beiträge zur Strafrechtsreform*, 16 vols., Leipsic 1908–14). He also contributed to the *Vergleichende Darstellung des deutschen und ausländischen Strafrechts* (1905–09), published in view of the preparation of a new penal code for Germany.

ALFRED VON OVERBECK

Important works: "Ueber Ursachenbegriff und Causalzusammenhang im Strafrecht" in *Gerichtssaal*, vol. xxxvii (1885) 257–357; *Die Lehre von der Teilnahme* (Berlin 1890); *Deutsches Strafprozessrecht* (Berlin 1898); "Schutzstrafe und Vergeltungsstrafe" in *Gerichtssaal*, vol. lxvii (1906) 401–23; *Strafe und sichernde Massnahmen* (Munich 1906); *Was lässt von Liszt vom Strafrecht übrig? Eine Warnung vor der modernen Richtung im Strafrecht* (Munich 1907); *Studien zu dem Hauptgrundsatz der modernen Richtung im Strafrecht; "Nicht die Tat, sondern der Täter ist zu bestrafen"* (Leipsic 1909); *Schuld und Gefährlichkeit in ihrer Bedeutung für die Strafbemessung* (Leipsic 1914).

Consult: Beling, Ernst, in *Kritische Vierteljahrsschrift für Gesetzgebung und Rechtswissenschaft*, vol. lvi (1923) 307–24.

BIRNEY, JAMES GILLESPIE (1792–1857), American antislavery politician and writer. Birney is the outstanding example of the few slaveholders who abandoned faith in gradual emancipation and became political abolitionists. He was born at Danville, Kentucky, of wealthy Irish Protestant parents, and was educated at Transylvania University and later at Princeton. After admission to the bar in 1814 and a short practise in Danville he removed to Madison County, Alabama, in 1818. Here he secured the passage of a constitutional provision allowing the legislature to abolish slavery, and the enactment of two laws against importation of slaves for sale, both of which were soon repealed. In 1826 he became interested in the movement to colonize freedmen in Liberia and active in the American Colonization Society. Strongly favoring emancipation by state law he returned to Kentucky in the belief that it was the most favorable abolitionist battleground. He emancipated his slaves in 1834, and when later he inherited others he freed them also. Encountering vigorous opposition to his ideas he moved to Ohio, where he started *The Philanthropist* (1836–37) and aided in the "underground railway" by which slaves were spirited into Canada. In 1837 Birney became secretary of the American Anti-Slavery Society and removed to New York. He was indefatigable in urging emancipation by state and federal action and strongly opposed William Lloyd Garrison's program of non-political agitation, Garrison believing apparently that slaveholders might be shamed into manumitting their slaves or else, by a dissolution of the Union, be left to practise the sinful system of slavery without interference. In 1839 Birney was named for president of the United States by a small convention at Warsaw, New York, but declined the designation. In 1840 Birney published *The American Churches, the Bulwarks of American Slavery* (2nd ed. Newburyport, Mass. 1842), was elected vice president of the World's Anti-Slavery Convention at London and ran for president of the United States as candidate of the Liberty party, receiving over 7000 votes. As candidate again in 1844 he

received 62,300 votes, giving Polk the critical state of New York.

DIXON RYAN FOX

Consult: Birney, William, *James G. Birney and His Times* (New York 1890); Stanwood, E., *History of the Presidency* (rev. ed. Boston 1928); Garrison, W. P. and F. J., *William Lloyd Garrison*, 4 vols. (New York 1885–89).

BIRTH CONTROL. This term has now come into general use to designate practises designed to prevent conception by the employment of mechanical, chemical and other means. Although for such practises the word contraception is more accurate, the term birth control is now commonly applied to them as well as to those extreme forms of contraception, such as the surgical operations vasectomy and salpingectomy, which may result in permanent sterility. In its broader connotation the term includes a much wider variety of practises designed to reduce the number of births or to adjust them to economic or ethical standards, including celibacy, postponement of marriage, abstention from intercourse, *coitus interruptus*, *coitus reservatus*, long periods of nursing, various surgical operations, abortion and even castration as practised by certain religious sects, notably the Russian Skoptsi. Infanticide, especially of females, seems sometimes to have aimed to reduce the fertility of the social group. Hence we may class it with abortion as a crude substitute for contraceptive knowledge. There are certain other conditions which affect the fertility of a population, such as child marriages, war and dangerous occupations, and proof of ability to support a family as a prerequisite of marriage; but these cannot be classed among measures of conscious birth limitation. It seems probable that some of the initiatory ceremonies accompanied by severe mutilations of the sex organs, as among the primitive Australians, may have injured the reproductive powers, but opinions differ as to their effect and as to their purpose. The term under consideration is now also occasionally used to imply a highly rational social policy of birth regulation, that is, an increase or decrease of numbers and control of quality of the population in conformity to increased knowledge and social needs.

Methods of birth control have varied with the type of culture and the amount of available knowledge. Infanticide (*q.v.*) has been and still is widely practised among primitive peoples and was prevalent in all the east Mediterranean cultures of antiquity. Female infanticide has been widely practised in China and seems to have been nearly ubiquitous in India. In Europe, after lapsing during the Middle Ages perhaps because of its severe condemnation by Christian morality, infanticide was revived with the industrial revolution; but in recent times it has again ceased to be an appreciable factor in population limitation although it often serves as a solution for individual difficulties.

The use of abortion (*q.v.*) as a device for the control of births is also widespread. The methods used among primitive peoples—bodily violence and the taking of various concoctions and drugs—are not always effective, especially when the principal reliance is placed on magico-religious rituals. It has been practised in historical civilizations in both the Occident and the Orient and within recent years has been legalized by the government of Soviet Russia. Moreover it has become so fully a part of accepted custom even in Austria, Germany, France, England and the United States that a considerable body of opinion in these countries favors its legalization as a health measure. The only alternative would seem to be the legalization of contraceptive information and practise.

The prohibition of sexual relations between spouses for more or less extended periods has been well nigh universal among primitive peoples. The only class of these tabus which has had an appreciable effect on the prevention of births is that relating to the period following childbirth. Such tabu periods sometimes extend to two, three or even four years. There is considerable evidence that similar abstention until the child was weaned was practised in ancient Egypt, India and Persia and is now in vogue in Egypt, India, China and Turkey. Among Europeans, however, there seems never to have been a pronounced social requirement of prolonged abstention. Ecclesiastical authorities even when opposed to birth control by artificial means approve the restriction of intercourse to the so-called "safe" period or *tempus ageneseos*. Such a method is of doubtful efficacy. Popular tradition and ecclesiastical maxim place the sterile period midway between menstruations, but there is now clinical evidence that the six to eight days preceding menstruation is the most sterile period and that the traditional period is a highly fertile one. Long abstention when attainable nullifies a primary object of marriage and may produce such nervous tension and irritability as to destroy marital happi-

ness. In actual practise it is found to aggravate prostitution and sexual irregularities. It is not therefore a method of birth control of wide applicability under existing marital and social conditions.

Postponement of marriage has also acted as an instrument for the prevention of births. Espousal of females among primitives usually takes place before or shortly after puberty. In the ancient empires marriage was everywhere a duty and fertile motherhood usually a sign of divine favor. However, in Rome during the empire avoidance of marriage became so prevalent that Augustus passed laws against it. It was under Christianity that celibacy (*q.v.*) was elevated to the highest ethical status and even as late as the Council of Trent (1545–63) was praised by ecclesiastical authority as superior to marriage. During the Middle Ages celibacy other than religious was infrequent, but late marriages were common among the lower orders of society. Whatever economic and psychological restrictions still remained were nullified by the commercial and industrial changes of modern times. Today neither deliberate avoidance nor postponement of marriage is sufficiently extensive among western peoples to affect the birth rate greatly except in restricted social classes. Undue postponement seems certain to be accompanied by prostitution, irregular unions and increase of venereal diseases unless free unions under conventionalized conditions are approved. For this reason marriage at an opportune age, with the practise of contraception for an indefinite period thereafter, is widely advocated in the interest of health, morality and social well-being.

Magical contraceptive practises are reported from many tribal peoples, but effective methods such as the use of chemical substances or tampons of soft absorbent material are not unknown to them, especially to the Africans. There is evidence that practical methods were employed by the ancient Jews, the German tribes, the Arabs, the Greeks and the Romans. Methods now in use in China and India are for the most part ineffectual magical rites. In Europe during the Middle Ages the limit of fertility for most marriages was set by nature. An Arabic manual of the sixteenth century, translated into the French as *Les maîtres d'amour*, gave some account of chemical methods. Theilhaber asserts that Arabian physicians were cognizant of the protective pessary and of chemically treated suppositories. By the middle sixteenth century sheaths of fine linen and, shortly thereafter, of lamb's gut were used in Italy. This device, which probably was much older, was recommended by Gabriello Fallopius, Italian anatomist, for the prevention of infection and was first described by him in a work of 1564. Certain sophisticated elements, especially in France and Italy, doubtless knew of effective methods a considerable time before 1800, and there is evidence that in the former country such knowledge was rather widely disseminated even among the peasantry.

But in general the populations of western Europe entered the nineteenth century with little knowledge of contraception. A quarter of a century later, however, such knowledge was spreading more or less rapidly in England and also in the United States. In France the decline in the birth rate became pronounced after 1830. In 1842 Bishop Bouvier of Le Mans represented to the papal authorities that the prevention of conception was becoming very common and that its classification among the deadly sins was creating confessional difficulties. The Curia Sacra Poenitentiaria replied that the confessor need not inquire into individual practise unless his opinion was asked. There is thus evidence that contraceptive practises were attracting public attention in continental Europe before 1850.

In England what is now known as the birth control movement has its ostensible historical source in the population doctrines of Malthus. While he had developed the theory that the greatest evils from which mankind suffers are due primarily to an excessive rate of multiplication his attachment to traditional morality prevented his drawing the obvious conclusion. Nor did he greatly relieve his dark picture of human destiny when he declared in his second edition that man must choose between poverty, vice, pestilence, crime and war on the one hand and "moral restraint" on the other. By "moral restraint" he meant "a restraint from marriage, from prudential motives, with a conduct strictly moral during the period of restraint." He himself pointed out, however, that late marriage was all too likely to result in the even greater evil of sexual irregularities. His timidity thus led him into a dilemma. Some of his more radical contemporaries, among them James Mill, Bentham and Grote, were not long in drawing the logical conclusions from the combination of Malthusianism, utilitarianism and liberal economic theory. In the article "Colony" in the Supplement to the *Encyclopaedia Britannica*

(5th ed. 1818) Mill broached the subject of artificial limitation of numbers. Three years later he said, "The grand practical problem, therefore, is to find the means of limiting the number of births."

The foremost position, however, among the early English neo-Malthusians belongs unquestionably to Francis Place. In his *Illustrations and Proofs of the Principle of Population* (London 1822) Place denounced the doctrine of moral restraint as out of harmony with human nature and added, "The remedy can alone be found in preventives." He argued eloquently and effectively for "such precautionary measures as would, without being injurious to health or destructive of female delicacy, prevent conception." He said nothing, however, about methods, but recent research has revealed that he very probably wrote and undoubtedly sponsored the distribution of the so-called "diabolical handbills" of 1823, in which the evils of large families and the moist sponge method of avoiding them were set forth. He was also responsible for the conversion to neo-Malthusianism of Richard Carlile, who published a rather coarse essay on "What is Love?" in his *Republican* (May 6, 1825). Slightly altered and reissued the next year as *Every Woman's Book; or, What Is Love?* it was the first book in the English language devoted exclusively to contraceptive theory and practise.

This work was soon followed by R. D. Owen's *Moral Physiology* (New York 1830), which discussed methods. It passed through many editions. By far the most influential tract of the century, however, and the first important one by a medical man was *The Fruits of Philosophy; or, The Private Companion of Young Married People* by Dr. Charles Knowlton, a Massachusetts physician (first published anonymously at New York, January, 1832; reprinted with additions, Boston 1833; reprinted in England about 1834). Although he was fined at Taunton and jailed at Cambridge the author continued quietly to circulate this pamphlet. In England more than forty thousand copies of it were sold before it became the basis of a famous trial in 1877.

Meanwhile Dr. George Drysdale had published a widely influential work, *The Elements of Social Science* (London 1854), which passed through thirty-five English editions and was translated into at least ten European languages. In it the author sought to establish a more rational basis for sexual ethics; and he presented the case for small families from the economic, ethical and medical viewpoints. Among the considerable pamphlet literature of this period should be specially mentioned one by an American physician, Dr. R. T. Thrall, entitled *Sexual Physiology* (New York and London 1866). The most influential neo-Malthusian periodical of the century was the *National Reformer*, 1860–93, edited for many years by Charles Bradlaugh. When in 1877 Bradlaugh and Mrs. Annie Besant were tried in court for selling Knowlton's pamphlet the propaganda of the neo-Malthusians became much more active and intense. The effect of the now famous trial was electric. About 185,000 copies of the pamphlet were sold in the next three and one half years. The sale of similar tracts was enormously stimulated and an extraordinary demand created for contraceptive devices. Among the new pamphlets was Mrs. Besant's *Law of Population* (1st ed. January, 1879), of which about 175,000 copies were sold in twelve years. Mention should also be made of a sixpenny brochure by Dr. H. A. Allbutt entitled *The Wife's Handbook* (London 1887), the sales of which have now passed the half million mark.

The interest aroused by the Bradlaugh-Besant trial led to the formation of the Malthusian League in 1877 with Bradlaugh as president and Mrs. Besant as secretary; it was reorganized the next year with Dr. C. R. Drysdale as president. The first number of its official organ, *The Malthusian: A Crusade Against Poverty*, was published in 1879. In 1922 this league became the New Generation League and its organ *The New Generation*. During and since the war Dr. Marie Stopes has been an outstanding leader among English neo-Malthusians. In addition to being an active propagandist she was largely responsible for the opening in 1921 of a Mother's Clinic for Constructive Birth Control in London and for the formation of a society with similar title having as its organ *The Birth Control News*. There were reported to be over forty clinics in English cities in 1929. Meanwhile the entire nation has been engaged in active discussion of birth control in all its aspects, stimulated by the deliberations of the National Council of Public Morals and of its special committees on the decline of the birth rate, on the ethics of birth control and on the medical aspects of birth control.

Little is known of the early propagandist movement in the United States. That it was effective is shown by the above mentioned works by Owen, Knowlton and Thrall, by the views

and practises of the Oneida Community and by the very early decline of the American birth rate. After the Civil War fear was frequently expressed that the native stock would be extinguished by an undue restriction of fertility. The passage of the congressional enactment of 1873 (*infra*) was in part designed to restrict the circulation of contraceptive information and devices. While these continued slowly to spread, there was no organized propaganda on a large scale until the arrest of Margaret Sanger, a public nurse, at New York in September, 1914, and later of her husband, for the distribution of her pamphlet *Family Limitation*. The public interest aroused by these events was utilized to reorganize on March 31, 1915, the National Birth Control League, which had been first formed by Mrs. Sanger in 1914. Branches were soon founded in various cities and several states. In 1919 the Voluntary Parenthood League was formed with Mrs. Mary Ware Dennett as president to agitate for the modification of federal laws. The first American conference on birth control at New York in 1921 attracted wide attention because of police interference. At its close various bodies combined to form the American Birth Control League, which adopted as its official organ *The Birth Control Review*, a monthly journal which had been published since February, 1917, with Mrs. Sanger as editor. This league has sought the modification of state laws and the passage of a federal law legalizing the giving of contraceptive information by "physicians only." In 1923 it established at New York the first successful birth control clinic in America. This was under expert medical direction and found its legal authority in an earlier decision of the state court of appeals permitting the giving of contraceptive information to any wife diseased or threatened with disease. The following year a clinic was opened in Chicago; others followed in Baltimore, Detroit, Cleveland, Newark and elsewhere. A police raid on the New York clinic on April 15, 1929, and the arrest of the physicians in charge resulted in wide protest; the indictments were dismissed shortly thereafter.

Following the English trial of 1877 the neo-Malthusian movement soon became world wide. Leagues were formed for propagandist purposes in Holland (1885), Germany (1889), France (1895), Bohemia (1901), Spain (1904), Brazil (1905), Belgium (1906), Cuba (1907), Switzerland (1908), Sweden (1911), Italy (1913) and Mexico (1918). Famous trials in Belgium, France, India and Australia stimulated interest. The World War gave an immense impetus to population studies. Mrs. Sanger toured the world in 1922 in the interest of the movement, arousing considerable discussion in Japan, China and India. Several Central and South American states have manifested a favorable governmental attitude toward contraceptive propaganda. On the other hand restrictive measures have been taken in France and Italy. Meanwhile the ideas of birth control advocates have been given repeated expression on an international scale through the International Neo-Malthusian Conferences held at Paris (1900), Liège (1905), The Hague (1910), Dresden (1911), London (1922) and New York (1925).

There has never been legal restriction of birth control propaganda in England other than the general laws against obscenity. Recently attempts have been made by Roman Catholics and others both in and out of Parliament to create the presumption that contraceptive literature is of necessity obscene. In New South Wales the supreme court in 1888 sustained the right of publication of Mrs. Besant's *Law of Population*. France had no law against the dissemination of contraceptive information or devices until 1920, when a very drastic law was enacted. The Mussolini government in 1925 established similar restrictions. On the other hand the Mexican government in the same year gave official approval and active support to birth control propaganda. Recently also the Japanese government has relaxed its opposition.

There seems to have been no special legal restriction in this country until the New York legislature specifically included contraceptive information and materials in an obscenity act of 1869. In 1873, largely under the influence of Anthony Comstock, Congress enacted Section 211 of the Penal Code. The primary aim of this law was to prevent the transmission of pornographic publications through the mails, but it specifically forbade the mailing of any printed matter or any drug or device designed to prevent conception. It made no distinction between the lewd and the scientific and did not exempt the medical profession. In quick succession the legislatures of all states except North Carolina and New Mexico passed similar but quite varied laws. Twenty-four of these laws make the giving of contraceptive information a crime; seventeen accomplish a similar restriction by prohibiting any information which will corrupt the morals of youth.

The principal opposition to the movement on ethical grounds has come from orthodox religionists, especially those of the Roman Catholic faith. They argue that children constitute the natural and socially necessary culmination of marriage and that family relationships furnish an invaluable life discipline. These seem sound arguments against induced sterility but not against an intelligent regulation of family size. The support of a small family on a high standard seems to produce as wholesome life values and character traits for all concerned as does the deadening struggle for mere existence among a swarming progeny. Unrestrained reproduction promotes sensuality and indelicacy. Catholic spokesmen do not oppose family limitation as such, because they approve abstention and restriction of intercourse to the mid-menstrual period. They allege, however, that the use of artificial checks is "unnatural" and hence sinful. Their ethical argument thus centers about the means employed rather than about the motives or primary effect. With reference to this the British Committee on the Ethics of Birth Control said, "Civilization itself has been the story of man's control over nature, mainly by mechanical means." Moreover there is evidence that Catholic theologians have approved the use of means of preventing infection by men having illicit relations, declaring such means "morally indifferent in themselves" (Drysdale, C. V., "Roman Catholics and Birth Control," and discussion with A. Vermeersch, in *Birth Control Review*, vol. xiii, 1929, p. 23–24).

Socially constructive ethical arguments favoring birth control point out the close relationship between the control of conception and the advancement of material well-being; the elevation of the status of wifehood and womanhood; benefits to the health and education of children when their numbers and the intervals between them are adjusted to parental health and resources; the senseless immorality of repeated and unwanted pregnancies followed by abortion, infanticide and high infant mortality, together with waste of parental strength, income and marital felicity. Birth control frees women from enslavement to reproduction and introduces an era of voluntary motherhood. In fact there are now few strata in the population where the very large families of two and more generations ago are not looked upon as disgraceful evidences of improvidence and unrestrained sexual indulgence. Control is a primary means of attacking poverty and of elevating social life above the appetitive level of reproduction and food getting. By obviating the suspicion of increasing the population for future wars it is an essential prerequisite of effective world organization for permanent peace. It thus becomes one of the ethical imperatives of a civilized community. Whatever moral charges may truthfully be brought against it in the light of a rational morality may really be ascribed to the high state of individual freedom and well-being which is emerging and to the groping that must accompany the efforts of men and women to achieve a larger mastery of their own destinies.

Opponents of contraception advance the contention that it is deleterious to physical and mental health. In brief they contend that the use of contraceptives induces sterility, produces fibroids of the womb, disturbs feminine physiology by interfering with the far reaching consequences of pregnancy and creates a feeling of unsatisfied sex craving which leads to overindulgence or destroys marital harmony. While these contentions apply mainly to induced sterility and not to birth restriction, there is wide difference of opinion as to their validity. Medical opinion as officially expressed has been slow to support birth control openly, but recent years have brought out numerous expressions of approval by medical societies in England, Germany and the United States. The Medical Committee of the British National Council of Public Morals declared unanimously that "no impediment should be placed in the way of those married couples who desire information as to contraceptives, when this is needed for medical reasons or because of excessive childbearing or poverty." If there are ill effects from contraception they are probably slight, limited to individual cases or particular devices or offset by the general progress of medical science. The fact is that with wider use of contraceptives the health and longevity of women have increased and infant mortality has decreased. The causal connection seems clear. Medical opinion strongly supports the view that in the interest of maternal health and infant vigor two or three years should elapse between births. Contraception is frequently prescribed as a measure of mental hygiene to allay the haunting fear of pregnancy which often handicaps marital felicity. An increasing number of physicians and hospitals are giving contraceptive information in specific cases such as pronounced psychopathy in either mate, tuberculosis, venereal infection, heart disease, heritable defect, and in those

cases where there is danger of too many or too frequent births. Contraception thus is beginning to play an expanding role in preventive therapy.

The birth control movement has stimulated a vast amount of research into the causes of the decline of the birth rate and the extent and consequences of differential fertility. Recently active search for more facile and effective means of contraception has been undertaken. This has involved experimentation with various mammals, including monkeys, as well as further study of the anatomy, physiology and chemistry of human reproduction. Topics of investigation by gynaecologists, geneticists and biochemists include: the time of ovulation and concurrent vaginal reactions; effects of irradiation by X-ray; effect of lead and dietary changes on fertility; spermatoxins and spermaticides; improved methods of sterilization, temporary and permanent, by tying the *vas deferens* or the Fallopian tubes or by uterine electric cauterization; methods of arrest of ovulation; artificial initiation of the menses; and immunization. A considerable number of these researches have been instigated by the Committee on Maternal Health of New York, Dr. R. L. Dickinson, secretary. The Brush Foundation of Cleveland under the direction of Professor T. Wingate Todd has undertaken study along some of these lines, as has also the Institute of Sex-Physiology at Edinburgh under Dr. F. A. E. Crew. Finally considerable attention is being given to the improvement of existing methods, a field of study greatly benefited by the establishment of clinics under medical direction.

In spite of vigorous opposition and insecure legal basis birth control has become an accepted procedure for an increasing portion of the public. It is clearly the main factor in the recent decline of the birth rate among the white stocks of mankind. By 1900 the French population was approaching a stationary state; the upper classes in several countries and especially in the great cities were no longer reproducing themselves, a statement applicable also to much of the Old American element in this country. Some decline was necessitated by the decrease in the death rate and the great prolongation of life, but the decline has been far from uniform as between nations, classes and urban as against rural groups. French demographers and publicists have frequently pleaded for a release of fertility; the bugaboo of the "yellow peril" has often been held up before western nations; recently prophecies of a Slavic inundation of western Europe have been numerous. There seems to be no present danger of colored race domination. Not only are the white stocks increasing faster than the colored, but they are in secure possession of most of the valuable, sparsely settled areas of the globe. The birth control movement is spreading to China, India, Japan and Russia.

Birth control greatly accentuates the processes of reproductive selection in the population of the advanced nations. Opponents of the movement even though they may reject eugenist claims frequently point out that it is highly dysgenic in effect. As methods of contraception are perfected, however, and spread to all classes such effect will be largely if not wholly overcome. Moreover the movement for the segregation or sterilization of certain types gains headway. No eugenic policy can be made effective except through control of the fertility of different strains, either voluntary or compulsory. Changes in the relative fertility of different stocks may be expected to affect the cultural future of western nations largely because culture is itself a social inheritance. Thus, for example, the relatively rapid multiplication of Catholics as compared with Protestants, Jews and nonbelievers seems already to be a factor of considerable cultural significance in New England and other eastern states, as indeed also in both England and Germany. Birth control is also altering the age distribution of the population; there will be a smaller proportion of youth and a greater social burden of old age. The full significance of these and other effects of the birth control movement is now far from clear. That it has promoted individual health, well-being and marital happiness seems on the whole clear enough; but whether there is a complete harmony between rationalized individual desires and social necessities is not clear. It is within the bounds of possibility that the populations of western nations may decline in both quality and quantity. Such results even though imminent cannot be avoided by attacks on birth control for this has now spread beyond all recall. They are to be avoided only by the development of an intelligent population policy based on greater knowledge of individual and social needs than is now available.

FRANK H. HANKINS

See: BIRTHS; POPULATION; EUGENICS; BIRTH CUSTOMS; ABORTION; INFANTICIDE; CELIBACY; FEMINISM; STANDARD OF LIVING; FAMILY; MARRIAGE; SEX

EDUCATION; VENEREAL DISEASES; PROSTITUTION; WOMAN, POSITION IN SOCIETY; CENSORSHIP.

Consult: Stopes, Marie, *Contraception, Its Theory, History and Practice* (new ed. London 1927); *Selected Articles on Birth Control*, compiled by Julia E. Johnsen (New York 1925); Schroeder, Theodore, *List of References on Birth Control* (New York 1918); Holmes, S. J., *A Bibliography of Eugenics*, University of California, Publications in Zoology, vol. xxv (Berkeley 1924).

FOR MEDICAL ASPECTS AND RELATED POPULATION PROBLEMS: Reports issued in connection with the National Birth-Rate Commission appointed by the National Council of Public Morals, *The Declining Birth-Rate* (2nd ed. London 1917), *Problems of Population and Parenthood* (London 1920), *The Ethics of Birth Control* (London 1925), *Medical Aspects of Contraception* (London 1927); see also *Medical Views on Birth Control*, ed. by James Marchant and others (London 1927); *Some More Medical Views on Birth Control*, ed. by Norman Haire (London 1928); Telling, W. H. M., Chapple, H., and others, *Medical Help on Birth Control* (London 1928); Dickinson, R. L., "Contraception: A Medical Review of the Situation" in American Gynecological Association, *Transactions*, vol. xlix (1924) 95–117, and "The 'Safe Period' as a Birth Control Measure" in *American Journal of Obstetrics and Gynecology*, vol. xiv (1927) 718–30; Cooper, J. F., *The Technique of Contraception* (p. p. New York 1928).

FOR HISTORICAL AND SOCIOLOGICAL BACKGROUND: Ellis, Havelock, *Sex in Relation to Society*, Studies in the Psychology of Sex, vol. vi (Philadelphia 1910); *Racial Decay: A Compilation of Evidence from World Sources*, ed. by D. C. Beale (London 1911); Theilhaber, F., *Das sterile Berlin* (Berlin 1913) chs. i–iii; Calhoun, A. W., *Social History of the American Family*, 3 vols. (Cleveland 1917–19) vol. iii, ch. xi; Carr-Saunders, A. M., *The Population Problem* (Oxford 1922); *Birth Control, Facts and Responsibilities*, ed. by Adolf Meyer (Baltimore 1925).

FOR THE HISTORY OF THE BIRTH CONTROL MOVEMENT: Field, J. A., "The Early Propagandist Movement in English Population Theory" in American Economic Association, *Bulletin*, 4th ser., vol. i, no. 2 (April 1911) 207–36, and "Publicity by Prosecution, a Commentary on the Birth Control Propaganda" in *The Survey*, vol. xxxv (1916) 599–601; Himes, Norman E., "The Birth Control Hand-Bills of 1823" in *The Lancet* (August 6, 1927) 313–16, and "The Place of John Stuart Mill and of Robert Owen in the History of English Neo-Malthusianism" in *Quarterly Journal of Economics*, vol. xlii (1927–28) 627–41, and "Charles Knowlton's Revolutionary Influence on the English Birth-Rate" in *New England Journal of Medicine*, vol. cxcix (1928) 461–65, and "Robert Dale Owen, the Pioneer of American Neo-Malthusianism" in *American Journal of Sociology*, vol. xxxv (1930) 529–47; Himes, Norman E. and Vera, "Birth Control for the British Working Classes; a Study of the First Thousand Cases to Visit an English Birth Control Clinic" in *Hospital Social Service*, vol. xix (1929) 578–617; Almkvist, Johan, "Inför frågan om födelse-kontroll" in *Svenska lakartidmingen* (March 1929) 313–22, 352–61 and 389–400; Nisot, Marie, "Le malthusianisme en Asie" in *Mercure de France*, vol. ccxii (1929) 579–86.

FOR DISCUSSIONS OF THE NEO-MALTHUSIAN POSITION: Grotjahn, Alfred, *Geburten-Rückgang und Geburten-Regelungen im Lichte der individuellen und der sozialen Hygiene* (Berlin 1914); International Neo-Malthusian and Birth Control Conference, *Sixth Report*, ed. by Margaret Sanger, 4 vols. (New York 1925–26); World Population Conference, *Proceedings*, ed. by Margaret Sanger (London 1927); Cox, Harold, *Problem of Population* (London 1922).

FOR STATEMENTS OF THE ROMAN CATHOLIC POSITION: Cooper, J. M., *Birth Control* (Washington 1923); Bruehl, C. P., *Birth Control and Eugenics in the Light of Fundamental Ethical Principles* (New York 1928).

BIRTH CUSTOMS. In lower and advanced cultures the various customs which are observed in connection with the birth of a child have reference not only to its welfare, in both the present life and the afterworld, but also to the welfare of the mother, to that of the community and to the establishment of the child's relation to the community and, in certain cases, to the father.

It is a general rule among peoples of primitive culture that a woman ceases to cohabit with her husband from an early stage of pregnancy until the child is weaned. Since the behavior of animal females is similar, the custom is probably of biological origin, although like most birth customs it has received subsequent interpretations, connected in this instance with the notion of impurity. The rigorous isolation of women, often in special huts, and the tabus to which they are subject during delivery and the lying-in period, tabus which are in every respect similar to those observed during menstruation, apparently pertained originally to the lochial state. They have, however, by a natural confusion come to be extended to the child, who is considered to have been born in a state of impurity and who must therefore be purified by means of water, inunction, fumigation and so forth. The food of pregnant women is the object of much attention in lower cultures. Many articles of diet are forbidden while others are especially sought in order that they may impart their virtues to the child, whose conception is sometimes ascribed to the food eaten by the mother.

The birth of a child is in lower cultures very generally held to establish the relation of marriage between the parents. The husband commonly becomes known as "the father of So-and-so" and thereby acquires an indissoluble relation to the mother's group. This relation is often emphasized by the extension to the hus-

band of the tabus of childbirth, a sympathetic association which assumes its most striking form in the custom of the "couvade," or masculine childbed, whereby the invalidism of the lying-in period is simulated by the husband. The custom, which is widely distributed among both matrilinear and patrilinear peoples, does not appear to be related to patriarchal claims, but probably owes its origin to superstitious autosuggestion associated with sympathetic magic.

The actual process of childbirth is not in the most primitive cultures attended with many observances; the mother often retires among the bushes to be delivered, washes the newborn child in a stream or pool and resumes her work or march. In slightly higher cultures, however, childbirth is the occasion for the observance of many superstitions such as the use of amulets and charms, the keeping up of fires, the waving of brands and cudgels to repel evil spirits and witchcraft; measures to facilitate delivery are often employed, such as the opening of doors and lids and the untying of knots.

In many communities the first act after the birth of a child is the decision as to whether it shall be permitted to live. The decision may be made by the mother, the father or a representative council of the community. If allowed to live the child is generally at once accepted, in a preliminary manner at least, as a member of the group. Often the women who gather to inspect it take it up or spit on it or suckle it; sometimes the child is at once adopted by a foster mother. Such usages appear to emphasize the communal parentage, a sentiment conspicuous in the lowest cultures. In patriarchal communities the child is first acknowledged by the father, whose acceptance of the relation constitutes admission of the child to the social group, and with the act of acknowledgment are sometimes combined tests intended to establish the child's legitimacy.

The disposal of the afterbirth, which is regarded as containing an outlying portion of the child's soul, is the object of much care in lower cultures. It is commonly buried under a tree, which is thereafter identified with the child, or at a marked spot where it is available for use by "the maker of babies" (Queensland); it may be given as food to sacred animals (Tobo Bataks) or cooked and eaten by the relatives (Palaeo-Siberians).

The earliest ceremonial observances connected with the newborn, in both individual and cultural chronology, have a religious rather than a social character. Hence the religious aspect tends in higher cultures to displace the social and civic aspect of those rites. The child is frequently presented to the gods or a communion is somehow established between him and the gods or ancestors. The custom of holding the child up to the moon is very general; occasionally it is held up to the sun (Tarahumara of Mexico).

The bestowal of a name upon the child is by far the most important and widespread ceremony associated with birth; most other rites, whatever their function, tend to cluster round the ceremony of naming. This ceremony is often not performed until some years after birth; it may occur at the puberty initiation or when the child begins to walk or to speak or when it is weaned. Before it is named the child is not regarded as a complete individual or as a full member of the community, for his name is regarded as part, and in some respects the most essential part, of his being. Hence the process of naming is viewed in the lower cultures as an act of divination whereby the real name, often that of an ancestor who is reincarnated in the child, is discovered. It is commonly kept secret, a nickname being substituted for ordinary use. A new name may be assumed at crises of life, such as initiation, serious illness or marriage. Because of the grave dangers and disabilities a child is likely to incur before it has received a name, the ceremony of naming is usually performed soon after birth. It is sometimes thought that the child would not live more than three days unless this were done (Cherokee) or that it would be sickly and could not thrive, a belief which is still prevalent in the countryside of Europe.

Similarly the ceremonies of admission into the clan, tribe or religious community, which regularly take place at puberty or later, tend ultimately in the evolution of the group to be carried out soon after birth so as to obviate the perils to which the child is exposed before their performance. Body paintings and tattooings, the perforation of the ear lobes and of the nasal septum, are often performed post mortem if a child dies before acquiring the tribal marks which alone can insure his being recognized and admitted to the company of his deceased ancestors. Those marks and mutilations are accordingly in some tribes bestowed soon after birth. Likewise admission to the totemic group, although usually a manhood ceremony, is sometimes secured directly after birth by anointing the child with grease or by giving it broth prepared from the totem animal (Bechuana).

Even an operation such as circumcision, which is avowedly regarded among the Jews themselves as a specific preparation for marriage and often immediately precedes it, may come to be regularly performed at the first opportunity after birth (e.g. Jews and ancient Mexicans). The view that the mutilation recommends itself to uncultured peoples on hygienic grounds is untenable, if only on account of their conspicuous indifference to sanitary considerations. The rite takes in most instances the form of an incision without amputation, and it may have originated as an imitation of the excision or artificial defloration practised on girls in most lower cultures, which has fallen into disuse with the growth of the claim to bridal virginity. Although practised by all Semites circumcision remained unconnected with religion except among the Jews, whose national customs, marking citizenship of the religious state, tended to acquire a religious character and who therefore practised infant circumcision; with the Arabs, however, circumcision is a puberty rite and is not prescribed by the Koran.

An equally widespread rite, that of consecration by water, was held by the Jews in almost as much honor as circumcision. Controversies took place among the rabbis as to which of the two rites was the more essential mark of Judaism. Incorporation into the totemic group by inunction with the fat of the totem or smearing with its blood or with that of the totemic brethren is often replaced by washing or sprinkling with water into which "medicine" has usually been infused or over which spells have been pronounced; or it may be replaced by immersion in sacred springs or streams. Most frequently, as in North and Central America, South and West Africa, Malaya, Papua, Polynesia, Tibet, Japan and among the ancient Teutons and Romans, such baptismal consecration forms part of the name giving ceremony. Water is in most lower and many of the higher cultures regarded as the direct vehicle of the powers that bring forth. It is primarily the life giving, the generating and therefore the regenerating element. The ceremony of name giving by consecration with water was known among the Amerind tribes as "being born again." The notions of regeneration and of assimilation with the divine sources of creative power are much more fundamental in all baptismal rites than that of purification, which, although emphasized among later Judaic sects, gives place to the original notion in most theological as well as popular conceptions of baptism.

Among the Jews the "water of purification" originally contained "medicine" prepared from the ashes of a heifer, the sacred animal of the bull god of Israel. But water from the sacred and mystic river Jordan or any consecrated water came to be used by the less orthodox sects, preference being given in early Christian times to "living water," that is, the water of a flowing stream. Baptism was especially employed in the admission of proselytes to Judaism, who were thus spared the ungentile rite of circumcision, and in the admission of neophytes to particular sects undertaking special vows. It came thus to be regarded as the typical mode of admission into any religious community and was employed similarly in the consecration of catechumens to the Isiac and Eleusinian mysteries. A sponsor vouching to the bishop for the character of an adult pagan convert was required in the early Christian centuries and played the same part as the mystagogue in the Greek mysteries.

In the first Christian centuries baptism retained the character of an adult ceremony of admission. Tertullian and other church fathers advised the delay of the rite for as long as possible and it was generally thought that the age of thirty, corresponding to the traditional age of Christ at his baptism, was the most suitable. A separate ceremony, known as "sealing" and consisting of sprinkling with water in the name of the Trinity, was used for infants. Like the corresponding Roman name giving ceremony it took place on the eighth day. Just as parental anxiety for the welfare of the children had caused totemic and other puberty and manhood ceremonies to be anticipated and performed on infants, the sacrament of baptism came at an early period to be fused with the rite of "sealing" and thus tended in spite of theological protests to revert to its ethnic function as the vehicle of naming and to retain all the significances primitively connected with that rite.

ROBERT BRIFFAULT

See: BIRTHS; REGISTRATION; ABORTION; INFANTICIDE; BIRTH CONTROL; MAGIC; RELIGION; TABU; RITUAL; DEATH CUSTOMS.

Consult: Ploss, H., and Bartels, Max and Paul, *Das Weib in der Natur- und Völkerkunde*, 3 vols. (11th ed. Berlin 1927), with separate index volume; Ploss, H., *Das Kind in Brauch und Sitte der Völker*, ed. by B. Renz, 2 vols. (3rd ed. Leipsic 1911–12); Briffault, R., *The Mothers*, 3 vols. (London 1927) vol. ii, p. 366–97; Sumner, W. G., and Keller, A. G., *The Science of Society*, 4 vols. (New Haven 1927–28) vol. iii, p. 1904–

19; Miller, N., *The Child in Primitive Society* (London 1928) chs. iv–vi; Dawson, W. R., *The Custom of Couvade* (Manchester 1929); Crawley, E., *The Mystic Rose*, ed. by T. Besterman, 2 vols. (2nd ed. London 1927) vol. ii, and *Studies of Savages and Sex*, ed. by T. Besterman (London 1929) ch. v; Best, E., "Ceremonial Performances Pertaining to Birth, as Performed by the Maori of New Zealand in Past Times" in Royal Anthropological Institute, *Journal*, vol. xliv (1924) 127–62; Handy, E. S., *Polynesian Religion*, Bernice P. Bishop Museum, Bulletin 34 (Honolulu 1927) p. 212–23; Radcliffe-Brown, A. R., "Father, Mother and Child" in *Man*, vol. xxvi (1926) 159–61, and "Beliefs Concerning Childbirth in Some Australian Tribes" in *Man*, vol. xii (1912) 180–82; Malinowski, B., *The Sexual Life of Savages in North-Western Melanesia* (London 1929) ch. viii; Parsons, E. C., "Zuni Conception and Pregnancy Beliefs" in Nineteenth International Congress of Americanists, *Proceedings*, ed. by F. W. Hodge (Washington 1917) p. 379–83; Thomas, N. W., "Birth Customs of the Edo-Speaking Peoples" in Royal Anthropological Institute, *Journal*, vol. lii (1922) 250–58.

BIRTH RATES. *See* BIRTHS.

BIRTHS. The population of the earth increases by births and decreases by deaths. There were centuries in the history of mankind when births exceeded deaths and others when deaths exceeded births. The last century showed an exceptionally high excess of births over deaths due to a reduction of mortality. In the current century the surplus has been smaller as a consequence of a reduction of natality. According to the most recent estimates of the International Statistical Institute, the average annual excess of births over deaths from 1920 to 1928 was 15.7 millions or seven eighths of 1 percent of the world population. This is an indirect estimate based on a comparison of census results, since we know very little about the actual number of births and deaths. Many countries, large and small, have no registration system whatever and many countries have utterly inadequate registration of births and deaths. The total yearly number of births in South America may be two or three or four millions. For China a guess of nine millions would be quite as justifiable as a guess of eighteen millions. Taking the earth as a whole, all we can say is that the yearly number of births is very likely not lower than forty-five and not higher than seventy-five millions.

The only major part of the world for which we have accurate birth data over an extensive period is western and northern Europe (Belgium, Denmark, Great Britain and northern Ireland, Irish Free State, Finland, France, Germany, Saar territory, Netherlands, Luxemburg, Norway, Sweden and Switzerland). Around 1850 three and a half million children a year were born in that territory. Fifty years later the number of births was four and three quarters millions. At present it is again about three and a half millions. If similar statistics existed for the United States the results would probably read about as follows: around 1850 one million children a year were born; fifty years later the number of births was two and a quarter millions; at present it is two and a half millions.

TABLE I

BIRTHS IN WESTERN AND NORTHERN EUROPE, 1841–1928

PERIOD	BIRTHS (IN THOUSANDS)	PERIOD	BIRTHS (IN THOUSANDS)
1841–1845	3481	1896–1900	4616
1846–1850	3473	1901–1905	4686
1851–1855	3524	1906–1910	4591
1856–1860	3714	1911–1914	4337
1861–1865	3899	1915–1919	3064
1866–1870	4017	1920–1921	4320
1871–1875	4210	1922–1923	3866
1876–1880	4416	1924–1925	3713
1881–1885	4385	1926	3613
1886–1890	4372	1927	3452
1891–1895	4461	1928	3484

Source: Kuczynski, R. R., *The Balance of Births and Deaths*, vol. i, p. 9.

The considerable decrease of births in western and northern Europe and the slight increase of births in the United States during the last generation occurred in a period when population increased by almost 20 percent in the former territory and by almost 60 percent in the latter. It is indeed only by relating births to population that we can obtain an adequate picture of the trend of natality.

The simplest method of relating births to population is to compute the birth rate, i.e. the rate of newly born per 1000 of the average population. This birth rate in western and northern Europe, as indicated by the scanty statistics available for the early period, fluctuated considerably from 1750 to 1815 and tended downward in the twenty-five years following the Napoleonic wars. Then for almost half a century the birth rate on the whole remained constant. It is true that in retrospect the sharp decrease characteristic of modern times seems to have begun by the late seventies; yet in 1881–85 the birth rate was still 31.4 as compared with 30.8 to 32.8 in the eight preceding quinquennial periods. The decisive factor was the continued decrease of the birth rate in the eighties. The

rate dropped below 31 in 1887 and never reached 31 again. It fell definitely below 28 in 1905, below 25 in 1911, below 22 in 1922 and below 19 in 1927. Consequently the second half of the eighties must be considered as the turning point in the trend of the birth rate in western and northern Europe. The decrease was slow up to the beginning of the twentieth century but has become more rapid since 1909. The temporary rise in 1920, due to the many marriages postponed on account of the war, was soon followed by a new, exceptionally rapid decline.

TABLE II

BIRTH RATE IN WESTERN AND NORTHERN EUROPE, 1841–1928

PERIOD	BIRTH RATE	PERIOD	BIRTH RATE
1841–1845	31.9	1896–1900	29.4
1846–1850	30.9	1901–1905	28.4
1851–1855	30.8	1906–1910	26.6
1856–1860	31.7	1911–1914	24.2
1861–1865	32.1	1915–1919	17.0
1866–1870	32.0	1920–1921	23.8
1871–1875	32.7	1922–1923	21.0
1876–1880	32.8	1924–1925	19.9
1881–1885	31.4	1926	19.2
1886–1890	30.2	1927	18.2
1891–1895	29.7	1928	18.3

Source: Kuczynski, R. R., *The Balance of Births and Deaths*, vol. i, p. 9.

For the United States, where no comprehensive birth statistics exist, an estimate based on the white children enumerated in the censuses indicates that the birth rate was extraordinarily high from 1790 to 1820, probably exceeding 50 throughout that period, and that it fell to about 42 in the forties and fifties, to about 38 or 37 in the sixties and seventies and from then on gradually to about 30 at the turn of the century and to about 26 in 1910–19. In 1928 it probably did not exceed 21.

A comparison of the birth rates for the whites in the United States and in western and northern Europe shows that in the middle of the nineteenth century the rate was considerably higher in the United States. But since the birth rate on the whole did not decline in western and northern Europe before the second half of the eighties, the difference eventually became smaller. In the first decade of this century the birth rate in both territories was about the same. The second decade, which included the World War, once more accentuated the difference. But in the past ten years the decline in the United States was again greater than in Europe.

The birth rate shows the percentage by which a population increases through the birth of children, but since it is calculated without regard to the sex and age composition of the population it does not afford an adequate gauge for the measurement of fertility. If in a given population the percentage of women of child bearing age is large, the birth rate is likely to be high even if fertility is small; while if the percentage of women of child bearing age is small, the birth rate is likely to be low even if fertility is large. The fact that in Colorado the percentage of women of child bearing age among the total population increased between 1860 and 1870 from 3.2 to 20.1 must have led to an enormous increase of the birth rate whatever may have been the number of births per 1000 women of child bearing age. It has become customary therefore to measure fertility by relating the number of births to the number of women of child bearing age. If, then, child bearing age is assumed to cover the period from 15 to 50 years, the general fertility rate is the number of births per 1000 women of 15 to 50 years.

The general fertility rate on the whole has followed the same trend as the birth rate, both in the United States and in western and northern Europe. This is due to the fact that in such large territories the percentage of women of child bearing age actually varies much less than one might expect in view of the enormous difference in distribution of population by age and sex.

TABLE III

WOMEN OF CHILD BEARING AGE IN PERCENT OF TOTAL POPULATION, 1860–1920

YEAR	UNITED STATES	WESTERN AND NORTHERN EUROPE
1860	24.34	25.89
1870	24.99	25.40
1880	24.67	25.03
1890	25.19	25.29
1900	25.49	25.70
1910	25.97	25.89
1920	25.95	27.84

Source: For the United States the percentages are derived from Census Reports. For Europe see Kuczynski, R. R., *The Balance of Births and Deaths*, vol. i, p. 17, 106–10, 112.

It is evident that if the percentage of women of child bearing age in western and northern Europe was 25.89 both in 1860 and in 1910, the fertility rate must have decreased in 1910 as compared with 1860 in exactly the same proportion as the birth rate. On the other hand even an apparently slight change in the percentage of women of child bearing age is apt materially to influence the development of the birth rate. From 1911–14 to 1926 the birth rate

in western and northern Europe dropped from 24.16 to 19.19, a decrease of 21 percent. But since the percentage of the women of child bearing age increased at the same time from 26 to 28, the general fertility rate declined much more, namely from 2416÷26 = 92.9 to 1919÷28 = 68.5, or by 26 percent. Similarly the fall of the birth rate in the United States from 42 in 1851–60 to 26 in 1911–19 does not tell the whole story since the percentage of women of child bearing age rose at the same time from 24.2 to 26.

The general fertility rate indicates how much the women of child bearing age add to the population through births. However, since it is calculated without regard to the specific age composition of the women of child bearing age, it does not afford an adequate gauge for the measurement of the actual fertility of those women. If among the women of child bearing age the percentage of women between 25 and 35 years is large, the general fertility rate is likely to be high even if the specific fertility in each age group is low. It is equally true that if the percentage of women between 25 and 35 years is small, the general fertility rate is likely to be low even if the specific fertility in each group is high. Because of the increased percentage of women between 25 and 35 Norway in 1890–91 had almost the same general fertility rate as it had fifteen years earlier although the fertility in almost each age group decreased considerably. It therefore becomes necessary to compute specific fertility rates by the age of mothers.

Fertility rates for the individual years of age would then seem to afford a perfect measure of fertility as a whole. But the result appears cumbrous since it involves the consideration of about forty different fertility rates. However, the problem of fusing the different annual rates into one numerical expression is easy to solve. It is merely necessary to add the different specific fertility rates. The sum thus obtained—which may be called the total fertility—indicates exactly how many children, with present fertility, would be born to 1000 women throughout the entire child bearing period.

Forty or fifty years ago the total fertility was 4000 or 5000 in all countries of western and northern Europe with the exception of France and Ireland, where it was about 3000; in 1927–28 it was everywhere below 3000 and averaged about 2200. In the United States it dropped from 6000 or 7000 at the beginning of the nineteenth century to about 3000 in 1919–20 and to perhaps 2500 in 1928.

In studying the past or present increase of population no distinction need be made between male and female births. But for every study of future development, especially in countries with a strongly declining natality, it is advisable to restrict the investigation to the female births, to the potential future mothers. One will then find the number of girls born to each woman or the gross reproduction rate.

TABLE IV

GROSS REPRODUCTION RATE AND BIRTH RATE, 1926

AREA	GROSS REPRODUCTION RATE	BIRTH RATE
United States		
New Hampshire	1.24	19.2
Massachusetts	1.15	19.9
Rhode Island	1.15	19.6
Connecticut	1.08	18.2
New York	1.09	19.7
New Jersey	1.13	19.7
Pennsylvania	1.33	21.6
Ohio	1.13	18.8
Indiana	1.23	20.1
Illinois	1.07	18.6
Michigan	1.38	22.5
Wisconsin	1.21	19.3
Minnesota	1.22	19.8
Iowa	1.16	18.9
North Dakota	1.58	23.2
Nebraska	1.24	20.4
Kansas	1.22	19.3
Delaware	1.06	17.5
Maryland	1.22	20.8
Virginia	1.44	22.9
West Virginia	1.70	26.3
North Carolina	1.82	28.8
Florida	1.49	26.4
Kentucky	1.49	24.0
Montana	0.91	14.2
Idaho	1.21	17.8
Wyoming	1.18	18.6
Arizona	1.16	18.9
Utah	1.71	25.6
Washington	0.96	16.3
Oregon	1.03	16.8
California	1.16	19.2
Western and Northern Europe		
Finland	1.43	21.7
Norway	1.33	19.7
Denmark	1.27	20.5
Sweden	1.11	16.9
France	1.15	18.8
Germany	1.07	19.5
England and Wales	1.05	17.8

Source: For Europe see Kuczynski, R. R., *The Balance of Births and Deaths*, vol. i, p. 35; for the United States the figures and their derivation will be found in the forthcoming second volume of this work.

Since the proportion of female to male births is practically the same everywhere, the gross reproduction rate follows the same trend as the total fertility. The number of girls born to each woman in the United States was probably about 3 at the beginning of the last century and about 2 or 2.5 in the various west and north European countries (except France and Ireland) in the eighties. By 1926 it had dropped to about 1.3 in the United States and 1.12 in western and northern Europe.

In comparing the American with the European rates it should be kept in mind that birth records in most American states are not as complete as those in western and northern Europe. The low rates of some of the western states in particular may be disregarded because of inadequate registration. The gross reproduction rates would then appear to vary in the United States between 1.06 and 1.82, as compared with 1.05 to 1.43 in western and northern Europe. While the East and the Middle West seem on the whole to have reproduction rates similar to those of western and northern Europe, the rates in some southern and western states remain considerably higher. But those southern and western states have too small a population materially to affect the results for the entire country.

Table IV shows that the relation of the birth rate to the gross reproduction rate varies widely. Massachusetts, France and Sweden have about the same reproduction rate but their birth rates are 19.9, 18.8 and 16.9 respectively. Germany and Norway, New York and New Hampshire have about the same birth rate, but their reproduction rates are 1.07 and 1.33, 1.09 and 1.24 respectively.

The gross reproduction rate shows how many girls are born to each woman in the course of her lifetime, but since it does not take into account that a certain part of those girls die before having passed through child bearing age it fails to indicate the number of future mothers born to each woman. A gross reproduction rate of 1, such as prevailed in England and Germany in 1927–28, obviously implies that natality is no longer sufficient to enable the population to hold its own, since even with the lowest conceivable mortality some of the mothers now living would not be replaced. But a reproduction rate of 1 does not indicate how large the genuine deficit actually is, nor does a rate of 1.2 indicate whether with present mortality the population is apt to hold its own. In order to ascertain to what extent with present fertility and present mortality a population is reproducing itself it is necessary to apply the special fertility rates for female births to the number of women who according to the life table survive the respective years of age in the child bearing period. The number thus found which indicates how many future mothers will be born to each woman is the net reproduction rate.

The net reproduction rate of course must always be smaller than the gross reproduction rate. Both rates could only be equal if all newly born girls reached and passed through the child bearing age, that is to say, if they lived through the entire thirty-five years from 15 to 50. But the difference between the net and the gross reproduction rates has decreased in the course of time with decreasing mortality. It was very large forty or fifty years ago, when, for instance, in Germany the average number of years lived between 15 and 50 was but twenty. It was rather small in the United States in 1919–20, when the average number for the white females was twenty-eight. The gross reproduction rate at that time—not taking into account the deficiency in registration—was 1.38 while the net reproduction rate was 1.13. In the meantime the birth rate in the

TABLE V

GROSS AND NET REPRODUCTION RATES FOR WHITES IN THE UNITED STATES, 1919–20

STATES	GROSS REPRODUCTION RATE	NET REPRODUCTION RATE
Massachusetts	1.34	1.09
Connecticut	1.45	1.19
New York	1.23	1.00
Pennsylvania	1.53	1.23
Ohio	1.24	1.03
Indiana	1.32	1.08
Michigan	1.50	1.20
Wisconsin	1.36	1.14
Minnesota	1.39	1.17
Kansas	1.35	1.15
Maryland	1.41	1.14
Virginia	1.73	1.43
North Carolina	2.01	1.65
South Carolina	1.77	1.46
Kentucky	1.65	1.34
Utah	2.01	1.66
Washington	1.15	0.97
Oregon	1.10	0.94
California	1.02	0.85
Total	1.38	1.13

Source: See the forthcoming vol. ii of R. R. Kuczynski's *The Balance of Births and Deaths.*

United States Registration Area has dropped from 23.0 to 19.3. Fertility has decreased much more than mortality and the net reproduction rate probably no longer exceeds 1. In western and northern Europe the net reproduction rate in 1926 was 0.93 and has further declined.

With fertility and mortality such as now prevail both in the United States and in western and northern Europe, a population is bound to die out. This process of course will be rather slow. With the present age composition it would be decades before there actually would be an excess of deaths over births, and even in western and northern Europe it would be centuries before the population would be half of what it is now. The process might be accelerated by emigration, although it will not of course be affected by immigration so far as the present population and its descendants are concerned. It could be stopped by an essential change in mortality or in fertility. But the future reduction of mortality in those ages which alone are decisive, that is, those under fifty years, cannot be very great after all that has already been accomplished. The margin left for improvement has become too slight to be counted upon as a means to affect essentially the trend of population. For fertility the range of possibilities is far wider. Fertility might increase again; there are those who believe that such an increase will occur with increasing prosperity. However, in the past an increase of prosperity has not as a rule resulted in an increase of fertility. On the other hand it is possible that by reason of more widespread propaganda for birth control fertility will continue to decrease. While it is true that the decrease of fertility in the last forty years is mainly due to birth control in one form or another, it might come to pass that the motives for birth control would be counteracted by other motives which might again make it desirable to rear more children. Any prediction would be mere guess work.

R. R. KUCZYNSKI

See: POPULATION; VITAL STATISTICS; REGISTRATION; ILLEGITIMACY; CHILD MORTALITY; BIRTH CONTROL; ABORTION; EUGENICS.

Consult: Kuczynski, R. R., *The Balance of Births and Deaths*, vol. 1– (New York 1928–); Newsholme, Arthur, *The Elements of Vital Statistics* (new ed. New York 1924) chs. viii–ix; World Population Conference, *Proceedings*, ed. by Margaret Sanger (London 1927) p. 129–249; Dublin, Louis I., and Lotka, Alfred J., "On the True Rate of Natural Increase" in American Statistical Association, *Journal*, vol. xx (1925) 305–39.

BISMARCK, OTTO EDUARD LEOPOLD, PRINZ VON (1815–98), German statesman. Bismarck was born at Schönhausen of an old Prussian family. He entered the diplomatic profession and served as secretary of the Prussian embassy to the Imperial Diet at Frankfort, becoming plenipotentiary the same year (1851). His vigorous public repudiation of current democratic doctrines and his protests against the subordinate part played by Prussia in the Germanic Federation, which had succeeded the old empire in 1815 under Austria's continued hegemony, had already gained for him his sovereign's favorable regard, and after serving as ambassador in St. Petersburg and in Paris he received the office of minister president in 1862. Convinced that three wars must be fought before Prussia would be strong enough to assert primacy in Germany, Bismarck sought and found occasions for them. By the war with Denmark in 1864 he gained for Prussia the duchies of Schleswig and Holstein and therewith a larger seaboard. At the close of the victorious war with Austria two years later he required that country to withdraw from the Bund and forced the North German states into a new confederation under Prussian leadership. Finally by the war of 1870 with France he put an end to Louis Napoleon's meddling in German affairs and welded all the German states into a revived empire enlarged by the recovery of the old imperial territories of Alsace and Lorraine.

For the following twenty years Bismarck was the foremost figure in European politics. He is customarily identified with nationalism of a particularly egoistic type. It is true that in his political schemes and calculations he put his country first, systematically following the principle of *do ut des*; nevertheless he resolutely abstained from aggression and to the last regarded Germany as a "saturated state" which had neither need nor wish for extended frontiers and asked only to be left alone. His governing motive was the maintenance of the existing territorial status, particularly where disturbance might menace good relations with Russia and Austria-Hungary or between those states themselves.

In domestic policy Bismarck was an avowed opportunist. He tolerated parliamentarism as an unavoidable necessity and based the Diets of the North German Federation and the later empire on universal suffrage; nevertheless by way of counterpoise he created only one minister, the chancellor (himself), who was to be responsible

solely to the emperor, and gave to Prussia a dominant voice in the Council of Sovereigns, which shared power with the popular chamber. He also accepted political allies wherever he could find them, working successively with Conservatives, National-Liberals and then again with Conservatives.

The period of his chancellorship was one of continuous internal development. He reintroduced protection for both industry and agriculture, nationalized the Prussian railways, built canals, notably the Kiel canal connecting the North Sea with the Baltic, and subsidized shipping companies, which in return organized mail and traffic services. He also acquired extensive territories in west, east and southwest Africa and in Polynesia, with a view to their development as trading settlements.

The working classes shared in the growing prosperity. Work was abundant and better paid and insurance laws providing for sickness, disablement and old age were enacted, as well as a generous system of state supervised accident insurance free from the uncertainties of litigation incidental to the more customary "employers' liability" legislation. Bismarck was with reason regarded as the foremost exponent of state socialism in his day. In his solicitude for the welfare of the laboring classes "reasons of state" weighed strongly with him—he once spoke of the social insurance laws as a "bribe"—yet he was also impelled by genuine ethical and even religious motives and he never ceased to contend that a Christian state which accepted that name must be willing to give effect to the principles of the faith it professed.

Nevertheless Bismarck's firm belief in force as an instrument of national policy was responsible for several unqualified misadventures. Such were his bitter struggle with the Roman Catholic church (the so-called *Kulturkampf*), following the promulgation in 1870 of the dogma of papal infallibility, which he regarded as an attempt by the Vatican to invade the prerogatives of monarchy and the civil power; his attempt to frustrate the Social Democrats by rigorous coercive measures; and the exasperating policy of repression which he applied against the nationalist Poles of eastern Prussia. In all these exploits he was eventually defeated.

During the reign of William I, to whom he was attached by an unusual degree of personal loyalty, Bismarck dominated the political scene. With the accession, however, of the strong willed, impetuous William II (1888) a clash of wills soon appeared inevitable, and the break occurred in 1890. Forced to resign, Bismarck retired to Friedrichsruh, where he spent his last eight years in preparing his memoirs and in contributing to the *Hamburger Nachrichten* sharp and caustic criticisms of the "new course" of German politics under the young emperor.

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Works: Bismarck, Otto von, *Die gesammelten Werke*, vols. i-xiii (Berlin 1924–30).

Consult: Bismarck, Otto von, *Gedanken und Erinnerungen*, 3 vols. (Stuttgart 1898–1922), the first two volumes tr. by A. J. Butler as *Bismarck the Man, and the Statesman*, 2 vols. (London 1898); Matter, Paul, *Bismarck et son temps*, 3 vols. (Paris 1905–08); Egelhaaf, Gottlob, *Bismarck* (2nd ed. Stuttgart 1918); Robertson, C. G., *Bismarck* (London 1918); Fuller, J. V., *Bismarck's Diplomacy at its Zenith* (Cambridge, Mass. 1922); Dawson, W. H., *The German Empire 1867–1914*, 2 vols. (London 1919). For guides to more detailed studies: Singer, A., *Bismarck in der Litteratur* (2nd ed. Vienna 1912), and Hagen, Maximilian von, *Das Bismarckbild in der Litteratur der Gegenwart* (Berlin 1929).

BISSOLATI, LEONIDA (1857–1920), Italian Socialist leader. He was born at Cremona, studied law and philosophy at the University of Bologna and became one of the first propagators of socialist ideas among the Cremonese rural population. He collaborated with Filippo Turati in the founding of *La critica sociale* (1890) and in 1896 became editor of the new official Socialist central organ, the *Avanti*, at Rome. A year later he was elected to the Italian parliament. At first a revolutionary socialist, Bissolati later became one of the leaders of the reformist wing of the Socialist party. Expelled from the party in 1912 because of his support of the Libyan war Bissolati thereupon formed a new party (Il Partito Socialista Riformista) and published the *Azione* as its organ. The party, however, never achieved any great influence. The three main points in its platform were universal suffrage (including illiterates), free trade and secession from the Triple Alliance. Bissolati favored Italy's entrance into the World War on the side of the Entente and later himself served as a volunteer in the Italian army. He accepted a position as minister without portfolio in 1916 and was also a member of Orlando's cabinet in 1917. After the war he was one of the few real Wilsonians in Europe. True to the principle of nationality he bravely proposed, in his famous speech in Milan, the abandonment of the German territories in the South Tyrol and the Greek Dodecanese islands.

He also worked, although unsuccessfully, for an accord with the Jugoslavs.

ROBERTO MICHELS

Consult: Bonomi, Ivanoe, *Leonida Bissolati e il movimento socialista in Italia* (Milan 1929); Rubbiani, Ferruccio, *Il pensiero politico di Leonida Bissolati* (Florence 1921); Ricci, Umberto, *Politica ed economia* (Rome 1919) p. 219–29; Michels, Roberto, *Storia critica del movimento socialista italiano* (Florence 1926).

BJÖRNSON, BJÖRNSTJERNE (1832–1910), Norwegian author and publicist. He was the center of every national and social movement for half a century and, without holding office, the undisputed first citizen of Norway. A great lyric poet, a distinguished writer of fiction and drama, a journalist and lecturer, he used his powers to rouse and unify the Norwegian people and to inspire them with his ideal of patriotism as service and devotion. Björnson fought for the liberation of Norway from intellectual bondage to Denmark and political bondage to Sweden, but his fight was carried on without bitterness or hatred. One of his ultimate objects was the establishment of a cooperative union of the three Scandinavian nations, and he saw in Norwegian dependence an insurmountable obstacle to the achievement of this end. By his popular peasant romances he revealed to the Norwegians themselves the values hidden in the common country people who had been least influenced by foreign culture. By his dramas on subjects taken from the sagas he aimed to give the young Norwegian nation a "gallery of ancestors."

In the seventies Björnson experienced an inner revolution. Under the influence of Darwin and Spencer he abandoned his Christian faith, insisting that as high a morality could be founded on evolution as on religion. Obeying the dictum of Georg Brandes that literature should be concerned with present day problems he began in 1874 a long series of dramas and novels in which he used a modern background. He fought for a higher standard of ethics in the press, in business, in politics and in private life. The most heated discussion was precipitated by his play, *A Gauntlet* (1883), in which he makes woman throw down the gauntlet to man, demanding of him an equal standard of purity. In 1903 he received the Nobel Prize in literature.

HANNA ASTRUP LARSEN

Consult: Gran, Gerhard, *Björnstjerne Björnson, Hövdingen* (Christiania 1910); Collin, C. C. D., *Björnstjerne Björnson*, 2 vols. (2nd ed. Christiania 1923); Topsöe-Jensen, H. G., *Den skandinaviske Litteratur fra 1870 til vore dage* (Copenhagen 1928), tr. by I. Anderson as *Scandinavian Literature from Brandes to our Day* (New York 1929) p. 43–53.

BLACHE, PAUL M. J. VIDAL DE LA. *See* VIDAL DE LA BLACHE, PAUL M. J.

BLACK DEATH. The Black Death was a particularly severe visitation of plague which passed over Europe between 1346 and 1350. The origin of the name is obscure and apparently not contemporary; *pestilentia* or *magna pestilentia* was the designation common at the time. Authorities differ as to whether the epidemic began in China or in northern India. Appearing in Europe first at the port of Caffa on the Black Sea, it was evidently ship-borne into southern and western Europe—to Constantinople, Messina, Genoa, Marseille and Avignon —and thence to the north. Vivid descriptions of its progress and ravages come from many of the great cities of Europe, and its psychological effects in spreading terror and extravagance everywhere may be traced in almost every contemporary chronicler. The most impressive literary description is to be found in Boccaccio's preface to the *Decameron*. The plague is said to have intensified and stimulated the spread of such hysterical and pathological movements as the dancing mania, the activities of the Flagellants and of the devil worshiping Luciferians and the violent and ruthless persecution of the Jews, who were accused of bringing on the plague by the poisoning of the wells. It is also asserted, without much possibility of proof, that the plague contributed to the formation of a more critical attitude toward existing social and religious institutions and, according to some writers, even paved the way for the Renaissance and the Protestant revolt.

With regard to economic conditions the plague has not usually been held responsible for grave effects except in England. There it has been credited by many writers, especially by J. E. Thorold Rogers in his *Six Centuries of Work and Wages* (2 vols., London 1884; 11th ed., 1 vol., 1912) and *A History of Agriculture and Prices in England* (Oxford 1866–1902), with having effected a revolutionary transformation of rural organization and the disappearance of serfdom. According to this theory the process of the commutation of praedial services had very nearly been completed before the outbreak of the plague. The huge mortality resulting from the Black Death caused a scarcity of labor and

with it came a rise in wages. The landlords, desiring to overcome this, attempted to force the peasants back into the serfdom from which the commutation of labor services had almost released them before the Black Death. This led to the Peasants' Revolt of 1381. This theory has been invalidated by further investigation, in the course of which the progress of the plague has been subjected to a more searching documentary scrutiny in England than in any other country.

In England the Black Death appeared first on the coast of Dorset in July, 1348; in East Anglia and in London the plague was most severe during the later spring of 1349; it was at its worst in southwest Wales in the same months and in north Wales lasted on into 1350. In York the mortality was heaviest from May to July, 1349, and in Lancashire there is apparently evidence that the months September, 1349, to January, 1350, were the most fatal. The rates of mortality recorded vary considerably and are not usually reliable since it is often impossible to ascertain the total normal population. In selected groups percentages may be worked out; 40 percent among the clergy is a fairly authoritative estimate, but it might reasonably be argued that the clergy were particularly exposed to infection; among adult lay tenants rates as high as 75 percent and as low as 4 percent may readily be found; in monasteries the rates differ from under 10 percent to 45 percent or 50 percent.

Medical authorities have recently advanced the suggestion that the epidemic included both bubonic and primary pneumonic plague and that the two types ran concurrently. This fact would go far to explain discrepancies in the percentages alleged by historians, because both the methods of transmission and the rates of infection appear to be very different. Bubonic plague is spread mainly by the flea which lives upon the rat; pneumonic plague, on the other hand, may also be transmitted by direct personal contagion. In modern India the rate of infection in epidemics of bubonic plague seems to be well under 10 percent; wherever pneumonic plague occurs the rate is almost indefinitely higher. It is probable that the exceptionally high death rates prevailing in the spring of 1349 in eastern England were due primarily to the pneumonic type. It has also been established in India that the distribution of infection in neighboring villages is erratic and quite incalculable. The same appears to be true of the distribution of the Black Death. One township of a manor might lose seventy tenants while the neighboring township counted only two deaths. A loss of one third of the population appears to be indicated in many cases, and a much greater loss in a few villages and towns. But in view of the limited statistics available and of modern parallels it would be unscientific to make any generalization as to the death rate throughout the country.

The great need of historians for a large body of statistics recorded on a uniform plan is better met by the Bishop of Winchester's "Pipe Roll" than by any other known group of records. Full details are given of about sixty manors scattered over seven counties from Southwark to Taunton. On all but four or five of these manors the pestilence appeared, but the resulting deaths were far from uniform. The economic influence of the losses cannot be reconciled with traditional descriptions. In the great majority of cases there were survivors ready to take the place of the dead landholders, and within five or ten years no uncultivated lands remained. No correspondingly large body of manorial evidence has been collected for any northern county, and it appears probable that the northern villages were far less uniformly infected than those of the south, while the type of labor service in use and the general manorial organization differed so substantially from those of the normal "three-field" districts that we must beware of arguing from southern analogies. The only possible cause of immunity which may be tentatively suggested by the evidence is isolation, which evidently protected the richer classes to some extent.

The effects of the Black Death on the system of rural economy varied sharply, but it is now most generally agreed that they were comparatively slight and evanescent. A temporary system of nine-year leases was adopted in some districts; in others the system of leasing land, both demesne and villein holdings, which was already making rapid progress, received considerable stimulus. The custom of consolidation and enclosure of acre strips was evidently rendered easier. In some districts sheep farming was stimulated, but usually the increase of flocks could only be slow and gradual. There was heavy mortality among both sheep and cattle in 1350–51. Broadly speaking, the old system was in fairly regular action again ten years after 1349, when the generation of children spared by the pestilence had grown up. The same period for recovery in the woolen industry is suggested by H. L. Gray.

The effect of the pestilence on wages is more

difficult to estimate. Rogers asserted that there was an immediate and permanent rise of 48 percent, and more recent writers have laid great stress upon the evidence of the Statutes of Labourers and the cases of excess payments brought before the justices. On the other hand, as Maitland has demonstrated, there existed a very large surplus of labor services at Wilburton, and this single example is confirmed beyond all doubt by the accounts at Winchester, where very heavy mortality did not suffice to destroy the surplus. The cases of excess agricultural wages brought before the justices appear to be few in relation to the area from which they were drawn; the trouble was more acute among craftsmen. It is difficult to discover who was paying the excess rates; possibly the wealthier tenants were competing with the lord for labor. Rates of payments are so intricate, the Statutes so inadequate in their categories and the methods of "dodging" them by block contracts so many that few writers would venture to give a precise figure to the rise, which had begun before 1349 and was, moreover, long overdue. In many cases, however, wages formed a small item in the manorial budget and therefore did not greatly influence methods of husbandry. Elaborate and widespread evidence marshaled by T. W. Page has entirely disposed of the opinion that commutation was almost complete before 1349 and that the Peasants' Revolt was the result of an attempt to revive praedial services. All that can safely be said is that commutation proceeded after the Black Death somewhat more quickly than before. Well organized estates, however, and especially the monastic estates, tenaciously maintained the marks of servile status, and it was a question of status rather than of economic disabilities that produced the anti-seigneurial elements of the Peasants' Revolt. The plague merely gave birth in many cases to a smoldering feeling of discontent and an inarticulate desire for change, which found its outlet in the rising of 1381. Nevertheless it is true that the financial organization and administrative methods of the manor tended to break down in the later fourteenth century; payments in kind or in service were disappearing at the top of the social scale and they disappear rapidly in the manor after 1381 or 1400. But again, broadly speaking, their disappearance is *post*, and not *propter, pestilenciam* and must be ascribed to the concurrence of a number of causes. The effect of the Black Death was mainly psychological in that it made fundamental changes appear possible. Wherever precise evidence can be obtained concerning towns (e.g. York) it seems to confirm the testimony of the villages showing heavy death rolls with a rapid filling up of vacant places and without serious check to industry. It cannot be emphasized too strongly that disinterested records alone are safe evidence and that literary and ecclesiastical evidence has been overemphasized. The negative conclusions of English historians appear to be confirmed by the fact that no economic controversy has arisen on this point elsewhere in Europe. The whole problem, however, requires at present synthetic treatment rather than more local research.

A. E. LEVETT

See: EPIDEMICS; MOBILITY, SOCIAL; SERFDOM; ENCLOSURES; LABORERS, STATUTES OF; AGRARIAN MOVEMENTS, SECT. III, GREAT BRITAIN.

Consult: Creighton, Charles, *A History of Epidemics in Britain*, 2 vols. (Cambridge, Eng. 1891–94) ch. iii; Sticker, G., *Abhandlungen aus der Seuchengeschichte und Seuchenlehre*, 2 vols. (Giessen 1908–12); Kovalevsky (Kowalewsky), M. M., *Die ökonomische Entwicklung Europas*, tr. from the Russian, 7 vols. (Berlin 1901–14) vol. v, p. 222–445; Nohl, J., *Der schwarze Tod* (Potsdam 1924), tr. by C. H. Clarke (London 1926); Coulton, G. G., *The Black Death* (London 1929); Page, T. W., *Die Umwandlung der Frohndienste in Geldrenten in den östlichen, mittleren und südlichen Grafschaften Englands* (Baltimore 1897), English translation in American Economic Association, *Publications*, 3rd ser., vol. i, no. 2 (1900); Thompson, A. Hamilton, "Registers of John Gynewell, Bishop of Lincoln . . . 1347–1350" in *Archaeological Journal*, vol. lxviii (1911) 301–60, and "The Pestilences of the 14th Century in the Diocese of York" in *Archaeological Journal*, vol. lxxi (1914) 97–154; Gray, H. L., "The Commutation of Villein Services in England before the Black Death" in *English Historical Review*, vol. xxix (1914) 625–56; Levett, A. E., and Ballard, A., *The Black Death on the Estates of the See of Winchester*, Oxford Studies in Social and Legal History series, vol. v (Oxford 1916); Power, E. E., "The Effects of the Black Death on Rural Organization in England" in *History*, vol. iii (1918) 109–16; Levett, A. E., "The Financial Organization of the Manor" in *Economic History Review*, vol. i (1927) 65–86; Robo, E., "The Black Death in the Hundred of Farnham" in *English Historical Review*, vol. xliv (1929) 560–72; Rees, W., *South Wales and the March, 1284–1415* (Oxford 1924); Robbins, Helen, "A Comparison of the Effects of the Black Death on the Economic Organization of France and England" in *Journal of Political Economy*, vol. xxxvi (1928) 447–79. For the older view see the works of Rogers mentioned in the text; also Jessopp, A., *The Coming of the Friars* (London 1889); Gasquet, F. A., *The Black Death of 1348 and 1349* (2nd ed. London 1908).

BLACKLIST. A blacklist is a designation of persons, either directly or by reference to types or instances of conduct or expression, for invidi-

ous discrimination. Blacklists are a recognizable although not precisely definable sub-class of a class of phenomena which would include at one extreme a private mental note that some person is not to be admitted to intimate friendship and at the other a prohibition by positive law. The forms and procedure of effective blacklisting are various. A blacklist by a single powerful individual—by a newspaper proprietor, for example, against certain advertisers or a certain class of news—may be as formidable as a blacklist by an organization. Such a semi-articulate blacklist as has been enforced when a boy is said to have "queered" himself in college may be more effectual than an *index prohibitorum* published by pontifical authority.

The mores of any fairly homogeneous group or class enforce variously a variety of blacklists, express or implied. Different times, places and conditions result in differences in blacklists, but the differences are mainly in form and degree. The same sorts of likes and dislikes, fears, prejudices, ideals and aspirations which produced ostracism at Athens and proscription at Rome operate nowadays at every political election to put members of defeated parties on a blacklist of ineligibles for appointive office. The *index expurgatorius* of Christian Science differs only in name from that of the Church of Rome. Those to whom both seem anachronisms might be advised to consider as well the resemblances as the differences of their own efforts to enforce cherished discriminations. Even the members of the Society of Friends, to whom coercion is repugnant, approach effective blacklisting, within the range of their influence, by their aggregate of individual attitudes towards certain human weaknesses and passions.

We all support some blacklists and detest others. Members of the National Consumers' League, whose "White List" by implication blacklists commercial establishments in which certain standards of consideration for customers and employees do not prevail, may hotly resent a blacklist of "enemies of the republic" (including officers of the Consumers' League) circulated by the Daughters of the American Revolution. The resulting inference that blacklisting in the abstract is ethically neutral must, however, be qualified; for the word blacklist in its usual application to extralegal coercion unquestionably carries an opprobrious connotation. If we take at random widely removed instances of blacklisting, such as the laborer blacklisted by employers, the college professor of pronounced views who is "not reappointed," the merchant given a bad credit rating by a commercial agency, it is clear that the effect of blacklisting may be the same as if blacklisted persons were subjected to legal punishment on accusation of acts not forbidden by general law and without opportunity to disprove or justify—a power which American constitutions deny even to government. It is felt that it is only by due process of law that a person may properly be subjected to a serious penalty or stigma, and there is an accentuated ethical revulsion from the concurrence of public officials in extralegal discriminations. A recent instance of such concurrence is the circulation by the Chemical Warfare Service of the War Department of a blacklist of persons alleged to be "conspiring" to undermine the government, which contained the names of a number of highly respected social workers who had also been blacklisted by various patriotic and commercial organizations. A more frequent practise is that whereby municipal authorities deny or curtail opportunities of addressing public meetings to persons whose names are on similar blacklists. Moreover due process of law itself may seem vitiated when prosecutions of producers of books or plays under indefinite obscenity statutes appear to be auxiliary to the blacklist of an antivice society rather than responsive to the law's own ideal impersonal automatism. Even the explicit incorporation into law of such blacklists as are involved in prohibition, the protective tariff and laws penalizing political or economic heresy or the teaching of evolution will not abate the feeling of many that these measures are oppressive—because effective coercion, whether legal or extralegal, should enforce only the harmonious collective will of a whole society.

But every individual makes irreconcilable demands for security and for advantage, and society as a whole is a bedlam of conflicting wills. The limits within which it may truly be said to have a harmonious collective will are narrow. Civilization, increasing the importance and autonomy of the individual, undermining ancient sanctions, disintegrating ancient mores, has narrowed them. It will not tolerate the harmony of primitive society, in which blacklists were not needed because concurrence in tabus was universal. It cannot satisfy the longing which each of us has for such a harmony—unless it can somehow diffuse throughout its

members such an obligation of reciprocity in mutual service as Malinowski found in Polynesia. But the longing, whether or not it can ever be satisfied, is as ineradicable as the longing for individual freedom with which it seems incompatible. The recent approach of civilized communities under pressure of war to the one-mindedness of primitive societies was to many a positive satisfaction. Harmony had been achieved in war time by coercion. Why not also in time of peace? Bolshevism in Russia, Fascism in Italy, in this country the post-war epidemic of blacklisting to enforce political and moral conformities—all are perhaps in a measure explainable as expressions of revived belief in the practical possibility of establishing coercively, upon one's own terms, a repose which is not the proximate destiny of civilized man.

WALTER NELLES

See: BLACKLIST, LABOR; BOYCOTT; PATRIOTIC SOCIETIES; CONSUMERS' LEAGUES; CENSORSHIP; OSTRACISM.

Consult: Putnam, G. H., *The Censorship of the Church of Rome*, 2 vols. (New York 1906–07); Chafee, Zechariah, Jr., *The Inquiring Mind* (New York 1928); Villard, O. G., "What the Blue Menace Means" in *Harper's Magazine*, vol. clvii (1928) 529–40; Mussey, H. R., "The Christian Science Censor" in *The Nation*, vol. cxxx (1930) 147–49, 175–78.
See also bibliography for BOYCOTT and BLACKLIST, LABOR.

BLACKLIST, LABOR. The blacklist in industrial relations is one of the employers' weapons in conflicts with trade unions; it is the nearest analogy to the boycott exercised by trade unions. The action may be that of a single employer who lists the persons whom he will not employ; or it may be that of a group or an association of employers who agree among themselves not to employ certain designated classes of persons and who exchange lists of names of employees who have been discovered to fall within the proscribed limits. Such a list is intended as a rule to prevent the employment of active trade unionists or of persons whose activities in behalf of trade unions have brought them into unusual prominence. Leaders of an unsuccessful strike are sometimes unable to secure employment in the plant where the strike took place or in any plant in the same locality; this ban is said in certain instances to follow the individual throughout the industry. Membership in a radical political organization or association with persons who hold such membership has been at times a bar to employment, but the actual preparation of a political blacklist is probably rare.

The labor blacklist in some form or other has probably existed from the beginning of trade union organization. In 1833 the building employers in Great Britain required their employees who had been members of the Operative Builders Union to sign the "document," a contract binding the signer to renounce his connection with the union. The "document" has constantly tended to reappear in British labor history, even down to the World War. In the United States the "document" appeared in the seventies and eighties of the last century and was known as the "iron clad" contract; in the twentieth century it is designated by trade unionists as the "yellow dog" contract. From the existence of such contracts some form of blacklist may be inferred, for without it the contract would be of limited effectiveness. Commons' *History of Labor in the United States* mentions the use of blacklist as early as 1835, when cotton manufacturers in Paterson, New Jersey, blacklisted the children of strikers (vol. i, p. 421). It refers to the blacklist as coming into general use in the period following the panic of 1873. The Webbs in their *History of Trade Unionism* speak of it as an established practise in Great Britain in 1871 (rev. ed. London 1920, p. 284).

The methods employed in the maintenance of the blacklist cannot be described with finality because the procedure is usually secret. This grows out of the fact that its effectiveness depends as a rule upon secrecy and the further fact that its practise is in many states illegal. However, the following methods are known to have been employed at different times and in different industries: the circulation of lists among allied employers; information given over the telephone or through correspondence by former employers whose names are given by an applicant for work; and the use of "clearance" cards or "grade books" on which an employee's record is inscribed by his last employer and which has to be presented when he applies for a new position. This practise has been common in the shipping industry and to a lesser extent among the railroads. Another method is that of a central employment office maintained by a group of employers and serving an industry or a locality. The applicant for work must first secure the approval of the central office where elaborate records are on file which make possible the weeding out of trade unionists or agitators. Examples of the use of this method are described in Carroll D. Wright's *Labor Disturb-*

ances in the State of Colorado (published by U. S. Bureau of Labor, Washington 1905) and in Paul Brissenden's "The Butte Miners and the Rustling Card" (*American Economic Review*, vol. x, 1920, p. 755–75).

It is equally impossible to estimate the extent of the use of the blacklist in the United States. Direct evidence is hard to obtain, because an employer maintaining a blacklist will seldom admit it, and a worker who is refused employment usually has nothing more dependable than his suspicions on which to found his belief that he is the victim of a blacklist. Nevertheless in printed sources and legal testimony we have some indication of the prevalence of the practise. Richard T. Ely in his *Labor Movement in America*, published as early as 1886, referred to the blacklist as an established practise and cited some specific examples (new ed. New York 1905, p. 110–11). Labor leaders testifying before the Industrial Commission of 1901 were very positive in their assertions about its use (U. S. Industrial Commission, *Report on the Relations and Conditions of Capital and Labor Employed in the Mining Industry*, Washington 1901, vol. xii, p. 248, 328, 349, 356). Laidler in his *Boycotts and the Labor Struggle* presents a convincing array of testimony as to the prevalence of the blacklist, quoted from the statements of labor leaders, economists, editors and public officials. Direct testimony concerning the practise may be found in proceedings in the courts under both common law and statutes involving suits for damages and the constitutionality of legislation. Convincing evidence of the blacklist appears in the *Report on the Steel Strike of 1919* by the Commission of Inquiry of the Interchurch World Movement (New York 1920).

Perhaps the most positive evidence of the widespread use of the blacklist is indirect and to be inferred from the use of what is known as the "spy system." The employment of spies or "under cover" men by many American employers is a practise that is widely known. Certain detective agencies specializing in this type of work frankly advertise the nature of the service they are prepared to render. Evidence concerning the spy system ranges from confidential circulars prepared by such agencies and occasional editorial comment in publications of anti-trade union employers' organizations to sworn testimony in court and documentary evidence of unquestioned authenticity. This evidence indicates clearly that one of the most important purposes of the system is the identification and elimination of active trade unionists.

The effectiveness of the blacklist is difficult to measure. Some of the employing corporations that have been most successful in maintaining an open or non-union shop are known to have been most active in the use of spies and blacklists. Campaigns for organization in non-union territory are constantly blocked by the discharge of men known to have joined the union or to have shown a sympathetic interest in the progress of the campaign. The effectiveness of the blacklist is probably due in large part to psychological forces. Knowledge of its existence tends to create an atmosphere of suspicion and fear that is inimical both to the independence of the worker and to his willingness to join with others in any project of which the employer is likely to disapprove. The defenses of the worker and of his union against the blacklist are necessarily limited. Blacklisting is one of the reasons for the employment of professional union organizers who are beyond the reach of the economic power of the employers. Migration to another locality, a change of trade or the adoption of a new name and similar measures entailing hardships offer some way of escape for the affected individuals.

In the absence of statute the blacklist, in the form of a mere exchange of information, is not illegal. However, if the information is false or given with malicious intent and results in a failure to procure employment, the courts will entertain an action in damages. Twenty-five or more states have enacted statutes declaring some forms of the labor blacklist illegal. These have generally been sustained as a legitimate exercise of the police power by the courts where they have come up for adjudication. Their effectiveness is limited both by specific limitations in the statutes themselves and by the numerous ways by which a blacklist can be maintained without publicity.

JOHN A. FITCH

See: BLACKLIST; EMPLOYERS' ASSOCIATIONS; TRADE UNIONS; LABOR CONTRACT; LABOR DISPUTES; STRIKE; BOYCOTT; ESPIONAGE; INDUSTRIAL RELATIONS.

Consult: Commons, J. R., and Andrews, J. B., *Principles of Labor Legislation* (rev. ed. New York 1927) p. 123–25; Strong, W. J., "Blacklisting: the New Slavery" in *The Arena*, vol. xxi (1899) 273–92; Laidler, H. W., *Boycotts and the Labor Struggle* (New York 1914) chs. ii, xiii and xviii; Blum, Solomon, *Labor Economics* (New York 1925) p. 134–35, 403–05; Catlin, Warren B., *The Labor Problem in the United States and Great Britain* (New York 1926); Sayre, F. B., *A Selection of Cases and Other Authorities in Labor Law* (Cambridge, Mass. 1923) p. 468–78.

BLACKLIST, WAR. *See* TRADING WITH THE ENEMY.

BLACKMAIL. *See* EXTORTION.

BLACKSTONE, WILLIAM (1723–80), English jurist. Blackstone was educated at Oxford and called to the bar by the Middle Temple. He was not at first successful in the practise of his profession. Turning his attention to the literary side of the law he edited Magna Carta, wrote essays on consanguinity, copyholders and other topics, and began the preparation of his *Reports*. On the advice of Murray, the future Lord Mansfield, he gave lectures on English law at Oxford and there became in 1758 the first Vinerian professor of English law; and it was his pre-Vinerian and Vinerian lectures which he revised and incorporated in the four volumes of his renowned *Commentaries on the Laws of England* (1765–69). His success as teacher and writer had resuscitated his practise at the bar, and during the latter part of his life he not only took an active interest in prison reform but was a member of Parliament (1768–70) and for ten years a judge of the Common Pleas (1770–80).

Blackstone inaugurated university instruction in English law. In his use of the lecture method he merely followed the readers in the Inns of Court; but, by making English law a subject of university study and thus placing it beside the civil law of Rome, which from mediaeval times had been taught at Oxford and Cambridge, he departed from the narrow professional attitude of the Inns of Court toward legal education. Arguing for a systematic theoretical study of English law Blackstone not only taught its continuity, unity and reason but in the spirit of humanism, as evidenced by the *Commentaries*, he brought the law into close association with university studies in history, philosophy and politics. His great achievement, however, was his reduction to lucid and systematic statement of that disordered bulk of laws which had gradually accumulated since the days of Bracton. Although Blackstone lacked the originality and force of some of his predecessors in English legal literature, such as Bracton, Coke and Hale, his *Commentaries*, written in a style at once dignified, urbane and clear, are the most complete survey of the English legal system ever composed by a single hand. They made English law as a system of justice comparable with the Roman law and with the continental civil law.

Since Blackstone was not in any marked degree either an original thinker or a proficient analyst, that part of his work dealing with legal and political philosophy consists in the main of a somewhat confused borrowing from Pufendorf, Locke and Montesquieu. It contains nevertheless a few suggestive and forceful lines of Blackstone's own thought, in which, notably in his doctrines of social contract and sovereignty, he improves on Locke. Some of his views on law and government are a *mélange* of conflicting movements in the legal and political thought of the eighteenth century. Like other writers of his age he tends to confuse law and ethics. Certain of his contradictions, such as his inconsistent statements on the supremacy of natural law and of parliamentary legislation, must be read, however, in the light of the general tenor of his whole treatise; for apart from ornamental phrases to the effect that a statute is void if contrary to natural law, a mediaeval doctrine which he derived from the philosophical speculation of Locke, it is clear that Blackstone held to the doctrine of parliamentary sovereignty. His tendency to accept and elaborate older doctrines that were not in harmony with the practise of his own time is illustrated by his doctrine of the royal prerogative, more appropriate to the Stuart period than to the eighteenth century, and by his doctrine that the sources of English law were statute and custom, whereas even in his day they had come to be statute and judicial precedent. His acceptance of Montesquieu's theory of the division of powers illustrates his tendency to adopt doctrines propounded by other jurists without adequate attention on his own part to the facts of English legal and political life.

Possessed of supreme literary judgment, Blackstone was eminently successful in his explanation of the principles of law in the light of their historical development; and as a legal historian who possessed both learning and vision he illustrated in the *Commentaries* the truths, stressed at a later time by Maitland, that the history of English law involves the comparison of foreign legal systems and that in general the history of law is the history of ideas. His emphasis on the value of deeply rooted customs and on the gradual development of law makes him also a precursor of Savigny and the historical school of the early nineteenth century.

While Blackstone at various places in the *Commentaries* advanced proposals for sane legal reform he represented par excellence the Tory conservatism of English legal thought in the

middle of the eighteenth century. It was his complacent optimism, an almost complete satisfaction with the English laws and institutions of his time, which provoked the bitter criticism of Jeremy Bentham, who in 1763 had heard his Oxford lectures, and of John Austin. Thus "by repulsion," as Maine has observed, Blackstone influenced the growth of the movement for utilitarian legal reform and the development of the school of analytical jurists.

Blackstone's *Commentaries*, partly because of their influence on professorial legal writers, have been one of the chief factors in the improvement of English and American legal literature. They have been a pattern in authorship followed by leading jurists such as Kent, Story and Dicey, who have composed books on institutional lines. Although in England his influence on legal development has been slight as compared with that of the masterful Coke, in America Blackstone has proved to be one of the dominant creative forces in the evolution of laws and institutions. The widespread influence of his book on the eve of independence furthered the process of the reception of English law in the legal systems of the colonies; after the Declaration of Independence it helped check the tendency to adopt French law in the older states and was a powerful instrument for the extension of English law to the new states that were being formed from the western territories. In the framing of the federal and state constitutions Blackstone's *Commentaries* were in part a vehicle for the transmission of the leading ideas of Locke and Montesquieu.

H. D. HAZELTINE

Works: A list of English and foreign editions, adaptations and abridgments of the *Commentaries* will be found in the article on Blackstone in the *Dictionary of National Biography*. A recent standard edition is by W. D. Lewis, 2 vols. (Philadelphia 1922).

Consult: Foss, Edward, *Biographia juridica* (London 1870); Bentham, Jeremy, *A Comment on the Commentaries; a Criticism of William Blackstone's Commentaries on the Laws of England*, ed. by C. W. Everett (Oxford 1928), with introduction; Dicey, A. V., "Blackstone's Commentaries" in *National Review*, vol. liv (1909–10) 653–75, and *Lectures on the Relation between Law and Public Opinion in England during the Nineteenth Century* (2nd ed. London 1914); Thayer, James Bradley, "Teaching of English Law at Universities" in his *Legal Essays* (Boston 1908) p. 367–87; Warren, Charles, *History of the American Bar* (Boston 1911) p. 157–87; Holdsworth, W. S., *Historians and Anglo-American Law* (New York 1928) p. 54–60; Birkenhead, Earl of (F. E. Smith), *Fourteen English Judges* (London 1926) p. 197–223; Pound, Roscoe, *Spirit of the Common Law* (Boston 1921).

BLACKWELL, ELIZABETH (1821–1910), Anglo-American pioneer in the medical education of women and the first woman physician of modern times. She was born in England but came to the United States with her family when she was eleven. In 1845 she began her medical education, at first teaching herself and later receiving private instruction. She was heavily handicapped by lack of finances as well as by the current prejudices against professional women. After being denied admission to several colleges she was finally accepted by the Geneva Medical School of Western New York, from which she was graduated in 1849, the first woman in the United States to secure a medical degree. Thereafter she studied in Paris and in London, returning to the United States in 1850. When refused a position in the department for women of a New York dispensary, she founded, with the assistance of her younger sister, Dr. Emily Blackwell, and with the support of a group of Quakers, the organization which later became part of the New York Infirmary and College for Women. In 1858–59 she visited England on a lecture tour, and was the first woman to register under the Medical Act of 1858. Ten years later she settled in England, where she aided in organizing the London School of Medicine for Women and participated in the current movement for social hygiene.

In her autobiographical book, *Pioneer Work in Opening the Medical Profession to Women* (London 1895, rev. ed. London 1914), she discloses the fact that at the outset her choice of a career developed not so much from an interest in medicine as from a conviction of the need for women in such work. This attitude was based not on any "anti-man" or "women's rights" sentiments but on a deep sense of moral obligation which was apparent also in her speeches and many essays on the subject of the education of the young and in her endeavors for the elimination of the double standard of morality. The immediate result of her entering the medical profession was a hasty shutting down of the bars which had been left open because women had not been expected to come in. Although the long struggle against the entrance of women is not yet entirely terminated it has become possible for thousands of women to do easily what required so much effort and perseverance on the part of Elizabeth Blackwell.

LORINE PRUETTE

Consult: Strachey, Ray, *The Cause* (London 1928) chs.

ix–x; Woody, Thomas, *A History of Women's Education in the United States*, 2 vols. (New York 1929) vol. ii, p. 340–62.

BLACKWELL, LUCY STONE. *See* STONE, LUCY.

BLAINE, JAMES GILLESPIE (1830–93), American statesman. Blaine acquired his first political experience, after seven years of teaching, in the state politics of Maine and as editor of the *Kennebec Journal* at Augusta. He was one of the founders of the Republican party in Maine, became its state chairman (1859–81), was elected to the state legislature (1858) and to the House of Representatives (1863–76) and was appointed senator in 1876. As speaker of the House (1869–75) he consolidated his political position and by 1876 had become an important presidential possibility, but he was defeated for the nomination by Hayes. A major factor contributing to his defeat was the charge that he had used the speakership in 1869 to aid railroads in which he was financially interested—a charge which his friends thought disproved by his speech in the House explaining the incriminating "Mulligan Letters" (1876) but which others thought at best "not proven." This episode alienated the Mugwumps, the reform group headed by Carl Schurz. Their opposition, along with the enmity of Conkling and his "Stalwarts" within the party itself, kept Blaine from the nomination again in 1880, and in 1884, when he did receive it, was an important factor in his defeat by Cleveland.

Blaine's career, which he himself sketched in his *Twenty Years of Congress* (2 vols., Norwich, Conn. 1884–86), remains one of the most brilliant in American politics. The "Plumed Knight" to his friends, his "magnetic" charm, persuasive eloquence and undoubted ability made him a power for a generation. His most significant contribution was in his molding of foreign policy as secretary of state under Garfield (1881) and Harrison (1889–92). At a time when American diplomacy was dominated by formula he built up a constructive policy and sought to make it an expression of the fact that America was now a world power. Circumstances and politics thwarted his plans, which were probably premature, and gave him an undeserved reputation as meddler and blusterer. But the chief elements of his policy were a desire for closer relations with Latin America and opposition to the extension of British power to the sphere of possible American influence. To secure an American controlled canal across the Isthmus of Panama he sought abrogation of the Clayton-Bulwer Treaty. He considered the Hawaiian Islands part of the American system and looked forward to their annexation. After a firm stand on the Bering question he submitted the controversy to arbitration. Although in 1881 Arthur and Frelinghuysen thwarted his plans for a congress of American states he had the satisfaction, on his return to office in 1889, of greeting the first pan-American conference. He was, however, unable to persuade his party to cement, by the granting of tariff preference to Latin America, the cordial relationships he had built up at that gathering.

L. B. SHIPPEE

Consult: Stanwood, E., *James Gillespie Blaine*, American Statesmen series, vol. xxxiv (Boston 1917); Tyler, Alice F., *The Foreign Policy of James G. Blaine* (Minneapolis 1927); Lockey, Joseph B., in *The American Secretaries of State and Their Diplomacy*, ed. by S. F. Bemis, 10 vols. (New York 1927–29) vol. vii, p. 261–97, and vol. viii, p. 107–84.

BLAIR, FRANCIS PRESTON (1791–1876), American editor and partisan of Andrew Jackson. He graduated in 1811 from Transylvania University in Kentucky, his native state, and threw himself at once into political life, where he showed marked talents as a writer. In 1830 President Jackson invited him to join in founding the Washington *Globe*, which Blair edited and conducted as the official mouthpiece of the Democratic party until 1845 when President Polk forced him to resign for political reasons. In order that the public might have a better vision of the happenings in Congress Blair established and published the *Congressional Globe* to record its debates and acts. This was the forerunner of the *Congressional Record*, now issued by Congress itself. During all this activity his pen displayed rare power; he was the partisan editor par excellence and as a member of Jackson's "Kitchen Cabinet" he exercised extraordinary influence not only upon the president but also upon the entire political life of the country. His social attitude is to be deduced from his advocacy of legislative control of judicial decisions, cheap western lands, the abolition of imprisonment for debt and direct election of the president, as well as from his bitter opposition to nullification and extension of slavery. Although he maintained that Congress had the power to levy tariffs, nevertheless he urged a steady downward revision. A political party was to him merely an instrument for

registering the will of a group; throughout his career he prided himself on being not only a Democrat but a democrat, even during the decade following 1856 when he was affiliated with the Republican party, of which he was one of the founders.

OSWALD GARRISON VILLARD

Consult: Buell, A. C., *History of Andrew Jackson*, 2 vols. (London 1904) vol. ii, p. 288–94; Bowers, Claude G., *The Party Battles of the Jackson Period* (New York 1922) p. 160–70, 242–59.

BLAKE, EDWARD (1833–1912), Canadian jurist and statesman. He was born in Upper Canada and was called to the bar in 1856. After the federation of 1867 he served as counsel in many leading test cases before the Judicial Committee of the Privy Council. Through his breadth of learning and the clarity of his juristic conceptions he not only acquired a reputation as one of the greatest constitutional lawyers of his day but succeeded in imparting a new dignity to the Canadian bar. His term as minister of justice (1875–77) was notable for the creation of the Supreme Court of Canada, which enabled the Canadian judiciary to handle many appeals which would otherwise have gone to England, as well as for important changes and modifications in the prerogative instruments of the governor general's office. These changes accentuated the autonomy of the Dominion and paved the way for those definitions, conventions and customs which today guide the governor general in his capacity as personal representative of the king. Blake was also a leading exponent of provincial rights and laid the permanent foundations on which the structure of provincial legislative power in Canada has been built.

Blake's career as statesman was not especially effective. In 1879 he became leader of the Liberal opposition to Macdonald's government, but retired in 1887 in favor of Laurier. His famous "Aurora Speech" in 1874, the result of his brief identification with the "Canada First" movement, has been called a landmark in Canadian politics. By no means original in content, it advocated federation of the empire, reorganization of the dominion senate, proportional representation, extension of the franchise and compulsory voting.

W. P. M. KENNEDY

Consult: Kennedy, W. P. M., *The Constitution of Canada* (Oxford 1922) p. 340–44, 420–23; Keith, A. B., *Responsible Government in the Dominions*, 2 vols. (2nd ed. Oxford 1928); Wallace, W. S., "The Mystery of Edward Blake" in *Canadian Magazine*, vol. xxxix (1912) 395–400, and "The Growth of Canadian National Feeling" in *Canadian Historical Review*, vol. i (1920) 136–65, and "Edward Blake's Aurora Speech, 1874" in *Canadian Historical Review*, vol. ii (1921) 249–71.

BLANC, LOUIS (1811–82), French statesman, historian and theorist of socialism. Blanc came of a royalist family; his grandfather was guillotined during the French Revolution and his father had served under Joseph Bonaparte, whose downfall brought poverty to the family and to Blanc in his student days. After the Revolution of 1830 Blanc was editor of *Bon sens* and later of the *National*, and thus came in contact with the political and social problems of his day, which he described in the *Histoire de dix ans* (5 vols., Paris 1841–44, 12th ed. 1877–83; English translation, 2 vols., London 1844–45). In 1847 he joined the staff of *La réforme*, a paper of the extreme left, and in the following year was nominated by the people of Paris to the provisional government of 1848, in which with the workman, Albert, he represented the socialist element. The bourgeois majority was hostile to Blanc, who soon came under suspicion in connection with the workers' demonstration of March 17. The Luxembourg Labor Commission, of which he was president, was deprived of real power, and the *ateliers nationaux* (*q.v.*) organized by the minister of public works, Marie, were a caricature of Blanc's proposal. Compromised despite himself in the events of May 15, by vote of the Constituent Assembly on August 26 Blanc was referred for trial to the Supreme Court of Bourges. In England, whither Blanc fled before the trial, he wrote a number of works justifying his part in the Revolution of 1848, among them the *Pages de l'histoire de la révolution de février 1848* (Paris 1850), and completed his monumental *Histoire de la révolution française* (12 vols., Paris 1847–62; new ed. 15 vols., 1878), in which as a careful historian he permitted texts and sources to speak for themselves. He refused to return to France before the downfall of the Second Empire in September, 1870. Elected to the National Assembly in February, 1871, he sat with the extreme left, protesting against the severity of the repressive measures, without condoning, however, the violence of the Commune. From 1876 until his death Blanc was a member of the Chamber of Deputies, where he headed a small group of idealist radicals who refused to follow Clemenceau and Gambetta, and led in the struggle to secure an amnesty for the condemned Communards.

A politician of rare integrity, Blanc was faithful during his long and varied career to the ideal of social reorganization which would eliminate evils, root and branch. His plan was outlined at first in *Organisation du travail* (Paris 1839, 9th ed. 1850; tr. by M. P. Dickoré, Cincinnati 1911) and remained substantially unchanged despite many criticisms, particularly from the followers of Proudhon and the "pure" revolutionists. Although some elements of his doctrine can be traced to his precursors—the emphasis on organization to Saint-Simon, the critique of competition to Fourier, the belief in the essential goodness of man to Rousseau, the recognition of the role of environment and evolution to Montesquieu—Blanc displayed a certain originality in his constructive proposals, particularly in the function assigned to the state. For the unlimited competition of individuals Blanc wished to substitute a universal system of workmen's associations, of *ateliers sociaux*, based on the principle "from each according to his ability, to each according to his needs." The immense social capital would be collectively owned, the compensation for labor based on the amount of time devoted to work and the exchange of goods facilitated by the use of paper money representing accumulated labor. The government through its "minister of progress" should provide the initial stimulus for the new system by financing the early associations and should later supervise the functioning of the entire system. In the transition stage the government should nationalize railroads, mines, the Bank of France and the storage and marketing facilities of wholesale and retail trade. Blanc insisted that only with the assistance of the state could this social transformation be accomplished.

GEORGES BOURGIN

Consult: Tchernoff, J., *Louis Blanc* (Paris 1904); Renard, E., *La vie et l'oeuvre de Louis Blanc* (Toulouse 1922), with a complete bibliography of Blanc's writings; Pechan, H., *Louis Blanc, als Wegbereiter des modernen Sozialismus* (Jena 1929).

BLANQUI, JÉRÔME ADOLPHE (1798–1854), French economist. Blanqui had a distinguished career; he was the successor of J. B. Say at the Conservatoire des Arts et Métiers (1833), head of the École Spéciale du Commerce (1830–54), member of the Académie des Sciences Morales et Politiques and first editor of the *Journal des économistes*. His writing, although extensive and erudite, exhibited little theoretical originality. His best known work, *Histoire de l'économie politique*, was the first general treatise on the subject. Regarding political economy as embracing systems of policy as well as a body of doctrines, he interwove economic history and the history of economics in an enlightening if at times superficial manner.

His dominant interests, however, were industrial and commercial history and the welfare of the working classes. Although a liberal and a follower of Adam Smith he was much impressed by Sismondi's writings and advocated positive governmental action for the protection of workers. At the time of his death he was engaged in an extensive investigation into the condition of the French agricultural classes.

PAUL T. HOMAN

Important works: *Histoire de l'économie politique en Europe, depuis les anciens jusqu'à nos jours*, 2 vols. (Paris 1838; 5th ed. in 1 vol., 1882), tr. by E. J. Leonard from 4th ed. (New York 1880); *Résumé de l'histoire du commerce et de l'industrie* (Paris 1826); *Précis élémentaire d'économie politique* (Paris 1826, 3rd ed. 1857).

Consult: Duvoir, Léon, *Recherche des tendances interventionnistes* (Paris 1901) chs. iii–iv; Krawtschenko, Nikolaus, "J. A. Blanqui—der erste Verkünder der Idee des internationalen Arbeiterschutzes" in *Jahrbücher für Nationalökonomie und Statistik*, 3rd ser., vol. xl (1910) 349–52.

BLANQUI, LOUIS AUGUSTE (1805–81), French revolutionist whose name is connected with the current of French radical thought known as Blanquism. Blanqui, whose father had been a member of the Convention in 1793, made early revolutionary contacts when as a student at the Lycée Charlemagne he joined the Paris branch of the Carbonari and was initiated into their conspirative methods. In the Revolution of 1830 and in every subsequent revolutionary uprising in France Blanqui was a prominent figure. His leadership and influence were especially remarkable because he was imprisoned intermittently for forty of the remaining years of his life, sometimes under sentence of death. He led the unsuccessful uprising of 1839, was outstanding in the opposition to the Provisional Government following the Revolution of 1848 and was involved in the uprising of August 14, 1870, during the period of the Paris Commune. Throughout his career Blanqui advocated revolution by coups d'état carried out by secret organizations of carefully selected, armed members rather than by any deliberative procedure or mass organization. In the course of time his revolutionary program gained in clarity. In the thirties he was willing to struggle for the estab-

lishment of a republican form of government as a step toward the ultimate goal of a communistic society which would guarantee to all free education, the right to work and social equality. Later he laid more and more emphasis on the "class struggle," an attitude which was made clear in his attack on Proudhonism. In his "Instruction pour une prise d'armes," written in 1867, Blanqui placed even greater reliance on the workers and on the *déclassé* bourgeoisie whom he considered a "secret ferment" in the capitalist order. According to this program the workers were to arm themselves, seize the government, disarm the bourgeoisie and establish a proletarian dictatorship. Having won power they were to confiscate the large landed estates, establish state control of factories, annul the public debt and introduce a progressive income tax. Blanqui recognized the necessity of placating the peasants by means of special concessions.

After Blanqui's death his followers under Édouard Vaillant tried to continue the revolutionary tradition of their teacher, but under the conditions of the Third Republic they adopted parliamentary methods and formed a socialist group in the French Chamber of Deputies. Some of this group were influential, especially in their inevitable endorsement of the "general strike," in the formation of French syndicalism. After 1900, however, Blanquism was completely merged in the French socialist movement. Internationally Blanquism was a significant factor in the formation of Marxism. Marx came in contact with Blanquism in his early years and during the period of the first International, where Blanquist delegates under the leadership of Eudes were given adequate recognition. There can be no doubt that the Marxian concept of proletarian dictatorship can be traced to Blanqui and that Blanqui's ideas as formulated in his "Instruction" anticipated the strategy of Lenin and of the Bolsheviks.

LEWIS L. LORWIN

Important works: *La patrie en danger* (Paris 1871); *L'armée esclavée et opprimée* (Paris 1880); *Critique sociale*, 2 vols. (Paris 1885).

Consult: Geffroy, Gustave, *L'enfermé* (Paris 1897); Zévaès, A. B., *Auguste Blanqui* (Paris 1920); Dommanget, Maurice, *Auguste Blanqui* (Paris 1924); Postgate, R. W., *Out of the Past* (London 1922) p. 24–25; Mason, E. S., "Blanqui and Communism" in *Political Science Quarterly*, vol. xliv (1929) 498–527; Da Costa, Charles, *Les Blanquistes* (Paris 1912); Wassermann, Suzanne, *Les clubs de Barbès et de Blanqui en 1848* (Paris 1913); Lorwin, Lewis L. (Louis Levine), *Syndicalism in France* (New York 1914) p. 41–42, 58–59.

BLASPHEMY. By first intention the equivalent of evil speaking or libel (*maledicentia*), blasphemy has come by universal usage to mean evil speaking or libel of divinity, its attributes, derivatives and connections. To a very large proportion of mankind it is an act dangerous in itself and disastrous in its consequences—therefore a crime. The root of this attitude reaches very deep in folkways. Names and things early became continuous and interchangeable. Even modern sophisticates are apt to lower their voices and look about them when they mention the absent powerful in a derogatory way, while to the primitive and the ancient mind a name was an extremely near and potent part of a personality, charged with its traits, its power and its fate. Attitudes toward the name consequently were the same as attitudes toward its owner and provoked like reactions. Hence the tabu of names among savages; the Egyptian custom of giving children two names, the personal and true one being secret; and the practise among the Greeks of calling priests attached to the mysteries by their sacred titles only—a practise which has its echoes in the Roman Catholic church where cardinals take new names on mounting the throne of Peter. The names of the dead, of kings and of the gods were similarly tabu. As the name was the life and the power, to mention it was to bring back the dead, to conjure up the blasting power of the king or God. Uttering it with impunity therefore required a certain defensive equipment such as usually pertains to priests and kings. Those who had such an equipment were in a position of advantage; they were "masters of the name" and thus masters of its power. By this mastery Isis, who won possession of the great name of Ra, made herself a goddess; Solomon, the Baal-Shem and the like are able to command the powers of earth and air. Blessings and maledictions of churches are pronounced "in the name of."

Mastery of the name was thus the privilege of the specialized few. In the mouths of the profane its mere sound might kill and its improper use might evoke the wrath of the divinity. Among the Greeks blasphemy was a crime because they feared the wrath of the god, among the Hebrews because they feared the instant blasting power of the name itself. Both peoples punished blasphemy with death, and among others the penalty varied from a fine and banishment to death.

The distinction between the properly

equipped and consequently privileged specialist who is "master of the name" and the profane outsider who is not, provided the basis of the attitude of the western world toward blasphemy. The theocratic law of the Jews, which made blasphemy a deadly sin, became the canon law of the church. The guilty person was, according to Justinian's *Novellae* (lxxvii–lxxviii), subject to the extreme penalty of the law. Its scope became coincident with the doctrines, institutions, privileges and powers of the established order of political and ecclesiastical economy. Any denial or challenge of the orthodoxies concerning God or His attributes or His revealed word, concerning Jesus and His powers or Mary and hers, concerning the authority by divine right of church or state, constituted the crime of blasphemy. It was according to the scholastics the deadliest of all sins, the polar opposite of charity or love.

With the Reformation the incidence of blasphemy changed slightly. Ecclesiastical institutions had multiplied and ecclesiastical claims to the vicarship of God were correspondingly manifold and competitive. Monarchy by divine right grew in power and the offensive quality of blasphemy became more political than ecclesiastical—of course under the rules of the canon law. For even in Protestant countries such as England Christianity was held to be "part and parcel" of the common law and "all blasphemy and profaneness are offenses by the common law." The same held true in the British colonies of North America. Thus it was possible to treat as blasphemy a program of religious tolerance like that of Roger Williams.

It might have been expected that blasphemy would cease to be a crime in the United States after the adoption of the constitution. But the First Amendment merely forbade Congress to legislate concerning "an establishment of religion." Moreover, in almost all the New England states and Maryland, Protestant Christianity was established by law. Even in those of the original thirteen states whose constitutions prohibited religious discrimination or preference, blasphemy was still held to be a crime at common law on the ground that if left unpunished it would tend to cause breaches of the peace, since the vast majority of the population was Christian. Nevertheless the actual number of prosecutions in nineteenth century America was not great because of the general secularization of life positively effected by industry, science and free public education and negatively by the competition of the sects. In England, however, where the church was established, there were no legal difficulties and social conditions were such as to make for more frequent prosecutions. Nokes in his *History of the Crime of Blasphemy* gives tables listing 138 cases of blasphemy prosecution at common law in the period from 1617 to 1922, and 59 additional cases from 1678 to 1842 which were probably at common law. The blasphemy prosecutions of late Victorian times against such noted rationalists as Bradlaugh, Foote, Holyoake, Ramsey, Carlile, Cooper and Watts were the paradoxes of an apparently liberal England. But in 1883 a change in the law was signalized when Lord Coleridge, sitting in the case of Reg. *v.* Ramsey and Foote (*15 Cox Criminal Cases*, 231) declared that "if the decencies of controversy are observed even the fundamentals of religion may be attacked without the writer being guilty of blasphemy." It was not, however, until 1917 that the House of Lords gave its approval to this view in the case of Bowman against the Secular Society Ltd. (1917, *Appeal Cases*, 406).

The gravity of the offense has been shifted from *what* is said to *how* it is said. The connection of the alleged blasphemy with social or political radicalism has become particularly important. In 1926 in Brockton, Massachusetts, one Anthony Bimba was cleared of blasphemy by Judge Ring but found guilty of sedition, of which he was not accused. In 1928 a warrant was issued on a charge of blasphemy for the arrest of H. M. Kallen, a speaker at a Sacco-Vanzetti memorial meeting in Boston. This warrant, however, for reasons not made public, was withdrawn before it was served. The tendency in these cases has been to give blasphemy a secular construction as "breach of the peace," "disorderly conduct," etc., and so to charge the offense where other charges cannot lawfully be made. This, of course, would not rule out the possibility of treating blasphemy as a theological offense where an ecclesiastical establishment acquires enough influence and power.

HORACE M. KALLEN

See: SACRILEGE; CENSORSHIP; FREEDOM OF SPEECH AND OF THE PRESS; INTOLERANCE; LIBEL; SEDITION; ATHEISM.

Consult: Nokes, G. D., *A History of the Crime of Blasphemy* (London 1928); Stephen, J. F., "Blasphemy and Blasphemous Libel" in *Fortnightly Review*, n. s., vol. xxxv (1884) 289–318; Schroeder, Theodore, *Constitutional Free Speech Defined and Defended* (New York 1919).

BLIND. No practical and uniform definition of blindness has been worked out. Several ready to hand definitions have been devised, such as inability to designate form or color, to count upon the hand at a distance of twelve inches, to read writing or print in large characters or to recognize the human face. What is sometimes known as "industrial blindness" is commonly defined as insufficient sight even with the aid of eyeglasses for the execution of economic tasks. More precise definitions based upon medical examination refer to the proportion of visual perception still retained, frequently the possession of not more than one tenth of normal vision in the better eye.

The blind population of the entire world has been roughly estimated as from 3,000,000 to 5,000,000. In the United States the census bureau reported 52,567 blind persons for the year 1920, and computed the total blind population as 74,500. The estimates of special commissions for the blind, which have been created in certain states, have usually been about one third higher than those of the census bureau.

Blindness is more common among males than among females; the ratio in the United States is 134.6 males to 100 females. This excess of males is in some part due to their greater exposure to industrial accidents and to their greater liability to venereal disease. Blindness is found to a larger extent among colored races than among the white, probably in large part because of lack of proper medical care. It occurs in ever increasing measure with the advance of old age. Nearly one half of the blind population in America is over sixty, while only 7.5 percent of the general population are above that age. Under five years of age there are 32 blind persons per 1,000,000; at eighty-five or over there are 15,858.

The causes of blindness and therefore the degree of preventability vary greatly in different sections of the world. Two of the greatest causes of blindness are becoming more negligible every year in civilized countries where proper preventive methods have been introduced. These are *ophthalmia neonatorum*, commonly caused by venereal infection at birth, and trachoma, a highly infectious inflammation of the conjunctiva, partially curable by treatment or operative measures and preventable through isolation of centers of infection. Both are diseases which flourish under unsanitary conditions and lack of skilled medical care. *Ophthalmia neonatorum* is commonest in countries such as India where midwifery is practised with little medical supervision and much superstition. In most civilized countries today the use of preventive measures at the birth of every child, whether or not venereal infection be suspected, is required by law and the rate of blindness from this cause is thereby cut down tremendously. Trachoma has been an epidemic disease of military and civil life since 1798, when Bonaparte and his army invaded Egypt and brought it back with them. So far as it is traceable the disease seems to have originated in Egypt and it is still rife there as well as in southeastern Europe, Arabia, China, Russia and Poland. Trachoma was one of the more important causes of blindness in the United States until 1907, when the new immigration act excluded aliens affected with the disease. Trachoma is now found mainly in certain restricted areas of the country, including localities in which Indians live.

From the returns of the 1920 census it appears that nearly three fourths of the blindness in the United States is attributable to disease; the rest is due to external causes including accidents (alone responsible for about one sixth), poisoning, foreign substances in the eye and malformations. Of the blindness caused by disease over two thirds is chargeable to some specific affection of the eye and a little under one third to some disease of more general character. Among specific diseases of the eye cataract is most prevalent; this disease alone causes about one seventh of all blindness. Less important are glaucoma, atrophy of the optic nerve, *ophthalmia neonatorum*, trachoma, retinal disorders, various corneal disorders (especially corneal ulcer) and other affections including progressive myopia. The leading general diseases causing blindness are measles, meningitis and scarlet fever. Venereal disease plays an important part in the loss of vision; directly and indirectly it is probably responsible for not less than one sixth of all blindness in the United States.

A large part of the blindness due to special ocular disorder is within medical control. As indicated above, *ophthalmia neonatorum* and trachoma are without much difficulty almost entirely preventable. Cataract, glaucoma of an acute nature and not a few other affections of the eye might be greatly reduced in extent.

Blindness from such general diseases as measles, meningitis and scarlet fever is now rapidly decreasing and might be almost entirely suppressed. Progress in the control of communicable diseases will indirectly result in the

decrease of cases of blindness attributable to them. In individual cases blindness resulting from a general disease can often be prevented by early recognition and skilled treatment. As general health conditions, sanitary measures and living standards are improved and with the widespread establishment of eye clinics there will be less occasion for blindness from these causes.

Blindness due to external causes is also in large measure preventable. Blindness from accidents is fundamentally due to neglect or carelessness on the part of the individual and to conditions of modern industry. In industrial establishments the eye may be struck by various substances, especially particles of flying metal; or the sight may be impaired or destroyed by intense light or by contact with heated or noxious chemical substances. Blindness from such causes can be eliminated to a large extent by appropriate safety regulations such as good lighting arrangements, proper exhaust systems for the removal of gases and dusts, hoods or shields for certain operations and the use of goggles wherever necessary. Conditions for the protection of the eye in industry are steadily improving. Legislation requiring the adoption of general safety measures is increasing, although as yet there is but little specific mention of the eye. Workmen's compensation laws, now almost general in the United States, provide another impetus to the movement for the installation of safety devices.

Hereditary blindness, although small in proportion, cannot be controlled since its manner of operation is as yet but little known. The factor of heredity is responsible for most of the non-preventable cases of blindness, which in the United States constitute one fourth of the total. Blindness of hereditary character is found to move through certain diseases, especially cataract, *retinitis pigmentosa*, detachment of the retina, progressive myopia, etc. The hereditary influence is illustrated by the ratios derived from the 1920 census report: 4.2 percent of the blind have one or both parents blind, 9.7 percent blind brothers or sisters and 1.7 percent blind children.

Blindness has always been looked upon as one of the heaviest of human afflictions. In earliest times the blind were treated with but a limited degree of consideration, now and then suffering direct abuse but more often only regarded as hindrances to the able bodied. Often blindness was deemed a divine visitation or punishment for the misdeeds of those stricken or of their forefathers. In later times, particularly with the advent of Christianity, the blind became objects of pity and were encouraged to beg; they became one of the traditional subjects for bestowal of alms by the benevolently inclined. In the Middle Ages shelter and some degree of care were given the blind by the monks in hospices. In the following centuries we find sporadic instances of corporations for the care of the blind and attempts at educating individual blind persons. In spite of this the general attitude of indifference persisted well into the modern period, and not until the last half of the eighteenth century is there any evidence of a sense of social obligation toward the blind.

Even in the twentieth century the blind suffer grievously from misconceptions of their behavior and abilities on the part of a general public which, paradoxically enough, is well disposed toward them. Too often the blind are regarded as little more than beggars, frequently with a special privilege to solicit alms on the assumption that they can do nothing else. Such treatment has a doubly injurious effect: it licenses and encourages the blind person to play upon his infirmity, and it confirms in the public mind a sense of the utter dependence of this class. Another source of trouble is the inability of the public to recognize the vast differences between individual blind persons. The law, reflecting uninformed public opinion, is even slower to recognize the actual needs of the blind. It is not based on a scientific, well rounded conception of the relation of the blind to society at large, although in certain states in America recent legislation in this field shows distinct improvement.

The earliest intelligent attempts to improve the conditions of life for the blind are found in the field of instruction for blind children. The first school for the blind was established by Valentin Haüy in France late in the eighteenth century and its success eventually aroused a great deal of public interest. In the United States the first school for the blind, the Perkins Institute, was established by Samuel Gridley Howe in Boston in 1829; it had some financial public support from the outset. Shortly afterward institutions were founded in New York and Philadelphia. The schools established subsequently throughout the United States achieved from the outset an amount of public support which is significant in differentiating them from

those which had grown up abroad. Those first established in the United States have for the most part remained private undertakings, in the hands of special bodies created for the purpose but with regular state assistance; the later schools have been strictly state institutions. Less than a dozen states are now without special institutions, either private with state support or entirely state supported. In a few states blind and deaf children are educated in the same institution, a policy on the whole undesirable but sometimes excused because of the small number of pupils. In an increasing number of American cities special classes for blind children are being established. There are also what are known as sight saving classes for the partially blind; in some cases these special classes operate under state laws with the aid of state funds. In certain states scholarships are provided for the blind at regular colleges, and the idea of a special college for the blind has been raised but has been generally abandoned. In a few states there are homes for very young or pre-school blind children, combining the features of a kindergarten, nursery and hospital.

The first real mitigation in the condition of the blind came with the invention of raised print by Valentin Haüy, Paris, 1784. Since then a number of different systems of printing for the blind have been evolved, but their usefulness has been impaired by lack of uniformity. A uniform system of raised print known as Revised Braille (*see* BRAILLE) has now been adopted for the United States. Of printing houses for the blind in the United States the chief is the American Printing House at Louisville, which is subsidized by the federal government. There exist also libraries for the blind which in many cases send out books to homes in the neighborhood and sometimes honor requests from the most distant parts of the country. This home use of libraries is greatly facilitated by the free use of the mails accorded to reading matter for the blind. Despite the tremendous value of raised print barely one third of the blind of the United States are able to read any form of it. This is largely due to the occurrence of blindness relatively late in life with consequent lack of enthusiasm for learning the new manner of reading.

Home teaching is a recent development in the attempt to broaden the life of the blind. This covers general intellectual instruction, the use of raised print and instruction in simple handicrafts, especially sewing, the latter being intended to aid the blind partially to support themselves.

The great outstanding problem of the blind today is still an economic one. Eyesight constitutes such an essential physical faculty in the ordinary course of earning a livelihood that those bereft of it find it most difficult and in many cases impossible to enter the ranks of independent wage earners. The field of employment which is open to the blind is exceedingly circumscribed, and economic independence for them is proportionately difficult. History shows examples of certain occupations to which large numbers of the blind flock by tradition. In Mohammedan countries, for example, the blind become teachers of the Koran, which they first learn by heart. Japan has a league of blind masseurs. Begging in the Orient and Africa is an accepted means of support for the blind. On city streets in America the blind vendor of small and often useless wares is an all too customary sight. Accurate data on the number of blind who work and the amount of their earnings are difficult to obtain and no estimate is therefore attempted except for the United States. Here only about one fourth of the blind males can even nominally be regarded as gainfully employed. Of blind males so classed less than one half earn more than $400 a year. Of all the adult blind only about one eighth can be regarded as wholly self-supporting. A small proportion of them have independent means. Really considerable incomes are earned only by those who have special talents or who had achieved highly paid positions before the onset of blindness. The unfavorable economic situation of the blind is however not to be attributed to blindness alone, since a very large proportion of the blind are too old for industrial employment in any case. However, there can be little doubt that with fuller investigation of the subject and with more suitable training a considerably larger field of employment can be found.

Of the blind who are gainfully employed in this country three fifths are engaged in broom making, farming, retail dealing, piano tuning, playing and teaching of music, chair caning, and huckstering. A number in general occupations including professional occupations have continued in their callings after the advent of blindness. This is true of many of those reported as engaged in farming who have been able to continue with minor farm tasks such as milking. Numbers in mechanical and manufacturing pursuits are engaged in some simple

handicraft. Among blind women sewing is the most usual occupation.

Of the blind who are not self-supporting the greater part are cared for by their families, friends or relatives. A small proportion, chiefly the aged, are cared for in special homes for the blind. Others are supported by their earnings in special industrial establishments subsidized by private charity. The majority of the remainder are directly dependent wholly or in part upon public or private charitable agencies.

Special industrial establishments have been organized in the hope that the blind could thereby be made self-supporting, but their limitations soon became apparent. They can accommodate only the blind of early or middle age, of temperamental fitness and of proper industrial qualifications—qualities not found among the greater number of the blind. The restricted nature of possible industries, together with the inability of the blind to compete on even terms with those who can see, makes it very difficult for such establishments to attain any considerable measure of self-maintenance. There are possibly fifty special industrial establishments in various parts of the United States, some of which include a boarding or living home as well.

An increasing effort is being made by certain agencies to find employment for blind persons in regular workshops or in some business enterprise of their own. Feasible only for a limited number and requiring efficient supervision this is at best a costly enterprise. The plan has some hopeful features. Although the financial rewards cannot be large, work of a simple character can be done by a few of the blind in factories where the management is sympathetic. By a larger number work can be done in their own homes, especially some form of sewing by women. St. Dunstan's in England, the home and school for the blind veterans of the World War, has achieved some success in training and placing blind soldiers in gainful employment. The patriotic appeal of the blind veteran has removed some of the obstacles to the finding of employment.

In America about half the states have within the last few years developed systems of pensions for the blind. The maximum amount allowed is usually about $300 a year. The system has in many cases been rather loosely directed. There is great need for a well devised, carefully administered relief system for the blind, although this alone, however well administered, can never afford the kind of solution for the individual which is always offered by a job.

The one really desirable means of affording financial aid to the blind who cannot support themselves is through some plan of social insurance whereby compensation is granted on the occasion of the loss of sight. In the United States this principle is now embodied only in workmen's compensation acts, which are becoming increasingly comprehensive.

HARRY BEST

See: DEPENDENCY; BEGGING; DEAF; MENTAL DEFECTIVES; COMMUNICABLE DISEASES, CONTROL OF; VENEREAL DISEASES; HEREDITY; IMMIGRATION; ACCIDENTS, INDUSTRIAL; SAFETY MOVEMENT; COMPENSATION AND LIABILITY INSURANCE; VETERANS; REHABILITATION; SOCIAL CASE WORK.

Consult: Levy, W. H., *Blindness and the Blind* (London 1872); Keller, Helen A., *The Story of My Life*, ed. by J. A. Macy (New York 1913); Villey-Desmeserets, P. L. J., *Le monde des aveugles* (Paris 1914), Eng. tr. (London 1922); Javal, Émile, *Entre aveugles* (Paris 1903), tr. by C. E. Edson as *On Becoming Blind* (New York 1905); Scott, E. R., *The History of the Education of the Blind prior to 1830* (London 1916); Illingworth, W. H., *History of the Education of the Blind* (London 1910); Best, Harry, *The Blind* (New York 1919); U. S., Bureau of the Census, *The Blind Population of the United States, 1920* (Washington 1928); Great Britain, Ministry of Health, Departmental Committee on the Causes and Prevention of Blindness, *Final Report* (London 1922); Purse, Ben, *The British Blind* (London 1928), and *The Blind in Industry* (London 1925); Pearson, Arthur, *Victory over Blindness* (New York 1919); Bouissou, Louis, *L'aveugle au point de vue social et juridique* (2nd ed. Paris 1927); La Sizeranne, Maurice de, *Les aveugles, par un aveugle* (2nd ed. Paris 1891), tr. by F. P. Lewis as *The Blind as Seen Through Blind Eyes* (New York 1893); Guilbeau, Ed., *Histoire de l'institution nationale des jeunes aveugles* (Paris 1907); Otto, H. von, *Grundriss des Blindenwesens* (Berlin 1926); Strehl, Carl, *Die Kriegsblindenfürsorge* (Berlin 1922); Peyer, Heinrich, *Blindenhandwerk und Blindenhandwerksgenossenschaften* (Hamburg 1926); *Deutsche Blindenanstalten in Wort und Bild*, ed. by Immanuel Matthies (Halle 1913).

BLIOKH, IVAN STANISLAVOVICH. *See* BLOCH, JEAN DE.

BLISS, WILLIAM DWIGHT PORTER (1856–1926), American Christian Socialist, clergyman and editor. Bliss came of old New England stock of idealistic traditions. His experience as clergyman brought him into close contact with groups of workers, especially the mill operatives of South Natick, Massachusetts, whose conditions aroused first his sympathy and then his indignation. In order to establish more direct association with working people he joined the Knights of Labor and in 1890 founded

the Church of the Carpenter in Boston. Realizing the limitations of individual effort he tried indefatigably and with considerable resourcefulness to extend the influence of his beliefs. In 1889 he founded the first Christian Socialist society in the United States and edited its organ, the *Dawn*, from 1890 to 1896; for four years he preached and lectured in the United States, Canada and Great Britain on problems of labor and social reform; he edited and published the works of Mill, Ruskin and Thorold Rogers in popularized form. Together with Bellamy, Henry D. Lloyd and others he published the monthly periodical the *American Fabian* (1895–1900) and attempted to found an American society patterned after the English group. His most outstanding achievement, however, was the *Encyclopedia of Social Reform* (New York 1897, revised 1908), in which articles by scholars and leaders of reform presented a survey of projects and theories of social reconstruction. Edited almost entirely by Bliss it was the first important attempt made in the United States to gather primarily social data into an encyclopaedia. It was followed by the yearbook, *Social Progress* (3 vols., New York 1904–06), edited by Bliss with the assistance of Josiah Strong and W. H. Tolman. In these and in previous writings Bliss was more concerned with making social problems vital and intelligible to the lay reader than with preparing a work for specialists.

RUDOLPH M. BINDER

Consult: Faulkner, H. U., "American Christianity and the World of Everyday" in *Essays in Intellectual History*, dedicated to J. H. Robinson (New York 1929) ch. viii.

BLOC, PARLIAMENTARY. A parliamentary bloc results when certain individuals or groups in a legislative assembly are merged into a formation which intends aggressive political action. The process of forming a bloc is frequently called "coalition"; but although bloc and coalition shade off into each other a coalition as a resultant formation is perhaps best conceived as relatively non-aggressive and as due to a truce in normal political activity. French in origin, the term bloc has become well established in a figurative political sense. Different connotations, however, attach to the term as applied to a legislative assembly composed of several political organizations, as in the "group" system current in continental parliaments, and to a bipartisan legislature. In the formation of the former the force at work is essentially centripetal, the tendency integration; in the other case the force is largely centrifugal and the tendency disintegration.

In France, where the bloc has had its longest and most continuous history, bloc formations have represented a marked centripetal tendency to weld the diverse "groups" into larger aggregates and achieve the effect of bipartisan organization. In a sense there have been only two sorts of blocs in the history of the Third Republic—a bloc of the left and a bloc of the right. The term employed and the inspiration for the formation of the first bloc proceeded from a famous dictum of Clemenceau. The performance in 1891 of Sardou's *Thermidor*, hostile to the Terror, had caused Clemenceau to protest against making a distinction between 1789 and 1793 and to declare that "the Revolution forms a bloc" and that it must be "accepted *en bloc*." In 1899, therefore, the coalition of Republicans which formed around Waldeck-Rousseau and later supported Combes was currently called the *Bloc de la défense républicaine* or, more familiarly, simply the *Bloc*. It carried on the affairs of government in definite opposition to the right and with "no enemies on the left." About 1906 the political formation began to be dislocated, the Socialists tending to combine with the right against the Radicals on electoral reform; but the *Bloc* was re-formed for the elections of 1914 on the issues of military service and the income tax. The "Sacred Union" of the war, since the war emergency demanded a lull in political activity, is to be regarded rather as a coalition than a bloc; but it later formed the basis of the *Bloc national*, a coalition of forces of the right, which was victorious in the elections of 1919. In 1924 a left bloc, then currently called the *Cartel des gauches*, was again successful. The *Union nationale*, formed by Poincaré in 1926, was also distinctly a coalition; but it tended to become a bloc for the elections of 1928, and the withdrawal of the Radicals at the end of that year rendered it more definitely so.

The term bloc has by a not unnatural extension been applied to political formations in French history antedating 1899 and also to those in other countries where similar strategy has been employed. In American political history it was first applied to an aggressive organization of the agrarian representatives in Congress. It represents, however, a type of parliamentary bloc quite different from the French blocs mentioned.

In May, 1921, a group of twelve United

States senators, equally representing the two great parties, met in an office of the American Farm Bureau Federation. They were seriously alarmed at the agricultural situation and gave their attention to a plan of legislation for farm relief. Although other senators were added in later meetings the number seems never to have greatly surpassed twenty. These senators, together with about one hundred members of the House of Representatives, came to be known as the "Farm Bloc." Holding the balance of power the bloc was able, against the will of the "regular" Republicans, to force the passage of certain measures and to prevent the passage of others. Although its leaders denied some of the accomplishments attributed to it, its positive record was sufficiently striking to cause President Harding, who had at first opposed it, to claim this record for his administration. The Farm Bloc, however, suffered reverses after its initial successes. In the words of Frank R. Kent, the farmer "lost his club" and the power of the bloc "oozed away." It is clear that for American political history the word and not the thing was new. Cooperation between groups with the same or similar interests occurred from the outset. The "Silver Senators" and the groups of senators representing the protected industries of New England after the Civil War, to take only two examples, were blocs in all but name. The Farm Bloc was followed by the formation of other blocs in considerable profusion. A few of these were the Ex-Service Men's Bloc, the Wet and Dry blocs, the Irrigation Bloc and the Labor Bloc, some of which became definitely organized.

Such formations will doubtless continue to appear and the word bloc seems destined to remain. Of the various attacks made on them in the American system one argument condemns a tendency toward the continental *groupe* system. This objection is evidently based on a confusion between the nature of the bloc as it appears in continental legislative assemblies and its character in the American Congress. In the French Parliament, for example, there are political *groupes* which are officially recognized. Some of these *groupes* articulate with political parties. If the political programs of two or more parties are sufficiently related, the parties themselves, such for example as the Radical-Socialist and Socialist parties or their parliamentary *groupes*, form a bloc. The Farm Bloc, which Senator Capper has said refuses to consider partisan measures, is vastly different from such *groupes* or blocs. Like other congressional blocs it resembles more closely certain *groupes d'études* in the French chambers. These *groupes* are unofficial and numerous, and many of them are of little or no importance. Among the limited number of exceptions it is interesting to note the *Groupe de la défense paysanne* and the *Groupe viticole*. They are the nearest French counterparts to the Farm Bloc.

Political history demonstrates that in practise when the centripetal political forces outweigh the centrifugal a distinct tendency toward a dual organization of parties is manifested even in continental parliaments and leads to the formation of blocs. A struggle over the form of state or over religion has proved sufficient. Upon the disappearance of such circumstances, on the other hand, other forces, such as the lack of tradition and organization in the bloc, cause the reappearance of several political parties and *groupes*. Ostrogorski considers this the ideal condition for legislative assemblies as making for "free union and individual responsibility." It is when the bi-party system becomes so rigid as to be weak in leadership and constructiveness that the American type of bloc appears, and when the bloc in the multi-party system becomes overbearing and narrow that the unofficial type of French *groupe d'étude* appears. It is thus that reality is given to public life and an important kind of decentralization is achieved.

The reason is that these formations are largely functional in character and represent that tendency toward the assertion of class interests, vocational organization, sectionalism and group struggles which is one of the most pronounced characteristics of modern life. The result in America may well be the formation of factions in the two great parties or even a third party movement; but in any event when these forces are projected upwards into legislative assemblies they give rise to more or less vital group representations. The Farm Bloc is a striking illustration of these tendencies. It has drawn upon the same sources of strength as other waves of the "agrarian crusade" such as the Granger, Greenback, Populist and Silver movements. Like the Non-Partisan League its roots have been primarily sectional in character. Its very vitality excited the opposition of the conservative and traditionalist elements, although even they recognized its frank and open methods of procedure. On the charge that it made for selfish class legislation, for log rolling and even for the destruction of seniority rule, the president and

the secretary of war publicly attacked it, and a representative from New York introduced a bill forbidding blocs. Yet its tendency was definitely progressive and the Congress in which it appeared could boast of a progressive record. Its leaders were largely borne out by the facts when they insisted that it presented no danger to the bi-party system but furnished it with the elements needed for growth. In fact, considering parties as manifestations of a broad political philosophy and of moral conviction, there seems no good reason why groups such as blocs representing legitimate special interests should not be valuable complements to parties.

R. K. GOOCH

See: LEGISLATIVE ASSEMBLIES; CONGRESSIONAL GOVERNMENT; CABINET GOVERNMENT; PARTIES, POLITICAL; COALITION; NON-PARTISAN LEAGUE; REPRESENTATION; FUNCTIONAL REPRESENTATION; MINORITY REPRESENTATION; INSURGENCY, POLITICAL; SECTIONALISM; LOBBY; INTERESTS.

Consult: Seignobos, C., *L'évolution de la III République*, Histoire de France Contemporaine series, vol. viii (Paris 1921); Bourgin, G., Carrère, J., and Guérin, A., *Manuel des partis politiques en France* (2nd ed. Paris 1928); Buell, R. L., *Contemporary French Politics* (New York 1920) ch. iii; Capper, A., *The Agricultural Bloc* (New York 1922); Haynes, F. E., *Social Politics in the United States* (Boston 1924) p. 358–63; Herring, E. P., *Group Representation Before Congress* (Baltimore 1929); Walling, W. E., *American Labor and American Democracy* (New York 1926) ch. ix.

BLOCH, JEAN DE (Bliokh, Ivan Stanislavovich) (1836–1902), Russian pacifist. Bloch, a Polish Jew, rose from poverty to be a wealthy financier, a renowned publicist and a councilor of the czar. He financed and superintended the construction of thousands of miles of railways for the Russian government. Besides two important treatises on Russian railroads Bloch wrote several volumes on the economic conditions of the Russian provinces, on agricultural banks and on the finances of Russia in the nineteenth century. But his great work, arising from his reformist tendencies, is his six-volume contribution to the literature of the peace movement. Unsentimental in tone the work treats both historically and statistically the fundamental causes and the social and economic effects of war, preparations for war, tactics, strategy and morale. Bloch attempted to prove that war is impossible because of its toll in lives and because of the difficulty and expense of maintaining great modern armies and that a prolonged war would result in suicidal stalemate or social revolution. He also tried to show that modern imperialism is economically unprofitable. The book attracted wide attention and is said to have encouraged the czar in his desire to secure a limitation of armaments at the First Hague Conference. Subsequent history has in many respects corroborated Bloch's theses. Although he failed to give due weight to the role of propaganda and the moral element in warfare he may be said to have inaugurated a new and more positive phase of pacifism. In the literature of the peace movement *The Future of War* has been regarded by one critic as exceeded in importance only by the work of Grotius.

MERLE E. CURTI

Works: *Budushchaya voyna v tekhnicheskom, ekonomicheskom i politicheskom otnosheniakh* (The war of the future in its technical, economic and political aspects), 7 vols. (St. Petersburg 1898), translated in part into English by R. C. Long as *The Future of War* (New York 1899), complete translation into French, *La guerre*, 6 vols. (Paris 1898–1900), and into German, *Der Krieg*, 6 vols. (Berlin 1899).

Consult: Mead, Edwin D., "Jean de Bloch and *The Future of War*" in *New England Magazine*, n. s., vol. xxviii (1903) 298–309; Long, R. E. C., in *Fortnightly Review*, n. s., vol. lxxi (1902) 228–36; Suttner, Bertha von, *La thèse de Jean de Bloch* (Paris 1900); Passy, Frédéric, *Jean de Bloch et la musée de la guerre et de la paix* (Paris 1900); Perris, G. H., *Jean de Bloch and the Museum of War and Peace* (London 1902).

BLOCK, MAURICE (1816–1901), French writer on economics, politics and administration. Block was born in Berlin but became a naturalized citizen of France. He was a prolific writer on economics and statistics. His statistical works, which are mainly handbooks of information, include: *Statistique de la France comparée avec les autres états de l'Europe* (2 vols., Paris 1860; 2nd ed., enlarged, 1875) and *Traité théorique et pratique de statistique* (Paris 1878, 2nd ed. 1886). His most important economic works are *Les finances de la France depuis 1815* (Paris 1863), *L'impôt et les formes variées qu'il affecte* (Paris 1881) and *Le budget, revenus et dépenses de la France* (Paris 1881). From 1856 until 1879 Block was editor of *L'annuaire de l'économie politique et de statistique*. He was opposed to state intervention and, regarding economics as a pure science, he bitterly attacked the attitude of the German historical school in *Le progrès de la science économique depuis Adam Smith* (Paris 1890; 2nd ed. 2 vols., 1897) and in his articles in the *Journal des économistes*.

In collaboration with a number of jurists Block published in 1856 the very successful *Dictionnaire de l'administration française* (4th

ed. Paris 1898). This purely descriptive exposition of the legislation governing administrative institutions is now valuable only as a reference work on French administrative institutions up to the close of the nineteenth century. In 1862 Block directed the publication of a *Dictionnaire général de la politique* (2 vols., Paris 1863–64; 2nd ed. 1873–74), which enjoyed a temporary success. In 1869 he published *L'europe politique et sociale* (Paris 1869; 2nd ed. 1892). Of his numerous pamphlets on financial, statistical and especially on administrative questions the most popular was a descriptive series on French administrative organization, written for the general public, of which the best known titles are *Le département* (Paris 1880; 6th ed. 1884) and *La commune* (Paris 1880; 7th ed. 1884).

GASTON JÉZE

Consult: Waha, Raymund de, *Die Nationalökonomie in Frankreich* (Stuttgart 1910) p. 59–62; Cheysson, Émile, in Académie des Sciences Morales et Politiques, *Mémoires*, vol. xxvi (1909) 397–426.

BLOCKADE on the sea, like siege on land, partially or entirely cuts off a nation from commercial and other relations with the outside world. Its primary purpose is to prevent the enemy from receiving goods which may be used in warfare and which are designated as contraband. In extreme cases, as during the European war of 1914 to 1918, it constitutes a complete or almost complete embargo enforced by means of sea power. If a nation does not produce all of its necessary raw materials, an effective blockade does the most harm in destroying its import trade. If a nation is self-sufficient in the sense that it can produce all the necessary raw materials, a blockade is not so disastrous. The blockade will, however, destroy its export trade, which is a serious loss especially for an industrial nation. During the nineteenth and twentieth centuries so-called "pacific" blockades have sometimes been resorted to by a powerful nation or group of nations in order to coerce a weak nation. In such cases a blockade is imposed without a declaration of war. The legality of a pacific blockade has been questioned by numerous writers on international law.

The law of blockade has evolved mainly as a result of the struggle of neutral nations to safeguard their rights in time of war. Belligerents, especially when they are powerful nations, have always been prone to ignore neutral rights upon the sea. During the great wars of the eighteenth century the belligerent powers, especially England, often violated neutral rights. The League of Armed Neutrality of 1780 and that of 1800 are examples of efforts made by neutrals to vindicate their rights. During the Napoleonic wars the embargoes imposed by the British Orders in Council and by Napoleon's Berlin and Milan decrees of 1806 and 1807 rendered neutral commerce almost impossible and had as one consequence the War of 1812 between the United States and England.

The Declaration of Paris at the close of the Crimean War in 1856 finally established one of the rules fundamental to the law of blockade, namely, that in order to be binding blockades must be effective. It thus abolished the fictitious or "paper" blockade, that is, a blockade which had been declared but not effectively enforced. During the Civil War the United States government extended to blockade the doctrine of continuous voyage in order to prevent goods from reaching the Confederacy through neutral West Indian and Gulf ports. While the Russo-Japanese War of 1904–05 was being fought the theory of the strategic area was put forward. According to this theory a belligerent could reserve for its naval operations a portion of the high seas from which neutrals were excluded. Neutral prizes were often sunk and mines were sown indiscriminately in the strategic areas, thus endangering merchant vessels even after the war ceased. At the same time contraband lists were extended, as, for example, when Russia declared raw cotton contraband of war.

The Declaration of London of 1909, although unratified, may be said to have furnished an authoritative statement of the law of blockade. Articles 8 to 13 provided that a blockade must be formally declared and adequately notified to neutrals. Article 1 stipulated that "a blockade must not extend beyond the ports and coasts belonging to or occupied by the enemy." Articles 17 and 18 definitely limited the area which may be covered by a blockading fleet. Article 2 stated that "in accordance with the Declaration of Paris of 1856, a blockade, in order to be binding, must be effective—that is to say, it must be maintained by a force sufficient really to prevent access to the enemy coastline."

At the outbreak of the European War in 1914 the United States government proposed to the belligerents that they adopt the Declaration of London as the legal code for naval operations connected with blockade. Germany and Austria assented, but Great Britain demurred. The

British government began immediately to extend its lists of contraband and to apply more broadly the doctrine of continuous voyage. Soon the doctrine of substitute commodities was devised, which held that goods of the same kind or similar commodities which would or might eventually take the place of goods exported to the enemy might be declared contraband. The principle of embargo was also greatly extended. Formerly embargoes had often been levied upon the exportation of commodities to belligerents or upon exports in general from the country imposing the embargo. But it now became necessary to impose embargoes upon the exportation of goods to certain neutral countries. The purpose of these embargoes was to prevent goods from passing through neutral countries to the enemy or from serving as substitutes in neutral countries for goods sent to the enemy. Embargoes of two kinds were imposed upon neutral countries: specific embargoes upon the exportation of a particular commodity to a neutral country, and general embargoes upon the exportation of all commodities to a neutral country.

In order to enforce these measures of blockade an extensive use was made of the right of search by Great Britain and its allies. From the early days of the war the British navy took into its ports and searched all vessels passing through its blockade, although later the world wide regulation of trade often rendered this search possible at the port of departure. The blockade was made still more effective by the prohibition of direct or indirect trade with the enemy. For example, the trading with the enemy acts in England and in the United States stringently prohibited trade with the enemy, with allies of the enemy and with persons or firms having enemy connections. Such prohibitions necessitated the careful investigation of the status of consignors and consignees. Black lists, containing the names of traders with whom commercial relations were prohibited, were compiled in most of the belligerent countries. In addition there were export and import restrictions which had the double purpose of indirectly injuring the enemy and of conserving commodities and shipping. In most of the belligerent countries export and import licenses were required for all commodities and even many of the neutral nations found it necessary to adopt such restrictions in order to conserve their own supplies and shipping. Applications for licenses were examined with regard to the status of the consignors and consignees, and also with regard to these export and import restrictions, before they were granted.

As the war progressed, both belligerent and neutral nations found it expedient to regulate their mutual trade jointly, as far as possible, by means of negotiations and agreements. These agreements usually provided rations of commodities for the neutrals the size of which depended upon their genuine domestic needs. The neutrals usually consented to the export of all, or a considerable part, of their exportable surplus in compensation for the rations they were to receive. Moreover these agreements often regulated the use of the shipping of neutrals by providing that it should not be used by the enemy or that a part of it was to be turned over to the use of the negotiating belligerents. In order to enforce these restrictions and regulations it was necessary to accumulate a vast amount of statistical data. When these figures indicated that certain rations of a neutral nation had been filled or that the amounts permitted for export from or for import into a belligerent country were about to be exceeded, it was customary to issue a preliminary warning as a caution to export and import authorities in all of the countries concerned to refuse applications for export or import licenses for these commodities. When an absolute restriction was imposed or when the ration or the amount permitted for export or import was filled, a specific embargo was levied upon the exportation or importation of the commodity in question. Such embargoes were withdrawn later when circumstances justified their removal.

These measures show the great expansion of the use of blockade during the European War. The methods of blockade had been carried far beyond the activities of the naval vessels enforcing the blockade at sea. The powers of the Entente were hampered because Germany was partly surrounded by neutral nations through which essential commodities could be imported if these neutral nations were able to secure such commodities. Germany, on the other hand, was limited by the kind of naval craft which it could use effectively in attempting to blockade its enemies. The German submarines not only could not take captured vessels into port, as is required by international law save under exceptional circumstances, but could not even safeguard the lives of the individuals on board the vessels which they sank. Each side blamed the other for its extension of measures of blockade,

and each pleaded necessity as a justification. The longer this procedure was continued the more reckless both sides became, so that by the end of the war few vestiges of international law were functioning in the practise and policies of both groups of belligerents. For nearly three years the most powerful neutral, the United States, protested repeatedly but usually without avail against the violations committed by both sides. When in February, 1917, Germany renewed its unrestricted submarine warfare, the United States abandoned its task of championing neutral rights and in April declared war against Germany.

Since the close of the war the law of blockade, like other divisions of international law, has been in a chaotic state. There is a possibility that the shattered fragments of the Declaration of London may be gathered together in an effort to reinstate the law of blockade approximately as it was before the European War. But since the belligerents possessing sea power have discovered that the unrestricted use of blockade is a very effective mode of warfare, it is doubtful whether they will be willing once more to submit themselves to restrictions involving the recognition of the rights of neutrals. For the more distant future there is a possibility that the problems of blockade may be solved by the organization of a world community in which neutral rights as such will not exist. The whole world would then become belligerent in the sense that one nation or a few nations would be blockaded for refusing to obey the international authority, while the remainder of the world would be engaged in enforcing the blockade. The League of Nations has already discussed the possibility of using blockade as an international coercive measure.

MAURICE PARMELEE

See: CONTRABAND; TRADING WITH THE ENEMY; EMBARGO; CONTINUOUS VOYAGE; ARMED NEUTRALITY; BELLIGERENCY; NEUTRALITY; FREEDOM OF THE SEAS; RATIONING; SUBMARINE WARFARE; WARFARE.

Consult: Parmelee, Maurice, *Blockade and Sea Power* (New York 1924); Moore, J. B., *A Digest of International Law*, 8 vols. (Washington 1906) vol. vii; Bowles, T. G., *The Declaration of Paris of 1856* (London 1900); International Naval Conference London 1908–09, *The Declaration of London, February 26, 1909*, ed. by J. B. Scott (New York 1919); "Diplomatic Correspondence between the United States and Belligerent Governments Relating to Neutral Rights and Commerce" in *American Journal of International Law*, supplement official documents, vol. ix (1915) 110–30, vol. x (1916) 121–78, and vol. xi (1917) 165–71; Salter, J. A., *Allied Shipping Control* (Oxford 1921); International Blockade Committee, "Report Submitted to the Council of the League of Nations" in League of Nations, Second Assembly (1921), *Assembly Document*, A. 28, 1921 V. (C. 288, 1921 V.) and A. 32, 1921 (C. B. 4 a); Hogan, A. E., *Pacific Blockade* (Oxford 1908).

BLOK, PETRUS JOHANNES (1855–1929), Dutch historian. He studied under Fruin at the University of Leyden, succeeded him as professor of history in 1894 and continued to teach at the university for nearly thirty-five years as the foremost historian of the Netherlands. He kept in constant touch with foreign scholars and libraries and was editor of the *Bijdragen voor vaderlandsche geschiedenis en oudheidkunde*. Blok's greatest contribution to historical knowledge was his monumental *Geschiedenis van het nederlandsche volk* (8 vols., Groningen 1892–1908; 3rd ed., 4 vols., Leyden 1923–25; tr. by O. A. Bierstadt and R. Putnam, 5 vols., New York 1898–1912) in which he realized his ambition of preparing a national history of the Dutch people. This work contains the first reliable and comprehensive account of the complicated history of the seventeen provinces from the Roman occupation to the close of the sixteenth century, as well as a brilliant presentation of the history of the Dutch Republic and the Kingdom of the Netherlands. Especially noteworthy is his treatment of social and economic problems such as the expansion of commerce, the activities of the great trading companies and the development of literature, art and scholarship. Blok somewhat neglected, however, the religious life of the Dutch people, especially in the fourteenth and fifteenth centuries, when the Low Countries exerted much influence on other peoples. His national patriotism, which in this work occasionally impelled him to give too much credit to Dutch scholars and artists, as for example in connection with the invention of printing, led him to write a series of biographies of the national heroes of Holland—William the Silent, Louis of Nassau, Frederick Henry and Michiel Adriaanszoon de Ruyter. Blok was an authority on the history of Dutch cities. His *Geschiedenis eener hollandsche stad* (4 vols., The Hague 1882–1918; 2nd ed., vols. i–ii, 1910) is a masterful study of the municipal institutions, finances, taxation and industries of the city of Leyden. His work was the result of most painstaking labor, and although not distinguished in style it was characterized by sound scholarship and in most cases by unbiased judgment.

ALBERT HYMA

BLOOD ACCUSATION. The charge of the use of portions of the human body, and especially of the blood, for medical, magical or religious purposes has often been made against religious dissenters. Pagan Romans accused early Christians of practising bloody rites. The charge died as the church came to dominate the Roman Empire, but was revived and used in various forms by Christians against Manichaeans, early Gnostics, Waldensians, Albigensians and other heretics, by Catholics against Huguenots, Puritans and Masons and by Protestants against Catholics. Non-European peoples, particularly the Chinese, have as late as the last decades of the nineteenth century accused Christians of killing Chinese children for ritual purposes.

The charge has most frequently been preferred, however, by Christian Europeans against the Jews. Several minor writers of antiquity made the accusation, but in such form as to make doubtful its connection with the long series of charges which began with that against the Jews of Norwich in 1144. The libel appeared on the continent in 1235 at Fulda, Hesse-Nassau, soon became common in Europe and was even crystallized in literature (e.g. Chaucer's *Prioresses Tale*). Frequent refutations made by monarchs, popes, Christian scholars and converted rabbis failed to obliterate it. The accusation persisted for centuries and from 1880 to 1900 appeared repeatedly in central and eastern Europe. It occasioned celebrated trials at Tisza-Eszlar, Hungary, in 1882; Xanten, Rhenish Prussia, in 1891; Polna, Bohemia, in 1899 (the Hilsner Case); Konitz, West Prussia, in 1900; and Kiev, Russia, in 1911 (the Beilis Case). Its first recorded appearance in America was at Massena, New York, in 1928. In all about two hundred repetitions of the charge have been listed, and belief in blood murder by Jews is by no means extinct today.

Most recorded cases exhibit common elements. Generally on the disappearance of a child it has been charged that the Jews sought his blood for magic or medicine or, most commonly, as an ingredient in unleavened Passover bread (*mazzoth*). A variation of the charge is that Jews steal and "torture" consecrated eucharistic wafers to draw blood from them. Preliminary investigations, sometimes revealing the supposed victim to be unharmed, often easily established innocence. At other times torture was used to obtain "confessions," the testimony of miracles was adduced to support the accusation and violence was employed against defense witnesses. As in the mediaeval witch and sorcery cases, testimony often showed the effects of suggestion, and in modern cases, where documents are available, there may be traced the influence of inflammatory propaganda on both testimony and the attitude of officials, judges and juries. Blood accusations have generally been followed by brutal attacks on local Jews, sometimes precipitating widespread anti-Jewish disturbances, destruction and expropriation of property and expulsions. The supposed victim is often enthroned formally or in popular imagination as a religious martyr, even where the charge was palpably a fraud.

Several modern Christian writers tried to give verisimilitude to the charge by arguing that the Talmud commands the use of Christian blood for ritual purposes. The chief of these, August Rohling of Prague, based his *Talmudjude* (Munster 1871) on Eisenmenger's book *Entdecktes Judenthum* (Frankfort 1700) and on other pseudo-scientific work which involved misunderstanding of the Talmud and patent twisting of source materials. In their struggle to discredit this view the Jews were materially aided by such important Christian theologians and scholars as Hermann Strack of Berlin and Franz Delitzsch of Leipsic.

An examination of the evidence discloses no ground for believing any of the charges and abundant reason for regarding them as gross libels. No single case has been proved. Bible and Talmud not only contain no sanction for the use of human blood, but clearly forbid such practises. No dissenting sect has been found to practise bloody rites. The idea that sanction may be found in "secret" Kabbalistic writings has been thoroughly exploded, and the charge that it exists in a secret oral tradition is fantastic and without factual basis. The criminological theory that some murders are motivated by superstitious belief in blood practises of folk magic or medicine has no bearing here; the fact that a man roughly classified as a Christian or Jew commits such a crime does not suggest ritual murder as part of Christian or Jewish practise in the specific case or in general.

The appearance of such charges in mediaeval or backward modern communities is no more or less mysterious than belief in sorcery and witchcraft. Only its persistence into modern times, when it would seem to conflict with the most basic notions of society, seems to need special explanation. Among modern cultivated sup-

porters of the charge those who did not use it simply to promote political ends, regardless of their own disbelief in it, have almost uniformly restricted its application to hypothetical backward groups of Jews of limited numbers. While this view is erroneous in fact, it does not partake of the essentially nonsensical nature of the more popular charge directed against all Jewry. The bulk of support for the latter has come from persons and regions in central and eastern Europe that may be characterized as backward on many counts. Hence some writers have concluded that the blood accusation is a mediaeval phenomenon continuing because of the persistence among the accusers of underlying mediaeval notions. Strack referred to occasional human sacrifice and widespread belief in blood magic in many modern communities, especially backward ones, as proving the survival of such notions despite their completely anachronistic character. Joseph S. Bloch, Rohling's chief Jewish critic, further contended that even Christians free from most mediaeval superstitions but holding to a superstitiously mediaeval interpretation of Christian rituals and dogmas concerning blood (particularly the Eucharist), might be led to misunderstand the Jewish ritual of the *mazzah*, whose appearance resembles that of the holy wafer. In short, minds which believe in the supernatural and magical properties of blood naturally create images which make possible the blood accusation.

But not until one considers the fact that the only general use of the blood accusation in modern times has been against Jews does one approach the heart of the problem. Toward the religious dissenter, the political nonconformist and the foreigner (i.e. the stranger) there is a constant flow of suspicion arising from general prejudice. Hence it can be said that although the materials out of which the blood accusation is constructed may be a mediaeval inheritance, and although political or economic motives may inspire agitators in specific cases, the passing of the charge from a dormant, ineffective state to a vital state occurs through the medium of general mass resentment. Perhaps here and there and temporarily an accusation increases and so seems to cause such resentment, but in reality the previous presence of the resentment is indispensable to the overt appearance of the accusation. The fact that the rise and growth of modern antisemitism underlay the epidemic of accusations of 1880–1900 makes the relationship especially clear. From this point of view, then, the blood accusation in modern times is an anachronistic particular manifestation of mass resentment against a group not fully assimilated to the main body of the population.

HERBERT SOLOW

See: SACRIFICE; MAGIC; SUPERSTITION; INTOLERANCE; ALIEN; RACE PREJUDICE; ANTISEMITISM.

Consult: Strack, H. L., *Das Blut im Glauben und Aberglauben* (8th ed. Munich 1900), tr. by H. Blanchamp as *The Jew and Human Sacrifice* (New York 1909); Bloch, J. S., *Israel und die Völker* (Berlin 1922), English translation (Berlin 1927) ch. xxiii; Chwolson, D. A., *Die Blutanklage* (Frankfort 1901); Frank, F., *Der Ritualmord* (Regensburg 1901); Hellwig, A., *Ritualmord und Blutaberglaube* (Minden 1914); Nussbaum, A., "Der psychopathische Aberglaube" in *Zeitschrift für die gesamte Strafrechtswissenschaft*, vol. xxvii (1907) 350–75; Waltzing, J. P., "Le crime rituel reproché aux chrétiens du deuxième siècle" in *Le musée belge*, vol. xxix (1925) 209–38. For detailed consideration of typical cases: Lea, H. C., *Chapters from the Religious History of Spain* (Philadelphia 1890) p. 437–68; Nussbaum, A., *Der Polnaer Ritualmordprozess* (Berlin 1906); *American Jewish Yearbook*, vol. xvi (1914–15) 19–64, and vol. xxxi (1929–30) 347–52.

BLOOD VENGEANCE FEUD. In the many small politically independent communities where there is no fixed authority, bloody reprisals follow the infliction or the supposed infliction of injury. Particularly disastrous consequences arise from the belief, widely current among primitive peoples, that death and disease are conditioned not by natural biological processes but by hostile magical activities. Actual offenses such as poaching on alien fields, pastures or hunting preserves are linked with the almost ineradicable dread of "black magic." The guilty person or family is generally discovered by means of oracles if other clues are lacking, and it is hardly necessary to add that such portents are not interpreted without prejudice.

As a rule the nearest relative of a victim is entrusted with the execution of blood vengeance, which is almost always consummated in an insidious attack; occasionally some other person who considers the commission a distinction may undertake to avenge the injured one. The relationship group of the individual who commits an act of violence is held responsible for the deed; blood vengeance therefore is generally a feud between families or sibs. This does not mean, however, that individual relatives may not be selected as privileged avengers or as the principal objects of vengeance. A reprisal may be regarded by the community as a punishment, and not infrequently it is accepted as such by the person upon whom vengeance is

wreaked; but the attitude of both the community and the individual punished is usually determined by the relative social positions of the families involved. Families of prestige and economic power rarely accept acts of vengeance without undertaking counter-vengeance. This may lead to a protracted feud or to a vengeance chain. In the Gazelle Peninsula of New Britain a man of low degree dared not avenge himself directly on an influential family. He proceeded instead to kill a member of an innocent family, which in its turn transmitted the deed of blood to another family until finally someone dared to attack the original distinguished offender. In this manner the vengeance chain served to arouse sentiment against the guilty. Thus an initial insignificant offense may through mutual reprisals lead to a formidable slaughter.

The question of guilt is determined by material connections; the hand that administered the blow, the body to which it belonged—these appear to be responsible. Reprisals also are executed on animals and even on inanimate objects such as tools or weapons. The nature of the deed is not determined by the manner in which it was committed but by purely external circumstances. Thus, for example, according to the old Germanic law a killing might be judged as secret murder (*Mord*) in contrast to open homicide (*slahta* in Old High German) depending upon whether the corpse was hidden in a ditch, was covered with twigs, thrown into the water or left bare and unhidden. Care is exercised not to push vengeance too far. For one victim the death of only one malefactor is required. The Damara mountain hunters of southwest Africa, for example, fear that their adversary may go still further if two persons are killed to avenge a single victim. Moreover, if the original act was unintentional, blood vengeance is renounced.

Among primitive peoples the obligation of blood vengeance does not seem to be the matter of social distinction that it has become among more advanced tribes of shepherds and husbandmen. The hunter, whose life is still free from the pride of deeply entrenched property and from the tradition of ruling clans successful in war and pillage, does not stimulate such exaggerated self-assertiveness in blood vengeance, nor does he refuse to be propitiated by economic amends. On the contrary he is quite ready to give the evil doer a chance to reform, as may be observed among the fishing and hunting tribes of the polar regions. Even for murder the Eskimos content themselves with reviling the guilty party in a ceremonial dance, humiliating him sometimes to the point where he must leave the group. The most varied forms of humiliation have thus become current as satisfaction for blood vengeance. Indeed even the economic penalties seem to have originated as forms of humiliation.

It is significant that especially among more advanced peoples blood vengeance cannot be satisfied by payments of any kind. Composition runs counter to special inhibitions and is in many instances considered only when blood has already flowed on both sides. It has then only a secondary significance to prevent further deeds of vengeance. Blood vengeance has undergone the most bizarre exaggerations, especially in parts of Europe such as Corsica and the Balkans, where it has persisted longest through lack of political authority. For example a case of protracted blood vengeance which eventually involved seventy-seven deaths is reported from Montenegro. Blood vengeance cannot be eliminated by composition but only by a strong political authority—a fact to which the history of the Middle Ages and the experiences of the early American white settlements in the Alleghany Mountains bear witness. Penalization by public authority, although essentially a process in criminal law, originated in amends to the interested parties and therefore represents a civil claim. It thus removes finally the necessity for private satisfaction.

R. THURNWALD

See: FEUD; REVENGE; PRIMITIVE LAW; MAGIC; CRIME; PUNISHMENT; CRIMINAL LAW; LAW; SOCIAL ORGANIZATION.

Consult: Kohler, Josef, *Zur Lehre von der Blutrache* (Mannheim 1885); Post, A. H., *Grundriss der ethnologischen Jurisprudenz*, 2 vols. (Leipsic 1894–95) vol. i, p. 226–61; Hobhouse, L. T., *Morals in Evolution* (3rd ed. London 1915) pt. i, ch. 3; Vinogradoff, Paul, *Outlines of Historical Jurisprudence*, 2 vols. (London 1920–22) vol. i, p. 309–18; Hartland, E. S., *Primitive Law* (London 1924) p. 53–59; Eichhoff, Karl, *Über die Blutrache bei den Griechen* (Duisburg 1873); Frauenstädt, Paul, *Blutrache und Totschlagssühne im deutschen Mittelalter* (Leipsic 1881); Heusler, Andreas, *Das Strafrecht der Isländersagas* (Munich 1911); Steinmetz, S. R., *Ethnologische Studien zur ersten Entwicklung der Strafe* (Leyden 1894; 2nd ed., 2 vols., Groningen 1928); Durham, M. E., *Some Tribal Origins, Laws and Customs of the Balkans* (London 1928) p. 162–71; Thurnwald, R., "Blutrache" and "Busse" in *Reallexikon der Vorgeschichte*, ed. by Max Ebert, 14 vols. (Berlin 1924–29) vol. ii (1925). See also articles in the *Zeitschrift für vergleichende Rechtswissenschaft* that are to be found cited in the index under "Blutrache."

BLOW, SUSAN E. (1843–1916), pioneer in American kindergarten education. She was closely associated with William T. Harris, superintendent of schools in St. Louis, and it was with his encouragement that she was able to put her theories into practise, although she was breaking with the traditions of her family and her day in deciding upon a professional career. In 1873 she opened the first public school kindergarten and soon afterward instituted training schools for teachers. She followed closely the German views of kindergarten education as expressed in the philosophy and works of Froebel. This rather transcendental approach was the more congenial to her because of her interest in the ideals of Emerson and his Concord group and her ardent devotion to the doctrines of Hegel. It was impossible for her to adapt her methods to the more scientific developments in psychology, philosophy and sociology which were rapidly reshaping education during the last decade of the nineteenth century. The skill with which she defended the older methods in kindergarten education and fought the theories of Hall, Dewey and Thorndike delayed but could not vanquish the progressive movement. Her greatest work was in setting high standards of intelligence and culture in the early history of the kindergarten, when the "nurse maid" type might easily have swamped this new field.

PATTY S. HILL

Important works: Symbolic Education, A Commentary of Froebel's "Mother Play" (New York 1894); *Educational Issues in the Kindergarten* (New York 1908); *The Kindergarten*, reports of the Committee of Nineteen on the theory and practise of the kindergarten, authorized by the International Kindergarten Union (Boston 1913).

Consult: Fisher, Laura, "Susan Elizabeth Blow 1843–1916" in *Pioneers of the Kindergarten in America*, compiled by Committee of Nineteen, International Kindergarten Union (New York 1924) p. 184–203; Eby, F., "The Reconstruction of the Kindergarten" in *Pedagogical Seminary*, vol. vii (1900) 229–86; Snider, D. J., *The St. Louis Movement* (St. Louis 1920) p. 315–26.

BLUE LAWS. The term "blue laws" has been popularly applied particularly to the Puritan legislative enactments, often of a sumptuary character and especially centering around strict Sabbath observance. But a more comprehensive analysis would make the term apply to any legislation of a closely restrictive character passed in a theocratic society or inherited from it and dictated by considerations of a narrow morality.

Blue laws were neither originated by Puritans nor peculiar to that sect. Long before the rise of Puritanism varieties of blue laws were embodied in the legal codes of parts of western Europe. From the early fourteenth century there were sumptuary laws regulating the expenditures, apparel and even diet of various classes and groups. A little later in the same century were enacted strict Sunday observance laws, which, however, were more than Sabbath restrictions, forbidding on penalty of forfeiture of goods the display of merchandise and the holding of markets or fairs on the principal holy days. The purpose of the sumptuary laws, as expressed in the preambles, was to restrict expenditure for clothing to the means or "estate" of the various social groups so that clothing might be an indication of the pecuniary status of each. Besides prescribing the apparel of members of each social group, the laws made specific prohibitions. The preambles to the laws restricting Sunday activity did not openly declare that their object was to compel attendance at church. They pointed out that trading on Sundays and on festival days aggravated the striving for gain, placed an extra burden upon labor, promoted deceit and brawls and incited drunkenness. After calling attention to these evils the preambles denounced Sunday merchandising because it kept people from church.

Following the Reformation the Church of England adopted the policy of compulsory attendance and Parliament enacted a law requiring frequent communion and hearing of Gospel preaching. The law was widely ignored, however, and in 1552 Parliament passed another act to reenforce it. There followed a succession of blue laws, of which a group enacted in 1627 in the reign of Charles I imposed a penalty for the offenses of partaking in sports, transporting provisions or traveling on Sunday. During the reign of Charles II a law was promulgated prohibiting travel by boat on Sunday except "upon extraordinary occasion"; it specified that in case of inability to pay the five shillings fine the offender was to be placed in the stocks for two hours.

These and other blue laws were either transplanted direct to America or their adoption was ordered by the British authorities. Nor was it the Puritans who first introduced blue laws in the American colonies. The first compulsory church attendance law in America was passed in 1624 in Virginia, where the established church was the Church of England under jurisdiction of the

Bishop of London. This law seems to have been ineffective, for in 1629 another law was passed repeating the penalties of the act of 1624. The substance of these laws, however, was neutralized by the provisions of another act which exempted "persons of quality" from corporal punishment for any infraction. Consequently the church attendance and other laws were invoked only against so-called "menials." Apparently the menials could not be successfully coerced, for the Virginia General Assembly found it necessary in 1632 to pass again a compulsory church attendance law. In the same year another law was passed directing military commanders to see to it that people went to church.

It was not until 1634 that the General Court of the Massachusetts Bay colony enacted its first law compelling church attendance and making non-attendance a misdemeanor punishable by fine or imprisonment. This measure proved ineffectual, however, and the Puritans found it necessary to put through a series of similar laws. The preamble of the law of August 1, 1665, protested against neglect of public worship, and according to the act itself offenders were subject to corporal punishment in all cases of non-payment of fines. Beating and lashing were no more effective than were previous methods. The Massachusetts law of November 3, 1675, admitted that the practise of leaving church before the end of the service was so prevalent that there was only one recourse left to legislative device; it therefore ordered that church doors should be shut and kept locked during services and it authorized church officers or town selectmen to act as guards and to allow no one to depart until the conclusion of the entire service. Faced by the prospect of virtual imprisonment in church, an increasing number of people contrived ingenious excuses for absence.

The code of blue laws in one form or another was common in nearly all of the colonies. The Pilgrims of Plymouth colony had similar laws. The Pennsylvania legislature in 1700 passed a law forbidding work on Sunday under penalty of twenty shillings for each violation, so that all persons might attend church or stay at home and read the Bible. If they went to church, however, they were permitted to select the church most agreeable to their opinions. As late as 1762 the legislature of Georgia, then classed as a liberal colony, enacted a compulsory church attendance law.

Laws forbidding sports, travel and work on Sunday were common among the colonies. According to the Virginia law of 1658 anyone who traveled on Sunday was to be fined one hundred pounds of tobacco or condemned to the stocks. The South Carolina law of 1691, supplemented by that of 1712, forbade sports, pastimes, public entertainment, work or travel on Sunday and provided heavy penalties for offenders. The Duke of York's laws for the colony of New York (1665–75) declared that Sundays were "not to be prophaned by Travellers, Labourers or vicious Persons." The Georgia act of 1762 was as sweeping an interdiction as any law ever passed by Puritans; it prohibited games, sports, merchandising, travel, work and almost every other activity on Sunday except church going.

Anti-tobacco legislation in the colonies took several forms. Beginning in 1629 the General Court of Massachusetts passed a series of acts prohibiting the cultivation and use of tobacco both for reasons of morality and in order to prevent fires in barns, fields and forests. After vainly trying for half a century to enforce these measures the Puritan government in Massachusetts abandoned efforts at prosecution. The attempts of the Plymouth colony to legislate effectively against tobacco also met with failure. Somewhat paradoxically Connecticut, and even Massachusetts, enacted legislation aimed at the importation of tobacco from other colonies. Connecticut's law, enacted in 1640, was designed to protect the native grown product and was repealed six years later when local tobacco cultivation had become so well established that there was no longer a fear of competition from Virginia.

The Puritan sumptuary laws, modeled on those of the Old World, were designed primarily to preserve class distinctions and also to prevent extravagance among the members of a struggling community. The Massachusetts law of 1634, forbidding the wearing of ornaments, and the law of 1639, making wearing of lace an indictable offense, were presented as economy regulations. But the act of 1651, prescribing apparel for each group and prohibiting anyone not having an estate of more than £200 from wearing certain itemized ornaments or materials, was avowedly a class measure. Selectmen of every town were instructed to exercise systematic espionage and to determine whether the financial status of persons wearing silks, ribbons, great boots, shawls, gold and silver buttons and other prohibited articles satisfied the requirements of the law.

Blue laws were not the expression of the

people at large but merely the mandates of a church oligarchy having control or power over governmental machinery. This explains the popular disregard of many of those laws and the constant striving for effective enforcement by enactment of increasingly severe measures. In the Massachusetts Bay and Plymouth colonies—later combined into the single colony of Massachusetts—theocracy was in full operation. Here political rights were restricted to actual members of the Congregationalist church; laws were made by ministers and church elders and enforced by magistrates belonging to that church. In other colonies ministers and church elders often sat in legislatures and dominated their activity. It was the remembrance of this regime which led to the insertion of provisions in some of the early American state constitutions excluding ministers from legislative or executive office.

After the American Revolution there was a protracted lull in the activities of blue law advocates. They confined their efforts to preventing repeal of such remnants of old blue laws as remained on the statute books. Such survivals became mostly but not entirely dead letters; zealots sporadically made abortive attempts to secure enforcement. At the beginning of the twentieth century bills forbidding the sale of cigarettes were introduced in various legislatures and were enacted into law in several states. Immediately following the constitutional amendment decreeing abolition of the liquor traffic in 1920, a number of organizations undertook agitation for a series of repressions patterned after the old blue laws. Leaders of the Lord's Day Alliance of the United States, the Women's National Sabbath Alliance, the International Reform Bureau and the National Women's Christian Temperance Union came forward in 1921 with their respective programs, including not only the abolition of the use of tobacco but also prohibition of sports, concerts, entertainments, newspapers, motion pictures, travel or any kind of trade on Sunday. In that and following years, however, blue law advocates encountered legislative setbacks. All the states which at one time or another had enacted anti-cigarette laws—Arkansas, Idaho, Iowa, Kansas, North Dakota, Oklahoma, Tennessee and Utah—eventually repealed them. In Massachusetts a referendum in the election of November, 1928, favored the legalization of professional sports on Sunday.

GUSTAVUS MYERS

See: SUMPTUARY LEGISLATION; HOLIDAYS; AMUSEMENTS, PUBLIC; PURITANISM; INTOLERANCE; PROHIBITION; RELIGIOUS FREEDOM; CHURCH; BLASPHEMY; THEOCRACY; CENSORSHIP.

Consult: Kraemer, Pierre, *Le luxe et les lois sumptuaires au moyen âge* (Paris 1920); Baldwin, F. E., *Sumptuary Legislation and Personal Regulation in England* (Baltimore 1926); Fuller, Thomas, *The Church History of Britain . . . until the year 1648*, ed. by J. S. Brewer, 6 vols. (new ed. Oxford 1845); Pike, L. O., *A History of Crime in England*, 2 vols. (London 1873–76); Myers, G., *Ye Olden Blue Laws* (New York 1921), and *The History of American Idealism* (New York 1925) chs. i, xviii; Prince, W. F., "An Examination of Peters' 'Blue Laws' " in American Historical Association, *Annual Report for the year 1898* (1899) 95–138; Goodman, Leon, "Blue Laws, Old and New" in *Virginia Law Register*, n. s., vol. xii (1927) 663–73; Seagle, W., "The Moral Law" in *American Mercury*, vol. ix (1926) 451–57; Williams, G. W., "Christian Sabbath and the Law" in *American Law Review*, vol. liii (1919) 379–400; Holmested, G. S., *The Sunday Law in Canada, 1911* (Toronto 1912).

BLUE SKY LAWS are an American device for the protection of the inexperienced investor against fraud and misrepresentation in the sale of corporate securities. This problem first attracted public attention early in the nineteenth century at the time of the first extensive corporate industrial promotions in England. Legislation creating corporations was at first so lax that it facilitated the organization of companies for stock jobbing rather than for legitimate business. Eventually the more vicious forms of fraud were effectively destroyed through restrictions and safeguards on corporate organization and operations.

In the United States popular interest in the subject was aroused at a much later date. It seems to have sprung up quite suddenly first in Kansas and then in other western states and was fostered by the resentment of those victimized by unscrupulous dealers and promoters. However, because of the competitive laxity of the state corporation laws the task of eradicating these types of misrepresentation seemed well nigh impossible.

The first American blue sky laws (Kansas 1911, other states 1913) were hopelessly crude and unworkable; their provisions, practically prohibitive, included the whole business of security promotion and sales. The constitutionality of the early blue sky laws was attacked successfully in the lower federal courts. This litigation and the attendant discussion caused the repeal or revision of most of these earlier laws and by 1915 their more obvious crudities had disappeared. However, the basic principle

of executive regulation of the sale of securities was retained and was finally upheld by the United States Supreme Court in cases involving the Ohio, South Dakota and Michigan statutes (242 U. S. 539, 559 and 568). It was decided that the issuance of securities, the business of dealing in securities and the general flotation or sale of a particular issue or block of securities may be made subjects of executive license and control.

There have been two principal kinds of blue sky laws, regulatory acts and fraud acts. The former are the original and recognized type, having been adopted by forty-three states in the United States and by some of the provinces of Canada and states of Australia; the latter have been enacted in New York, Maryland and New Jersey and their injunction feature is found in the acts of several other states. Delaware and Nevada are the only states which have no blue sky laws.

The regulatory acts usually prohibit the offering or sale of securities, with certain exemptions, except under prescribed conditions. Violations of the laws are usually punishable, and the penalty falls not on a person guilty of fraud as such but on those who either fail to submit their offerings or disobey official orders. In many states violations also make sales voidable at the election of the purchaser. The laws generally exempt sales to those who are presumed to have enough knowledge to safeguard themselves, such as licensed dealers and banks. They also exempt securities the safety of which has already been subjected to some test, such as governmental bonds, approved public utility securities, securities listed and dealt in on approved exchanges and securities senior thereto and certain types of local securities about which there is presumed to be sufficient knowledge.

The regulatory acts are intended to regulate the security dealers as well as the securities offered for sale. The earlier laws and most of the later ones stress the regulation of dealers, whether resident or non-resident, who are generally required to secure a license which is both discretionary and revocable. The same rule usually applies to original issuers offering securities within the state. Some of the states depend entirely on a licensing system in the expectation that fraud will be minimized if the security business is confined to dealers of good repute. Most of the laws provide that each offering of non-exempt securities may be sold only upon application to a state official or commission and upon an investigation by the latter at the expense of the applicant. Detailed information is required as to the issuing company, its properties and business. The offering is permitted only upon a finding that the proposed sale would not "constitute a fraud, or work a fraud, on the purchaser," which has been interpreted by at least one active official to mean that the purchaser must have a fair chance to gain and is not apt to lose by the investment. The permit to sell is limited to a stipulated amount of securities and may be conditioned as to price and otherwise. The permit, like the dealer's license, may be revoked for cause, including the failure of the dealer or issuer to furnish additional information or to sanction an expert investigation at his own expense of the business and properties of the company even though the latter are generally located in a different state and frequently in a distant country. An appeal to the courts against a refusal or revocation of a license or permit is usually provided; and the applicant is required to designate a state official for the service of process either in a criminal or civil action.

It must be emphasized that the foregoing discussion is merely a general description of the provisions of regulatory acts. They vary greatly in scope, detail and point of emphasis. Some of the states require merely the filing of a copy of the circular or of such information as is ordinarily contained in the circular, provided that the corporation has been operating for a certain length of time and that the earnings of the offered security meet a prescribed test. A few states allow preliminary approval, pending the filing of detailed information. Several states have special regulations regarding investment trust securities. The extent of discretion afforded to the agencies charged with the enforcement of the acts differs greatly. Although an appeal to the courts is usually provided, this of course is a futile privilege in the ordinary distribution of securities bought for a present market.

The second type of blue sky laws, the equity fraud acts, provide that if fraud in the flotation of a security issue is suspected the attorney general may investigate and if he finds the offering to be fraudulent may secure a criminal injunction against further issues. Criminal actions can be brought where fraud is clearly provable. The Investment Bankers Association of America at one time proposed a penal statute punishing any overt act committed in an effort to defraud by the distribution of securities.

This proposal is found in the 1925 West Virginia Act.

The blue sky laws operate under varying policies and accidents of administration. The publicity involved is a deterrent, probably the really effective deterrent, to the extreme form of wildcat promotion. Ordinary investment offerings are only made in states of sufficient importance to justify the expense and usually pass official scrutiny without much difficulty. Political influence and official graft have been freely charged in many cases. Their opportunities are manifest and are of course more freely accepted in cases of dubious and more profitable flotations. The applicant or licensee has practically no remedy against burdens imposed by the administration of the law.

The net results of the blue sky laws are not clear. Losses occur and fraud exists in many approved offerings and it is claimed that the losses are greater because of the sanction of official approval. Security frauds are admitted to be greater than ever and it is naively stated that "stock swindling is practised only by those thieves whose methods have kept up with the development of modern financing." Many state officials claim that their laws work, and blame the increase of fraud on the mail, telegraph and telephone. Security dealers and state officials have worked together and then against each other in vain efforts to find a satisfactory form of act. The state laws become stricter and those who thrive upon or under them seem satisfied. On the other hand certain financial groups have complained that the laws impede the distribution of high grade securities and by hampering the issue of speculative securities obstruct the promotion of new ventures and impede the flow of capital into new fields. It is said to have been admitted in the argument of one of the Michigan cases that had the law been in force at the time of the promotion of the original Ford company, the Ford automobile would probably never have been produced.

The many loopholes in blue sky laws, particularly in connection with interstate securities, have directed discussion to the possibility of federal legislation. Conservative banking interests have strongly urged active cooperation between federal and state officials and have also advocated the extended and effective use of the federal postal fraud order, which prohibits the use of mails for suspected offerings. Although the Post Office Department succeeded in suppressing a certain amount of security fraud, only a small minority of those who violated the postal law have been punished. If, however, the mails were closed to general offerings and "tipster sheets" except under federal license, the more notorious crooks would disappear over night, but we would have a centralized political power susceptible of great abuse. The oft repeated proposal of a federal law requiring specific safeguards in the organization of interstate corporations has received little support from the financial interests, while the investors and consumers are largely inarticulate on this subject. This seems to be the only way, short of a constitutional amendment requiring federal incorporation, by which the government can secure such safeguards against corporations as are employed in England and Germany.

In Great Britain fraud and misrepresentation in the sale of corporate securities are guarded against in the laws of incorporation by making available to the prospective purchaser full information about the corporation. Under the British Companies Act of 1908 and subsequent amendments a detailed prospectus in the form prescribed by the government must be filed with the registrar of companies before securities are offered for public sale; in addition each company must file an annual report of its operations. The reports and financial statements must be certified as to accuracy by a chartered accountant, and promoters and directors are held civilly and criminally liable for the accuracy of their prospectuses and reports. In Germany governmental supervision of corporations is said to be even stricter; it rigidly limits the incorporators, particularly in connection with capitalization of a company. A corporation is not allowed to engage in business activities until the government is certain that no fictitious or watered stock is being issued. Effective publicity of corporate operations is insured by making the directors personally liable for the accuracy of the balance sheet, which must be drawn in a prescribed form and submitted to the annual meeting of the stockholders. Other European countries depend upon similar regulation by the central government of the promotion and operation of business corporations.

ROBERT R. REED

See: CORPORATION; CORPORATION FINANCE; CAPITALIZATION; PROMOTION; INVESTMENT; STOCK EXCHANGE; STOCKS; FRAUD.

Consult: Ashby, Forrest B., *The Economic Effect of Blue Sky Laws* (Philadelphia 1926); Reed, R. R., "Blue Sky Laws" in American Academy of Political

and Social Science, *Annals*, vol. lxxxviii (1920) 177–87; Angell, J. W., "The Illinois Blue Sky Law" in *Journal of Political Economy*, vol. xxviii (1920) 307–21; O'Brien, A. H., *Report on Blue Sky Legislation* (Toronto 1922); Mills, Charles H., *Fraudulent Practices in Respect to Securities and Commodities, with Special Reference to the Martin Act* (Albany 1925); Cowan, L. L., *Manual of Securities Laws of the United States* (Chicago 1923) and *Supplement* (Chicago 1925); Ten Eyck, Andrew, "Some Precedents in British Law and Practice for Safeguarding Securities" in *Harvard Business Review*, vol. ii (1924) 385–97. For further references: U. S. Library of Congress, Division of Bibliography, *Select List of References*, no. 667 (1922) and no. 1060 (1928).

BLUMENBACH, JOHANN FRIEDRICH (1752–1840), German naturalist and anthropologist. In pursuing his studies in medicine and physiology at Göttingen, Blumenbach worked under Christian Büttner, who exercised a lasting influence on his intellectual development. After Büttner's death Blumenbach was entrusted with the arrangement of his natural history collection, which the university had purchased. He early acquired a considerable reputation as a naturalist and at twenty-three was called to a professorship at Göttingen, where until 1835 he lectured on natural history, physiology, anatomy and anthropology, writing books which became standard in the field. As a naturalist Blumenbach's chief distinction lies in his having founded the science of comparative anatomy in Germany and contributed considerably to the recognition of zoology as a science. He anticipated Cuvier in taking anatomy into consideration in investigating the varieties of animal life, and he departed from Linnaeus in that he paid more attention to the structure of the inner organs of animal species than to their external characteristics and habits of life. His division of the order of primates into the *bimana* and the *quadrumana* and his insistence on the fundamental dissimilarity of the two caused him to be cited in the days of Darwin by the opponents of the Darwinian theory, although his thought is strikingly evolutionary.

Blumenbach's dissertation *De generis humani varietate nativa* (Göttingen 1775, 3rd ed. 1795) laid the foundation of comparative physical anthropology. It was the first systematic treatment of the subject based on the actual measurement of skulls and skeletons, for Blumenbach went to great trouble to gather his specimens from every available museum and collection. He became thus the father of craniology. His classification, which distinguishes five principal races of men—the Caucasian, Mongolian, Ethiopian, American and Malayan—has proved to be the basis of all subsequent race classifications. He considered the Caucasian race the original one and the American and Malayan as transitional in the degeneration to the two extremes, the Mongolian and Ethiopian. Into this racial development he introduced Herder's idea of evolution, conceiving of contemporary civilized man as the product of an evolution conditioned by climate, soil, heredity and social environment.

HEINRICH CUNOW

Consult: *The Anthropological Treatises of Johann Friedrich Blumenbach*, ed. by Thomas Bendyshe (London 1865), which also contains translations of biographical articles by K. F. H. Marx and M. Flourens; Scheidt, Walter, *Allgemeine Rassenkunde* (Munich 1925) p. 14–19; Haddon, A. C., *History of Anthropology* (London 1910) p. 25–30; Nordenskiöld, Erik, *Biologins historia*, 3 vols. (Stockholm 1920–24), tr. by L. B. Eyre as *The History of Biology* (New York 1928) p. 306–09.

BLUNT, WILFRID SCAWEN (1840–1922), English publicist and poet. In his eighteenth year he entered the diplomatic service and was stationed successively at the embassies of Athens, Frankfort, Madrid, Paris and Lisbon. He retired from the service in 1869 and married Lady Anne Isabella Noel, only daughter of the Earl of Lovelace and granddaughter of Lord Byron. Together they traveled extensively, making many dangerous voyages of discovery in unexplored regions of the East. In *The Future of Islam* Blunt set forth his political conclusions, the result of these journeys, and predicted the misfortunes later to be realized in the Soudan. In 1882 he allied himself with the National party in Egypt and helped the Egyptian leaders to draw up the National program. He was almost the sole Englishman to hold out against the resulting war, and as a consequence of his liberal views and of his persistent opposition to the Foreign Office he was exiled from Egypt for several years. He remained throughout his life a resolute "little Englander." In 1885 and 1886 he stood unsuccessfully for Parliament as a home ruler and was arrested while presiding over a political meeting in Ireland and condemned to imprisonment. *In vinculis* (London 1889), a poem of his prison days, was inspired by his confinement. His *Diaries* are perhaps the best known of his published works. They are valuable as source material for the study of the imperialistic tendencies of the times and contain significant information on the origins of the

World War. Blunt was a poet of considerable merit and as a translator was largely instrumental in developing in England an interest in the poetry of Persia and the East. He was almost Elizabethan in his passion for adventure and romance and in his love of poetic expression.

ALYSE GREGORY

Important works: *My Diaries, 1888–1914*, 2 vols. (London 1919–20, reprinted with preface by Lady Gregory 1921); *The Future of Islam* (London 1882); *Ideas about India* (London 1885); *India under Ripon* (London 1909); *Atrocities of Justice under British Rule in Egypt* (London 1907); *Secret History of the English Occupation of Egypt* (London 1907); *Gordon at Khartoum* (London 1911); *The Land War in Ireland* (London 1912). Blunt wrote also two significant political poems, *Wind and the Whirlwind* (London 1883), and *Satan Absolved* (London 1899).

Consult: "Further Correspondence respecting the Affairs of Egypt" in Great Britain, House of Commons, *Parliamentary Sessional Papers*, vol. lxxxii (1882) no. 13; "Correspondence respecting Mr. Wilfrid Blunt" in Great Britain, House of Commons, *Parliamentary Sessional Papers*, vol. lxxxix (1884) no. 27; Lovett, Robert Morss, review of Blunt's *Diaries* in *The Dial*, vol. lxix (1920) 519–27; Chew, S. C., "Wilfrid Blunt: Self-Determinist" in *The New Republic*, vol. xxiii (1920) 248–50.

BLUNTSCHLI, JOHANN KASPAR (1808–81), Swiss-German jurist and political theorist. Bluntschli was trained and profoundly influenced by Savigny at the University of Berlin. He began his scholarly career with a *Staats- und Rechtsgeschichte* of his native Zurich (2 vols., Zurich 1838–39; 2nd ed. 1856), which was the first attempt to apply the methods of the historical school to the study of a Swiss canton and served as a model for subsequent similar investigations. When the appointment of David Strauss to a chair in the Zurich Polytechnicum drove even the more liberal elements into opposition to radical democracy, Bluntschli left Switzerland. Being deeply attached to the mystical psychologist Friedrich Rohmer, Bluntschli followed him to the University of Munich shortly before the revolutionary year of 1848. Here he wrote the *Allgemeines Staatsrecht* (2 vols., Munich 1851–52; 5th ed. in 3 vols. as *Lehre vom modernen Staat*, Stuttgart 1875–76; 6th ed. by E. Loening 1885–86; Eng. tr. of vol. i of 6th ed. as *Theory of the State*, Oxford 1892) in which he treated the state as a "moral-spiritual personality" comparable to a human organism. The body of the state, its constitutional organization, is subject to the law of growth, decay and death; its soul, the national spirit, is embodied in the common language, customs and outlook of the people. This work on public law was followed by a treatise on *Deutsches Privatrecht* (2 vols., Munich 1853–54; 3rd ed. by Felix Dahn, Munich 1864) in which Bluntschli attempted to contrast the indigenous elements in German law with those received from Roman law. In collaboration with his friend Karl Brater he began the publication of the *Deutsches Staatswörterbuch* (11 vols., Stuttgart 1857–70), which for the second generation of German liberals had much the same importance as the *Staats-lexicon* of Rotteck and Welcker had had for the first. In 1861 Bluntschli was called to Heidelberg, where he joined that remarkable group of liberal Protestant politicians and scholars which helped to make Baden under its young Grand Duke Frederick I the protagonist in southern Germany of national union under Prussian leadership. Here he assumed the guidance of the reform party in the second chamber and as one of the founders of the Protestantenverein played an important part in the synod of the Protestant church in Baden. At the same time, favored by the conditions of a transitional period, he extended the range of his writing and teaching to embrace virtually the entire field of the social sciences. During the Austro-Prussian War he wrote two manuals, *Das moderne Kriegsrecht der civilisirten Staaten* (Nördlingen 1866, 2nd ed. 1874) and *Das moderne Völkerrecht der civilisirten Staaten* (Nördlingen 1868, 3rd ed. 1878), in which he systematized the existing rules and practises of international law in a series of annotated propositions. He was a zealous advocate of the establishment, and eventually served as one of the founders, of the Institut du Droit International at Ghent (1873). Together with Karl Knies he displayed the liveliest interest in economic disciplines, which had flourished at Heidelberg since the time of K. H. Rau; and in the economic evolution of Baden along modern lines after 1870. Bluntschli was a fine representative of the German bourgeoisie, which without ceasing opposition to many of Bismarck's policies cooperated with him to pave the way for the foundation of the empire in 1870.

CARL BRINKMANN

Consult: Bluntschli, J. K., *Denkwürdiges aus meinem Leben*, ed. by R. Seyerlen, 3 vols. (Nördlingen 1884); Knonau, Meyer G. von, in *Allgemeine deutsche Biographie*, vol. xlvii (1903) 29–39; Meili, F., *J. C. Bluntschli und seine Bedeutung für die moderne Rechtswissenschaft* (Zurich 1908); Coker, F. W., *Organismic Theories of the State* (New York 1910) p. 104–14.

BOARDING OUT. *See* PLACING OUT.

BOARDS, ADMINISTRATIVE. In the administration of public affairs extensive use has been made of boards, and although in recent times there has been a distinct tendency toward unitary control of administrative services there are still many examples of the board system. Boards are sometimes called commissions, but the latter name may more properly be reserved for bodies whose chief function is regulative, that is, quasi-legislative and quasi-judicial.

Since the end of the Middle Ages boards have been used to some extent by most European governments. Spanish colonial administration was for a long time largely in the hands of boards: the Council of Indies in Madrid and the *audiencias* in the colonies. After the sixteenth century boards developed about the person of the monarch in Germany (*Hofrat*, *Kanzlei*, *Kammer*). Sweden, Denmark, France and some of the Italian states employed administrative boards, and Peter the Great of Russia as part of his program of westernization copied the Swedish board system. In England the Committee of the Privy Council on trade and foreign plantations developed into an administrative board which in 1786 was given its own president and developed into the supreme colonial executive authority. The Admiralty and Treasury were also administered by boards.

In the American colonies in the eighteenth century there were councils to the governors, but little other use of boards or committees. During the revolution the Continental Congress and the state assemblies set up committees and boards to administer the navy, the army, the treasury and foreign affairs, but in 1781 the Congress established a system of single headed departments. Although this system has in general prevailed in the national government, administrative boards have been established for various purposes, especially since 1913.

In colonial local government there were school committees and in some colonies boards of county commissioners or supervisors. Local boards of health were established in several states before 1800 and other boards for special purposes were set up occasionally after that time. After 1850 boards in municipal government began to supersede standing committees of the city council for the management of police and fire departments, water works, public improvements, public parks, schools, libraries, charitable institutions, the administration of taxes and the making of estimates. In many cases such boards were elected, in some appointed by the state; they were thus largely, and sometimes wholly independent of the city government. After 1870, however, municipal boards (except school boards which continued to be elective) were largely appointed by the mayors, and in later years boards in many places have been generally replaced by single commissioners or directors. At the same time the creation of special districts for particular purposes has added to the number of independent local boards. The commission form of government introduced in numerous American municipalities since 1901 is based to some extent on the principle of board administration. The city commission is the principal executive authority in the municipality, although the individual members of the commission take charge of separate executive departments.

State boards came into use early in the nineteenth century for public works, for the equalization of tax assessments and for the management of penal, and later of charitable and educational, institutions. Following the Civil War new types of boards were established, especially to handle new activities of the state governments. Boards were given general supervision over charities and correctional institutions, public health, libraries, pardons, railroads, labor, agriculture, civil service and other functions. At the end of the century there began a tendency toward the combination of boards having related functions. Beginning with Illinois in 1917, more comprehensive plans of administrative reorganization were carried out in a number of states; these have involved the abolition of many boards and the replacement of others by single officials.

Administrative systems based on unitary executive control sometimes make use of boards for interdepartmental service or to meet emergency situations. The United States Civil Service Commission, established in 1883, the Interdepartmental Social Hygiene Board, established in 1918, and the California State Board of Control are examples of the former type, as is the German *Rechnungshof*, or court of accounts, which examines accounts of all administrative departments to determine whether budgetary provisions have been carried out, and which is independent of the president and the national administration. Emergency boards for special purposes are typified by those established in most belligerent countries from 1914 to 1919. In the United States the War Industries Board, the War Trade Board and the Shipping Board, in England the Food and Cattle commissions and the Cotton and Canal controls, in France the

regional committees attached to the Ministry of War and charged with the coordination of supplies, were devised to meet what were in essence military needs. They were designed to compel cooperation of all elements of the population in the war enterprise in the most efficient manner possible; the board form facilitated that end by enlisting the direct interest and service of representatives of such diverse groups as labor, industrialists and farmers.

The board form has been common in international administration since early in the last century as a result of the necessity of giving representation to all independent states, and a few such boards, the Danube Commission for example, have had some success. But, whether these boards were charged with carrying out treaty terms or with administering regulations concerning hygiene, slave trade or navigation, their efficacy has been limited by the doctrine of equal sovereignty which usually makes necessary unanimous agreement in executive decisions often of quite minute character. The collegiate form of organization was extended in the international field during the war, but such boards as the Allied Maritime Transport Council were essentially advisory or regulative and not administrative because of the difficulty of compelling obedience from independent states. Joint agencies somewhat resembling international boards have also been established in the United States for dealing with interstate problems. An important illustration is the Port of New York Authority, set up in 1922, consisting of six members, the governors of New York and New Jersey appointing three each, which is constituted as a public corporation with autonomous powers, although the governor of New Jersey has been given a veto power over the decisions of the New Jersey commissioners. Similar joint boards have been established for intercity problems in the United States, England and other countries.

Few European governments make much use of boards today. In Russia the Soviets have considerable administrative power and some executive work is done entirely by boards. The French system is organized on the principle of single officials for executive work. The many French councils (Conseil d'État, Conseils Départementaux, Conseil Supérieur des Travaux Publics) are essentially advisory in character. Such a board as the Conseil d'Administration in the army is an exception. Since 1921 there have been managing boards for tax and customs administration which are subject to some control by the minister of finance. Austria replaced boards as heads of ministries by individuals in 1848 and has used them since only for some local administrative purposes. While there are a considerable number of boards in England today many of them (e.g. the Treasury Board, Board of Trade and Board of Education) are purely formal and do not function. The Local Government Board has become the Ministry of Health. The Admiralty Board and Army War Council are active agencies, and there are advisory committees and councils in other fields. In the nineteenth century the trend in Germany was also away from boards, especially in the main government departments where the principle of responsibility was developing. But although German practise today is against giving full independence to boards (any more than to individual executives), many collegiate bodies, such as the commissions on coal, iron, potash, electricity and war debts, make executive decisions in conjunction with ministers. In provincial and local government the administrative board is common; the chief municipal executive is in many cases a magistracy elected by the city council and headed by the burgomaster, who is generally merely the first among equals. The German board system is combined with the principle of responsibility to the legislature. As a result legislation is simplified and administration rendered flexible. The legislature lays down general principles and the executive makes the detailed rules, its collegiate character enabling it to refer constantly to varying shades of opinion and interest in making even minute decisions. Furthermore the great weakness of administrative boards, lack of fixed responsibility, is avoided through the fact that while executive decisions are made by the board the actual work of carrying them out depends on individual officials.

In the United States the number and variety of boards has, it seems clear, been carried to excess. The looseness of the administrative system has often led to the creation of boards for purposes which should be within the province of a government department. The desire to escape the pervasive influence of party politics in administration has had the same effect. There is consequently room for reduction, combination and simplification of administrative agencies in national, state and local governments.

There has been much discussion in all countries of the relative merits of boards and single

officials for administrative purposes. The general question was debated at length as early as 1781 in the Continental Congress and in the year VIII of the French Revolution, when was coined the phrase, "agir c'est le fait d'un, délibérer c'est le fait de plusieurs." Boards are held to be useful to secure the consideration of different points of view on questions of policy and in connection with overlapping terms to ensure continuity of policy. Sometimes they have been advocated as means of removing from central and political control work (especially education and social welfare) in which political considerations should carry no weight. They have also been favored as means of eliminating partisan and spoils politics through the division of membership, either by law or by custom, among the contending political groups.

On the other hand, it is argued that the board system involves expense, delay and diffusion of responsibility and makes more difficult cooperation and correlation between different public agencies. Corrupt politics has held sway under unpaid boards as well as under single salaried officials, and bipartisan boards have sometimes led to division of spoils and on other occasions to serious deadlocks. Boards with overlapping terms have proved serious obstacles to reform administrations.

For the conduct of administrative services there should be a responsible single executive. There will remain, however, a place for boards in conducting inquiries and in planning new undertakings, as well as in the management of emergency or temporary tasks. Furthermore they will find a function as advisory agencies and as regulators of general policy even in cases where a responsible single executive will carry out the actual administrative work. This division of function has already developed to a considerable extent in the control and management of educational affairs; it promises the possibility of deriving from the use of boards the greatest possible benefit with the least possible disadvantage. There will, of course, exist danger of conflict between the supervising board and the administrative official.

JOHN A. FAIRLIE

See: ADMINISTRATION, PUBLIC; ORGANIZATION, ADMINISTRATIVE; COMMISSIONS; BOARDS, ADVISORY; INTERNATIONAL ORGANIZATION; GOVERNMENT; STATE GOVERNMENT, UNITED STATES; LOCAL GOVERNMENT; MUNICIPAL GOVERNMENT; COLONIAL ADMINISTRATION; AUDIENCIA; FINANCIAL ADMINISTRATION.

Consult: Willoughby, W. F., *Principles of Public Administration* (Baltimore 1927) ch. vii; Short, L. M., *The Development of National Administrative Organization in the United States* (Baltimore 1923) ch. ii; Mathews, J. M., *Principles of American State Administration* (New York 1917); Munro, W. B., *Municipal Government and Administration*, 2 vols. (New York 1923) ch. xxiii, and *The Government of American Cities* (4th ed. New York 1926) ch. xviii; Fairlie, John A., *Local Government in Counties, Towns and Villages* (2nd ed. New York 1914) ch. v; Clarke, John J., *Outlines of Central Government* (3rd ed. London 1928); Block, Maurice, *Dictionnaire de l'administration française*, 2 vols. (5th ed. Paris 1905) vol. i, p. 901–49; Hauser, Henri, *Le problème du régionalisme* (Paris 1924); Stengel, K. M. J. L., *Die Organisation der preussischen Verwaltung* (Leipsic 1884) p. 21–27; Meyer, G., and Anschütz, G., "Behörden" in *Wörterbuch des deutschen Staats- und Verwaltungsrechts*, ed. by M. Fleischmann, 3 vols. (2nd ed. Tübingen 1911–14) vol. i, p. 388–93; Blachly, F. F., and Oatman, M. E., *The Government and Administration of Germany* (Baltimore 1928) p. 244–54 and 561–76; Thursfield, J. R., "The Board of Admiralty" in *Quarterly Review*, vol. ccxxii (1915) 56–65 and 202–13; Kovalevsky, M. M., *Russian Political Institutions* (Chicago 1902) p. 101–08; Potter, P. B., *An Introduction to the Study of International Organization* (rev. ed. New York 1925) ch. xvii.

BOARDS, ADVISORY. Advisory boards have been used in many countries chiefly as a means of corrective expression of opinion by groups of the population representing particular interests. Latterly they have tended increasingly to take on the character of councils of technical experts. They are, indeed, significant notably as a phase of the accommodation of government to the diversity and specialization of a society at once technical and competitive. Legionary, fugitive, inherently particular, their utility lies in just these characteristics which make it impossible to classify them. Critics of the adequacy of representation through assemblies based on geographical constituencies frequently miss the heart of the problem involved when, by concentrating attention on the legislative organ, they propose to replace one form of oversimplification by another. To remedy such oversimplification it is possible to evoke an endless number of representative combinations on the administrative side through the creation of collegiate bodies of various kinds. The field of opportunity for such a congeries of minor, informal and specialized parliaments is being enlarged by the delegation of rule making powers and the widening of other forms of administrative discretion.

Precision in terminology is alien to a development so fluid in essence as the institution of the advisory board. Its basis until lately has been largely non-statutory, although in France the

Conseil Supérieur du Commerce et de l'Industrie and other bodies wholly or partly advisory in character were long ago established by law. Advisory bodies are referred to with increasing frequency in current legislation; *Beiräte* are even mentioned in the constitution of the German Republic. In English speaking countries the term "advisory" has been applied to bodies variously called, without apparent discrimination, boards, commissions, councils and committees. Some recent British enactments provide for "consultative committees." This adjective is more suggestive and perhaps more accurate than "advisory," but it has not acquired a clear connotation. Logically no body can fairly be described as advisory if it is legally capable of conclusive action of any sort. The term, therefore, does not properly belong to boards which, although unable themselves to give their recommendations positive force, can prevent action by taking a negative stand. The so-called "advisory boards" in Indiana townships, authorized by an act of 1899, were obviously misnamed inasmuch as such vital matters as the letting of contracts and borrowing under certain circumstances required their approval. On the other hand, boards that are truly advisory may be given a mandatory role in the sense that the law may specify that they must be consulted before final action is taken. Requirements of this kind are relatively frequent in Great Britain. The Ministry of Transport, for example, enjoys the cooperation of several advisory committees, to one of which, on rates, it must submit certain of its orders (9–10 Geo. 5, c. 50), and the joint committee empowered to regulate the therapeutic substances industry must consult an advisory committee before acting (15–16 Geo. 5, c. 60).

Whether, in given situations, boards should be merely advisory or something more depends in part upon a solution of the inveterate controversy regarding the merits of single headed and collegiate types of administrative organization. Even if the decision be against boards for administrative work, room remains for advisory boards. In practise, too, the vogue of centralizing executive control by means of single headed departments has sometimes tended, by excluding boards from full participation in administration, to encourage their use in an advisory capacity. An outstanding example was the systematic provision of what were called "advisory and non-executive boards" in the Illinois civil administrative code of 1917, although in this case the practise was doubtless strengthened by the successful establishment two years before of advisory boards for the purpose of bringing representatives of capital and labor into contact with the free employment exchanges.

Whether, when boards exist at all, they should be authoritative or advisory depends upon the extent to which it seems proper to allow the interests that government regulates to come to its door or to cross its threshold. One view—the natural view of an earlier, crusading phase in the development of the police power—would hold them at a distance. In its extreme form it fears that the integrity and punitive force of law may be impaired by the existence of consultative bodies of any kind. Another view treats as inevitable and essentially wholesome the rise of collaborative technique in law enforcement, especially in economic matters. Already collaboration has progressed so far that it is difficult to draw a line between governmental functions of restraint and of service. The widespread use of advisory boards has accompanied the change. To say this, however, is merely to restate the problem, for the existing boards are of many types; some are safer than others.

More than a word of qualification must be added in reference to the role of advisory bodies in effecting a kind of vocational representation in administration. The range of overlapping types is wide. Many advisory boards consist wholly of governmental officers or employees. An example is the federal Plant Quarantine Board, which brings representatives of the bureaus of Entomology and Plant Industry and of the Forest Service into consultation with the chief of the Plant Quarantine and Control Administration. Such groups are chiefly important as a means of coordination. An extremely significant variation of the type draws together officials from different levels of government. Few tendencies in federalism in the United States seem more fruitful than those neatly illustrated in the Joint Committee on Definitions and Standards connected with the Food, Drug and Insecticide Administration, consisting of three persons from the national Department of Agriculture, three from the Association of Dairy, Food and Drug Officials of the United States and three from the Association of Official Agricultural Chemists. Also of interest has been the growth from the bottom upward of a National Plant Board, formed on the basis of regional associations of state quarantine authorities. Many advisory boards mix official and non-governmental elements in their membership. The London and

Home Counties Traffic Advisory Committee, for example, consists in part of "ordinary members," who represent the various local governments and who on certain matters deliberate alone, and a lesser number of additional members, who speak from the standpoint of labor and capital engaged in transport, "appointed by the Minister . . . after consultation with such bodies representative of those interests as he may think desirable" (14–15 Geo. 5, c. 34).

Other boards are composed entirely of persons not regularly in government service. Not a few of these aim to be solely vehicles of lay opinion, especially the innumerable boards of visitors connected with hospitals, prisons and other public institutions. Even here, however, there has been a growing tendency to select as members professionals in related fields who can offer technical information as well as, or instead of, representative opinions. Some boards, essaying the difficult operation of separating technique from interest, seek to recruit untrammeled experts. The Census Advisory Committees in the United States are of this kind. A vast array of boards frankly proclaim their connection with outside occupations and industries. They vary in crucial respects, however, especially in regard to the extent to which the mode of their selection and other conditioning facts incline their members to consider themselves not merely representatives but rather delegates of interests. Boards of the latter sort merge into transient assemblages like the trade practise conferences conducted by the Federal Trade Commission or the even less formal groups which in most fields of administration are convened in hearings before important new rules or orders such as quarantines are issued.

The activities of government variously described as developmental and promotional have been a prolific source of advisory bodies. Examples numbering nearly a hundred abound in the United States Department of Commerce, notably the commodity committees associated with the Bureau of Foreign and Domestic Commerce. They are distantly analogous to the councils of consumers frequently constituted in connection with publicly owned and operated utilities. Whatever their ostensible purpose, they had their inception largely as sales devices on the part of government bureaus eager to extend their services. Their cumulative reaction on public policy has been, however, a more serious matter. They impinge on fields in which investigation and advice are merging into regulation, influencing the direction of purchasing power and involving conflicting groups. Careful insulation between the administration and the advisory bodies and internal safeguards through a proper balance in the latter are proving as necessary here as in the domain of directly coercive power.

The avowed presence of organized interests in the membership of advisory boards is doubtless a frequent aid to their vitality. Reiterating a plea for advisory councils in state departments of labor, John R. Commons remarks: "In order to have real representation with representatives whose word will carry weight, it is necessary that the representative be backed up by an organized group. In practise, a representative must represent somebody. If he is merely a sort of statistical sample of his class, he will find himself in the weak position of having to pit his personal opinion against the demands of an organized opposition." He espouses the plan of vocationally balanced advisory groups as a means of securing the good will of employers. This reason is an important one. Not only in the spirit but also in the forms of administration appear at a thousand points evidences of a new reading of the doctrine of the consent of the governed so as to include not simply a blanket approval through the franchise but more or less regular sounding of interested opinion through representative advisory bodies. The doctrine is not without perils. It daily sharpens the need for administrative authorities who are skilful in consultation, vigilant in arranging representation that is reasonably comprehensive, sympathetic but wary, and above all independent. Only by careful use of advisory boards will the danger of compromising administration at its core be avoided.

ARTHUR W. MACMAHON

See: ORGANIZATION, ADMINISTRATIVE; BOARDS, ADMINISTRATIVE; ECONOMIC COUNCILS; EXPERT; FUNCTIONAL REPRESENTATION; REPRESENTATION.

Consult: Carr, C. T., *Delegated Legislation* (Cambridge, Eng. 1921); Dawson, R. M., *The Principle of Official Independence* (London 1922) p. 21–25; Willoughby, W. F., *Principles of Public Administration* (Baltimore 1927) ch. xii; Hauser, Henri, *Le problème du régionalisme* (Paris 1924); Fairlie, J. A., "Advisory Committees in British Administration" in *American Political Science Review*, vol. xx (1926) 812–22; Comer, J. P., *Legislative Functions of National Administrative Authorities*, Columbia University Studies in History, Economics and Public Law, no. 289 (New York 1927); Chamberlain, J. P., "Democratic Control of Administration" in *American Bar Association Journal*, vol. xiii (1927) 186–88; Turner, J. M., "Democracy in Administration" in *American Political Science Review*, vol. xvii (1923)

216–30; Commons, J. R., and Harriman, Florence J., in U. S., Commission on Industrial Relations, *Final Report* (Washington 1915) p. 307–404; Commons, J. R., "Representative Advisory Committees in Labor Law Administration" in *American Labor Legislation Review*, vol. xix (1929) 331–35; Wiley, H. W., *The History of a Crime against the Food Law* (Washington 1929).

BOCCALINI, TRAIANO (1556–1613), Italian political writer and satirist. Boccalini was born at Loreto but lived most of his life in Rome. In literary satires and in more serious works he developed with great logical strength and with considerable bitterness the theory of the *raison d'état*. The best form of government is the republican, which is, however, rendered impossible by the bestiality of mankind; hence the necessity for monarchs. Princes are guided by self-interest and the nature of their political power is such that unhappiness results both for them and for the people over whom they rule. Although Boccalini did not lack courage to denounce the hypocrisy and greed of princes, he lacked faith in the possibility of improvement and displayed a fatalistic resignation to the inherent evils of monarchy. Machiavelli's tyrant was heroic, but Boccalini's was gloomy and suspicious; and in this contrast there is a hint of the transition from the Renaissance to the Counter-Reformation.

Boccalini's chief work was the *De'agguagli di parnaso* (2 vols., Venice 1612–13; new ed. by G. Rua, 2 vols., Bari 1910–12), an amusing literary fantasy in which poets, writers and politicians are judged by Apollo in the kingdom of Parnassus. In his *La pietra del paragone politico* (Venice 1615; new ed. by G. Rua, 2 vols., Bari 1910–12), a work which was published only after his death because it was considered too dangerous, he revealed his admiration for the old Venetian aristocratic government and his violent hostility toward Spanish domination in Italy. He also left unpublished *La bilancia politica* (3 vols., Castellana 1678), a commentary on Tacitus which is devoted chiefly to an attack on political absolutism.

GIUSEPPE PREZZOLINI

Works: Collected in an English translation, 5 vols. (London 1714).

Consult: Mestica, G., *Trajano Boccalini e la letteratura critica e politica del seicento* (Florence 1878); Toffanin, G., *Machiavelli e il "Tacitismo"* (Padua 1921) p. 192–207; Meinecke, F., *Die Idee der Staatsräson* (3rd ed. Munich 1929); Gardner, E. G., "Traiano Boccalini" in *Dublin Review*, vol. clxxix (1926) 236–55.

BOCCARDO, GIROLAMO (1829–1904), Italian economist. At an early age he became absorbed in economic studies, which attracted the attention of Cavour. In 1860 he was appointed professor of economics at the University of Genoa. He became senator in 1877 and eleven years later entered the Council of State, where he exercised a strong influence in social policy.

In a number of important works, including *Trattato teorico-pratico di economia politica* (3 vols., Turin 1853; 7th ed. 1873) and *Dizionario della economia politica e del commercio* (4 vols., Turin 1857–63; 3rd ed. in 2 vols., Milan 1881), Boccardo develops with some modifications the economic doctrines of the liberal school. He treats value as an exchange ratio, and market price as fixed by relations of demand and supply, but with cost of production exercising a determining influence. Refuting Sismondi's notion as to inelasticity of demand he demonstrates that the reduction of price uncovers lower levels of demand. He maintains that personal consumption, which he distinguishes from consumption in industry, is in some measure productive. He argues for the encouragement of large scale industries; they enjoy a lower overhead cost per unit, permit the standardization of products and the greater utilization of by-products, stabilize the employment of labor, reduce the need for middlemen and favor the initiation and adoption of new processes. He opposes poor relief on the ground that it is morally injurious to the recipients and contributes to the increase of pauperism.

Later Boccardo came under the influence of Spencer, whose sociological concepts he applied to economics in a number of prefaces written for the third series of *Biblioteca dell' economista*, of which he was the editor (collected in *L'economia politica moderna e la sociologia*, Turin 1883).

RENÉ HUBERT

Consult: Giorgi, G., in R. Accademia dei Lincei, Classe di scienze morali, storiche e filologiche, *Rendiconti*, 5th ser., vol. xiii (1904) 161–76.

BOCCHI, ROMEO, seventeenth century Italian monetary theorist. Bocchi is known as the author of *Della giusta universale misura et suo typo* (2 vols., Venice 1621). He advocates the stabilization of the currency and points out the evil effects arising from changes in its value "with respect to time and previous transactions." Like Scaruffi and others he favors the establishment of an international currency system which would automatically put an end to the exporta-

tion of coin for speculative purposes. In the most original portion of his work he discusses the problem of reducing the shipments of bullion in settlement of international balances. Drawing upon personal observation he lists the various devices used in different countries for effecting payments without the use of money. After considering the use of both a single transfer bank and a system of banks, as well as the method of circulating bills of exchange by endorsement, he states his preference for the clearing method employed at the Besançon fair where on a specified day all bills fell due and were balanced.

ULISSE GOBBI

Consult: Gobbi, U., *L'economia politica negli scrittori italiani del secolo XVI–XVII* (Milan 1889) p. 164–76.

BÖCKH, AUGUST (1785–1867), German historian of classical antiquity. Böckh was deeply influenced by the great Homeric scholar, Friedrich August Wolf, and in turn exerted a profound influence on successive generations of students at the University of Berlin (1811–67). Inspired by the humanism of the German poets and thinkers and by the new critical research, he undertook to reconstruct accurately and with minutest detail the life of the ancient Greeks in its unadorned power. Böckh recognized the incalculable value of the many hitherto unexploited stone inscriptions and with the aid of the Berlin Academy of Sciences began the publication of the *Corpus inscriptionum graecarum* (4 vols., Berlin 1825–77). This project, carried on by Böckh's pupils after him, presented for scientific study thousands of Greek inscriptions transcribed and edited by reliable scholars and laid the foundations of classical epigraphy. In his epoch making work, *Die Staatshaushaltung der Athener* (2 vols., Berlin 1817, 3rd ed. enlarged 1886; tr. by A. Lamb from 2nd German ed. as *The Public Economy of the Athenians*, Boston 1857), he made use of these materials to describe the Greek state and Greek society. This work deals with the Athenian population—their numbers, social structure and professional activity, the conditions of their daily life, the interplay between the natural potentialities of the soil and the activity of man—and above all with the state. The financial administration of the state, its expenditures and income, its currency, its activity during peace and war, are all investigated both for their material background and for their importance for the intellectual development of Athens. This book became the model for all subsequent research into classical antiquity. It placed its author among the outstanding historians and sociologists of the first half of the nineteenth century and to this date has not been superseded.

WILHELM WEBER

Consult: Hoffmann, Max, *August Böckh* (Leipsic 1901); Wilamowitz-Moellendorf, U. von, *Geschichte der Philologie* (Leipsic 1921); Sandys, J. E., *A History of Classical Scholarship*, 3 vols. (Cambridge, Eng. 1908) vol. iii, p. 95–101; Gooch, G. P., *History and Historians in the Nineteenth Century* (London 1913) p. 30–35.

BÖCKH, RICHARD (1824–1907), German statistician. He was the son of the historian, August Böckh, and began his career in the Prussian administration. From 1861 to 1875 he worked in the Prussian statistical office and from 1875 to 1903 was director of the municipal statistical office of Berlin. Böckh is best known for the invention of new, and the improvement of old, methods of computing frequency rates in vital statistics. He enhanced the value of mortality tables by taking into account the migration of population and the differential influence of causes of death. He was the first to devise tables for the duration of marriage, in which he considered the annual decrease of married couples through death and divorce. Böckh also measured the rate of marriage of females and of death of unmarried females, thus furnishing for the first time a fairly accurate basis for dowry insurance. By computing fertility rates for each age group and by discounting the result for the mortality of women of child bearing age he attempted to set up reproduction tables; as early as the seventies this work led to the conclusion that the natural increase would not be sufficient to keep the population of Berlin constant. In connection with the 1885 census he studied the influence of the methods of feeding on infant mortality. Böckh also made important contributions to the statistical study of unemployment and of the frequency of crime.

PH. SCHWARTZ

Consult: *Zur Erinnerung an Richard Böckh* (Halensee 1908); Silbergleit, Heinrich, in Institut International de Statistique, *Bulletin*, vol. xviii, pt. i (1909) 659–67; Ballod, Carl, "Richard Böckh und das statistische Jahrbuch der Stadt Berlin 1876–1900" in *Schmollers Jahrbuch*, vol. xxvi (1902) 341–56.

BODICHON, BARBARA LEIGH SMITH (1827–91), English pioneer in the movement for educational, economic and political emancipation of women. She received an education which developed her abilities, her public spirit and

her enterprise to an extent unusual for her time. In 1854 Mme. Bodichon published a widely read pamphlet (*Brief Summary in Plain Language of the Most Important Laws concerning Women*, 2nd ed. London 1856) and organized agitation in support of a bill respecting the property rights of married women, which she had persuaded the Law Amendment Society to introduce. She advocated the removal of educational and other restrictions which debarred women from earning their living and from doing public work (*Women and Work*, London 1857). With some friends she founded the Association for Promoting the Employment of Women and established the *Englishwoman's Journal*, thus bringing the woman's movement into existence as an organized force. She supported J. S. Mill's candidature for Westminster (1865), promoted the first women's suffrage petition to Parliament and helped to form the first women's suffrage committee. In 1869 she cooperated with Emily Davies in founding Girton College, an important step toward higher education. A practical worker of great originality and initiative, a woman of wide artistic, literary and political sympathies, Mme. Bodichon was an invaluable supporter of the women's movement in its early days of unpopularity and ridicule.

BARBARA STEPHEN

Consult: Strachey, R. C. C., *The Cause* (London 1928); Stephen, Barbara, *Emily Davies and Girton College* (London 1927).

BÖDIKER, TONIO (1843–1907), German administrative official and writer in the field of social insurance. After occupying various important offices in the state service Bödiker was chosen in 1881 as Bismarck's adviser and active collaborator in carrying out the program of industrial insurance foreshadowed in the historic Imperial Message of that year. The third Accident Insurance Bill, which became law in 1884, was almost entirely Bödiker's work and he served as the first president of the Imperial Insurance Board, holding office until 1897. The principal functions of the board were to organize the trade associations which administered the accident insurance laws and to supervise their operations as well as those of the invalidity insurance offices. It had also to serve as a supreme court of appeal for the entire domain of insurance legislation. Bödiker brought to his task a versatile and constructive mind, sound judgment and the firm grasp of the born organizer and administrator, winning confidence and support of both employers' and workers' organizations. He laid the basis of a many sided system of medical and surgical service for the victims of industrial accidents, including the provision of special hospitals and sanitaria, and organized on scientific lines the technique of accident prevention. Under his skilful direction the board put into smooth operation a vast official mechanism; it developed complementary insurance legislation and administrative procedure, establishing its own precedents and creating a fairway for a great and novel social experiment. Bödiker was also active in the international movement for industrial insurance and was honorary president of the International Workmen's Insurance Congresses.

W. H. DAWSON

Important works: *Die Unfall-Gesetzgebung der europäischen Staaten*, Staats- und socialwissenschaftliche Forschungen, vol. v, pt. ii (Leipsic 1884); *Die Arbeiterversicherung in den europäischen Staaten* (Leipsic 1895); *Die Reichs-Versicherungsgesetzgebung*, Staats- und socialwissenschaftliche Forschungen, vol. xvi, pt. iv (Leipsic 1898).

Consult: *Zeitschrift für die gesamte Versicherungswissenschaft*, vol. vii (1907) 335–36; *Soziale Kultur*, vol. xxvii (1907) 161–65.

BODIN, JEAN (1530–96), social and political philosopher of the Renaissance. He was born at Angers, went to study law at Toulouse, became a lecturer on jurisprudence at that seat of learning and afterwards took up the practise of law in Paris. He was received into favor by Henry III and by Henry's brother, the Duc d'Alençon, and rose to be king's attorney at Laon in 1576. This year saw the production of his *chef d'oeuvre*, the *Six livres de la république* (Paris 1576, 5th ed. Frankfort 1609; tr. by R. Knolles, London 1606), and in it he was chosen to represent the third estate of Vermandois in the Estates General of Blois. In this latter capacity Bodin displayed political tolerance and personal courage in opposing the efforts of the nobility and the clergy to enforce conformity to the Catholic faith. His lack of religious bigotry drew on him the displeasure of the zealots and he had a narrow escape from the Massacre of St. Bartholomew. He joined the Catholic League in 1588 but was expelled for his Laodicean views. His later days he spent in retirement at Laon, where he died of the plague in 1596. The accusations of the zealots followed him beyond the grave, for it was said that he died "like a dog," being "neither Jew nor Christian nor Turk."

Aristotelian in the breadth of his intellectual interests, Bodin was one of the path breakers of the Renaissance. The extent of the breach which separated him from mediaeval thought was revealed in his first work, *Methodus ad facilem historiarum cognitionem* (Paris 1566, reprinted Amsterdam 1650), which may be said to have marked the beginnings of a philosophy of history. Bodin substituted a theory of progress for the then prevalent assumption of a primitive golden age and divided history into periods determined by the dominance of races rather than of religions. He attacked the decaying universalism of the later Middle Ages, with its false assumption of an all embracing political and religious *imperium*. In his curiously named *Colloquium heptaplomeres* written in 1588 (Schwerin 1857) he used to this end the characteristic device, already employed for a similar purpose by Nicholas of Cusa, of having the representatives of different religions present their respective points of view in order to bring out the relativity of faith. But while the philosopher of the fifteenth century regards the differences as still to be settled on the abstract grounds of the logic of faith, Bodin strongly suggests that the environmental factor is itself a determinant in every case. The importance which he attributed to environment is again brought out in the fifth book of the *Republic*, where he clearly anticipates the teaching of Montesquieu regarding the responsiveness of intellectual and moral characteristics to climatic differences. Thus the idea of relativity is introduced to temper the competing universalisms of the times.

Bodin faced the profound dilemma which confronted his age, the reconciliation of unity with tolerance. Unity was the first necessity, not only because of the unsolved problem of the relation of church and state in an age of schism but also because of the sovereign pretensions of local communes and of feudal powers of every degree. He found the solution to which the age was leading, the centralized sovereignty of the state. He felt that a clear conception of sovereignty was the first requisite and in the *Republic* that conception, which dominated the political thought of many generations, was for the first time explicitly and consistently stated. The *Republic* is a diffuse and rambling work, ornately set with classical lore and Biblical example, but on this theme it is clear cut and inexorable. From the first sentence to the last Bodin strikes the note of the necessity of a "puissant sovereignty." To this "most high and perpetual power" he assigns an unlimited authority to make laws, with all the rights consequent thereto, such as the right to make war and peace and to impose taxes. The sovereign is not bound by past laws, and is unimpaired by his relation to council or "parliament," needing no consent of his subjects. Bodin admits that there are fundamental or constitutional laws to which the sovereign must conform: he is subject to the rules of princely succession and he cannot alienate the public domain. But these are laws constitutive of his sovereignty; they do not limit the exercise of his will over the territory within which he is sovereign. The danger of an arbitrary or tyrannical exercise Bodin can meet only by repeating that the sovereign is obligated to observe the law of God and the law of nature. He does not face the problem which so much agitated some of his contemporaries, for example, the author of the *Vindiciae contra tyrannos*: what if the sovereign violates this higher law and what if the subject must choose between the command of the sovereign and the law of God?

It is not sufficiently recognized that Bodin was a pioneer in economic as well as in political science. While in certain respects, as in his condemnation of interest, he was bound by current economic prejudices, in others he rose far superior to them. The "high cost of living" was disturbing the western Europe of the sixteenth century. The rise in prices was generally interpreted in mercantilistic terms, and such "remedies" as tariffs, bullion embargoes, sumptuary legislation, price fixing, were in vogue. The monetary consideration generally adduced was the debasement or cheapening of the currency. In fact the comptroller of the mint, Malestroit, put forward as the first of his "paradoxes" the claim that there had been no real enhancement of prices, the apparent rise being merely a reflection of the lower intrinsic content of the coinage. Bodin perceived that this explanation was wholly inadequate, and in his two replies to Malestroit (Paris 1566 and 1578) he claimed that the abundance of money was the primary cause of the phenomenon, vastly more important than the debasement of the currency. This point he developed with a true insight into the essential relationship of money to commodity prices. While earlier writers, from the days of Xenophon, had hinted at this relationship, it was left to Bodin to explore it. He did not, it is true, recognize the factor of the velocity of circulation nor did he fully appreciate the economic changes which themselves demanded a greater

volume of currency. But his reply to the prevailing doctrine is cogent and convincing. Bodin revealed further antimercantilistic insight by pointing out the advantage of free exchange between countries. It is true, however, that in the sixth book of the *Republic*, where he treats the subject of public finance, Bodin lost sight of these advantages and advocated high import duties on manufactured articles as well as prohibitions on the export of raw materials—a policy by which he hoped that the state might both enhance its revenue and protect its home industries.

In constructing a system of public finance, Bodin's problem was to classify the chaotic and inequitable methods employed by the sixteenth century state and to formulate certain basic norms of taxation. He believed that two main objects must be pursued: convenience to the sovereign and equitable distribution of the burden in accordance with ability to pay. Both purposes would best be served if the state derived most of its revenue from the public domain and external customs. Taxes might indeed be levied in addition, but the greatest care should be taken to make them equitable and regular. Bodin introduced the idea that taxes must be impersonal and not personal; otherwise the lower classes would contribute more than their share. He further insisted on the necessity of judicious and just administration of taxes, and to this end suggested a general registration of property. While Italian writers were subsequently to elaborate and in certain respects to improve most of Bodin's theories, he was the first to treat the fiscal problems of the emerging modern state in their relations to the broader aspects of political organization.

R. M. MacIver

Consult: Baudrillart, H., *Jean Bodin et son temps* (Paris 1853); Castonnet des Fosses, H., *Jean Bodin: sa vie et ses oeuvres* (Angers 1890); Barthélemy, E. de, *Étude sur Jean Bodin* (Paris 1876); Fournol, E., *Bodin, prédécesseur de Montesquieu* (Paris 1896); Hancke, E., *Bodin, eine Studie über den Begriff der Souveränität* (Breslau 1894); Hearnshaw, F. J. C., "Bodin and the Genesis of the Doctrine of Sovereignty" in *Tudor Studies*, ed. by R. W. Seton-Watson (London 1924) p. 109–32; Bodin de Saint-Laurent, Jean de, *Les idées monétaires et commerciales de Jean Bodin* (Bordeaux 1907).

BODIO, LUIGI (1840–1920), Italian statistician. Throughout his long career Bodio was concerned with the standardization of statistical technique and the application of the statistical method to the study of the social problems of his time. In 1872 he was appointed secretary of the Central Commission (Giunta) of statistics, and during the following twenty-seven years he was the director of Italian official statistics. He used the autonomy of his office and his personal authority to build up an organization which was a model for its time and a truly scientific laboratory. Even after resigning this position on account of administrative difficulties, he kept in touch with Italian official statistics as president of the Consiglio Superiore di Statistica from 1898 until his death. As secretary (1885–1909) and as president (1909–20) of the International Statistical Institute he endeavored to advance and standardize the statistical study of criminals and recidivists, emphasizing its importance with regard to proper penal legislation and administration. While he was Commissioner General of Emigration (1901–04) he considered his administrative problem to be one of public protection of labor. Besides editing the official statistical publications Bodio wrote a number of monographs on economic and social questions. Perhaps the most important of these is *Di alcuni indici misuratori del movimento economico in Italia* (2nd ed. Rome 1891), which by virtue of its exhaustive treatment of Italian conditions from 1860 to 1890 has the value of a statistical encyclopaedia. He was also one of the founders of the *Archivio di statistica* and the founder of *Annali di statistica*, which served as digests of official material in Italy and as records of important statistical work abroad.

Edwin Mims, Jr.

Consult: Gini, Corrado, in *Journal de statistique et revue économique suisse*, vol. lvi (1920) 410–12; Földes, Bela, in *Allgemeines statistisches Archiv*, vol. xviii (1928) 426–36; Colletti, Francesco, "Del carattere e dell' opera di Luigi Bodio" in *Rivista bancaria*, vol. ii (1921) 113–23; Stringher, Bonaldo, "In memoria di Luigi Bodio" in *Riforma sociale*, vol. xxviii (1921) 1–10; Delatour, Albert, in Institut International de Statistique, *Bulletin*, vol. xxi, pt. i (1923) 27–31.

BODLEY, JOHN EDWARD COURTENAY (1853–1925), English writer on French culture. He was appointed secretary to the Royal Commission on the Housing of the Working Classes in 1884 and shortly afterwards published three reports on conditions in England, Scotland and Ireland. The poor health which prevented Bodley from pursuing a political career, however, led him to France and he developed a deep interest and a very real understanding of that country. He was soon regarded by Frenchmen

as the most intelligent critic of themselves and their institutions. A staunch Whig, a Low Churchman and therefore more fearful of change than the French, Bodley yet sympathized with their aims. At the same time his personal distrust of extremes prevented a too enthusiastic acceptance on his part of the radical elements of French political thought. After seven years of careful study his book *France* appeared (2 vols. London 1898, new ed. 1 vol. 1900; French translation *La France: essai sur l'histoire et le fonctionnement des institutions politiques françaises*, Paris 1901). It is an admirable study of the social and political psychology of that country. The French conception of liberty, he believes, is applied to the abolition of hereditary privileges rather than to the eradication of social distinctions and hierarchies. He attributed the political pessimism prevalent in France at the time to "the combination of parliamentary government with administrative centralization" and to the fact that in his time the majority were indifferent to politics. His discussion of party politics in France displays a profound and precise understanding of those nuances of political opinion that have proved so perplexing to most foreign students of the French mind. Two other works of Bodley are related to this first volume: his lectures on *The Church in France* (London 1906), relating to the quarrel of church and state in the republic, and his significant essay entitled "The Decay of Idealism in France" (in *Cardinal Manning—The Decay of Idealism in France—The Institute of France*; three essays, London 1912) which discussed contemporary philosophic and literary tendencies. Bodley thus produced three of the finest analyses of modern French political, literary and philosophical effort as yet written by foreign observers.

JOHN M. S. ALLISON

Consult: For further biographical details, the Institut de France, Académie des Sciences Morales et Politiques, *Séances et travaux*, vol. cciii (1925) 321–24.

BOÉTIE, ÉTIENNE DE LA. *See* LA BOÉTIE, ÉTIENNE DE.

BOGDANOV, A., the pseudonym of Alexander Alexandrovich Malinovsky (1873–1928), Russian social philosopher and economist. Until 1912 he was an active revolutionist, serving from 1903 to 1909 as one of the leaders of the Bolshevist wing of the Russian Social Democratic party. After the establishment of the Soviet government he worked in the field of higher education, led for a time the "proletarian culture" movement and later devoted himself wholeheartedly to the Soviet Institute of Blood Transfusion, which he founded. He published in Russian a number of philosophical works which reflect the unusual course of his intellectual evolution, two economic handbooks, the earlier of which was a standard manual for young Russian Marxists (Eng. tr. of an edition supplemented and revised by S. M. Dvolaitsky, London 1923), and two utopian novels written after the revolution.

Bogdanov's philosophy developed under the influence of W. Ostwald's energetics and the empiriocriticism of E. Mach and R. Avenarius. The monism of Bogdanov's "empiriomonism" was achieved by substituting for psycho-physical parallelism the notion that the difference between "psychic" and "physical" is not real but due merely to a different mode of organizing experience; psychic is individually organized, while physical is socially harmonized, experience. His work on "tectology" (science of general organization) marks a final step; it seeks not to represent the world as a unit but to transform the "chaotic elements" of experience into an organized whole by intellectual processes. In accordance with these epistemological presuppositions Bogdanov treats "social" as inevitably identified with "conscious," and social progress as the growth and increasing harmonization of the element of "conscious." Ideology is the organizing force in social experience. Society divides into classes because of the unequal distribution of ability and skill in organization and because of the private ownership of organizational experience. Since economic production is the "organizational form of the activity of society" the class organizing production is the ruling class. Class stratification will disappear when organizational experience becomes socialized through education and through the development of proletarian culture. In his economic doctrines he departs from Marx by denying that the economic order is historically conditioned and develops in accordance with certain inherent laws. The "fetishism of capitalist production" is due merely to a lack of understanding of the social relations centering about production and distribution, and value is crystallized labor cost independent of the form of economic organization.

J. F. HECKER

Consult: Solntsev, E., and Karev, N., in *Bolshaia sovietskaia entsiklopedia*, vol. vi (1927) 574–82.

BOGIŠIĆ, VALTHASAR ANTON (*c.* 1834–1908), Slavic jurist. He was born at Ragusa in Dalmatia and grew up in a community of southern Slavs. After studying law at Vienna, Munich, Berlin and Paris he devoted several years to personal observation of legal customs in the various south Slavic countries and later published under the auspices of the Jugoslav Academy of Sciences (Zagreb 1874) a collection of them, of which Sir Henry Maine said, "Nothing in my opinion can exceed their instructiveness." Meanwhile Bogišić had become professor of historical and comparative jurisprudence at the University of Odessa (Russia) and in 1879 published his "Aperçu des travaux sur le droit coutumier en Russie" (*Revue historique de droit français et étranger*, 3rd ser., vol. iii, p. 257–74). When the principality of Montenegro sought a way out of its chaotic legal situation, Bogišić was chosen to undertake the task as codifier. In 1873 his services were loaned by the Russian government and by 1882 he had completed the "General Code of Property" (translated into French by R. Dareste and A. Rivière, Paris 1892) which was put into force in 1888. It contains more pure Slavic law than any other code and treats private law from the standpoint of property, both family and succession being considered in relation thereto. Since the work was done on the ground and among the people, the code not only was practical but contained elements of permanency. The principles and methods applied in its preparation were explained by Bogišić in his *À propos du code civil du Monténégro; quelques mots sur les principes et la méthode adoptés pour sa confection* (Paris 1886). After serving as the Montenegrin minister of justice (1893–99) Bogišić resumed his purely scientific labors and edited in collaboration with C. Jireček the *Liber statutorum civitatis Ragusii* (Zagreb 1904), the famous law book of his native city, composed originally in 1272.

CHARLES S. LOBINGIER

Consult: Jagić, V., in *Archiv für slavische Philologie*, vol. xxx (1909) 314–15; Kidric, F., in *Archiv für slavische Philologie*, vol. xxxi (1910) 305–12; Maine, H. S., *Dissertations on Early Law and Custom* (new ed. London 1891) p. 241–43; Phillips, H. A. D., "The Code of Property of Montenegro" in *Law Quarterly Review*, vol. xiii (1897) 70–84.

BÖHM-BAWERK, EUGEN VON (1851–1914), Austrian economist and statesman. He was the son of a high official, and entered government service after graduation from the school of law of the University of Vienna. In 1881 he was appointed professor of economics at the University of Innsbruck, whence he was recalled to the ministry of finance in 1889 to be entrusted with the preparation of those legislative measures concerning direct taxation which were carried into effect by the great reform of 1896. Rising step by step with the increasing success of his work he finally took responsible office as minister of finance first in 1895, then again in 1897 and for the third time in 1900. His name is associated with the best period of Austrian financial history, characterized by conscientious and far sighted management of current affairs, masterly budgets, constructive legislation, growing surpluses and a successful conversion of the public debt. All this was achieved under the most difficult circumstances and despite the fact that Böhm-Bawerk was not personally associated with any political party. After resigning in 1904 because of a disagreement on army estimates he declined several important positions to devote the last decade of his life to the teaching of economics at the University of Vienna.

Böhm-Bawerk's work in economic theory resembles that of Ricardo in both aim and method. In his case, however, the gifts of the originator were supplemented by the gifts of the critic. He was at a very early age one of the first to accept the teaching of Karl Menger, giving all his powers to the development and the defense of the "subjective" theory of value; it is to him that both the success and the formulation of the theory are largely due. That part of his work which was wholly his own is but imperfectly described as a theory of interest, since it is in fact not only a complete theory of distribution but also a theory of the whole economic process. The central feature of it is the treatment of the element of time in relation to two quantities: the stock of existing consumers' goods and the quantity of consumers' goods to be expected from production periods of varying duration. The famous solution of the problem of interest is itself but one of the results of that analysis, the possibilities of which are as yet far from being exhausted. Böhm-Bawerk exerted a profound influence on the thought of both his followers and his opponents.

JOSEPH A. SCHUMPETER

Important works: *Kapital und Kapitalzins* consists of two volumes: *Geschichte und Kritik der Kapitalzinstheorien* (Innsbruck 1884, 3rd ed. 1914), and *Positive Theorie des Kapitales* (Innsbruck 1889, 3rd ed. 1909).

Both volumes were reprinted (3 vols., Jena 1921) with an introduction by Friedrich Wieser. The first edition of vol. i has been translated by W. Smart as *Capital and Interest* (London 1890), and the first edition of vol. ii as *Positive Theory of Capital* (London 1891). The additions to the second edition of vol. i are translated by W. A. Scott and S. Feilbogen as *Recent Literature on Interest* (*1884–1899*) (New York 1903). The more important minor works of Böhm-Bawerk have been collected by F. X. Weiss in *Gesammelte Schriften*, 2 vols. (Vienna 1924–26).

Consult: Schumpeter, Josef, "Das wissenschaftliche Lebenswerk Eugen von Böhm-Bawerks" in *Zeitschrift für Volkswirtschaft, Sozialpolitik und Verwaltung*, vol. xxiii (1914) 454–528, and in *Neue österreichische Biographie, 1815–1918*, vol. ii (1925) 63–80.

BÖHMERT, KARL VIKTOR (1829–1918), German social reformer and statistician. In 1866 Böhmert was appointed professor of political economy and statistics at Zurich and after 1875 occupied a similar post at the Dresden Polytechnicum, serving at the same time as director of the provincial statistical bureau (1875–95). His interest in social reform antedated the beginning of his academic career; he edited the *Arbeiterfreund* and the *Sozialkorrespondenz* and contributed to the *Volkswohl*, organ of the Zentralverein für das Wohl der arbeitenden Klassen. In Dresden Böhmert was the pioneer of *Sozialpolitik*, having founded associations to combat poverty and mendicancy, to spread temperance and to promote general welfare, particularly through public health measures.

Böhmert's philosophy of social reform is based on an ethically grounded opposition to class conflicts. His thesis was that assistance must be extended to the poorer groups as a step in the preparation for a more perfect social order in which class differences will be attenuated through more equally distributed opportunities for education and a rise in the standard of living of the masses. In his *Gewinnbetheiligung* (2 vols., Leipsic 1878), the first standard work on the subject, he treated employers and employees as collaborators in a common enterprise, animated by a spirit of mutual confidence and good will. He extended the same idea of mutual good feeling to the international field and advocated as early as 1880 international agreements on labor legislation. Believing that public opinion can be roused to action only through a knowledge of the facts, and that this is equally essential in the formulation of concrete proposals for reform, Böhmert carried out a number of important statistical studies. He investigated Swiss labor conditions, German industrial relations, systems of wage payments, prevalence of child labor and methods of poor relief; he also conducted special seminars on statistical methodology.

HANS GEHRIG

Consult: Schmidt, P., in *Deutsches statistisches Zentralblatt*, vol. x (1918) no. 2, p. 42, containing a bibliography of Böhmert's works, and *Am Born der Gemeinnützigkeit* (Dresden 1909).

BOILEAU, ÉTIENNE (*c.* 1200–*c.* 1269), author of *Livre des métiers*. Upon his return from the crusade to Egypt, on which he accompanied Louis IX, he was appointed provost of Paris. In this capacity he had charge of the administration of justice, finances and military power in the capital. During his administration (1258–69) he exercised considerable severity in eliminating the abuses introduced by previous officeholders. The frequency of disputes about guild regulations, which were still for the most part oral, led him to summon the guild wardens and demand from them a statement of their customs. On the basis of these declarations he drew up a body of unified regulations governing the right to practise a trade, the relations between masters, journeymen and apprentices, and the right of association. These regulations, inspired by a remarkable spirit of equity and fairness, remained with some subsequent revisions the charter of Parisian industry and labor until 1791, when their applicability to changed economic conditions was made the subject of a considerable controversy. The *Livre des métiers* (issued originally about 1268, printed by G. B. Depping, Paris 1837, and more recently by R. de Lespinasse and F. Bonnardot, Paris 1879) contains an account of the earlier guild practises and the authoritative version of the new regulations. It furnishes an excellent picture of the industrial and social life of Paris in the thirteenth century.

ET. MARTIN ST.-LÉON

Consult: Martin St.-Léon, Et., *Histoire des corporations de métiers* (3rd ed. Paris 1922) p. 79–227.

BOISGUILLEBERT, PIERRE LE PESANT, SIEUR DE (known also as Boisguilbert) (1646–1714), French economist. He passed most of his life in Normandy in comparative obscurity, serving as lieutenant general of Rouen from 1690 until his death. His primary concern, as expressed through his writings, was the reform of the economic and fiscal system which prevailed under Louis XIV. His two principal works, *Le détail de la France* (Rouen 1695; tr. into

English as *The Desolation of France*, London 1697) and *Le factum de la France* (Paris 1706), both of which were published anonymously, failed to influence the policy of the government, and he was even exiled for the publication of the latter. These works are valuable for their vivid portrayal of the economic misery of France and the abuses of taxation, as well as for the views they present. Boisguillebert preferred direct to indirect taxation; he recommended the reform of the *taille* and the replacement of *aides* and internal customs by a hearth tax or, as he advocated in *Le factum*, by a tax of one tenth of all incomes, which is sharply distinguished from the tithe favored by Vauban. Contending that wealth consists of goods, not of money, he went so far in his reaction as to declare that money is nothing but a pledge for future transfers and that it has done more harm than good, becoming a "criminal thing" and the "moloch of the world." He stressed the solidarity of interests among economic classes and the equilibrium of economic forces and maintained that in order to bring about prosperity "il n'y avait qu'à laisser faire la nature et la liberté." It is, however, a mistake—spread by the French writers of the liberal school—to regard Boisguillebert as a free trader or an apostle of freedom in general. He opposed, indeed, export duties on wheat, but he based his opposition not on low prices to the consumer but on high prices to the producer—a position that procured for him the commendation of Quesnay. It was this solicitude for the farmer that led him to favor bounties on the export as well as prohibitions on the import of wheat, and to commend the Dutch monopolists for destroying a part of their crops in order to raise the price of the rest. He was, in short, an upholder not of commercial or industrial freedom, but of agrarian protection.

EDWIN R. A. SELIGMAN

Works: Boisguillebert's complete works were published under two titles, *Détail de la France sous le règne présent*, 2 vols. (Brussels 1707, 2nd ed. 1712), and *Testament politique du maréchal de Vauban*, 2 vols. (Paris 1707–08, 2nd ed. 1712). His important works were reprinted with a critical note in E. Daire, *Économistes financiers du XVIII^e siècle* (2nd ed. Paris 1851) p. 151–416.

Consult: For the older view of Boisguillebert: Cadet, F., *Pierre de Boisguillebert, précurseur des économistes* (Paris 1870); Skarzynski, W. von, *Pierre de Boisguillebert und seine Beziehungen zur neueren Volkswirthschaftslehre* (Berlin 1873). For the newer view: Talbot, A., *Boisguilbert: ses théories et leur place dans l'histoire des doctrines économiques* (Paris 1903); Breglia, A., "L'opera economica del Boisguillebert" in *Economia*, vol. v (1924) 164–90; Frotier de la Messelière, M., *Boisguilbert et la liberté du commerce des grains* (Paris 1903); Durand, R., *Essai sur les théories monétaires de P. de Boisguilbert* (Poitiers 1922).

BOISSEL, FRANÇOIS (1728–1807), a Jacobin and one of the precursors of communism. The central theme of his doctrine was revealed in the *Discours contre les servitudes publiques* (n. p. 1786), in which, after a Rousseauistic apotheosis of the natural society where supposedly neither property nor money existed, he proceeded to defend the right of the modern state to control all wealth. *Le catéchisme du genre humain* (n. p. 1789, 2nd ed. Paris 1792) established his reputation; but its attacks on "property, marriage and religion"—the principal institutions of the "mercenary, homicidal, anti-social order"—and its proposal of a radical reform of education to restore men to the natural social order led to a denunciation of Boissel by the bishop of Clermont in the National Assembly, November, 1789. Boissel vigorously defended himself in an *Adresse de l'auteur du catéchisme du genre humain aux utiles et vrais représentants de la nation française* (n. p., n. d.). As a member of the Jacobin Club he criticized the "Declaration of the Rights of Man" proposed by Robespierre in 1793, and drew up a substitute "Declaration of the Rights of Sans-Culottes."

A pantheist akin to both Spinoza and Morelly, Boissel regarded nature as a divinity whose laws governed the ideal state of society. But this ideal state was a goal toward which man could progress, not merely a utopia from which he had fallen. Boissel's views on communism, which closely resemble those of Babeuf, distinguish him, according to Jaurès, as the direct ancestor of Saint-Simon.

BORIS SOUVARINE

Consult: Grünberg, K., "Einige Beiträge zur Entwickelungsgeschichte des modernen Sozialismus, François Boissel" in *Zeitschrift für die gesammte Staatswissenschaft*, vol. xlvii (1891) 207–52; Jaurès, J., *Histoire socialiste de la révolution française*, 8 vols. (2nd ed. Paris 1922–24) vol. viii, p. 99–111.

BOISSIER, GASTON (1823–1908), French historian of classical antiquity. As teacher and writer he was an outstanding figure in popularizing the history and literature of ancient Rome. In his *Cicéron et ses amis* (Paris 1865, 14th ed. 1908; tr. by A. Jones, London 1897) and in his *L'opposition sous les Césars* (Paris 1875, 5th ed. 1905) he pictures the social life of the time and analyzes the underlying causes

of the persistent discontent. Boissier, like Fustel de Coulanges, recognized the importance of religion as a factor in the development of civilization. In *La religion romaine d'Auguste aux Antonins* (2 vols., Paris 1874; 6th ed. 1906) he traces the development of religious ideas during the first two centuries of the empire and reveals the influence of the new oriental cults as well as of the stoic philosophy; in *La fin du paganisme* (2 vols., Paris 1891; 7th ed. 1913) he treats of the transition from paganism to Christianity and shows how the latter accommodated itself to the Roman classical traditions. Although originally not trained in archaeology and epigraphy he recognized the enormous value of these auxiliary sciences, as is revealed in his *Promenades archéologiques: Rome et Pompéi* (Paris 1880, new ed. 1913; tr. by D. H. Fisher, New York 1905) and his *Nouvelles promenades archéologiques* (Paris 1886, 6th ed. 1907; tr. by D. H. Fisher as *The Country of Horace and Virgil*, New York 1896). In *L'Afrique romaine* (Paris 1895, 5th ed. 1912; tr. by A. Ward, New York 1899) he extended his researches also to the regions of northern Africa under Roman rule. He was trained in the scientific methods of German scholars and combined careful research with unusual charm and clarity of style.

MAURICE BESNIER

Consult: Besnier, Maurice, "L'oeuvre historique de Gaston Boissier" in *Revue des questions historiques*, vol. lxxxiv (1908) 652–84; Monceaux, P., in *Jahresbericht über die Fortschritte der klassischen Altertumswissenschaft*, vol. cxli B (1908) 177–92; Perrot, G., "Notice sur la vie et les travaux de . . . Boissier," and Dorez, L., "Bibliographie des travaux et ouvrages de M. Gaston Boissier" in Académie des Inscriptions et Belles-Lettres, *Comptes rendus des séances* (1908) 644–75.

BOITEAU, DIEUDONNÉ ALEXANDRE PAUL (1829–86), French writer on public finance, economist and man of letters. Upon graduating from the École Normale Supérieure he found himself debarred from a teaching career because of his opposition to the empire. At first he turned to literature for consolation. After 1861, however, when he became associated with the *Journal des économistes*, he devoted his best efforts to the investigation of financial and economic problems. When Thiers was elected president of the Third Republic, Boiteau assumed a minor administrative office and in 1879 became a member of the council of state. As a political pamphleteer and a contributor to the *Temps* and the *Journal des débats* he was for many years a vigorous champion of liberalism in politics.

Boiteau's social study of the *État de la France en 1789* (Paris 1861, 2nd ed. 1889) was followed by a number of books and pamphlets treating such subjects as the financial situation in Italy and in the city of Paris, commercial treaties, the textile industry and French railroads. Particularly noteworthy was his *Traité de la fortune publique et des finances de la France* (2 vols., Paris 1866), the chief value of which lies in its historical account of French finances. It also contains an analysis of the various constituents of the national domain and sets forth a theory of taxation which is an interesting reflection of the liberal view of his time. Boiteau's best contribution to science appeared as the extended article on the French budget in Say's *Dictionnaire des finances*, vol. i (Paris 1889) 501–729; in this work he revised the historical portion of the *Traité de la fortune publique* and added a systematic exposition of the French budgetary mechanism as compared with the mechanisms of other countries.

GASTON JÉZE

Consult: Roquet, L., in *Journal des économistes*, vol. clxviii (1886) 73–77.

BOK, EDWARD W. (1863–1930), American journalist and philanthropist. He was born in the Netherlands and came to this country at the age of six. At nineteen Bok was editor of the *Brooklyn Magazine*. After conducting a newspaper syndicate for a time, he became in 1889 editor in chief of the *Ladies' Home Journal*. It was in this capacity that he exercised a great influence over the life and thought of the American home. Bok was convinced that woman's place was in the home and that she should have no intellectual or emotional interests outside it; he bitterly opposed woman's suffrage. In his magazine he put a premium upon mediocrity, thus setting the pace for numerous other journals for women. Not only articles but fiction were planned in the office of the *Journal*, which was a leader in the practise, now common, of making a magazine from within rather than selecting its contents from a stream of volunteer offerings. A distinct policy as to economic theories ran through the whole publication, and its fiction was planned to stimulate the consumption of non-essentials as well as luxuries. Its fiction was calculated also to bear out Bok's philosophy of success, as embodied in the dogma: "Success is possible to any young man

of honorable motives." In 1919 Bok retired from editorial work, in which he had amassed a considerable fortune, and devoted his time largely to philanthropic enterprises. In 1923 he initiated the Bok Peace Award, a prize of $100,000 for the best plan to make peace effective and continuous on earth. This was in effect an effort to induce the United States to enter the League of Nations. Bok also instituted a series of prizes for high class advertising.

SILAS BENT

Important works: *The Americanization of Edward Bok* (New York 1920); *Dollars Only* (New York 1926); *How the Y. M. C. A. Made Good* (Philadelphia 1919); *Successward* (New York 1895, 3rd ed. 1896); *Why I Believe in Poverty, as the Richest Experience a Boy Can Have* (New York 1915); *Perhaps I Am* (New York 1928).

BOLINGBROKE, LORD, HENRY ST. JOHN (1678–1751), English statesman and political philosopher. Bolingbroke was an active leader and organizer of the Tory party under Queen Anne. Compromised—to what extent is still debatable—with the cause of the Pretender, he fled to France on the accession of George I. Although he was allowed to return to England in 1723 he was not given full civil rights. Excluded from the House of Lords and active politics, he used his pen, his wit and his social graces to undermine Walpole's rule. Opinions as to the real worth of Bolingbroke, both as one of the founders of the Tory party and as a political thinker, differ greatly with the allegiances of his critics. The traditionally accepted Whiggish view, represented by Leslie Stephen, is perhaps unjustly derogatory.

Bolingbroke must certainly be considered one of the builders of the English party system. He helped to manipulate the scattered groups in opposition to the Orange Whigs into the party that made the peace of Utrecht; he virtually founded in the *Craftsman* (1726–36) the modern party organ. In this pamphlet newspaper he and his collaborators (Swift, Arbuthnot, Amherst, etc.) definitely sought to create a "public opinion" outside Parliament capable in the long run of overthrowing the parliamentary Whig oligarchy; they were, in short, "going to the country."

Bolingbroke's philosophical method is to his detractors a rather barren kind of rationalism, to his admirers an appeal to earthy common sense against theology and metaphysics. At any rate the young Voltaire found in Bolingbroke's work—and conversation—an attack on revealed religion and a defense of a natural order obvious to philosophers if not to the unenlightened. And Pope found in Bolingbroke the entire philosophy of the *Essay on Man*. The political writings of Bolingbroke (chiefly the *Dissertation upon Parties*, 1734; *Letters on History*, 1735; *Idea of a Patriot King*, 1738) were widely read at the time and not without influence. George III was brought up to consider himself a "patriot king." Bolingbroke was at least no standpatter; he would make England over according to a better model. His reading of history, the true teacher of statesmen, in which he found the model for such a reconstruction, may be briefly summarized: the English constitution with its checks and balances, its liberties of the subject, its parliamentary immunities and its royal prerogative has in the past stood for a due adjustment of social structure to human needs; a new monied class, parliamentary corruption, party politics as the Whigs understand them, have upset this harmony; the new—which is really the old—England will be born of an alliance between her patriot king, educated in a true sense of his duties, and her people; this alliance will destroy the un-English Whig oligarchy. To Disraeli and his fellow Tory democrats of the 1840's Bolingbroke seemed, in spite of his failure to notice the misery and the poverty of the masses in eighteenth century England, to have anticipated their doctrine, and they accordingly gave him high place among English political thinkers. To Burke, on the other hand, he was a shallow believer in a natural society as opposed to existing society and therefore a believer in abstract reason instead of in good British prejudices. In true retrospect he is best seen as a good Augustan, a man of common sense and measure, a sound English empiricist, but without an imaginative foresight of the antinomies of the next century.

CRANE BRINTON

Works: Bolingbroke's *Works*, ed. by David Mallet, 5 vols. (London 1753–54).

Consult: Collins, J. C., *Bolingbroke, a Historical Survey; and Voltaire in England* (London 1886); Stephen, L., *History of English Thought in the Eighteenth Century*, 2 vols. (3rd ed. London 1927) vol. ii, p. 168–80; Sichel, W. S., *Bolingbroke and His Times*, 2 vols. (London 1901–02); Robertson, J. M., *Bolingbroke and Walpole* (London 1919); Hearnshaw, F. J. C., "Henry St. John, Viscount Bolingbroke" in *Social and Political Ideas of Some English Thinkers of the Augustan Age, A.D. 1650–1750*, ed. by F. J. C. Hearnshaw (London 1928); Ludwig, Walter, *Lord Bolingbroke und die Aufklärung; eine Untersuchung seiner Geschichtsauffassung und seiner Staatstheorie* (Heidelberg 1928).

BOLÍVAR, SIMÓN (1783–1830), Latin American revolutionary leader and statesman. Bolívar was born at Caracas, Venezuela, of an aristocratic Spanish family. He completed his education in Madrid, traveled extensively in Europe and became acquainted with the writings of Montesquieu, Voltaire and Rousseau. In 1807 he returned to Venezuela and joined the revolutionary movement against Spain. By a long series of military victories over the Spaniards and South American royalists (1810–24) Bolívar, aided by his chief lieutenant, Sucre, brought about the liberation of Venezuela, Colombia, Ecuador, Panama, Peru and Bolivia. As a military commander Bolívar excelled in energy, perseverance, audacity and inspirational power, rather than in strategic ability.

Bolívar believed that the federal system was too advanced for the Latin Americans in their existing stage of political development. In 1819 he maintained that the chief executive and the upper legislative house of Venezuela should be modeled after those of England. The constitution which he framed for Bolivia in 1826 vested the executive power in a president who was to be elected by congress and to hold office for life. He wished to have this centralistic constitution adopted by other South American states and even dreamed of establishing a Latin American federation of all the states below the Isthmus of Panama. When he returned to Colombia in 1826 he became the uncrowned king of northern South America. Villanueva's thesis that at the end of his career Bolívar was a monarchist has been vigorously denied by other Venezuelan writers.

WILLIAM SPENCE ROBERTSON

Consult: Robertson, W. S., *Rise of the Spanish American Republics* (New York 1918) ch. vii; *Simón Bolívar . . . por los más grandes escritores Americanos* (Madrid 1914); Monsalve, J. D., *El ideal político del libertador Simón Bolívar*, 2 vols. (Madrid 1916); Parra-Pérez, C., *Bolívar, contribución al estudio de sus ideas políticas* (Paris 1928); Villanueva, C. A., *La monarquía en América* (Paris 1912); Angell, Hildegarde, *Simon Bolivar* (New York 1930).

BOLLMANN, JUSTUS ERICK (1769–1821), early writer on American banking problems. Bollmann was a German physician whose political adventures carried him in the course of a relatively short life to several European countries and the United States. After having been imprisoned in Austria for attempting to free Lafayette from a similar plight, he came to America in 1796. He was given a consular appointment by Jefferson and in 1806 became implicated in Aaron Burr's conspiracy. After 1816 he resided for some years in London.

In the period of stormy controversy over the rechartering of the First United States Bank, Bollmann appeared as a staunch defender of commercial banking, the principles of which he understood better than did most of his American contemporaries. He was among the first to recognize the fact that bank deposits are created in part by loan and discount operations of the banks, and to appreciate the advantages resulting from the elasticity of bank media of payments. He thought that banknotes issued in the discounting of short time obligations arising out of commercial transactions are the best type of national currency. Although he believed that such banknotes could not be overissued and depreciated, he proposed in his *Plan for an Improved System of the Money Concerns of the Union* (Philadelphia 1816) a curious scheme of redemption; according to this scheme there would be within each state redemption in notes of a single bank designated for that state, these notes in turn to be redeemable in the notes of a national bankers' bank. In his *Paragraphs on Banks* (Philadelphia 1810) he urged the rechartering of the First United States Bank, but he considered the charter for the second an "ill-judged scheme." In *A Letter to Thomas Brand, Esq., . . . on the Practicability and Propriety of a Resumption of Specie Payments* (London 1819) and in *A Second Letter . . . , in which Doubts are Suggested on the Practicability of the New System of Bullion-Payments . . .* (London 1819), Bollmann contributed to a discussion of English banking and currency problems.

HARRY E. MILLER

Consult: Kapp, Friedrich, *Justus Erick Bollmann, ein Lebensbild aus zwei Welttheilen*, 2 vols. (Berlin 1880); Miller, H. E., *Banking Theories in the United States before 1860* (Cambridge, Mass. 1927).

BOLSHEVISM is the name applied to a particular development of Marxian doctrine which was worked out during the first quarter of the twentieth century by a group of Russian revolutionists and more particularly by V. I. Lenin (*q.v.*). There are several important differences between Bolshevism and other schools of Marxism, for instance, German Social Democracy. Bolshevik theorists contend that the seizure of power by the proletariat need not and should not be postponed until the appearance of all the objective conditions necessary for the inaugura-

tion of socialism. The seizure of power is to be accomplished not through the constitutional method of obtaining a majority in parliament, but through an armed insurrection organized at the most propitious moment by strongly disciplined and centrally directed local groups. When the dictatorship of the proletariat, aided by other revolutionary elements, is thus established, it is to be used not merely against the embattled bourgeois classes but also to accelerate the socialization of the economic system. Bolshevik doctrine has two distinct roots, one in the peculiarities of the economic and political situation in pre-revolutionary Russia, the other in the important changes in capitalistic organization of the more advanced countries which were brought to general attention by the World War.

Toward the end of the nineteenth century there could be distinguished among the critics of the existing order in Russia three groups: the liberals, the Marxists and the populists or *narodniki*. The liberal bourgeoisie opposed the unrelieved autocratic regime and demanded constitutional democratic reforms and abolition of the vestiges of the feudal order. Like the liberals, the Marxists foresaw industrialization and modernization of the country under a developing capitalism as the immediate step in Russia's progress; but they counted upon the growth of an industrial proletariat which was to play an important part in the struggle for political freedom and the advance toward a socialist goal. The populists, representing the peasant interests, opposed the government as the bulwark of the landed nobility, championed the old communal life and communal institutions of the village and hoped that Russia could avoid the evils of capitalism by basing its development on a semi-mediaeval peasant communism, which they saw embodied in the village community. The problems which confronted the Marxists under the circumstances were the adoption of the proper tactics with regard to the other groups in the joint struggle for political freedom, and the creation of a type of party organization which would prepare the proletariat to play its part most effectively in the revolutionary movement. It was in relation to these questions that Bolshevism arose as a specific doctrine.

The way in which the Bolsheviks envisaged the strategy of the revolution in Russia is seen most clearly in their interpretation of the theory of the bourgeois-democratic revolution. In Russia where autocratic rule and remnants of feudalism survived, the first stage of the revolution would, according to this theory, be bourgeois-democratic rather than socialist in character; it would be designed like the revolutions of 1848 in western Europe to free society from the shackles, both political and economic, which were hindering the fullest possible development of capitalism. The peasantry and the urban petty bourgeoisie, as well as sections of the capitalist class itself, would combine in the movement against autocracy and mediaevalism. Admitting the validity of this forecast, Lenin argued further that where an industrial working class was already fairly well developed, the mass driving force of the revolution even at this stage would be proletarian in character. Indeed, the only assurance that the second phase of the revolution, the socialist stage, would sooner or later succeed the first, lay in the fact that the working class would take a prominent part in the revolutionary movement from the outset and consolidate itself in important positions. To the extent, however, that the proletariat extended its influence and advanced its own interests, the bourgeoisie would tend to forsake the revolutionary movement and later to oppose it. This would force the proletariat to seize power from the bourgeoisie, even though it was not prepared to proceed to the immediate inauguration of socialism. In an agrarian country like Russia where the urban working class constituted only a small minority of the population, it would manifestly be impossible for the proletariat to retain power for long unless it were aided by a majority of the peasantry. While not socialistic, the revolutionary demands of the peasantry are considerably more radical than those of the other strata of the bourgeoisie. It should be possible, therefore, for the proletariat, perhaps at the cost of certain concessions to peasant individualism, to cement a firm alliance with the revolutionary elements in the village. The resulting alignment of ruling forces, which may be characterized as the "dictatorship of the proletariat," would in effect represent "a form of class alliance between the proletariat and the various strata of the non-proletarian working masses," mainly the peasantry.

To prepare the proletariat for this historical role and to organize the final seizure of power Lenin insisted that a disciplined revolutionary party was essential; proletarian at its core, intimately linked with the workers in their day to day struggles, the party must at the same time be centralized in its execution of policy like a military apparatus. This was necessary because a

successful revolution cannot arise spontaneously; spontaneous risings of the proletariat would degenerate into purposeless riots, arson and personal acts of violence. Only a minority of a depressed and subject class could be expected to be politically conscious or sufficiently enlightened to formulate a goal and pursue it intelligently. To the proletarian revolution, therefore, the masses were to be the limbs and muscles, the party machine the nervous system and the party executive the planning and directing brain.

The differences between the Bolshevik views and those of other Marxists received a definite expression for the first time at the second Congress of the Russian Social Democratic Party held in Brussels and London in 1903. The disagreements at this time centered about what at first sight might appear to be trifling questions of party organization. At this time numerous revolutionary groups—incipient trade unions, strike committees, study groups—were spontaneously springing up all over Russia. The problem before the Social Democrats was to integrate these under the direction of a single political party. J. O. Martov (*q.v.*) and P. B. Axelrod (*q.v.*) favored a fairly free and decentralized type of party organization and a "wide" basis of membership, which would admit all who sympathized with the party program. Lenin, on the other hand, wished the party to be composed of professional revolutionaries, well disciplined and carrying out orders from the center. Spontaneous ad hoc groups could exist alongside and outside the party; all that was necessary was that a selected few, an élite of those participating in these groups, should belong to the party and follow its lead. "It would be far better," he declared, "that ten men who worked should not call themselves members of the party than that one chatterbox should have the right and the opportunity to become a member." Clearly, the difference was traceable to a deeper divergence in the conception of the revolution and of the role of a proletarian party. At this time Trotsky supported Martov, while G. V. Plekhanov (*q.v.*), the recognized intellectual leader of Russian Marxists, sided with Lenin. Lenin's proposal was defeated at the Congress; but in the vote for the central committee his group secured the majority. It was then that the majority faction became known as "Bolsheviki" (from *bolshinstvo*, meaning majority) and the other group as "Mensheviki" (from *menshinstvo*, or minority).

The period of mass strikes and revolutionary risings in 1905, when workers' Soviets for the first time came to the fore, exposed further the fundamental differences between the Menshevik and Bolshevik interpretations of the bourgeois-democratic revolution and of the proper role of the working class in relation to it. At that time disputes arose which were ultimately to cause the two factions to form separate party organizations. Against Lenin's view that the proletariat must take a lead in the revolution from the outset the Mensheviks held that the bourgeoisie would be the driving force in the first stage and that the socialists must subordinate themselves to the purely liberal movement. Hence they began to advocate a political alliance with the bourgeois parties while Lenin, insisting that the liberal bourgeoisie had already become a weak and vacillating force which would very soon pass over into the camp of reaction, emphasized the need for an alliance with the peasantry. When the general strike came in 1905, the Bolsheviks desired the Soviets to advance from mere strike committees to organizers of armed insurrection; and they raised the slogan of the "democratic dictatorship of the proletariat and peasantry," which would substitute a democratic republic for the tottering absolute monarchy. The Mensheviks now had the support of Plekhanov, whose disagreements with Lenin were becoming increasingly pronounced. Trotsky and his center group leaned toward the Bolshevik policy of extending the strike into an insurrectionary movement, but supported the slogan of "a labor government," being averse to linking the movement with the individualistic demands of the peasantry.

The World War brought with it the extension of Bolshevik doctrine to an interpretation of conditions and a statement of strategy to be pursued in other countries. Lenin was deeply impressed with the failure of the majority socialists in the principal belligerent countries to comply with the resolution of the Stuttgart International Socialist Congress (1907), which called for a general strike and, as a second step, for a revolutionary rising in the case of a European war. In the international socialist conferences at Zimmerwald (1915) and Kienthal (1916) he demanded a complete break with the parties which took the "national defense" point of view, and a separate international organization of those left wings which would take advantage of the existing situation and transform the imperialist war into a civil war. In a series of writings in the

years 1915–18, of which the most important are *Imperialism, the Final Stage of Capitalism* and the *State and the Revolution* (Eng. tr. of both in one volume, New York 1927), he developed a theoretical justification for the call to an immediate proletarian revolution in all industrial countries.

Drawing largely upon J. A. Hobson's *Imperialism* (rev. ed. London 1905) and on R. Hilferding's *Finanzkapital* (Vienna 1910, 3rd ed. 1923) and making use of a wide variety of current economic studies, Lenin attempted to show that the capitalism of the twentieth century was becoming more and more monopolistic and predatory. With its giant trusts and international cartels and its production for a world market, it was inseparably bound up with imperialism, the struggle of big national groups to carve out the hitherto undeveloped agrarian lands for their several benefits in the form of colonial preserves. This imperialist stage was pregnant with new instabilities, crises and wars considerably greater than any which had gone before, leading eventually to economic decline. In the economic invasion of the backward countries by the more advanced industrial nations capitalist exploitation was assuming a new form which had its counterpart in a new form of class struggle, the nationalist revolt of the colonial peoples striving to throw off the imperialist yoke and to develop their countries under their own control. Capitalism was thus becoming increasingly decadent rather than more perfect, and was leading away from rather than toward socialism. Socialism could come only after the proletariat had transferred power to itself and by expropriation abolished class monopoly. This struggle for power could not take a constitutional form or work through the channels of the existing political regime because the latter was fundamentally an instrument for the preservation of the hegemony of the capitalist class. Even under the most favorable circumstances parliamentary democracy in a class society could not be more than a mere form, deceptive window dressing to bemuse the masses. In the monopolist-imperialist state the government became increasingly subordinate to the interests of the ruling class. Control of the press and of electoral funds, the domination of the administrative machinery by a bourgeois personnel and the influence of the enormous aggregations of financial power on both parliament and the executive-administrative arm reduced to insignificance the universality of the franchise. The struggle for power must take a revolutionary form and in its final stages be transformed into an armed insurrection. Having used force in the seizure of power, the proletariat must of necessity erect its own apparatus of governmental coercion and use it not only to repress counter-revolution but also to lay the foundations of a socialist society. This was Lenin's interpretation of the transitional stage to socialism which Marx characterized as "the dictatorship of the proletariat."

With the revolution of March, 1917, in Russia, an exceedingly interesting situation was created. According to Lenin's theory the first stage of the bourgeois-democratic revolution had taken place. A republic was in existence, autocracy had been swept away and power had been transferred to the bourgeois class. At the same time the driving force of the revolution had been the workers and peasants, who had created their own mass organizations, the Soviets. These Soviets continued to exist and to exert a considerable influence. The Mensheviks and the Social-Revolutionaries, the peasant party, formed a coalition government with the bourgeois parties but at the outset were responsible to the Soviets and reported to them. The advent of the second socialist stage of the revolution, however, they regarded as out of the question for the moment. The most radical among them did not believe that Russia could take the initiative in this in advance of the more developed western nations. The democratic revolution must be consolidated. A constituent assembly must be summoned and the Soviets, as the extraordinary organs of a revolutionary period, must be relegated to a subordinate place. For a period capitalism must be given rein to develop, free from the restrictions from which it had suffered under the autocratic government; indeed, it must be definitely encouraged by the bourgeois state. For the immediate present the war with Germany must be fought to a successful conclusion.

As indicated by the attitude of its central committee the Bolshevik party at this time, while favoring the continued existence and influence of the Soviets and through them the maximum proletarian "pressure" on the course of events, did not regard the proletarian seizure of power as an imminent possibility. They thought it sufficient to criticize the coalition government and exercise pressure upon it as a radical opposition; they did not advocate any immediate or open revolution, did not anticipate rallying the masses in order to displace the

coalition by a government based on the Soviets. Kamenev, a member of the Bolshevik old guard, declared that for the present the bourgeoisie must be allowed to complete the bourgeois-democratic revolution. Lenin, however, on his return from Switzerland in April immediately called another tune. For him the existing situation was one of unstable equilibrium in which the workers' Soviets must either advance and place power in the hands of a peasant-worker alliance or else allow themselves to be reduced to a subordinate position as soon as the bourgeoisie had consolidated its power. True, he argued, socialism could not be immediately introduced in Russia; this her economic backwardness prevented. But the transfer of power to the workers could be achieved, given a favorable political situation; moreover the present situation in which the bourgeoisie was weak and the proletariat strong was unique and might not recur for several decades. In his famous "April theses" presented to the All-Russian Party Conference held in Petrograd on May 7–12, 1917, Lenin defined the peculiarity of the situation in Russia as consisting in the transition from the first stage of the revolution, which as a result of the insufficient class consciousness and the defective organization of the proletariat had placed power in the hands of the bourgeoisie, to the second stage, namely, the placing of power in the hands of the proletariat and of the poorest peasantry. He advocated immediate agitation "not for a parliamentary republic, because a return to this from the Soviets would be a step backward, but rather for a republic of Soviets of workers', landworkers' and peasants' deputies, embracing the whole country and all strata of the workers." Lenin finally won over the majority of the party to his point of view. By the autumn the economic crisis had grown much worse, discontent in the army and throughout the countryside had gathered force and the clash between workers and capitalists in industry had become intensified. The Bolsheviks, who now held a majority in the Soviets of Moscow and Petrograd, issued the slogan, "Down with the Bourgeois Government; All Power to the Soviets," and organized the armed seizure of power which constituted the November Revolution.

With power in its hands, the Bolshevik party found itself confronted with a series of difficult problems. The army on the front was completely disorganized and there was danger of German invasion. The economic life of the country was at a standstill; in many districts there was an unorganized seizure of landed estates by the peasants, while the revolutionary initiative of factory committees extended the principle of "workers' control" so as to deprive the management of any substantial power. For the immediate present, therefore, the problem was not to introduce complete socialism, but to preserve the results of victory, to occupy and hold the strategic key positions, to consolidate class power until life in the country could be organized on a normal basis and until the outbreak of a proletarian revolution in the West could give the necessary support for the socialization of backward Russia. Nor was this out of accord with Bolshevik doctrine. Lenin in his April theses had said: "Not the introduction of socialism is our first task but only the taking over of the control of social production and distribution of all produce by the Soviets."

Lenin, who had counseled courage and daring in the actual seizure of power, now advised caution in face of the giant tasks of economic reconstruction. He believed that for a time the "dictatorship of the proletariat" must allow in the economic sphere a "mixed system," in which private enterprises, "mixed companies" (financed by state and private capital), foreign "concessions" and small scale peasant agriculture would coexist with nationalized large scale industry. This would differ essentially from the elements of state capitalism to be found in other countries because the workers' state based on Soviets held the economic "key positions" as well as the mere form of legal authority, and because by the expropriation of large scale industry the economic basis of a propertied bourgeois class had been abolished. The state would use its hold on the reins of power to guide social development in a new direction—that of a classless society. This would be accomplished by the gradual sapping of the remaining differential advantages of a moneyed class and by the extension of the sphere of socialist enterprise in the economic system.

For the first eight months of the Soviet regime, therefore, the state tried to induce private owners to continue the operation of their enterprises, at least until such time as the state could build the machinery necessary for industrial control. At the outset only enterprises of great importance such as banks, electric power stations, transport and the apparatus of the grain trade were nationalized. Not until May, 1918, was a whole industry nationalized, the sugar industry. By the end of May three

hundred separate concerns had been nationalized, but they had been taken over for various specific reasons, in a number of cases because their owners refused to continue to work them. Negotiations were actually carried on with groups of leading capitalists for the creation of a giant metallurgical trust, jointly financed by private and state capital. In the state administration itself the cooperation of scientists, technicians and engineers was eagerly sought and special salaries were offered to them. At the same time the private capitalism which continued to exist was distinctly an "encircled capitalism." Central economic departments were set up by the state, which issued regulations for the control of various industries very similar to the wartime controls which appeared in most belligerent countries. The workers' committees in each enterprise were given fairly extensive legal powers, usually with the alleged object of preventing private owners from closing down their factories.

With regard to agriculture the first act of the new government was one never considered socialistic; designed to break the power of the landlord class and bring social equality to the countryside, it was rather a completion of the bourgeois-democratic revolution. This act was the Land Decree which authorized the division among the peasantry of the old landlords' estates; only the best organized estates, comprising some four percent of the area held by this class, were converted into state model farms. By this act Lenin's principle of the alliance with the peasantry was established; it was politically reflected in the entry of representatives of the largest peasant party, the Left Social Revolutionaries, into the government and in the allotment to them of several ministerial posts.

By the end of June, 1918, the recrudescence of civil war and the invasion of Soviet Russia by the white armies on several fronts introduced a substantially new situation. Already the refusal of private owners to continue their enterprises and the excesses of the factory committees, which in defiance of the central authorities often attempted to take into their own hands the running of factories, had hastened the pace of nationalization. Now the need for mobilization of all resources for war purposes impelled a still higher degree of centralization and led to the general nationalization decree of June 28. In connection with the grain crisis one of the first acts of the Provisional Government in 1917 had been to declare a state grain monopoly. In the spring of 1918, faced by further grain difficulties, the Soviet government introduced the policy of requisitioning the peasant surplus—forcing sales of grain to the state collecting organs at the official prices. And under pressure of civil war this policy of requisitioning came to be enforced with increasing rigor.

This system of "war communism," with its grain requisitioning, its excessive centralization of economic administration and its organization of exchange as a giant system of state barter was, therefore, an improvisation to meet a military emergency, rather than part of the Bolshevik plan. It was simply an extension of the extraordinary measures which most belligerent countries took in wartime, with the difference that the Soviet government was concerned also with the elimination of the class influence of the bourgeoisie. With the end of the civil war in December, 1920, this improvised system was abandoned and a return was made to more normal peacetime lines of development under what was known as the New Economic Policy. Grain requisitioning ceased and free trade in grain was restored. About four thousand of the smaller factories were handed back to private owners and certain enterprises were offered as "concessions" to foreign capitalists. A wholesale decentralization of economic administration was introduced, industry being reorganized into some three or four hundred "trusts," each with its board of directors appointed by and responsible to the higher economic organs, but free to operate on the market at its own discretion as a semi-autonomous financial unit. This New Economic Policy was neither a complete novelty nor a "retreat" from an unrealizable utopia, but rather a partial return to the transitional system which Lenin had tried to put into effect during the first eight months after November, 1917.

Acute discussions had always taken place within the Bolshevik party concerning matters of policy or the appropriate application of Bolshevik principles to a changing situation. The most important early issue after the introduction of the New Economic Policy concerned the relations with the peasantry. During 1923–24 Trotsky, in keeping with his pre-revolution theories, maintained that it was now necessary to commence a direct offensive against peasant individualism, whereas the official policy favored the preservation of the alliance with the middle and poor peasantry by the continuance of concessions to its economic interests. The outcome

of this discussion was a confirmation of the official policy, which disavowed the intention to crush out the individualist peasant and proposed instead that the development of peasant agriculture be encouraged. The peasant was gradually to be drawn into socialism by the extension of the cooperative system, first to the common ownership of machinery and appliances and eventually to actual cultivation on a collective basis. Again in 1926–27 and in 1928–29 disputes arose concerning the rate at which industrial development should be pushed and the measures to be taken to curb the growth of the rich, semi-capitalist peasant (*kulak*), a "Left" opposition element pressing for faster industrialization and a more stringent policy in the village, and a "Right" element pressing in 1928–29 for greater moderation.

The economic policy of the Bolsheviks represents a fairly consistent attempt to carry out three main aspirations: first, to transform Russia as rapidly as possible from an agrarian into a modern industrial community by the electrification of industry, the building of new factories and railways, the development of up to date large scale farms; second, to extend the sphere of socialist enterprise in trade and industry and to narrow that of private enterprise; third, to combat the rise of a new bourgeois class, particularly in the village, by every possible means, including differential credit policy with regard to private traders and heavy progressive taxation. Studied in detail this policy exhibits continuing oscillations because of the necessity for adjustment to a constantly changing situation. It must make allowances for pressing immediate needs and temporary conflicts of interests of various groups, and keep at the same time to the fundamental long time plan of industrialization and socialization. The details of policy are not adhered to as hard and fast principles, so that the temporizing and compromising involved in the process represent not a retreat but a series of adjustments calculated to retain power through the period of transition in order to use it as far as possible to afford preference and prepare ultimate victory for the collectivist elements in the economic structure of the country.

Politically the dictatorship of the proletariat is conceived as implying the existence of only one party, the ruling Communist party. Political parties, according to the Marxist philosophy, are considered as the product of distinct class interests or of groupings within the propertied class. In a classless society the need for separate organized representation of these divergent policies would no longer exist; while in the transition period such alternative parties would inevitably represent antiproletarian tendencies, inconsistent with the proletarian dictatorship. There could be only one policy expressing the highest group interests of the workers, only one policy which in given circumstances was the shortest road to socialism. It was the duty of the ruling party to discover this correct policy. The guaranty of its doing so would be found in intimately linking the party with the masses and in providing for the full expression of the sentiments and interests of the masses through the Soviets on the one hand and the trade unions on the other. The existence of rival parties would not necessarily aid the discovery of this correct policy, while in a critical period, with counter-revolutionary tendencies at work and socialist institutions still undeveloped, party conflict might produce a vacillating policy and result in disaster.

Although no opposition parties are permitted, full discussion of policy and criticism on points of detail are encouraged through the Soviets, provided that such criticism does not become a political criticism aimed at the hegemony of the Communist party. At the same time every encouragement is given to non-party members to participate in the work of the Soviets. Thus in 1927, 90 percent of the members of village Soviets and three fourths of their chairmen did not belong to the party. On the executive committee of the counties (*volosts*) nearly half were non-party persons. In the All-Russian Central Executive Committee 78 out of 300 were non-Communists.

The Communist party in Russia comprised in January, 1929, some 1,500,000 members, of whom more than half were workers at the bench or working peasants. Admission is as strict as that to an "order," and certain standards of knowledge, character and conduct are required. The general lines of state policy are formulated and initiated by the party, in nearly all cases after fairly full discussion inside the party ranks as well as publicly in the party press. The matter is then laid before the Soviet Congress, which discusses, criticizes and makes alternative suggestions, in line with which the official policy is frequently revised and modified. Since the ruling party has the majority, however, the party policy as ultimately decided upon is always carried into force. The party not merely constitutes the dominating majority in the

legislative organs; it also provides the leading personnel of the executive, thus insuring uniformity of executive policy. Failure by party members to carry out the official policy once it has been adopted, the continuance of criticism after discussion has been closed and a policy decided upon, and a fortiori the formation of an organized opposition "faction" within the party are regarded as serious offenses against party discipline.

In addition to dealing with questions of economic policy and political organization, the Bolsheviks as a ruling party entirely responsible for the conduct of the government are forced to concern themselves with a great many other less fundamental problems. Such problems are considerably more numerous than those which confronted any previous ruling group, for the very reason that the Bolsheviks aim to effect a thorough remolding of society and its members. Bolshevik doctrine leaves perhaps its most perceptible impress on foreign policy. Since the advanced industrial countries are considered ripe for a proletarian revolution and the colonial agrarian countries for a new form of class struggle, the nationalist revolt, the Bolsheviks stand ready to encourage the development of revolutionary parties in countries of both types. Their readiness is tempered by the realization that peaceful relations must be maintained with foreign countries lest the socialist development of Russia be endangered. Another instance is the "cultural revolution" which the Bolsheviks are attempting to effect in Russia and which signifies not merely the abolition of illiteracy, the emancipation of women and the democratization of higher education, but also the infusion of the Marxist philosophy into all branches of knowledge and the development of a new art and literature to reflect the emotional values appropriate to a collectivist, classless society.

MAURICE DOBB

See: RUSSIAN REVOLUTION; COMMUNISM; COMMUNIST PARTIES; SOCIALISM; SOCIALIST PARTIES; SOVIET; PEASANTRY; NEW ECONOMIC POLICY; RATIONALIZATION; REVOLUTION; CIVIL WAR; IMPERIALISM; NATIONALISM; PROLETARIANISM.

Consult: N. Lenin's collected works, which afford the best first hand view of the development of Bolshevik theory; they are available in a Russian edition (19 vols., Moscow 1921–25), a German authorized translation (9 vols., Vienna 1927–30) and an English authorized translation (so far only 3 vols. have appeared, London 1927–30); also *Selections from Lenin*, tr. by J. Fineberg, 2 vols. (London 1929).

FOR A STATEMENT OF BOLSHEVIK AIMS: Lukacs, Georg, *Lenin; Studie über den Zusammenhang seiner Gedanken* (Vienna 1924); Bukharin, N., and Preobrazhensky, E., *Azbuka kommunizma*, many Russian editions, tr. by E. and C. Paul as *A B C of Communism* (London 1927); Stalin, J., *Voprosi Leninizma* (Moscow 1926), tr. by E. and C. Paul as *Leninism* (London 1928).

FOR A HISTORY OF THE BOLSHEVIK PARTY AND ITS POLICIES: Rossiyskaya Kommunisticheskaya Partia, *Istoria V. K. P. (b.)*, ed. by E. Yaroslavsky, vol. i– (Moscow 1926–), and *Vsesouznaya Kommunisticheskaya Partia (b.) v rezolutsiakh yeyo s'ezdov i konferentziy, 1898–1926* (All Union Communist party in the resolutions of its congresses and conferences, 1898–1926) (3rd ed. Moscow 1927); Savelyev, M. A., *Direktivi V.K.P. v oblasti khoziaystvennoy politiki za desiat let, 1917–1927* (Instructions of V.K.P. on matters of economic policy for the decade 1917–27) (Moscow 1928); Kaganovich, L. M., *La structure du parti communiste de l'U.R.S.S. (Bolchévik)*, tr. from the Russian (Paris 1926). For a history of the party and Lenin before 1917: Zinoviev, G., *Histoire du parti communiste russe*, tr. from the Russian (Paris 1926); Trotzky, L. D., *Lenin*, tr. from the Russian (London 1925); Martow, J., and Dan, Th., *Geschichte der russischen Sozialdemokratie*, tr. from the Russian by A. Stein (Berlin 1926).

FOR NON-COMMUNIST INTERPRETATIONS OF BOLSHEVIK PHILOSOPHY AND PRACTISE: Laski, Harold J., *Communism* (London 1927); Eastman, Max, *Marx, Lenin and the Science of Revolution* (London 1926); Mautner, Wilhelm, *Der Bolschewismus* (Berlin 1920); Kramar, K., *Ruská krise*, tr. from the Czech by A. Schebek as *Die russische Krisis* (Munich 1925); Nötzel, Karl, *Die soziale Bewegung in Russland* (Berlin 1923); Fülöp-Müller, René, *Geist und Gesicht des Bolschewismus* (Vienna 1926), tr. by F. S. Flint and D. F. Tait (London 1927).

FOR ACCOUNTS OF ECONOMIC AND POLITICAL DEVELOPMENTS IN RUSSIA AFTER 1917: Farbman, Michael S., *Bolshevism in Retreat* (London 1923), and *After Lenin* (London 1924); Dobb, Maurice, *Russian Economic Development since the Revolution* (London 1928); American Trade Union Delegation to the Soviet Union, 1927, *Soviet Russia in the Second Decade*, ed. by Stuart Chase, Robert Dunn, and R. G. Tugwell (New York 1928).

BONALD, LOUIS GABRIEL AMBROISE, VICOMTE DE (1754–1840), French social philosopher. As an *émigré* during the French Revolution Bonald composed at Heidelberg his attack on the democratic philosophy of the revolution, *Théorie du pouvoir politique et religieux dans la société civile, démontrée par le raisonnement et l'histoire* (3 vols., Constance 1796). On the return of Louis XVIII he took an active part in politics, serving as deputy and as minister of state, in which last capacity he presided over the censorship commission.

The *Théorie du pouvoir* . . . was the first of a long series of works extending over a period of thirty-five years through which Bonald aimed to destroy the ideals of the revolution and to build

on their ruins a complete philosophy of traditionalism. In his view freedom of thought and inquiry and political liberty, the premises of the revolution, had destroyed the unity of society, and he sought a return to the stable French society of the seventeenth century and the philosophy of Bossuet. Bonald's system is thus essentially an answer to Rousseau and his doctrine of the social contract. Where Rousseau begins with individuals and individual rights, Bonald begins with the fact of society and tradition as giving the individual a reality. He considers individualism socially dangerous and in *Législation primitive* (2 vols., Paris 1802) attacks its very basis—the independent existence of individual thought and reason—by arguing that all thought requires language, and that language cannot be explained without divine revelation. Bonald's fundamental theocratic principle of government is thus derived from a theory of language. The guiding factor in Bonald's state is religion, which has as its object the repression of the individualist passions. As regards the organization of the state Bonald fell back on a theory of a universal triad of cause, effect and means, from which he deduced the necessary division of the state into the sovereign, the ministry or nobility, and the subjects or the people (see his *Essai analytique sur les lois naturelles, de l'ordre social ou du pouvoir, du ministre et du sujet dans la société*, Paris 1800). Desiring the unity of sovereignty in the state, Bonald argued against Montesquieu's theory of the division of powers. In every sphere of social life he desired above all else unity and stability and held that natural laws had been instituted by God for their attainment.

Next to de Maistre, Bonald was the leading theorist of the traditionalist school of thought in France. His philosophy has had a considerable influence on the modern neo-Catholic traditionalist movement in France and Italy. It has also influenced the shaping of Comte's thought, and through Comte something of the doctrine may be said to have passed into modern sociology.

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Works: *Oeuvres complètes*, ed. by J. P. Migne, 3 vols. (Paris 1859).

Consult: Moulinié, H., *De Bonald* (Paris 1915); Mauduit, R., *Les conceptions politiques et sociales de Bonald* (Paris 1913); Sainte-Beuve, C. A., *Causeries du lundi*, 15 vols. (Paris 1857–62) vol. iv, p. 324–41; Faguet, E., *Politiques et moralistes du dix-neuvième siècle*, 3 vols. (Paris 1891–99) vol. i, p. 69–121; Laski, H. J., *Authority in the Modern State* (New Haven 1919) ch. ii.

BONAPARTE, NAPOLEON. *See* NAPOLEON BONAPARTE.

BONCERF, PIERRE FRANÇOIS (1745–94), French writer on agrarian subjects. While a clerk in the ministry of finance under Turgot he published under an assumed name a pamphlet, *Les inconvénients des droits féodaux*, in which he attacked the contemporary system of feudal dues as ruinous to those who pay them, of little advantage to its beneficiaries and contrary to the principles of freedom. The solemn condemnation of the pamphlet by the *parlement* of Paris, which the king vetoed, and the ensuing controversy in the press, in which Voltaire took a prominent part, established Boncerf's reputation and resulted in the translation of the work into many European languages. In May, 1776, upon the dismissal of Turgot, Boncerf was compelled to retire. He engaged in land reclamation in Normandy and later became secretary to the Duke of Orléans, continuing meanwhile his literary activity. After 1789 he enthusiastically supported in several works the early revolutionary agrarian reforms, which resembled the proposals of his early pamphlets; he also became a member of the municipal government of Paris and served on certain committees of the National Assembly. In 1794 he barely escaped conviction by the revolutionary tribunal on the charge of having aided the Duc d'Orléans to reestablish the monarchy.

ED. ESMONIN

Works: *Les inconvénients des droits féodaux* (Paris 1776, new ed. 1791); *Mémoire sur cette question: Quelles sont les causes les plus ordinaires de l'émigration des gens de la campagne vers les grandes villes, et quels seraient les moyens d'y remédier?* (Paris 1784); *Mémoire sur les moyens de mettre en culture les terres incultes . . . de la Champagne* (Paris 1784); *De la nécessité et des moyens d'occuper avantageusement tous les gros ouvriers* (Paris 1789, 8th ed. 1791); *Moyens pour éteindre, et méthode pour liquider les droits féodaux* (Paris 1790); *De l'aliénabilité et de l'aliénation du domaine* (Paris 1791).

Consult: Foncin, P. F. C., *Essai sur le ministère de Turgot* (Paris 1877) p. 434–41; Thuriet, Charles, "Boncerf" in *Annales franc-comtoises*, n. s., vol. xiv (1902).

BOND HOUSES. *See* INVESTMENT BANKING.

BONDED WAREHOUSES. *See* WAREHOUSING.

BONDING. The practise of bonding, or suretyship, has existed for many centuries. When a person (principal) agrees to pay a debt or per-

form an obligation for a second person (obligee) at some future date, a third party (surety) guarantees the fulfilment of the first person's obligation by signing a bond in favor of the obligee. If the principal fails to meet the condition of the bond the surety must pay to the obligee a stipulated sum, which he may later collect from the principal. With the growing complexity of modern life, however, this system of personal suretyship became unsatisfactory, and beginning about 1840 in England and in 1879 in the United States it gave way to corporate suretyship. Although to some extent bonds are still executed, particularly in rural regions, by personal sureties, most bonds required in political, court and business practise are now furnished by corporations organized for the express purpose of providing dependable suretyship.

Bonding should be distinguished from insurance, with which it is frequently confused. In the case of insurance the underwriter assumes the entire risk as a matter of course and guarantees against loss by an event. He is primarily concerned with the probability of the occurrence of the contingency insured against and fixes his premium rates to cover the losses which he expects to occur. In the case of suretyship the bonding company guarantees against the default of another person and is particularly concerned with the ability of the principal to fulfil his obligation. Theoretically, pure and simple suretyship involves the bonding company in no risk whatever because the principal, who is presumed to be responsible and who is generally legally liable, stands between it and loss. This is largely true of many classes of bonds, particularly those well covered by collateral or those whose issuance is preceded by a thorough preliminary investigation. The surety rates of bonds having a small loss ratio represent payment for service rather than premiums for the assumption of risks; while the operations of the surety company in examining the financial prospects, ability and character of the applicant for a bond, and in providing him credit, resemble those of a bank in granting a loan.

The theory that the bonding company takes no risk has, however, limited applicability to fidelity bonds and practically none to many kinds of license and similar bonds. In these cases underwriters expect to pay their losses from a fund saved for the purpose from the premiums collected, rather than from either collateral security furnished by principals or from cash secured upon the occurrence of loss from responsible principals or indemnitors.

There are several hundred different kinds of surety bonds but the great bulk of them fall into a small number of easily distinguishable classes. Perhaps the most common type of surety bond is a fidelity bond which guarantees the honesty of persons holding positions of trust. To an ever greater extent it has become the practise of financial institutions and in less degree of mercantile and manufacturing concerns to require certain classes of their employees to furnish fidelity bonds as a prerequisite to being hired. Prior to granting a fidelity bond the company in addition to investigating the applicant usually also examines the reliability and the methods of supervision of his prospective employer. Fidelity bonding was the first branch of corporate suretyship to be developed and constitutes at present in point of premium volume nearly one fifth of the bonding business in the United States. This branch of bonding is of the widest public interest; millions of people have occasion at times to furnish a fidelity bond and applications therefor are frequently rejected by the surety companies, with consequences to the applicants of unhappy and far reaching importance.

Bankers' blanket bonds are sold only to banks and similar institutions. They are issued in round amounts running sometimes to very large figures. They guarantee the honesty of the entire staff of the bank and in addition indemnify the bank against losses due to robbery, larceny, burglary, hold up, forgery and similar causes. They are thus in part pure insurance policies. These bonds were first issued by a group of Lloyd's underwriters in England and were not procurable from American companies until 1915. Since then they have had wide usage, their premiums at present amounting to about one eighth of the entire amount collected by bonding companies.

Public official bonds are required by law from most servants of the state in order to secure the faithful performance of their public duties. Although these are primarily fidelity risks they cover much more, by reason of the fact that a public official is generally absolutely responsible for the safekeeping of the public fund and sometimes must make good its loss even when he has not been guilty of dishonesty. If, for example, he deposits the public money in a bank which fails and this results in a loss to the state the public official or his surety must make good the loss. In

some jurisdictions, however, officials may avert this liability by following rigidly certain legislative provisions adopted for their protection.

Another method by which public officials often protect themselves from their liability for the safety of public funds is to require banks to furnish a bond conditioned for the payment of the money upon due demand. The guaranteeing of bank deposits is an important division of the bonding business. The surety companies suffered severe losses in this branch during the financial crisis of 1907 and during the years 1921 to 1929, when over five thousand banks closed their doors.

Bonds constituting a fifth important class are given by litigants in judicial proceedings and include appeal, attachment, injunction and replevin bonds. Many such bonds are in effect endorsements of the principal's obligation to pay a stated sum of money, and the surety companies are willing as a rule to issue such bonds only upon deposit of full collateral security.

Fiduciary bonds, given in connection with the liquidation and distribution of estates, guarantee that executors, administrators, guardians, testamentary trustees and similar appointees of probate courts will faithfully and fully discharge their trusts. These bonds are a great public convenience and benefit, since they safeguard completely the rights and interests of people who are often in peculiar need of such protection.

It has long been true of the federal government, and it has become increasingly the case with minor political units, that no important contract is awarded unless a bond conditioned for the faithful performance of such contract is first filed by the selected bidder. Enormous benefit has accrued to the public from this practise of holding contractors financially responsible for the performance of their work in accordance with the original plans and specifications. It eliminates irresponsible bidding and partially absolves the government agency from the task of ascertaining the trustworthiness of bidders. Countless highways, schools, courthouses, bridges, breakwaters and numerous other public works have been constructed by surety companies under bonds executed in behalf of defaulting principals.

The great variety of adverse contingencies under which in the complex conditions of modern life loss may arise to public or private obligees engenders a considerable diversification in the types of indemnity bonds issued by surety companies. While the more important types were described above, the classification is in fact incomplete since it does not provide for custom house, internal revenue, license and permit and other less commonly used kinds of bonds. The magnitude of the business may be judged from the fact that there were in 1929 in the United States about seventy surety companies with annual premiums in excess of $100,000,000.

Aside from the fact that the contingencies against which bonds protect have a large element of "moral hazard," the variety of bonds issued and the number of companies engaged in the business leave considerable room for individual variation in the making of rates and in other underwriting details. Prior to 1908 competition in rates and commissions among the bonding companies in the United States was so unrestrained and irresponsible that it threatened the solvency of most of them. In that year the Surety Association of America was organized and received the support of all the prominent companies. Since then it has steadily gained in influence. Its principal objectives have been to get its member companies to adopt the premium rates promulgated by the Towner Rating Bureau, to eliminate rebates and to regulate the payment of commissions and brokerage. The Towner Rating Bureau works out rates on the basis of the aggregate experience and judgment of the various companies which supply it with data. As a result of the work of the Surety Association and of the Bureau, the rates named by most surety companies in the case of almost all classes of bonds have for a number of years been uniform. Competition among the companies, however, has continued to be intense in such matters as liberality of bond forms, information and counsel, and dispatch and convenience in rendering service.

Because many kinds of bonds run in favor of political units (contract, official and depository) or of obligees particularly entitled to state protection (fiduciary and probate), the business of corporate suretyship is regarded as affected with a public interest and is therefore subject to supervision by governmental authorities. The surety companies are required to make elaborate reports of their operations to the insurance departments of the states in which they operate. In addition, surety companies issuing bonds in favor of the federal government have for a number of years been subjected to federal supervision. Some of the states interest themselves actively in the rates charged by the com-

panies, deeming it a duty to make sure that the rates are not too high and are yet not so low as to endanger solvency. It has come to be rather generally agreed that surety companies should not be permitted to compete with one another indiscriminately and recklessly in the matter of rates but should on the contrary be required to maintain uniform and adequate rates approved by the public authorities. State departments have accordingly tolerated the stabilizing activities of the Surety Association and of the Towner Rating Bureau.

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See: SURETYSHIP AND GUARANTY; INSURANCE; BAIL; AUTOMOBILE INSURANCE; BANK DEPOSITS, GUARANTY OF.

Consult: Lunt, E. C., *Surety Bonds* (New York 1922); Mackall, L. E., *The Principles of Surety Underwriting* (4th ed. New York 1929); Blanchard, R. H., and Moore, G. D., "Corporate Bonding" in Casualty Actuarial and Statistical Society of America, *Proceedings*, vol. vii (1920–21) 23–35; Rathbone, Joel, "Surety and Fidelity Insurance" in *The Business of Insurance*, ed. by H. P. Dunham, 3 vols. (New York 1912) vol. ii, ch. lxiii; Huebner, S. S., *Property Insurance* (new ed. New York 1922) ch. xxix; Riegel, R., and Loman, H. J., *Insurance Principles and Practice* (rev. ed. New York 1929) ch. xxviii; Towner, R. H., *The Scientific Basis of Fidelity and Surety Rates* (New York 1924).

BONDS. A bond is a formal instrument evidencing a debt and promising to pay a specific sum of money. The underlying contract may include additional provisions such as a specific future date of payment or a pledge of security. A bond is issued under a general agreement, the parties to which are on the one hand the borrowers, either a corporation or a government, and on the other the holders of the bonds, with sometimes a trustee (generally a trust company) acting as intermediary. The contract is enforceable by law against a corporate debtor, but it is practically unenforceable against a sovereign public debtor, unless the latter, which normally is subject to no higher power, should divest itself of this immunity. Bonds generally bear a fixed interest rate, the default in the payment of which is equivalent to a default in repaying the principal. Although the maturity of bonds varies considerably it is usually regarded as a long time obligation; among government bonds there are some perpetual issues having no maturity date. A bond issue may be repaid in instalments, a certain part of the issue being redeemed annually, or in one operation at the expiration of the period of full maturity. The latter method is more common because the bond with a fixed maturity is more attractive to investors.

The bonds of a sovereign government rest primarily upon its good faith or its willingness to pay the debt incurred and upon its ability to raise sufficient revenue to meet its debts. In addition a government may reenforce its obligation by security either in the form of a special lien or of a guaranty. The lien may be based on public revenues, which are then specifically pledged to meet the service on the bonds thus secured. A government bond may be secured also by a guaranty of payment on the part of another government. The specific security underlying a government bond is not generally connected with the purpose for which the bond is issued, unless the issue be used to finance a government enterprise conducted on the ordinary profit making basis. More commonly government bonds are issued to cover current deficits, to pay for long time public improvements, such as highways, public buildings or public schools, or to meet special contingencies such as wars. Whether certain expenditures are made for something sufficiently permanent or unusual to justify the issue of bonds is one of the important and delicate questions of government finance.

Government bonds cannot readily be issued at par, because the actual rate of interest at which a public borrower can obtain funds is rarely identical with the nominal rate of interest in the market. They must therefore be put out at either a premium or discount. Since the investing public generally dislikes a premium bond the more common practise is to issue bonds at a conventional rate of interest just below the true rate justified by the credit of the borrower, and then to fix the selling price of the issue at a discount.

The net beneficial income of a government bond is affected by its tax position. In the United States the obligations of the federal government are not subject to state and local taxation, but may be taxed by Congress. In turn, state and municipal obligations are exempt from federal taxation, but are generally subject to taxation by another state if the bonds are located in, or if the owner resides within, the jurisdiction of the taxing state. In some cases government bonds are issued with a specific exemption from certain types of taxes or even from all taxation. This enables the government to borrow at a lower rate of interest and if the bonds are intended for foreign investors serves

as a guaranty of the good faith of the government. The argument is advanced that inasmuch as the interest paying and the tax collecting authorities are identical the taxation of government bonds is merely a bookkeeping operation. Under the present regime of the progressive income tax, however, this reasoning is inconclusive; moreover it is safe to say that the exemption of a considerable quantity of bonds is bound to impair the nature of progressive graduation applying to the entire tax system.

Federal and state bonds differ from municipal bonds in that no effective legal recourse can be taken by the holder in case of default, while in the case of a municipality such action is possible. From the standpoint of investment position federal bonds differ from state obligations in having a broader market. A further point of difference lies in the total volume of bonds outstanding. The amount of federal bonds in the United States has declined since the close of the World War because of the policy of debt reduction, while the total volume of state and municipal bonds has expanded considerably as a result of the increase in local expenditures, particularly for highways and social welfare undertakings. A question of particular importance in the case of municipal bonds is that of validity. Since a municipality is the creation of a state the issuance of its bonds must conform strictly to the provisions of the constitution and the statutes of the state. If great care is not taken a municipal issue may be found to be invalid and may have to be canceled.

Corporate bonds usually have some form of security in the nature of a mortgage pledging certain tangible property of the borrowing corporation. This mortgage may be open or closed. An open mortgage permits under the bond agreement further issues which have the same claim on the pledged property as the issues already outstanding. Closed mortgages permit no such additional issues under the same mortgage; they give the bondholder greater protection since he knows the exact extent of the security underlying his bond. Closed mortgage bonds, however, restrict the borrowing policy of the corporation and often prevent it from obtaining funds for necessary improvements. It has therefore become usual in recent years to issue open mortgages with special covenants protecting the interests of the holders of older bonds.

Another method of protecting corporate bonds is to base them on specific securities owned by the issuing corporation. This type of bond is in general use by holding companies, particularly in the public utility and transportation field, and in some cases by investment trusts. To make such bonds more attractive to investors the securities on which the bonds are based are sometimes deposited as collateral with a trustee; in this case we have what are known as collateral trust bonds. Such bonds commonly enjoy a wider market than the securities underlying them.

Bonds are also frequently secured by nothing more than the general credit of the issuing corporation. There are a number of varieties of these bonds, but perhaps the most important is the debenture, which is in effect an interest paying promissory note of the corporation to pay a certain sum of money at a given time. In the United States debentures are used most frequently by industrial corporations as a result of the general objection against a direct mortgage on a manufacturing plant. In England the only bonds issued by railways are debentures, which differ but little from American preferred stock.

Equipment obligations are another type of corporate security generally classified as bonds. They are based on a direct lien on a specific lot of rolling stock and have priority over first mortgage bonds. The most important type of these obligations is the car trust certificates issued under the Philadelphia plan. When rolling stock which a railroad company wishes to acquire is almost completed, the company gets a trust company (or association or individual) to become the legal owner of the new equipment and to pay for it. The railroad leases the rolling stock from the trust company and agrees to keep it in repair and to meet the interest charges on the car trust certificates issued; it receives title to the equipment only after it has paid its last instalment to the trust company. Equipment bonds, on the other hand, give the road a provisional title to the rolling stock before the last payment has been made.

In developing a financial plan for corporations it is particularly important to choose between bonds or stocks as a method of financing. In general it is not safe to issue bonds unless there is assurance of sufficiently stable earnings over a period of years to meet the fixed charges on the issues. For this reason railroads and public utilities, which have relatively stable incomes, issue a greater proportion of bonds than stocks; while industrial companies usually have less than a quarter of their capitalization in the form of bonds.

As an investment security a bond constitutes the holder a creditor, giving him a legal claim to a fixed return on his investment. The failure of a corporation to meet its obligations to its bond holders results in its becoming insolvent. In contrast the stock holder, who is theoretically a part owner, has no legal claim to a fixed return. He may, however, share in the earnings of the corporation, while the bondholder cannot unless special participating provision is made. Because of these characteristics the downward and upward fluctuations in the market value of corporate bonds are limited and are smaller than those of stocks. Bonds with a privilege of conversion into stock shares are naturally subject to greater fluctuations in value.

The market position of a bond, in addition to these internal factors, is also influenced by the external factor of the going rate of interest. A change in the rate of interest tends to bring about a similar adjustment in the yield on bonds. This responsiveness of bond yields to variations in interest rates is particularly true of most government and high grade bonds whose yields represent largely the return on pure capital and include only a small premium for risk. Fluctuations in bond yields may be regarded as a significant business barometer in that they reflect the changes in the cost of money.

GEORGE W. EDWARDS

See: DEBT, PUBLIC; CORPORATION FINANCE; INVESTMENT BANKING; INVESTMENT; FOREIGN INVESTMENT; MORTGAGE; SINKING FUND; TAX EXEMPTION; INTEREST.

Consult: Chamberlain, L., and Edwards, G. W., *Principles of Bond Investment* (rev. ed. New York 1927); Kirschman, John E., *Principles of Investment* (Chicago 1924); Lyon, W. Hastings, *Investment* (Boston 1926) chs. iv–xi, xix, xxix; "Bonds and the Bond Market" in American Academy of Political and Social Science, *Annals*, vol. lxxxviii (1920); Dewing, A. S., "Investment and the Industrial Cycle" in *Harvard Business Review*, vol. ii (1923) 1–12; Macaulay, F. R., "The Construction of an Index Number of Bond Yields in the United States, 1859–1926" in American Statistical Association, *Journal*, vol. xxi (1926) 27–39; Stetson, F. L., in *Some Legal Phases of Corporate Financing, Reorganization and Regulation* (New York 1917) p. 1–76; Dewing, A. S., *The Financial Policy of Corporations* (rev. ed. New York 1926) p. 78–176; Shirras, G. Findlay, *The Science of Public Finance* (2nd ed. London 1925) bk. iv; Lutz, H. L., *Public Finance* (2nd ed. New York 1929) pt. v.

BONIFACE VIII (1235–1303). He was born Benedetto Gaetani, a member of a noble Italian family, and was elected pope in 1294. Actuated by a desire for world power as well as by a most exalted notion of his pontifical office, he attempted to impose the papal supremacy on the rising national states, but succeeded in having them recognized only by Albrecht I of Germany. His struggle with Philip IV of France was the first real conflict between church and state in the modern sense, i.e. a struggle for the autonomy and sovereignty of the individual state against the universal claims of the papacy to both spiritual and temporal supremacy. His series of bulls directed against the French king, notably the *Unam sanctam* (1302), constituted the extreme formulation of this claim and called forth a mass of controversial literature from both sides. He was overcome by brutal treatment at the hands of Nogaret, the French emissary, who attempted to imprison him on the charge of heresy, and died soon after. With the death of Boniface the papacy lost its mediaeval world position.

Boniface VIII was not primarily a religious leader, but a statesman and jurist. A man of boundless energy and indomitable will, he was the object of general hatred because of his rapacity, desire of glory, arrogance and cynicism. At the posthumous heresy trial instituted by Pope Clement V on the instigation of Philip IV innumerable charges of impiety, Averroism, sorcery and immorality were brought against him. These charges were, however, largely slanderous. He was the last of the papal jurists of the thirteenth century and in 1298 issued a new collection of decretals, the *Liber sextus*. His government of the church was strictly absolutistic and during the struggle with France inspired a highly significant movement in church policy which paved the way in theory for the Conciliar Movement of the fifteenth century.

RICHARD SCHOLZ

Consult: Carlyle, R. W. and A. J., *A History of Mediaeval Political Theory in the West*, vols. i–v (Edinburgh 1903–28) vol. v, p. 374–440; Scholz, R., *Die Publizistik zur Zeit Philipps des Schönen und Bonifaz VIII* (Stuttgart 1903); Finke, H., *Aus den Tagen Bonifaz VIII* (Münster 1902); *Acta aragonensia*, ed. by H. Finke, 3 vols. (Berlin 1908–22); Caetani, G., *Domus caietana: storia documentata della famiglia Caetani*, vol. i– (Sancasciano 1927–); Baethgen, F., "Quellen und Untersuchungen zur Geschichte der päpstlichen Hof- und Finanzverwaltung unter Bonifaz VIII" in *Quellen und Forschungen aus italienischen Archiven und Bibliotheken*, vol. xx (1928–29) 114–237.

BONIFACIO DE ANDRADA E SILVA, JOSÉ (1765–1838), Brazilian statesman. He was born in São Paulo and received his education

at Coimbra, Portugal. After extensive travels in Europe he returned to Brazil in 1819. Throwing himself into the midst of the political upheaval which began in 1821 he became the chief organizer of the provisional government and in 1822 was named prime minister. He practically controlled the destinies of Brazil until his exile in 1823, after which his influence, although indirect, remained no less important. Essentially a practical idealist, he directed the movement for independence and imposed a constitutional monarchy on Brazil in order to avoid the chaos which premature republican government might produce. His great concern was to develop a strong homogeneous nation by intelligent organization of all available resources; to this problem he brought a thorough understanding of the peculiar economic and geographical conditions of Brazil and of the psychology of the people. He attacked slavery not only on moral but on economic grounds and advocated its gradual abolition. He maintained that when intelligently assimilated the Indian as well as the Negro would constitute part of the national wealth of Brazil, and proposed a very modern program for the civilization of the Indians, a program which the Brazilian government eventually adopted *in toto* in 1910. He saw clearly that the Portuguese slave owning aristocracy must be prepared for a new role in Brazilian development. For this and other purposes he advocated the creation of new schools and the expansion of the curricula of the existing schools to include courses in practical and social sciences and in physical education.

PAUL VANORDEN SHAW

Consult: Oliveira Lima, Manoel de, *O papel de José Bonifacio no movimento da independencia* (São Paulo 1907); Pinto da Rocha, Arthur, "Segunda conferencia, a 16 de Janeiro de 1922, commemorativa do centenario do ministerio de José Bonifacio . . . Prelecção" in Instituto Historico e Geographico Brazileiro, *Revista. O anno da independencia* (Rio de Janeiro 1922) p. 51–102; Shaw, P. V., "José Bonifacio and Brazilian History" in *Hispanic American Historical Review*, vol. viii (1928) 527–50.

BONITZ, HERMANN (1814–88), German classical scholar and educator. After attending the famous Schulpforta he studied at the universities of Leipsic and Berlin, where he came under the influence of the leading classical scholars of the time, Hermann, August Böckh and Lachmann. In 1849 after having taught in secondary schools for thirteen years he was invited to become professor of classical humanities at the University of Vienna. There he conducted a seminar in philosophy for the preparation of teachers for secondary schools. In the reform of Austrian secondary education Bonitz became associated with the minister of education, Franz Exner, with whom he prepared the *Entwurf der Organisation der Gymnasien und Realschulen in Oesterreich* (Vienna 1849), proposing that the six-year course be extended to an eight-year course, to be divided so that the early years might be accessible to students in small towns and semi-rural localities. The real innovation, however, was the introduction of science as a regular part of the course and the reform in the teaching of the classics, which abolished the requirement of Latin speaking and of the Latin essay. In 1850 he organized the *Zeitschrift für die oesterreichischen Gymnasien*, whose broad scope and excellent contributions made it a periodical of lasting value. Because of the war he returned in 1867 to Berlin and was appointed director of the Gymnasium zum Grauen Kloster. At a conference on the reorganization of Prussian education called by Minister Falk in 1873, Bonitz advocated retaining the monopoly of the *Gymnasium* in preparing for entrance to the universities and recognizing the existing *Realschulen* as preparing students only for technical institutes. He proposed, however, that some of the *Realschulen* be developed into *Realgymnasien*. In 1875 he was put in charge of secondary education in Prussia and in 1882 was made responsible for the preparation of the courses of instruction of the *Realgymnasium*. Although he regarded the classics as important for a liberal education Bonitz contributed in Prussia as in Austria to the introduction of science into the regular curricula of secondary schools.

I. L. KANDEL

Consult: Paulsen, Friedrich, *Geschichte des gelehrten Unterrichts auf den deutschen Schulen und Universitäten*, ed. by R. Lehmann, 2 vols. (3rd ed. Leipsic and Berlin 1919–21) vol. ii; Sander, in *Allgemeine deutsche Biographie*, vol. xlvii (1903) 99–105.

BONNEVILLE DE MARSANGY, ARNOULD (1802–94), French jurist and criminologist. His distinguished career as prosecutor, president judge at Versailles and imperial councilor was marked by signal services to the criminological sciences. The criminal codes from the Revolution to 1832 had increased penalties for recidivists, but the failure of the Penal Registry Act of 1808 to make the identification of recidivists effective caused him to examine the whole

problem in *De la récidive, ou des moyens les plus efficaces pour constater, rechercher et réprimer les rechutes dans toute infraction à la loi pénale* (Paris 1844) and to suggest in 1848 a reform of the registration system (*De la localisation au greffe de l'arrondissement natal des renseignements judiciaires concernant chaque condamné . . .*, Versailles 1849) which by reducing impunity would strengthen the repression of crime. By a ministerial decree of 1850 France adopted his suggestion. Other countries, among them Austria, Bavaria and Italy, followed suit. His interest in penological problems led him to the publication of two excellent works, *Traité des diverses institutions complémentaires du régime pénitentiaire* (Paris 1847) and *De l'amélioration de la loi criminelle* (vols. i-ii, Paris 1855–64; vol. iii never published), the main contents of which are well summarized in an article, "De la détention pénale" (*Revue contemporaine*, 2nd ser., vol. lviii, 1867, p. 64–92, 240–79). In these works he sketched the outline of a modern penal system. As far as imprisonment was concerned he suggested a progressive system beginning with a period of cellular confinement and passing through various stages of labor in common, with strict classification of prisoners, to a final period of conditional liberty under supervision. An imperial decree of 1854 applied the principle of "preparatory liberation" to the transportees in Guiana and New Caledonia. Noteworthy also are his ideas on public cooperation in crime repression, police administration and indemnities for false arrests.

THORSTEN SELLIN

BONUS, LABOR. *See* WAGES; LABOR, METHODS OF REMUNERATION FOR.

BONUS, SOLDIERS'. *See* VETERANS.

BOOK CLUBS. *See* PRINTING AND PUBLISHING.

BOOKKEEPING. *See* ACCOUNTING.

BOOM, as the name indicates, is an explosive outpouring of economic activity which occasionally characterizes certain communities. This activity usually centers around the buying and selling of securities and land. The psychological mechanism behind a boom is the possibility of selling at a profit because the next buyer hopes that he in turn can make a profit by selling his holdings at a higher price to someone else, who will repeat the operation until the boom collapses. What differentiates a boom from the ordinary economic process is that the whole activity is greatly speeded up and that during the entire series of transactions the price of the article bears little relation to its income yield.

In the nature of the case a boom can develop only in a society possessing two important characteristics. It must be a restless and dynamic society rather than a settled and stable one, and its members must be animated primarily by pecuniary motives and constantly on the alert for the possibility of making money. It is obvious that a society which is interested in living according to the standards handed down for generations, and in which large monetary incomes are not accompanied by corresponding social prestige, will not be interested in any explosive speeding up of its economic output in order to make money which it does not need. In such a society money is in the main used for hoarding and saving and not for spending or investing. The wants being limited, the bringing in of new natural resources would serve little purpose because there would be no market for them. Restlessness, rapidly expanding wants and a high mobility of population are usually associated with new countries or with countries having newly discovered natural resources. The United States is the perfect example of a country which has all the prerequisites for the recurring appearance of booms.

The focal point of a boom may be found in land speculation, security speculation or, when the expansion phase of the business cycle reaches its peak, in an excessively rapid development of certain industries. In the last case overexpansion and speculation centering about it are caused by cumulation of all those factors which lift the economic system out of a state of depression. It is terminated when the narrowing of the margin between selling prices and costs and the tightening of credit lead to a cancellation of orders, financial strain and a retardation of the general tempo of business, often preceded by a series of business failures and a partial breakdown of the credit structure. Such booms are a part, not always indispensable, of the cyclical ebb and flow of economic activity (*see* BUSINESS CYCLES). The security boom is shorter and more fitful than the land boom and is not accompanied or followed by the extended penumbra of economic activities which constitute the lasting effects of a land boom. The mechanism of a boom is best studied, therefore, in connection with a land boom.

A land boom is set in motion by any situation which will create a market for land for agricultural, mining or development purposes, or by a belief that such a market will sooner or later appear. Petroleum and minerals, raisins and grapefruit, winter vegetables and winter resorts, all of these may at certain times and for various reasons become objects of desire to an increasing number of persons. The adoption of new inventions making possible the economic exploitation of mineral resources; the shift in standards of prestige affecting consumption habits; an increase in the purchasing power of marginal groups raising the standards of living; inauguration of commercial treaties and tariffs leading to the opening of new foreign markets or the reduction of competition in the domestic market—these and similar changes may engender a sudden inflation in the demand for mineral or agricultural products, for the land from which they are derived and for land in general in a locality particularly favorable to the establishment of certain industries. Other occasions for the creation of a boom may be found in developments which affect only a restricted locality, such as the opening of a new railroad or port, the provision of cheap current through utilization of local supplies of water power or the irrigation of land. In the case of irrigation the profits to the original owners are apt to be very large, particularly if the product raised is one having a time differential (lettuce or other vegetables in the winter) or is generally in large demand; low labor costs, due to the utilization of cheap, usually foreign, labor, increase profits further and act as an additional stimulus. The location of a new capital is perhaps the best example of a strictly local boom.

The simplest type of boom is that based on the expectation of the growth of the community around a newly located administrative center; it carries with it the limitations inherent in the size of that administrative unit. An agricultural or mineral land boom, on the other hand, has greater possibilities since it is connected with the existence of a widespread demand and of a price fixed in a national or even a world market. The boom created by the establishment of a new industry is limited to the proportion which the economic activity of the new industry will bear to the total economic activity of the community. A highly industrialized community will not be seriously affected by this new industry, but a small or non-industrial community will show the same boom development as that caused by the irrigation of land or the building of a railroad.

Given a certain amount of capital, a willingness, even readiness, to change abodes, particularly from a cold to a warm winter climate, a confidence in their money-making abilities and a large dose of human gullibility, investors will be readily attracted to these "money-making opportunities." Around this central core of land speculation there is built up a certain amount of land utilization on which a good profit is actually made by skilful owners or by those who purchased the land before the high prices set in. There is also a considerable amount of building activity to take care of the population and the business attracted there, and a great deal of natural or artificial confidence in the future economic possibilities of the locality.

While the fundamental pattern of the boom is the buying in order to sell at a rapid and high profit—a pattern depending upon the presence in the society of considerable fluid capital ready to be invested and upon a very elastic standard of living—the major portion of the success of a boom should be ascribed to the skill and energy of the promoter and manipulator. Working under the rule of *caveat emptor*, the promoter feels no particular moral scruples because he is selling to someone who will in turn act in exactly the same way. Moreover the promoter often feels that he is engaged not in dubious transactions but in opening up new opportunities for those who have vision enough to seize them; therefore the line of demarcation between fair dealing and chicanery becomes almost invisible to him. In general the community stands behind the actions of the promoter for fear that if the veil were lifted and the full extent of the chicanery were seen, legitimate business would suffer along with the promoter. This legitimate business is primarily concerned with taking care of the large influx of population, which is one of the first accompaniments of a boom, by selling to them the objects and instruments of living. Such business transactions are often very profitable because the demand is so much greater than the available facilities that these are paid for at a very high rate. Boom localities are notorious for the unusually high cost of living.

Normal standards of expenditure are strangely distorted during a boom. Immediate necessities may be of the meagerest and living quarters often unspeakably primitive, but at the same time tremendous sums are spent on luxuries of the most extravagant kind. An oil boom town,

with its high wages, is a very good market for diamonds, and there is great demand for gold and silver jewelry, which the more respectable members of the community find to be the safest form of investment as well as the most reasonable indication of prestige.

The problem of consumption is affected also by the abnormally intense amusements of the boom town. The boom population is made up of large numbers of the adventurous and unstable —those looking for fortunes easily and rapidly made. Their presence tends to stimulate the spread of lawlessness throughout the entire community and to render ineffective the local agencies of law and order. The outside promoter, who remains in the boom town only as long as his dubious speculation is profitable and undetected by the law, has his counterpart in the professional gambler who, with the "dancing girl" as his accomplice, is ready to cater to the more naive but highly paid workers by relieving them of a large share of their plenteous earnings. These camp followers are often aided or abetted by the local police, who thus share in the profits of the boom. The general atmosphere of demoralization affects also those who would under ordinary circumstances be repelled by this manner of living; the inhibitions of these individuals, transplanted many miles away from home into an alien and highly competitive environment, are often weakened by the gruelling necessity of being constantly on the alert lest someone get the better of them. The terrific pressure under which the activities of the boom town are carried on must be offset by the intensity and recklessness of the amusements.

Gradually the possibilities of making large and rapid profits vanish and individuals attracted by such an economic incentive begin to leave the boom locality. The price of land settles down to a reasonable relationship between cost and income. In cases where the boom is due to the exploitation of minerals, the fall in the productivity of wells or mines causes a shrinking of the population and the petering out of the boom into a moderate economic activity which continues as long as the mineral is there to be exploited. In communities which have gone through an agricultural land boom overproduction soon sets in; the price structure of the products becomes so thoroughly demoralized that only those who have not been burdened with too heavy an outlay in buying the land are able to survive and keep their holdings. The promoter endeavors to keep these facts hidden from the next purchaser, but even though he may be successful for a time, the prospective purchasers come to realize that the best and most profitable land has been taken up. Where the boom is due to favorable geographic location or the advantages of a new road, port or administrative unit, it is inevitable that after the best sites have been acquired the purchase of less desirable lots should proceed with some reference to an estimate of their marketability in a reasonably near future. The boom is also slackened in tempo by the very high prices which land comes to command and which preclude the participation of large numbers of prospective purchasers. The speculators still flourish because they buy on margin, but even this is, in the nature of the case, self-limiting. The pecuniary mysticism which is the psychological basis of the boom phenomenon is, like all mysticism, apt to tire of feeding on itself, and the reaction sets in sooner or later.

The boom results in the creation of many instruments of production in the shape of buildings, roads, irrigation ditches and public schools which were brought into existence either because there seemed to be a real demand for them or because they served to attract prospective purchasers. These instruments remain a part of the community's equipment. Without the boom they would not have been there; after the boom they are bought at a price which does not cover their replacement cost but which will enable their new owners to make them pay. As a matter of fact they have been paid for by the uses to which they have been put during the period of high prices and high returns or by the money of those who came in the hope of getting rich. To the extent, then, that its economic life has improved by the presence of this equipment the community has been benefited by the boom. Money is also more plentiful than before because many of the local people who profited by the boom leave their earnings in the local banks, whose facilities for handling business have now greatly improved. It also happens that people who come to a certain locality during the boom remain and settle after the boom is over, and since many of them are apt to be of the energetic type the community is benefited both by an increase of population and by the accession of some valuable strains in the population. The less desirable elements tend to drift away because the slower tempo of life does not appeal to them. In general, after its more severe effects are lived down, it is found that some of the momentum

gathered during the boom tends to remain in the community as a source of increased activity and economic benefit; but those who paid for the boom are seldom those who benefit by it.

MAX SYLVIUS HANDMAN

See: SPECULATION; BUSINESS CYCLES; BUBBLES, SPECULATIVE; PROMOTION; LAND SPECULATION; REAL ESTATE; CHAMBERS OF COMMERCE; LAND SETTLEMENT; FRONTIER; IRRIGATION; OIL; METALS; PRECIOUS STONES.

Consult: Ely, R. T., "Land Speculation" in *Journal of Farm Economics*, vol. ii (1920) 121–35; Martineau, Harriet, *Society in America*, 3 vols. (2nd ed. London 1839) vol. i, p. 349–53; McMaster, J. B., *A History of the People of the United States*, 8 vols. (New York 1883–1913) vol. vi, p. 323–26, 335–38, and vol. vii, p. 607–08; Forster, G. W., "Land Prices and Land Speculation in the Bluegrass Region of Kentucky" in Kentucky Agricultural Experiment Station, *Bulletin*, no. 240 (1922) 39–74; Lloyd, O. G., "Studies of Land Values in Iowa" in *Journal of Farm Economics*, vol. ii (1920) 136–40; Vanderblue, H. B., "The Florida Land Boom" in *Journal of Land and Public Utility Economics*, vol. iii (1927) 113–31 and 252–69; Roberts, K. L., *Florida* (New York 1926); Lewis, Oscar, "Getting Off the Bandwagon" in *Harper's Magazine*, vol. cliv (1927) 168–72; Butler, E. P., "Boom! Boom! Boom!" in *Outlook*, vol. cxlii (1926) 258–64.

BOOT AND SHOE INDUSTRY. *See* LEATHER INDUSTRY.

BOOTH, a family of English evangelists and social workers. William Booth (1829–1912) was a preacher of the Methodist New Connection. Having been criticized by his church because of his sensational methods of slum street corner evangelism, which frequently provoked disorder, Booth withdrew and in 1865 established the Christian Mission in Whitechapel, London, where he combined evangelism with rudimentary relief work. In 1878 the mission began to be known as the Salvation Army, a name officially adopted several years later when Booth reorganized his institution on British army lines. He became "general," and his son, William Bramwell Booth, then a youth of twenty-two, "chief of staff." His wife Catherine (1829–90), a woman of charm and good address, also played an important role in the enterprise; in addition to raising funds she advocated and undertook the "female ministry." Despite criticism the army gained enormous popularity in England and gradually spread to America and other countries. Booth's prestige became so great that in 1902 he was invited to the coronation of King Edward.

Booth's theology was conservative; he preached the reality of sin, everlasting punishment for the wicked and redemption. Although conversionism was the foundation of his method Booth neither sponsored periodic revival campaigns nor featured gifted preachers. Instead humble converts, snatched from the gutter, were thrust forward to "testify" to what "salvation" had done for them. In the field of "institutional Protestantism," however, Booth distinctly occupied the "left wing."

Neither William Booth nor his son Bramwell (1856–1929), who succeeded him in 1912, made striking innovations in philanthropy. Their main contribution was the idea of pooling the nation's philanthropic funds for concentration upon the slums, which had heretofore been left too largely to the care of local parish churches. William Booth's efforts to make the rescue work partly self-sustaining drew the fire of the British trade unions on the charge that the army "sweated" labor in its shops.

Even while his father was still alive Bramwell Booth was the organizing genius of the army and he continued to dominate its affairs autocratically until removed from command by the International Staff Council in February, 1929, on the grounds of senility. His removal involved a bitter political fight within the army and upset for the first time its autocratic, self-perpetuating, one-man headship.

Many other members of the Booth family were active in the army. William Booth's son, Ballington, and his wife came to America, where they were placed in full charge of the army, in 1886. Resigning in 1896 because of differences with the founder, they established the Volunteers of America, a rival organization with a national, democratic and antiritualistic emphasis. Later William Booth's son-in-law, Commander Frederic de L. Booth-Tucker, headed the army in America; his successor was William Booth's daughter, Evangeline. Her sister, Katherine (*la Maréchale*), organized the army in France and Switzerland. Other children and grandchildren have also been high officers in the army.

C. T. HALLINAN

Consult: Booth, William, *In Darkest England and the Way Out* (London 1890); Booth, Bramwell, *Social Reparation* (London 1899); Booth-Tucker, F. St. G. de L., *Life of Catherine Booth* (London 1893); Begbie, Harold, *The Life of General William Booth*, 2 vols. (abr. ed. London 1926); Manson, John, *The Salvation Army and the Public* (2nd ed. London 1908); Clasen, P. A., *Der Salutismus* (Jena 1913).

BOOTH, CHARLES (1840–1916), English social investigator and statistician. Booth came of a wealthy shipowning family of Liverpool and was active in business affairs throughout his life. But he had also the mind and temper of the student. The decade 1880–90 in which his first productive writing was done was characterized by a new general interest in the poor of London. A tract by a city missionary, W. C. Preston, *The Bitter Cry of Outcast London* (London 1883), had been widely read and stories of London distress were so sensational that sober men were inclined to disregard them as exaggerations. Booth sought to find the facts and then to state them without partisanship. He began first by a study of the statistics of occupations and later attempted to state statistically the problem of London poverty. The results were published in papers contributed, from 1886 on, to the *Journal* of the Royal Statistical Society, of which organization he was president from 1892 to 1894. Finally he adopted the method of extensive field investigation and assembled a brilliant corps of investigators, including Beatrice Webb, Octavia Hill, Ernest Aves, H. Llewellyn Smith, Graham Balfour and Clara E. Collet. From the books of the school attendance officers and from other sources previously untapped, and with the cooperation of trade union officials and public and philanthropic bodies, this staff secured data which threw light on various aspects of the life and work of the great mass of the London working people. Determined to be as objective as possible, Booth was inclined at first to "paint things too dark rather than too light" in order to avoid a possible class bias on his part, but he found the actual poverty disclosed so great that he became "equally anxious not to overstate." The resulting study, *Labour and Life of the People* (2 vols. and appendix volume, London 1889–91), was a pioneer contribution, not only in its data-gathering technique and device of the regional maps showing the location of the various income classes in London, but also as marking the beginning of the social survey method in the investigation of urban conditions. After the publication of the first edition Booth proceeded to study the religious influences affecting the population. He finally revised the earlier studies and republished the whole series as *Life and Labour of the People in London* (17 vols and 1 vol. of maps, London 1903). These volumes constitute a memorable record of London life "under the influences of education, religion, and administration" at the close of the century.

One of the early effects of his new knowledge of the poor was a deep concern about the misery of the aged. Booth became a vigorous advocate of universal state-provided old age pensions, was a member of several royal commissions on the aged poor and on poor relief, and published *Pauperism, a Picture; and The Endowment of Old Age, an Argument* (London 1892), *The Aged Poor; Condition* (London 1894) and *Old Age Pensions and the Aged Poor; a Proposal* (London 1899). Although he was a Conservative in politics (he was made a privy councilor in 1904 by Balfour) his attitude to labor and trade-unionism, as expressed in his *Industrial Unrest and Trade Union Policy* (London 1914), was in the main sympathetic.

EDITH ABBOTT

Consult: Booth, Mary Macauley, *Charles Booth: A Memoir* (published anonymously, London 1918); Smith, H. Llewellyn, "The New Survey of London Life and Labour" in Royal Statistical Society, *Journal*, vol. xcii (1929) 530–47; Webb, Beatrice, *My Apprenticeship* (London 1926), especially ch. v.

BOOTLEGGING. *See* LIQUOR TRAFFIC; LIQUOR INDUSTRIES.

BORGES, JOSÉ FERREIRA. *See* FERREIRA BORGES, JOSÉ.

BORN, STEPHAN (1824–98), German labor organizer. When Born was still apprenticed as a typesetter he published anonymously a noteworthy pamphlet, *Der Verein zur Hebung der arbeitenden Klassen und die Volks-Stimme über ihn* (Leipsic 1845). In 1846, in the course of his travels as a journeyman, he visited Paris and became acquainted with Engels and the activities of the Communist League. Born's ability as an organizer was immediately recognized and he was sent by Engels to spread the new doctrines among the workingmen in Lyons and Switzerland. With the outbreak of the German Revolution of 1848 Marx selected Born for the task of organizing the workers of Berlin. A central committee representing twenty-eight actual craft constituencies was established; its charter based on Born's ideas was the first document in which the workers themselves recognized their distinct class interests and dedicated their organization to the strengthening of class consciousness. In August, 1848, a national workers' congress met in Berlin under Born's leadership; it created a national organization with local branches called "Arbeiterverbrüderung." As president of this body and as editor of its publi-

cation, *Die Verbrüderung*, Born secured a large following. In 1849 the failure of the May uprising, in which he participated on the Dresden barricades, compelled Born to flee from Germany. The reaction of the fifties destroyed his organization. He spent the rest of his life in Switzerland, where as editor and professor of literature he advocated the idea of democracy in education, in the belief that society can be reformed only by free and independent individuals. Shortly before his death Born published his memoirs, *Erinnerungen eines Acht-und-vierzigers* (Leipsic 1898).

GERTRUD QUARCK

Consult: Quarck, Max, *Die erste deutsche Arbeiterbewegung* (Leipsic 1924); Friedensburg, W., *Stephan Born und die Organisationsbestrebungen der Berliner Arbeiterschaft* (Leipsic 1923).

BÖRNE, LUDWIG (1786–1837), German author, journalist and precursor of the Young Germany movement. Börne was born in the Frankfort ghetto, studied medicine and later political science and frequented the Jewish literary salons of Berlin, where he came under the influence of Wilhelm von Humboldt, Friedrich Schlegel and Schleiermacher. He was appointed police official in Frankfort (1811) but was compelled to resign two years later because of his Jewish extraction. He embraced Christianity in 1818, changed his name from Löb Baruch to Ludwig Börne and became a free lance writer. His literary and dramatic reviews in *Die Wage*, *Zeitschrift für Bürgerleben*, *Wissenschaft und Kunst*, which he founded and edited in Frankfort (1818–21), and in other periodicals were utilized to criticize current political and social conditions. Börne may be considered, with far more justification than Heine, the inventor of the political *feuilleton*. He found in France the inspiration for his ideals of liberty; the success of the Revolution of 1830 drew him to Paris, where he remained until his death. There he established *La balance* (1836) with the aim of reconciling the spiritual life of Germany and France. In his *Briefe aus Paris* (3 vols., Hamburg 1832–34), in which he traced events in France from 1830–33, he endeavored to enlighten German political opinion and to aid it in its struggle against the policy personified by Metternich.

Although he fought for equal rights for the Jews Börne envisaged this cause as only one of the factors in the general struggle for the liberation of humanity. His method of infusing politics into every aspect of life and especially into literature was enthusiastically adopted during his time and became the central idea of the Young Germany movement.

HANS TRAUB

Works: *Gesammelte Schriften*, 12 vols. (Hamburg 1862).

Consult: *Börne der Zeitgenosse*, ed. by Anton Kuh (Vienna 1922); Ras, G., *Börne und Heine als politische Schriftsteller* (Groningen 1927); Brandes, G. M. C., *Hovedströmninger i det 19de aarhundredes litteratur*, 6 vols. (6th ed. Copenhagen 1923–24), tr. by Diana White and Mary Morison as *Main Currents in Nineteenth Century Literature*, 6 vols. (London 1924) vol. vi, p. 39–102.

BORNITZ, JAKOB (dates of birth and death unknown), German writer on political and economic subjects of the late sixteenth and early seventeenth centuries. In his treatise on coins, *De nummis* (Hanover 1608), he is concerned with money merely as a medium of exchange. To insure its universal acceptability he recommends the monopolization by the government of the coinage privilege and warns against debasement. His chief work, *Aerarium, sive tractatus politicus* (Frankfort 1612), reveals Bornitz as one of the first systematizers in fiscal theory. Influenced by the exponents of Roman fiscal law, he stresses the notion of general correspondence between the amount of the tax and the benefit received from the state. In the classification of the varieties of fiscal contributions his viewpoint remains essentially legalistic. His *Tractatus politicus de rerum sufficientia* (Frankfort 1625) is a cameralist encyclopaedia, the first of its type to appear in Germany. The measures Bornitz recommended for increasing the quantity of money in a country link him with the early mercantilists. On the whole, however, his position is essentially mediaeval; he fails to share the mercantilists' fundamental concern with problems of national welfare and their belief in the wisdom of extending the scope of governmental activity.

LOUISE SOMMER

Consult: Roscher, Wilhelm, *Geschichte der Nationalökonomik in Deutschland* (Munich 1874) p. 183–95; Zielenziger, Kurt, *Die alten deutschen Kameralisten* (Jena 1914) p. 115–23.

BOROUGHS. *See* LOCAL GOVERNMENT; MUNICIPAL GOVERNMENT.

BORSTAL INSTITUTIONS. *See* PENAL INSTITUTIONS.

BORTHWICK, ALGERNON, BARON GLENESK (1830–1908), British journalist. Borthwick began his career as Paris correspondent of the London *Morning Post*; at the age of twenty-two he succeeded his father, a high Tory, as editor of the paper and later became its owner. In the course of forty years Borthwick made the *Post* one of the most valuable newspaper properties in England. He was untiring and shrewd as a journalist, but the basis of his success lay also in a peculiar combination of factors. Most important of these at the outset of his career was his continuation of his father's friendship with Palmerston, which caused the *Post* to be closely identified with that statesman at the period of his greatest power. Hardly less useful was Borthwick's life as a member of Tory society and his cultivation of French political friends, particularly Napoleon III, which enabled him to secure early and accurate information on foreign affairs and to express the convictions of his Tory circles. In fact Borthwick's significance lies in his seizure of the power of the modern newspaper to serve the needs of a declining aristocracy in an age when social and political forces were rapidly shifting. In 1881, contrary to all advice, he determined to reduce the price of the *Post* from 3d. to 1d., leaving the *Times* practically alone at the higher price. The increased number of readers among the new Tory Democracy justified the decision and the paper's profits rose rapidly. Borthwick played an important role in the formation of the Primrose League. As a member of Commons he obtained the modification of the libel law in favor of newspaper proprietors. In 1895 the Conservative government made Borthwick a peer, the first of what was to be a new group in the House of Lords.

DONALDSON JORDAN

Consult: Lucas, R. J., *Lord Glenesk and the "Morning Post"* (London 1910); Ferguson, M. T., "The Late Lord Glenesk and the '*Morning Post*' " in *National Review*, vol. liii (1909) 796–814.

BORUCHOV, BER (1881–1917), Jewish economist, philologist and one of the founders of the Jewish socialist labor party, Poale Zion. Boruchov, the son of a Hebrew teacher, was born in the Ukraine. In his student days he joined the Russian Social Democratic movement, later became a Zionist and in 1905–06 took part in the organization of the Poale Zion party. "Our Platform" (reprinted in *Poale Zion Shriften*), in which he presented his views on socialism and on the Jewish national problem, became the theoretical guide for the Poale Zion movement. Between 1907 and 1915 Boruchov was engaged in strengthening the Poale Zion parties of various European countries. He came to the United States in 1915, took an active part in initiating the convening of the American Jewish Congress and returned to Russia during the 1917 revolution.

Boruchov was the exponent of "scientific" Zionism. In a series of studies he investigated the anomalies of Jewish economic life and explained in economic terms Zionism and the rise of European nationalism. He propounded the theory that mass emigration of Jews to an undeveloped territory like Palestine is the inevitable consequence of the operation of certain ineluctable economic laws. National competition is bound to bring about restriction of immigration in highly industrialized countries like America, South Africa and Australia, and Jewish emigration will necessarily gravitate to undeveloped, semi-agrarian regions. The return of the Jewish nation to Palestine is therefore not a matter of romantic national sentiment or of vague mystic yearning. The ultimate success of Zionism depends on the ability of the emigrating Jewish workers to enter into agriculture and into basic industries; and the class conscious Jewish proletariat by fighting in Palestine for its rights will eventually create guaranties for a Jewish autonomy. Zionism thus constitutes an economic as well as a democratic revolution in Jewish life.

HAYIM FINEMAN

Important works: *Poale Zion shriften*, ed. by I. Zar and A. Wohliner (New York 1920), continued as *Geklibene shriften*, ed. by B. Loker (New York 1928); *Die yiddishe arbeiter bewegung in ziffern* (Berlin 1923); they are all in Yiddish.

Consult: *Zum andenken von Boruchov* (in Yiddish) (Kiev 1918); Tartakower, Arjeh, "Zur Geschichte des jüdischen Sozialismus" in *Der Jude*, vol. viii (1924) 26–38.

BOSANQUET, BERNARD (1848–1923), English philosopher, political theorist and sociologist. As a representative of the group which he himself called the "Hegelians of the Left" Bosanquet has been faithfully described as "the central figure in British philosophy for a whole generation." His political ideas, as developed systematically in *The Philosophical Theory of the State* (London 1899, 3rd ed. 1920), place him in the idealistic school of English political philosophy of which T. H. Green is the foremost modern representative. He went farther than Green, however, in the direction of Hegelianism, approaching perilously near to the

apotheosis of the state commonly associated with modern writers like Treitschke and Bernhardi. Like Hegel he was primarily interested in the liberation of the free will of the individual, and although he believed that external force could accomplish nothing enduring he conceived of the state as "the power which, as the organ of the community, has the function of maintaining the external conditions necessary to the best life." This view and the extent to which in his day the activities of the state touched the conscious and subconscious life of every individual led him to consider the state broadly as a working conception of life as a whole. Unlike Green he placed the acts of the state in a wholly different moral sphere from those of the individual because the state is "a supreme power which has ultimate responsibility for protecting the form of life of which it is the guardian." His absolutism, however, was tempered in one direction by his emphasis on the value of the individual, as expressed in *The Value and Destiny of the Individual* (London 1913), which led him to oppose old age pension legislation on the ground that it might lessen the individual's responsibility in providing against the period of his dependence; and in another direction, by his growing awareness of the excesses of patriotism which he expressed in "The Duties of Citizenship" in his *Aspects of the Social Problem* (London 1895, p. 1–27), and *Social and International Ideals, being Studies in Patriotism* (London 1917). True patriotism, according to Bosanquet, is not a hankering for heroics but "a daily sober loyalty"—a constant consciousness of duty and obligation to our fellow citizens and the world at large.

Many of Bosanquet's political dicta are challengingly epigrammatic. He had the capacity, which he displayed in his pioneer university extension work, for presenting abstruse subjects in terms of the experience of the ordinary man. He maintained close contact with practical life, especially in connection with the Charity Organization Society. His work in this field led to the establishment in 1902 of the School of Sociology and Economics in London where social workers and poor law officers were trained. Some of Bosanquet's views on the subject may be found in his pamphlet *The Art of Public Assistance* (Sheffield 1910).

W. H. DAWSON

Consult: For his life, Bosanquet, Mrs. Helen (Dendy), *Bernard Bosanquet* (London 1924). For an exposition of his political philosophy: Barker, Ernest, *Political Thought in England from Spencer to To-Day* (London 1915) ch. iii; Hoernlé, R. F. A., "Bernard Bosanquet's Philosophy of the State" in *Political Science Quarterly*, vol. xxxiv (1919) 609–31; "Bosanquet's Theory of the General Will," a symposium by A. D. Lindsay and H. J. Laski, in Aristotelian Society, *Proceedings*, n. s., supplementary vol. viii (1928) 31–61. The principal attack on Bosanquet's political theory is to be found in Hobhouse, L. T., *The Metaphysical Theory of the State* (London 1918).

BOSCH KEMPER, JERONIMO DE (1808–76), Dutch social scientist. After practising law independently, Bosch Kemper held a government position in the office of public prosecutor at Amsterdam (1834–52). For the following ten years he was professor of constitutional law and political science at the Athenaeum Illustre in Amsterdam. He served in parliament for some time and from 1841 to 1845 edited the magazine *De tijdgenoot*, in which he argued for the liberal revision of the Dutch constitution. In 1849 he organized a small circle of statisticians and with their cooperation founded the *Staatkundig en staathuishoudkundig jaarboekje* (1850–84), of which he was the sole editor during its first year.

Bosch Kemper's activity as an author was equally varied. His earlier works deal with criminal law and procedure; later he shifted his interest to constitutional law and politics on the one hand and to social problems and poor relief on the other. He may be considered the first Dutch sociologist because the first volume of his revised manual of constitutional law is given to the "science of society." It is is imbued with a pietistic-religious spirit and excels in neither clearness nor originality, although it is packed with information gathered from wide reading. As a liberal-individualist in politics and conservative-reformist in social and economic questions, Bosch Kemper was out of harmony with the spirit of his age in Holland; it was therefore difficult for him to find followers who would accept his system of thought in its entirety.

WILLIAM ADRIAN BONGER

Important works: *Het wetboek van strafvordering* (Criminal code), 3 vols. (Amsterdam 1838–40); *Geschiedkundig onderzoek naar de armoede in ons vaderland* (Historical inquiry into poverty in our fatherland) (Haarlem 1851); *Handleiding tot de kennis van de wetenschap der zamenleving en van het nederlandsche staatsregt* (Manual of the science of society and of Dutch constitutional law), 3 vols. (Amsterdam 1860–71).

Consult: Vreede, G. W., *Jeronimo de Bosch Kemper als staatsburger en geleerde herdacht* (Utrecht 1877); Jolles, J. A., in *Themis*, vol. xxxvii (1876) 523–40.

BOSCO, DON GIOVANNI (1815–88), Italian priest and educator. He was the founder of the Salesian Order (Society of St. Francis of Sales) for abandoned children. His pedagogical theories set forth in his numerous writings are based upon the principle of Christian charity and upon his preference for preventive rather than repressive measures in the care of children. Believing that the aim of education is to help the child to improve his condition through his own efforts, he maintained that the role of the educator was not that of a disciplinarian but rather that of a father, adviser and friend. Children must be free from social discrimination, enjoy a large measure of liberty and have opportunity for recreational games. The teacher should be primarily concerned with the formation of the moral will and provide ever present religious inspiration. Hostile to naturalism, Don Bosco insisted that material things be interpreted theologically. Thus neither the object lesson for the young nor instruction in science for the more advanced is sufficient in itself; all teaching must rest on a theological basis and aim at spiritual training. The highest study is that of the philosophy of St. Thomas Aquinas.

His work in Italy was accomplished despite protracted persecution. His influence and institutions spread ultimately to France, Spain, Central and South America. During his lifetime the Salesians cared for 130,000 children and established more than 250 schools, including classical and apprenticeship schools. They also established the first night schools in Italy.

RENÉ HUBERT

Consult: Lemoyne, G. B., *Vita del Ven. Giovanni Bosco*, 2 vols. (new ed. Turin 1920); Villefranche, J. M., *Vie de Dom Bosco* (Paris 1888), tr. by H. S. Martin (3rd ed. London 1898); Boyton, Neil, *The Blessed Friend of Youth; Blessed John Bosco* (New York 1929).

BOSS, POLITICAL. *See* MACHINE, POLITICAL.

BOSSUET, JACQUES BENIGNE (1627–1704), French theologian, social philosopher and historian. After taking orders in 1652 he soon acquired great renown as a preacher. In 1669 he was created bishop and the following year Louis XIV appointed him preceptor to the dauphin. In the Clerical Assembly of 1682 Bossuet, now Bishop of Meaux, formulated the classical statement of the theory of Gallican liberties. The *Cleri gallicani de ecclesiastica potestate declaratio* (Paris 1682), of which he was the author, proclaims that the temporal and spiritual powers must be separate and mutually independent, that the supreme authority of the church is vested in its councils and that the infallibility of the pope is shared by the entire episcopal body. From Bossuet the ancient theory received a new vitality which it did not finally lose until the latter half of the nineteenth century.

The traditional Catholic faith found in Bossuet a staunch protector against its enemies both inside and outside the church. He took an active part in the struggle against the Protestants and in order to reconvert them, as well as to combat the Protestant minister Jurieu, he wrote among other works *Histoire des variations de l'église protestante* (Paris 1688, English translation Antwerp 1742), in which he attempted to expose the logical inconsistency of the Protestant position. Two years later he corresponded with Leibnitz on the subject of the union of Catholic and Lutheran churches. His passion for defending Catholicism against what he regarded as dangerous ideas led him to attack successively Arnaud's Jansenism, Malebranche's revival of Augustinian idealism and the quietism of Fénelon. Thus in the very act of strengthening the orthodox position he perhaps deprived the church of certain means of intellectual enrichment which might have helped to defend it against the rationalism of the following century.

In politics as in religion Bossuet supported tradition. His *Politique tirée des propres paroles de l'écriture sainte* (Paris 1709) proclaimed the perfection of established French institutions and affirmed the divine right of kings. The latter necessarily acted in accordance with the welfare of the people, to whom they were bound, as it were, by an intangible contract.

As a historian Bossuet created the philosophy of history which ultimately became the starting point of what later became known as sociology. In the *Discours sur l'histoire universelle* (Paris 1681, English translation London 1688) he sought to give unity to all historical events by explaining them in terms of the purpose of God to insure the triumph of his church. He was thus the first to conceive the idea of historical continuity underlying superficial confusion. When Montesquieu, Rousseau and especially Voltaire attempted to discover the positive rather than the transcendental causes of the evolution of human society, they were in a sense merely developing the antithesis of Bossuet's thought.

RENÉ HUBERT

Consult: Nourrisson, J. F., *La politique de Bossuet*

(Paris 1867); Rébelliau, A., *Bossuet* (2nd ed. Paris 1905); Stephen, J. F., *Horae sabbaticae*, 3 vols. (London 1892) vol. ii, chs. v–vi; Sykes, N., "Bossuet" in *The Social and Political Ideas of Some Great French Thinkers of the Age of Reason*, ed. by F. J. C. Hearnshaw (London 1930).

BOTERO, GIOVANNI (1543 or 1544–1617), Italian writer, chiefly important for his views on politics and economics. At first a member of the Jesuit order, he later became secretary to Cardinals Carlo and Federico Borromeo and finally entered the service of Charles Emanuel I of Savoy.

Botero, who was a staunch Roman Catholic saturated with the spirit of the Counter-Reformation, strenuously opposed Machiavelli's doctrine that politics was independent of ethics. His *De regia sapientia* (Milan 1583) was followed by the *Della ragion di stato* (Venice 1589), in which he set forth a type of prince who resembled Machiavelli's worldly wise ruler in shrewdness, but who was at the same time upright and disposed kindly toward religious institutions. Attempting to devise a complete system of government, Botero himself ended by laying down genuinely Machiavellian principles, while his failure to make a clear analysis of the distinction between politics and ethics prevented him from solving the problem of their relations.

His economic ideas received most complete expression in the pamphlet, *Delle cause della grandezza delle città* (Rome 1588; republished in 1589 as appendix to *Della ragion di stato*; English translations London 1606 and 1635), in which he attempted to analyze the factors influencing the growth of urban population. By far the most original contribution contained in the work was Botero's discussion of the limitations upon the indefinite growth of population. Two centuries before Malthus he pointed out a number of checks by which population is kept on a level with means of subsistence.

Among Botero's other writings the *Relazioni universali* (4 pts., Rome 1591–96, pt. v published in vol. iii of Gioda's biography; English translations London 1608 and 1630), containing geographical studies of various regions and analyses of their social, political and religious institutions, is especially noteworthy. Botero's employment of the statistical method in these studies contributed to the wide influence they exerted on contemporary thought.

MARIO DE BERNARDI

Consult: Bernardi, Mario de, "Appunti bibliografici intorno a Giovanni Botero" in Reale Accademia delle Scienze di Torino, *Atti*, vol. lxv (1930) 281–300.

BOTHA, LOUIS (1862–1919), South African statesman. Botha was of Boer and Huguenot parentage. In 1897 he became a member of the Transvaal Volksraad. Although he voted against precipitating the Boer War he ultimately became commandant general of the army. At the Peace of Vereeniging he first showed himself as a conciliator of the two white groups in South Africa. Nevertheless he refused to take part in the government while the Transvaal remained a crown colony. On the granting of responsible government in 1906 he became the first premier of the Transvaal. He took a leading part in the establishment of the Union of South Africa (1910) and became its first premier, holding the position until his death. His ministry was marked by many crises: the dispute over the status of Indian residents (1912), adjusted finally by negotiation with Ghandi; the summary deportation of strike leaders after the white miners' strike of July, 1913; and the splitting off from Botha's party (1912–13) of the Hertzog group, which stood for the more particularistic Boer ideals. At the outbreak of the World War he advocated complete cooperation with the imperial authorities, involving the conquest of German Africa, and took the lead in suppressing the short lived Boer rebellion of 1914–15. In essence Botha's policy was firmly to weld the Boer and English elements of the population into a South African nationality by the creation of common interests and the encouragement of patriotism and strict loyalty to the empire. At imperial conferences he supported the Canadian, Sir Wilfrid Laurier, in advocating the development of a decentralized British commonwealth of nations. Always interested in the natives, Botha adopted a policy of segregation of lands for them with provision for the utilization of their labor power under white direction. They were to have partial self-government in their own territories. Botha represented South Africa at the Versailles Peace Conference, where he was particularly interested in the racial problems of Central Europe. As one who had met defeat in the past he took a critical attitude toward the completed treaty.

C. HARTLEY GRATTAN

Consult: Spender, Harold, *General Botha* (2nd ed. London 1919); Buxton, S. C. B., *General Botha* (London 1924); Engelenburg, F. V., *General Louis Botha* (London 1929); Harris, J. H., "General Botha —Statesman" in *Fortnightly Review*, vol. cvii (1917) 652–60; Walker, E. A., *A History of South Africa* (London 1928).

BOUCHER DE CRÉVECOEUR DE PERTHES, JACQUES (1788–1868), French archaeologist and social reformer. In addition to his famous archaeological discoveries Boucher de Perthes wrote numerous books, traveled extensively and showed deep interest in the social problems of his day. Recognition of his archaeological discoveries came only toward the end of his life. Meanwhile as a customs official at Abbeville (Somme), in the industrial districts of northern France, he was able to observe at close range the extreme misery wrought among the working classes by the industrial revolution. In a series of writings from 1831 to 1859 he described the working and living conditions among the poor and proposed as remedies welfare schemes of a paternalistic nature.

His first discovery of flint implements in the sands and gravels of the Somme valley at Abbeville dates from about 1830. Two discoveries of a similar nature had been made in England in 1690 and 1797, but he had certainly never heard of them and their importance had not been appreciated. No one before Boucher de Perthes had explored the gravel deposits of the valley terraces for human implements, the current belief being that these deposits predated man. In *De la création: essai sur l'origine et la progression des êtres* (5 vols., Abbeville 1838–41) Boucher de Perthes expressed a belief in the actuality of the Deluge and stated that sooner or later traces of antediluvian man would be found. In 1846 he made public his discovery of a worked flint implement in association with remains of elephant, rhinoceros, etc., in the gravels of Menchecourt at Abbeville. The next year he published the first volume of his monumental work on *Antiquités celtiques et antédiluviennes* (3 vols., Paris 1847–64). This work was crucial in the history of archaeology in its proof of the existence of man in the Pleistocene epoch. Boucher de Perthes' discoveries were ignored or ridiculed at the time and their significance dawned only very gradually even on himself. In 1855 Rigollot and in 1858 the English palaeontologist Hugh Falconer were won over to his views. Falconer, who was a member of a remarkable group of English geologists, persuaded Sir Joseph Prestwich and Sir John Evans to visit Boucher de Perthes in 1859, and they had the satisfaction of seeing a worked flint still *in situ* at a depth of seventeen feet from the surface. This visit and the publication of Boucher de Perthes' *De l'homme antédiluvien et de ses oeuvres* (Paris 1860) served to establish the authenticity of his discoveries and their significance as human implements of a quaternary period. Their importance was all the more impressive because they came at a time when the scientific world was stirred by the discovery of Neandertal man and the appearance of Darwin's *Origin of Species*. A further discovery of a human jaw by Boucher de Perthes in 1863 excited considerable discussion as to its authenticity, but the final verdict of later research was that he was probably tricked by one of his workmen.

GEORGE GRANT MACCURDY

Consult: Ledien, Alcius, *Boucher de Perthes, sa vie, ses oeuvres, sa correspondance* (Abbeville 1885); MacCurdy, G. G., *Human Origins*, 2 vols. (New York 1924) vol. i, p. 15–18; Keith, Arthur, *The Antiquity of Man*, 2 vols. (2nd ed. London 1925) vol. i, p. 269–75.

BOULAINVILLIERS, HENRI, COMTE DE (1658–1722), French historian. He studied at the Collège de Juilly, where he probably came under the scholarly influence of Richard Simon. After a brief career in the army he retired and devoted the rest of his life to study and to the composition of numerous works, which were posthumously published. His interest in governmental reform led him to write *Etat de la France* (3 vols., London 1727; new ed. 8 vols., 1752), which contains an incomplete account of the great inquest of 1697, and *Mémoires présentés à Monseigneur le duc d'Orleans* (The Hague 1727; new ed. 2 vols., 1754), which proposed the convocation of the Estates General and outlined a plan of fiscal reform inspired by the work of Vauban and Boisguillebert. While investigating the history of his family he drew certain conclusions concerning the ancient French nobility, which he attempted to prove in *Histoire de l'ancien gouvernement de la France* (3 vols., The Hague 1727; tr. by C. Forman, 2 vols., London 1739). The nobles were the descendants of the Franks who had subdued the native population and who as feudal lords had become the traditional guardians of political liberty. The destruction of the feudal system, which had been accomplished through the alliance of the kings with the descendants of the conquered race, the third estate, had led inevitably to despotism. As early as 1734 Dubos proved this thesis historically inaccurate. Nevertheless Montesquieu and other eighteenth century reformers accepted it as an argument for representative government. Boulainvilliers also anticipated the *philosophes* by his fundamental indifference to established

religion; he objected particularly to ritual and mysteries and for this reason preferred Islamism to Christianity, as shown in his *Vie de Mahomet* (London 1730; English translation London 1731), expanded in the second edition under the title *Histoire des arabes* (Amsterdam 1731).

ED. ESMONIN

Consult: Thierry, Augustin, *Considérations sur l'histoire de France*, in *Oeuvres* (new ed. Paris 1885) vol. vii, ch. ii. See also introductory essay by F. Colonna d'Istria to Boulainvilliers' translation of Spinoza's *Éthique* (Paris 1907).

BOULANGER, GEORGES ERNEST (1837–91), French general. He inspired the wave of nationalist agitation termed "Boulangism" which swept over France from 1886 to 1889, endangering the existence of the Third Republic. As Clemenceau's protegé, General Boulanger became minister of war in 1886. His republican utterances, the popularity of his army reforms and above all his heroic appearance made him forthwith the idol of Paris. He came to be looked upon as the embodiment of the desire for *revanche* of defeated France. He was *l'homme national*, the long awaited "man on horseback" who would lead France out of parliamentary disorder and restore her military prestige. His supporters included disillusioned republicans, royalists, Bonapartists, members of Déroulède's Ligue des Patriotes and other disparate elements hostile to the existing regime. Intensified by the Schnaebelé affair on the Franco-German border (April, 1887) the clamor for revenge and a military dictatorship centered about Boulanger and greatly embarrassed the government's peaceable intentions. As a result Boulanger was dropped from the cabinet and assigned to provincial duty, a martyrdom which only increased his following. Constitutional revision and the investing of dictatorial powers in a president elected by universal suffrage were the Boulangist panacea. For strategic effect Boulanger, although ineligible, ran for parliament and, secretly financed by royalist funds, won large majorities in various legislative by-elections during 1888, a procedure which amounted to a virtual plebiscite. When the government dismissed him from active service he was elected to the Chamber but resigned after one speech demanding its dissolution. Challenged to test his strength in a Paris by-election, Boulanger gained an overwhelming victory (January 27, 1889). That night everything favored a coup d'état, but Boulanger hesitated and Boulangism was doomed. Two months later the general fled to Belgium rather than face trial for conspiracy. Under the ridicule heaped on its faint hearted leader and the disclosure of his royalist intrigues the movement speedily collapsed. The adventurer whose ambitions exceeded his daring committed suicide on the grave of his mistress.

VERA MIKOL

Consult: Terrail, G. (Mermeix), *Les coulisses du boulangisme* (rev. ed. Paris 1890); Verly, Albert, *Le Général Boulanger et la conspiration monarchique* (3rd ed. Paris 1893); Zévaès, A. B., *Histoire de la troisième république* (Paris 1926); Recouly, Raymond, *La troisième république* (Paris 1927), tr. by E. F. Buckley (London 1928); Barrès, M., *L'appel au soldat* (Paris 1911), a philosophical treatment in novel form.

BOUNDARIES, in the strictly political sense, are the limits of the exercise of governing authority. Municipalities, townships, counties, provinces and states all have their boundaries within which each enjoys peculiar prerogatives. These in turn compose a larger political organism whose boundaries are the limits of the exercise of sovereignty.

The definite delimitation of territory by boundary lines is a comparatively recent political device, being practically coincident with the rise of the modern nation state. It is based on the conception of a political unit that is primarily territorial. Primitive political organization with its essential basis of kinship needed no concept of strict boundary lines. The early Mediterranean civilizations, with a political unit that represented a transition from the kinship to the territorial basis, were in a similar position: the typical Greek city-state consisted of a walled city with a vague dependent hinterland which was not strictly delimited from the sphere of influence of another city. The Roman Empire, embracing the whole of the civilized world, needed no boundaries except local divisions useful for administrative purposes but in no way demarcating diverse sovereignties. Charlemagne's division of his kingdom among his sons in 806 represented the creation of boundaries in the modern sense, except that its sanction was private right rather than public law. Even this broke down in the complex hierarchy of the feudal system which, although it occasioned no end of bickerings over allegiances, left no room for the boundaries of sovereignties. With the rise of the nation state in early modern times and the consequent emphasis upon unitary sovereignty, boundaries became indispensable in maintaining international stability.

National boundaries are necessarily political in the sense that they serve the political function of delimiting the powers and responsibilities of one sovereign state from those of another. But there may be some more compelling reality with which the political boundaries should correspond and which should give a sanction to them. This reality, conceived of in various ways at various times, has been expressed in the geographic or "natural" boundaries, the ethnic or racial, the linguistic and more vaguely the cultural, and the economic.

In estimating the influence of boundaries upon the lives of peoples and upon the relations between nations, one must distinguish between the conditions in Europe and those obtaining in the rest of the world. In Asia and Africa, where European control is virtually supreme, the determination of boundaries and the readjustments and changes that may occur after a lapse of years have more effect on the European powers who have made them than on the non-European inhabitants of the frontier regions. These natives have simply gone from one European master to another. This is evidenced by the boundary provisions of the Anglo-French agreement of 1904, the delimitation of the boundary between Tripoli and Egypt, the division of the German West African possessions after the World War and the revision of the Somaliland boundary by Great Britain and Italy. The present boundaries of Siam and Southern China were decided not by arrangements between the Chinese and the Siamese governments but by Anglo-French negotiations in which Siam and China had no part. Even the boundary readjustments made directly between Asiatic countries, such as the determination of the Perso-Afghan and Perso-Turkish frontiers, have left in the relations between the countries concerned and in the lives of border peoples little antagonism and few open wounds.

In the western hemisphere the increasingly overwhelming power of the people of the United States has enabled them to fix their own territorial limits. Frontiers were not arbitrarily made; once the territory occupied by the thirteen original colonies was passed, the drawing of boundaries took into account geographical and economic considerations. The republics that shared the Spanish and Portuguese heritage in Latin America existed for many years before they asserted more than an academic claim to frontiers based upon the vague Spanish viceregal divisions. The boundaries were remote and unsurveyed and have become of importance only recently through the rise of economic and transportation questions. One of the few boundary questions in South America that have had a bearing upon the life of the people is the Tacna-Arica dispute involving Chile, Peru and Bolivia.

In Europe, on the other hand, boundaries have had a profound bearing upon the cultural as well as upon the political and economic life of the continent. The states of Europe in their nineteenth century form were the result of centuries of strife during which geographical, ethnic and economic causes had little bearing in the determination of boundaries. Not even in such cases as that of Spain, where a high mountain barrier cut off a peninsula from sea to sea, did geography determine the extension or limitation of the exercise of sovereignty. From religious and dynastic wars nationalist and industrial Europe inherited a legacy of hatred and confused historical claims which made the definition of reasonable boundaries difficult in the extreme. Added to these factors was the mixture of racial stocks and languages in every border region.

The purely political concept of boundaries which was dominant before the Napoleonic period began to give way to geographic considerations in the more advantageously located parts of Europe. The states along the Atlantic from Spain to Sweden achieved political unity, natural frontiers in rough measure and at least a political fusion of ethnic groups. Russia, separated geographically and with a dominant ethnic group, also had more or less natural frontiers. In the countries of Central Europe, however, there were no definite boundaries, either geographic or ethnic. By the 1870's Germany, under the hegemony of Prussia, and Italy, under the hegemony of Piedmont, had achieved political unity and approximately ethnic boundaries. Austria-Hungary, on the other hand, formed and kept alive only because of political compromises and the economic advantages shared by all in belonging in the era of keen industrial competition to a large political organism, was never free from nationalist agitation and ethnic rivalries in her frontier regions.

Before the World War there were in Europe four types of boundary difficulties which, by keeping the continent in unrest and by thwarting the development of a healthy spirit of social and economic cooperation between nations, led inevitably to the war. Each type was impelled by a different psychological drive: the desire to

reestablish an advantageous boundary that had been lost through unsuccessful war—France and the Rhine; the desire to complete the work of unification of the people of one language and culture—Italian irredentism and Austria; the desire to add to the national territory other branches of the race in the formation of a "greater" country which had not existed in the past—Serbia, Rumania, Greece, Bulgaria; the desire of a race formerly independent and now divided among more powerful neighbors to do away with political boundaries and revive national independence—Poland, Czechoslovakia, Lithuania. On the whole these movements were led by intellectuals who had no property or business at stake, and the goal was the establishment of a democratic regime. "Unredeemed brethren" looked across the frontier for social equality and for freedom from economic bondage to an alien overlord.

After the World War the victorious powers at Paris attempted, as far as their own interests allowed, to reconstitute the boundaries of Europe in such a way as to satisfy all four of the drives above mentioned. Historic and ethnic considerations were supposed to be the basis of their decisions as embodied in the treaties of the Paris settlement. Nevertheless certain Allies claimed the right to press forward to their natural geographic boundaries irrespective of alien elements they would incorporate; this was notably true of France and Italy with respect to the Rhine and the Brenner Pass. The smaller countries which were enlarged and the resurrected states all demanded and for the most part received the extreme limit of the new boundaries for which they asked except in cases of mutually conflicting demands. The geographic and ethnic concepts of boundaries were applied to border region peoples not more unfavorably than they had been before. But the economic concept was on the whole disregarded. In order to avoid the difficulties of having large ethnic minorities on the wrong side of boundaries, the League of Nations was entrusted with their protection; many questions have come up for decision since 1921. But the existence of an outside tribunal to which border minorities have the right to appeal against their own government leaves open opportunities for continued agitation. The clearest hope for improvement of a vexed situation as regards border peoples would seem to lie in an increasing emphasis on an ethnic conception of nationality.

The mechanisms of boundary determination vary with the nature of the boundary. Subdivisions of sovereign states fix their boundaries by surveys based upon grants, charters, letters patent, executive decrees or acts of some legislative authority. The boundaries of sovereign states are determined by international acceptance of an existing status quo, decisions of arbiters, compromises between disputants, and physical surveys. International boundaries must have the sanction of special treaties among neighbors, international treaties and agreements made by overlords, or general treaties concluded among states after wars. Land boundaries are fixed by treaties between the states directly interested. Where the common boundary is a river, lake or arm of the sea the median line is almost always followed.

International law puts the ocean boundary line at a point where the beginning of the fourth mile seaward is reached. But a definition of what constitutes the high seas is not easy. Powerful states who have the means to make good their claims contend that the three-mile limit does not apply in bays or estuaries between peninsulas and capes, no matter how far apart the points of land jutting out into the ocean may be. They regard as territorial waters that part of the open sea which is within a line drawn from the tip of one cape or peninsula to another. Limits of territorial waters have frequently been settled by treaties between the powers directly interested. Some very important differences of opinion as to the extent of territorial waters still remain. Great Britain asserts, while Argentina and Uruguay deny, the international status of the estuary of the La Plata. The three-mile limit is also subject to modification for some particular purpose. The United States has recently secured British assent to the search of British vessels found within twelve miles of the American coast and to the confiscation of their cargoes if they prove to be rum runners.

The national boundary is a fundamental concept of international law, since it delimits its primary entities, national states. Boundary disputes and boundary determination have been at least the immediate causes of international conflict in the past and have latterly become the subject for a considerable body of rules of international arbitration. Such arbitration is usually confined to the interpretation of a treaty, but it may also at times lay down the general principle underlying the fixing of boundaries. The personnel of the arbitrating agencies have been in the past mainly the heads of the states

involved or mixed commissions. Disputes over the administration of boundaries as well as over their location occur frequently. The United States and Canada have established a system of boundary administration which in spite of the complex problems involved in immigration, smuggling and rum running works without any considerable friction. The presence of such factors as an essential amity and a similarity of economic conditions on both sides of the border makes this case somewhat unusual. But even on the more troubled frontiers in Europe boundary difficulties would be minimized if stress were laid on the able economic management of border regions and if a boundary administration were developed that would make easier the social and commercial contacts of the contiguous peoples.

HERBERT ADAMS GIBBONS

See: FRONTIER; NATIONALISM; IMPERIALISM; BUFFER STATE; IRREDENTISM; NATIONALITY; MINORITIES, NATIONAL; SOVEREIGNTY; TERRITORIAL WATERS; CUSTOMS DUTIES; TREATIES; ARBITRATION, INTERNATIONAL; WORLD WAR; REGIONALISM.

Consult: Curzon, G. N. C., Lord, *Frontiers* (2nd ed. Oxford 1908); Gibbons, H. A., *The New Map of Europe 1911–1914* (New York 1914), and *Europe since 1918* (New York 1923); Holdich, T. H., *Political Frontiers and Boundary Making* (London 1916); Dominian, Leon, *The Frontiers of Language and Nationality in Europe* (New York 1917); Fawcett, C. B., *Frontiers, a Study in Political Geography* (Oxford 1918); Masaryk, T. G., *The New Europe (The Slav Standpoint)* (London 1918); Bowman, Isaiah, *The New World* (4th ed. Yonkers 1928); Brunhes, Jean, and Vallaux, Camille, *La géographie de l'histoire* (Paris 1921) p. 337–63, 435–40; Lapradelle, Paul de, *La frontière* (Paris 1928).

BOUNTIES. A bounty signifies the payment by the state of a specific sum per unit of an article—so much per unit produced or per unit imported or per unit exported. A bounty differs from a subsidy in that a subsidy is paid as a lump sum or upon some other basis than that of commodity unit. The usage of these terms, however, is not always consistent.

Bounties on production were a familiar part of mercantilist policy in the seventeenth and eighteenth centuries; it was often difficult to distinguish them from subsidies. Colbert's direct promotion of domestic industries seems to have been chiefly through subsidies. The grants to the silk industry (both for raw silk and for silk goods) by the Brandenburg and Prussian sovereigns during the eighteenth century began as subsidies, but under Frederick the Great seem to have reached the form of bounties given on the basis of raw silk used in manufacture. In the American colonies bounties were given from time to time during the seventeenth and eighteenth centuries on such articles as hemp and flax, woolen, linen and cotton cloth, raw silk and occasionally wheat and flour. Like the colonial export bounties they probably had no considerable economic effects.

After the beginning of the nineteenth century bounties on production became less common. Sometimes they were given in place of abolished protective duties. A case of this kind was the United States bounty of 2 cents a pound on sugar produced at home which was given in 1890 when sugar from foreign countries was admitted free of duty; the bounty ceased when the duty was reimposed in 1894. In other cases bounties have been given as new measures for promoting a given industry rather than as substitutes for repealed protective duties. Such have been the French bounties on the domestic production of raw silk, linen and hemp given since 1892. Hungary and Italy gave bounties on raw silk in the later years of the nineteenth century. Canada for many years gave bounties on iron and steel products. In France bounties (and subsidies also) on beet sugar were given from the time of Napoleon I. There was a remarkable recrudescence of bounties after the World War. These bounties were still in effect in 1930 in Great Britain and the British Dominions. In Great Britain and Ireland they were on beet sugar; in India, on iron and steel; the most far reaching of all, in Australia, on iron and steel, fence wire, sugar and other articles.

Bounties on the import of a commodity have been rare. They were given by Great Britain in the eighteenth century on certain articles imported from the American colonies, chiefly naval stores, but also raw silk. In recent times they are apparently unknown.

Bounties on exports have been more common. Great Britain granted them on grains first in 1673 and then more systematically by the well known act of 1689, the bounty being given when the prices of the grains were at or below certain stated (low) figures. The bounty remained in effect until 1773 and was not formally repealed until 1814. Bounties were given by Great Britain in the eighteenth century also on the export of other commodities such as silk goods. In the nineteenth century the most notable case was the system of export bounties on sugar given by various continental states between about 1885 and 1902. These bounties developed (unexpectedly and undesignedly) from drawbacks on

the export of sugar which were originally intended to be merely a refund or equivalent of internal taxes, but became excessive and amounted to a concealed bounty. They were acquiesced in and even welcomed, and were finally replaced in some countries by overt bounties on export. The Brussels Sugar Convention brought about their abolition in 1902.

In the American colonies export bounties were granted on hemp, flax, tar, potash, cotton and indigo during the seventeenth and eighteenth centuries and were again given in the period during and immediately after the adoption of the constitution in 1789. Probably none of the American bounties of this kind was of any considerable economic importance. After the adoption of the constitution the United States gave export bounties on salted fish; they lasted for a long time and did not completely disappear until 1866. Although bounties in form, they were in reality drawbacks for duties on imported salt used in curing the fish. An export bounty on certain agricultural staples to serve in place of protective duties which could not be made effective was advocated in the United States for many years after 1920.

Preferential transportation rates on goods for export, preferential shipping rates, lower prices conceded by the producers on such goods (dumping) and similar measures are sometimes spoken of as "concealed" export bounties. These devices should be classed with others which are designed to promote exports, and like them raise the general question of whether such promotion is good public policy. They are scarcely to be considered export bounties in the strict sense, if only for the reason that in practise it is commonly impossible to say whether they are resorted to with the design and effect of direct bounties or are adopted on other and less controversial grounds of business policy.

A bounty on production is obviously the equivalent, in its effect on competitive conditions, of a duty on the importation of a foreign competing commodity. A duty on an imported article causes the price of the article to rise by the full amount of the levy, and to that extent gives the domestic producer an advantage over the foreigner. The domestic producer is given the same advantage if, on the other hand, the foreigner's product is admitted free and a bounty is given. It has been argued, and the argument is essentially sound, particularly when the domestic output is comparatively small, that such a bounty costs the community less than a duty. In either case, bounty or duty, there will presumably be an increase of domestic production and a diminution of importation, thus involving the whole question of protection and free trade. Between the two devices one difference of vital practical importance is that the charge on the community is conspicuous in the case of bounties but is largely concealed in that of duties. Bounties create an overt drain on the public treasury and on the taxpayer. Hence if they are considerable in sum total, or high in proportion to the ruling price, they are likely to become unpopular and to be withdrawn.

Adam Smith, of course, vigorously attacked all bounties. Ricardo in considering them did little more than criticize, from his own point of view, Adam Smith for inconsistency and ill reasoning. Alexander Hamilton in his *Report on Manufactures* weighed the advantages and disadvantages of bounties as compared with import duties. In neoclassical theory some questions other than those of protection have been considered. The effect of a bounty (given on the whole of the supply produced) is analyzed as bringing about a lowering of the supply price or the expenses of production by the amount of the bounty, and so a lowering of the ruling price. If the industry is one carried on under the conditions of increasing returns there is a further effect: the lowering of ruling price leads to an increase in quantity demanded, this to an increase of total output and this to a further decline in supply price and in ruling price. The reverse consequences are supposed to ensue in an industry of decreasing returns. Marshall's suggestion for the use of bounties and taxes in relation to consumer's surplus and maximum satisfaction rests on a similar analysis. Logically impeccable, at least in its formal aspects, Marshall's reasoning is based on the assumption that the bounties (or taxes) are in continuous effect on the same articles for a very long time and that the long time consequences work themselves out to the very last stage. This assumption is probably never realized in practise.

FRANK W. TAUSSIG

See: SUBSIDIES; ECONOMIC POLICY; MERCANTILISM; PROTECTION; CUSTOMS DUTIES; DUMPING; CORN LAWS; SUGAR; SHIPPING.

Consult: Cunningham, William, *The Growth of English Industry and Commerce*, 3 vols. (5th ed. Cambridge, Eng. 1910–12) vol. ii; Lord, Eleanor L., *Industrial Experiments in the British Colonies of North America* (Baltimore 1898) pt. ii, ch. i; Giesecke, A. A., *American Commercial Legislation before 1789* (New York 1910) p. 59–74; Osgood, H. L., *The American*

Colonies in the Eighteenth Century, 4 vols. (New York 1924) vols. i and ii; Beer, G. L., *The British Colonial Policy, 1754–1765* (New York 1907) ch. x; Gras, N. S. B., *The Evolution of the English Corn Market from the Twelfth to the Eighteenth Century* (Cambridge, Mass. 1915); Lexis, W., *Die französischen Ausfuhrprämien . . .* (Bonn 1870); Lavison, A., *La protection par les primes* (Paris 1900); Donges, Reinhard, *Die handelspolitische Bedeutung der Ausfuhrprämien* (Frankfort 1902); "Bounties" in United States Tariff Commission, *Dictionary of Tariff Information* (Washington 1924) p. 75–79.

BOURGEOIS, LÉON VICTOR AUGUSTE (1851–1925), French statesman and social philosopher. He came of middle class parents and at the age of twenty-five began that long political career during which he was to occupy every high office in the gift of the Third Republic except the presidency, which he several times declined. Throughout his life he was a protagonist of social reform and took an active part in the struggle against tuberculosis and unemployment and in the movement for social insurance and labor legislation. The same idealism guided him in international affairs. He represented France at the First and Second Hague Peace Conferences, serving as president of the Arbitration Commission and as member of the Permanent Court of Arbitration. One of the leading proponents of the League of Nations, he sat with the Commission of the Hotel Crillon and became a member both of the Council, over which he presided four times, and of the Assembly, in which he headed the French delegation.

The theoretical foundation of Bourgeois' program was developed in *Solidarité* (Paris 1896, 7th ed. 1912) and *Essai d'une philosophie de solidarité* (Paris 1902, 2nd ed. 1907). The starting point of his doctrine is the increasing importance of solidarity, evidenced in the family, the nation and the community of states. Bourgeois carefully distinguishes between solidarity-as-fact and solidarity-as-norm, the essential characteristic of the latter being an exact equivalence between individual benefit and contribution as prescribed by the terms of the quasi-social contract. To establish such an equivalence is the function of social justice, which can be realized only through the wide intervention of public authority. In both practise and theory Bourgeois was the founder of the French school of solidarism.

GEORGES SCELLE

Consult: Pirou, G., *Les doctrines économiques en France depuis 1870* (Paris 1925) p. 159–66.

BOURGEOISIE. This term, originally denoting the members of a mediaeval borough, derived its specific social connotation from the relation of master and journeyman in the handicrafts and small manufactories of France during the seventeenth, eighteenth and early nineteenth centuries. Bourgeois came to be synonymous with patron or employer. The subsequent history of the term presents an interesting case of the change of "value accent" which frequently occurs in social terminology and is usually connected with a change of social conditions. For the increasing antagonism between employers and employees, conditioned by the transition from a craft to a capitalistic basis of industrial organization, had this natural consequence: it gave to the originally good humored denomination with its patriarchal implications the slighting and vindictive meaning which was popularized by socialist writers of the nineteenth century and which was formed into an all embracing denunciation by the Russian Bolsheviks of the twentieth century.

The opposition of employer and employee contributed only one, although the most important, part of the social content of the word. Molière's famous comedy, *Le bourgeois gentilhomme*, points the way in which the term served also to indicate a line of demarcation between the middle class and the nobility or gentry of feudal society. This second contrast, as well, has been instrumental in shaping the modern sense of the term, to the extent that the word is suggestive of niggardliness and stupidity, the old foils of the supposed generosity and refinement of the feudal aristocracy.

The reality underlying the term then would seem to be the middle class of modern European society functioning as entrepreneur in the new capitalistic system and thereby provoking the opposition of the ruling class of the disappearing order as well as that of the laboring class of the coming industrial order. But it is clear that in this connection middle class does not refer to a group the characteristics of which are fairly constant for different countries or periods. The English gentry and the French *noblesse de robe* although similar in some respects differed fundamentally in the way in which they bridged the gulf between the pure type of feudal nobility or "peers" and the rising commercial and industrial classes. The clearest perspective from which to view this mass of divergent phenomena is the conception of succeeding waves of middle class groups ascending from

the ranks of peasants, artisans and laborers through the position of bourgeois merchants and manufacturers to that of a landowning, political or administrative aristocracy. It is this "circulation" which is referred to in the expressions "upper" and "lower middle classes," or "great" and "petty bourgeoisie" (*Grossbürgertum*, *Kleinbürgertum*). The characteristics of the bourgeoisie are thus different since the traits which are essential or prominent in the first transformation of the lowly peasant or artisan into the small capitalist are not necessarily the same as those found in the second transformation of the small investor into the half aristocratic "captain of industry." Accumulative thrift, negatively seen as avarice, becomes preeminently the characteristic of the first stage; acquisitive and organizing genius, negatively seen as exploiting rapacity, preeminently that of the second.

This is of course only a very rough classification. In reality the accumulative is never successful without the acquisitive spirit; and conversely the rapacity of the bourgeois, since it is directed to peaceful, legal and rational forms of procedure, is distinct in principle from the overwhelmingly violent, frequently extralegal and mostly irrational rapacity of the upper classes in feudal society. Werner Sombart, therefore, seems to be correct in his assumption that the two groups of traits have been regularly blended, if in different proportions, all through the history of the bourgeois. Both aristocratic and labor adversaries of the bourgeoisie are inclined to stress the meaner sides of its character, more in ridicule than in abomination. But it has also its hardier and nobler sides. While the middle period of "Manchester" liberalism corresponded most closely to the vulgar or narrow type of bourgeoisie attacked by conservatives and socialists, both the period of its genesis, illustrated by the Elizabethan "Adventurers," and that of its climax, represented by the business "kings" of the late nineteenth and twentieth centuries, exhibit characteristics that at least go far beyond the more common forms of petty usury or timid good citizenship.

Among the different groups of bourgeoisie in the various European countries today, there is undeniably a certain community of interest manifested in business and personal relations and even in marriage arrangements. This is particularly apparent among such extranational groups as the Jews or Levantines. But there is also a diversity of well marked national characteristics. The individualism of the English and French bourgeois rests on the greater importance in these countries of the trader and banker as compared with the manufacturer. In Germany, where the bourgeois class has a much larger and more dominating admixture of manufacturers and of feudal elements like the aristocracy of the Rhenish or Silesian mining districts, the whole class has a much less individualistic attitude toward mutual cooperation and government interference. The almost complete absence of the term from American economic and social life indicates a marked difference in social structure between America and Europe. The business or middle classes in America have little of this background of a double historical contrast with a feudal and a labor class.

Culturally, as much as economically, the bourgeoisie has been the destroyer of old and the founder of new systems. In a general sense it was the principal agent in dissolving the theocentric society of the Middle Ages and in introducing the modern multiplicity of cultural values. Max Weber's theory of the connection between the development of Protestantism and capitalism is sound in its emphasis on the significance of the rising middle classes as standard bearers of the new "intra-mundane" ideals of personal and business ethics. The role played by the early French bourgeoisie in preparing the way for the French Revolution is equally clear. It involved a slow emancipation from the tutelage of the Catholic church and the substitution of the secular morality still embodied in present day French "laicism." But while the art and literature of France, and to some extent that of England, reached their climax in the period preceding the political victory of their bourgeoisies and therefore seem to bear a lasting non-bourgeois or aristocratic character, the cultural life of modern Germany is quite preponderantly a creation of the middle classes of the eighteenth and nineteenth centuries. Not only did the great German writers and composers belong to these classes but it was also for them that they wrote and composed.

It was therefore not by chance that the full force of Karl Marx's attack on culture as a "superstructure" of the economic order was directed against the German bourgeoisie in which, more than elsewhere, the business element was reenforced by the "academic" professions and a powerful bureaucracy. It was the cultural domination of this compact group that

provoked the distrust and resentment of the socialist labor leaders almost more intensely than the church or the monarchy had provoked that of former revolutionaries. Although the hopes of a new "proletarian" culture entertained in Russia and Germany have as yet hardly been realized, one cannot fail to see that the assertion of the relativity of bourgeois ideals is the revenge history has taken upon the bourgeoisie as the destroyer of so many older values.

Even in capitalistic countries the position of the bourgeois class is changing. The concentration of big business and the events of the war years and of the post-war period of inflation have resulted in the impoverishment of large sections of the employing, bureaucratic and professional classes. The future of these "new middle classes" depends in large part upon the direction of their evolution whether it be toward the higher bourgeoisie or toward a "proletariat" whose standard of life is itself rapidly rising.

CARL BRINKMANN

See: SOCIETY; CIVILIZATION; CLASS; ARISTOCRACY; MIDDLE CLASS; PROLETARIAT; CLASS CONSCIOUSNESS; CLASS STRUGGLE; MOBILITY, SOCIAL; SOCIAL CHANGE; INDIVIDUALISM; PROTESTANTISM; CAPITALISM; ACQUISITION; THRIFT; BUSINESS; CAPTAIN OF INDUSTRY.

Consult: Sombart, Werner, *Der Bourgeois* (Munich 1913), tr. by M. Epstein as *The Quintessence of Capitalism* (New York 1915); Brinkmann, Carl, Pesl, L. D., Lederer, Emil, and Marschak, Jakob, in *Grundriss der Sozialokonomik*, vols. i–ix (Tübingen 1914–30) vol. ix, pt. i (1926) p. 1–34, 70–141; Lukacs, Georg, *Geschichte und Klassenbewusstsein* (Berlin 1923); Groethuysen, Bernard, *Les origines de l'esprit bourgeois en France*, vol. i (Paris 1927–); Beard, Charles and Mary, *The Rise of American Civilization*, 2 vols. (New York 1927) vol. ii, ch. xx and ch. xxv, p. 383–401; Chilly, Lucien de, *La classe moyenne au France après la guerre 1918–1924* (Paris 1924); Corbin, John, *The Return of the Middle Class* (New York 1922).

BOURGUIN, MAURICE (1856–1910), French economist. He was professor of political economy at Lille and later at Paris. In 1895 when there was still a possibility of a general return to bimetallism he published a series of articles in the *Revue d'économie politique* (republished as *La mesure de la valeur et la monnaie*, Paris 1896) in which after demonstrating the theoretical and practical impossibility of a perfect standard of value he studied at length the experience with various monometallic and bimetallic standards. He pointed out the dangers of bimetallism but admitted its feasibility when buttressed by an international agreement. The chief merit of this work for the present lies in its thorough analysis of value theories. Of far greater importance is Bourguin's *Les systèmes socialistes et l'évolution économique* (Paris 1904, 3rd ed. 1907). The first part, devoted to a study of socialist theories, contains an extremely penetrating analysis of Marx's doctrines and of related state socialist systems, while the second part presents in a masterly fashion the economic development of Europe in the latter half of the nineteenth century. Profoundly democratic, in warm sympathy with the working classes, but endowed at the same time with an acute critical spirit, Bourguin compared theories with facts and concluded that it was practically impossible to carry out the ambitious schemes of collectivist doctrinaires. He pleaded, however, for the continuation of the evolution toward more progressive and democratic goals. Combining in a happy balance abstract analysis with concrete observation, Bourguin's work represents the best product of economic thought in France at the close of the nineteenth century.

BERNARD LAVERGNE

Consult: Pirou, G., *Les doctrines économiques en France depuis 1870* (Paris 1925) p. 166; Waha, Raymund de, *Die Nationalökonomie in Frankreich* (Stuttgart 1910) p. 381–92.

BOURINOT, JOHN GEORGE (1837–1902), Canadian political scientist and constitutional historian. Bourinot was the son of a lieutenant colonel who was later a member of the Senate of the Dominion of Canada, and was educated at Trinity University, Toronto. He began his career as a journalist and in 1860 founded the Halifax *Herald*; but in 1868 he joined the staff of Hansard at Ottawa. In 1873 he was appointed an assistant clerk, and seven years later chief clerk, of the Canadian House of Commons, a position which he retained for the rest of his life. His first important publication was the treatise on *Parliamentary Procedure and Practice; with an introductory account of the origin and growth of Parliamentary Institutions in the Dominion of Canada* (Montreal 1884; 4th edition by T. B. Flint, Toronto 1916). This led him into the field of political science, which was just beginning to develop in America. A series of studies of local government in the United States, published in the Johns Hopkins University Studies in Historical and Political Science, inspired him to write *Local Government in Canada: an Historical Study* for that series

(5th ser., nos. v–vi, 1887; first printed in Royal Society of Canada, *Transactions*, vol. iv, 1886, sect. ii, 43–76). *Federal Government in Canada* in the same series (7th ser., nos. x–xii) followed in 1889. In 1888 appeared *A Manual of the Constitutional History of Canada* (Montreal 1888; new ed. Toronto 1901) and in 1895 he published *How Canada is Governed* (Toronto 1895, 5th ed. 1902). Bourinot was thus a pioneer in the study of Canadian government. While his excursions into this subject were too much colored by his legalistic leanings, much of his work is still authoritative. His historical works, notably *The Story of Canada* (New York 1896; 3rd ed. by W. H. Ingram, London 1922) and *Canada under British Rule* (Cambridge, Eng. 1900; rev. ed. 1909), were accurate but superficial. *Lord Elgin* (Toronto 1903), a better work, has been superseded in the Makers of Canada series, yet several of Bourinot's studies, with revisions and enlargements, have long served as textbooks in their various fields. Bourinot also interested himself in the cultural development of Canada. He was one of the most active members of the Royal Society of Canada, with which he was identified from its foundation and of which he was made president in 1892. Many of his papers are to be found in its *Transactions*.

W. S. WALLACE

BOURKE, RICHARD (1777–1855), British colonial administrator. After studying law and serving in the army he became in 1826 governor of Cape Colony, where he promulgated ordinances furthering the civil liberties of free colored persons and protecting native tribes from white aggression. His rare sagacity, impartiality and tact were especially outstanding when as governor of New South Wales (1831–37) he controlled the Australian settlement during a period of rapid expansion and acute political agitation. As a liberal Bourke was out of sympathy with the colonial autocracy, which was tempered only by a nominated Legislative Council with merely advisory powers. Convinced by the increasing attacks of political reformers that a change was inevitable he urged the Colonial Office to foster the gradual development of self-government. He declared that crime was not existent "to that extent which would justify the British Parliament in withholding from the colonists fuller participation in the free institutions of England." Although representative government was not realized until later, Bourke aided in its development. He freed the press from censorship and gave it access to the reports of the Legislative Council, worked toward the establishment of local government and civilian juries, removed several religious disabilities and improved educational facilities. The conflict between the free and emancipist classes he met by picking men for office on their merits, regardless of their class. To solve the problem of land settlement he carried through the transition from land grants to land sales, using part of the income to assist free immigration, and introduced a system of squatting licenses. By paying £10 a squatter could occupy any quantity of unsettled land for a year. Thus the wool industry was established on a legal footing and progress was henceforth rapid.

HERBERT HEATON

Consult: Sweetman, E., *Australian Constitutional Development*, University of Melbourne Publications, no. iv (Melbourne 1925); Mills, R. C., *The Colonization of Australia (1829–42)* (London 1915); Cory, G. E., *The Rise of South Africa*, vols. i–iv (London 1910–26) vol. ii, ch. viii.

BOURNE, EDWARD GAYLORD (1860–1908), American historian. Bourne was graduated from Yale in 1883 and received his doctorate from the same institution in 1891. His primary undergraduate interest had been the classics but under the influence of William Graham Sumner's teaching he turned to economics and history. Sumner suggested Bourne's first book, *The History of the Surplus Revenue of 1837* (New York 1885), still a standard monograph. From 1895 until his death Bourne was professor of history at Yale and rapidly became one of the most influential American historians. From 1901 to 1908 he was chairman of the historical manuscripts commission of the American Historical Association. Bourne's first important contribution was his *Essays in Historical Criticism* (New York 1901), one of which, "The Legend of Marcus Whitman," is a classic. These critical studies and the seminar method of teaching which he pursued played no small part in establishing American historical scholarship on a sound basis. His second important work, *Spain in America* (American Nation series, vol. iii, New York 1904; Spanish translation, Santiago, Chile 1906), is a study of the early discovery and exploration of the New World and a "sketch of the Spanish colonial system and of the first stage of the transmission of European culture to America." One of the significant earlier attempts in Amer-

ica to break away from political history and to trace the history of civilization, this was at the same time a pioneer work in Hispanic-American history. Bourne was the editor of a number of important works, especially narratives of early explorations; he also did considerable pre-publication revision on the first three volumes of James Ford Rhodes' *History of the United States*.

RALPH HENRY GABRIEL

Consult: Rhodes, James Ford, *Historical Essays* (New York 1909) p. 191–200; Hart, A. B., "The Literary Career of Edward G. Bourne" in *Yale Alumni Weekly*, vol. xvii (1908) 641–44.

BOURNE, RANDOLPH SILLIMAN (1886–1918), American publicist. Before entering Columbia University he spent some years at work as a secretary, an assistant in a pianola factory and finally in a vocal studio where he played accompaniments. In 1913 he received from Columbia the Gilder Travelling Fellowship which enabled him to spend a year of study in Europe, and on his return he submitted a report on European cultural conditions entitled *Impressions of Europe*. From 1914 to 1917 he was contributing editor of *The New Republic* and was subsequently an editor of *The Seven Arts* and *The Dial*. He published *Youth and Life* (New York 1913), *The Gary Schools* (New York 1916) and *Education and Living* (New York 1917). Two other collections of his essays were published posthumously, *Untimely Papers* (New York 1919) and *The History of a Literary Radical* (New York 1920). Bourne may be considered the most interesting example of a type of mind that flourished during the decade that preceded the World War and characterized the "younger generation" or the intelligentsia of that period. He sought by his writings and conversation to organize a revolutionary departure in American social and intellectual life, a sort of league of youth based upon a richer development of personal relations and framed with the purpose of creating a new and freer cultural order out of the chaos of American society. A pacifist and socialist, he combined with his genius for personal relations a profound knowledge of international points of view and a deep sympathy with the problems of labor. He was gifted with one of the keenest intellects of his time and a literary style that was equaled by few. His qualities and his defects made him as much the type and leader of the younger generation of the decade that included the war as F. Scott Fitzgerald was of the generation that immediately followed it.

VAN WYCK BROOKS

Consult: Rosenfeld, Paul, "Randolph Bourne" in *The Dial*, vol. lxxv (1923) 545–60; Brooks, Van Wyck, "Randolph Bourne" in *Emerson and Others* (New York 1927) p. 123–45.

BOURNEVILLE, DESIRÉ MAGLOIRE (1840–1909), French physician, sanitarian and educator. He studied medicine in Paris under Claude Bernard and Charcot and subsequently became renowned for his work as chief physician of the children's wards at the Bicêtre asylum for mental and nervous cases. Bourneville concerned himself with the treatment of idiots and the mentally deficient, who were at that time entirely neglected. He had new pavilions erected for the defective children, he patiently trained personnel to educate them and classified the cases according to their degree of mental retardation. Under his training some of the defective children acquired an elementary education and learned a trade. This revolution in method made a deep impression upon physicians and social workers throughout the world. Upon his retirement from Bicêtre, Bourneville continued to develop his medico-physiological methods at his private institution at Vitry-sur-Seine and was instrumental in the establishment of special classes in Paris for retarded children.

Bourneville's interests were not confined to defective children. He worked indefatigably for the improvement of hospital conditions and played an important part in the establishment of maternity wards in Paris hospitals with obstetricians instead of general surgeons. He succeeded in effecting the isolation of contagious cases and the creation of vaccination and hydrotherapy clinics. Bourneville also founded the first training school for nurses which, interpreted as a move of hostility toward the Catholic sisters, drew upon him a volley of bitter criticism. He wrote a textbook of nursing (*Manuel pratique de la garde-malade et de l'infirmière*, Paris 1878; 2nd ed. rev., 1878) which for many years was the only work of its kind in France. Bourneville also contributed to the reform of medical teaching, especially in psychiatry. He founded in 1873 the *Progrès médical*, one of the leading French medical journals, which he edited for many years, the *Archives de neurologie* (1880) and *L'année médicale* (1879). In his *Comptes-rendus du service des enfants de Bicêtre* he published a mass of clinical material on the

mentally retarded and their education. He also wrote several medical books and made many contributions in the field of neurology. As a member of the municipal council of Paris and of the Chamber of Deputies he led the agitation for public health and social work legislation.

RENÉ SAND

Consult: *Bulletins et Mémoires de la Société médicale des hôpitaux de Paris*, 3rd ser., vol. xxviii (1909) 1040–46; Noir, J., in *Progrès Médical*, 3rd ser., vol. xxv (1909) 293–95.

BOURSES DU TRAVAIL. The role of the *bourses du travail* in French labor history has been far greater than was foreseen by the early advocates of their establishment or than is apparent in their present function. As early as March 2, 1790, a report was submitted by de Corcelles to the Constituent Assembly advocating the establishment of a *bourse du travail*. In 1842 the economist G. de Molinari revived the project, first in an article, then in pamphlets and finally in a journal entitled *La bourse du travail*. De Molinari had in view an employment exchange analogous to the stock exchange, where the supply and demand for labor would be formulated daily and the changes in wage rates made public. Although several other schemes for their establishment were proposed after 1848, the functioning of the bourses was virtually impossible until the passage of the law of 1884 which permitted labor unions to form associations enjoying the same rights as the constituent unions enjoyed.

The first *bourse du travail* was established in Paris in 1887. The decree governing its operation, passed December 7, 1895, and revised July 17, 1900, provides that it "must facilitate the business affecting labor by means of free employment bureaus in public rooms provided for that purpose . . . must cooperate in economic and technical education with the labor unions, put offices and meeting halls at their disposal." Most of these services are available to employers as well as to workmen and to non-union as well as to union men. The Paris bourse is directed by a commission of fifteen members elected by representatives of the regularly admitted unions. This commission passes —subject to appeal to the municipal council— on the admission or exclusion of unions, distributes grants and subventions and exercises general supervision. The manager of the bourse is appointed by the prefect, while its budget and the general rules governing its management are determined by the municipal council of Paris. Moreover the minister of labor has authority to dismiss the commission and close the bourse.

Shortly after the establishment of the Paris bourse similar institutions were founded in other cities. By 1892 fourteen of them were in existence and at the outbreak of the World War their number had reached 143. There is no law providing for a general regulation of the bourses. In 1895 the Conseil d'État drafted a bill for this purpose, but it was never enacted and the government is restricted to the regulation of the Paris bourse. Although in general similar to the latter, some of the provincial bourses were established on the initiative of local unions and are supported by them entirely, the municipal subsidies being sacrificed for greater freedom of action and thought. These self-supporting bourses closely resemble municipal or district federations of labor unions.

In 1892, largely in order to counteract the influence of the politically minded leadership of the Fédération Nationale des Syndicats, there was formed the national federation of the *bourses du travail*. Under the influence of Ferdinand Pelloutier, who was secretary of the latter federation from 1894 until his death in 1901, an ideology was outlined for the bourses which made them the center of syndicalist activity. The bourses locally and through their national federation were to serve as the coordinating centers for the voluntary associations of all producers, from which would spring forth the future society; they would thus provide the nucleus of a revolutionary order within the bourgeois state. Their program was to be entirely economic and to depend on direct action; no alliance was to be made with the politicians. Their functions were to be fourfold: welfare services including placement and aid to the unemployed, education, propaganda and, finally and most important, resistance, or aid to unions carrying on the class struggle. The attempt to carry out such a revolutionary program involved for many of the bourses conflict with municipal authorities and temporary or permanent withdrawal of financial subsidies and housing facilities. The federation of the bourses also came into conflict with the Confédération Générale du Travail, formed in 1895, over the provision admitting to membership in the latter only single bourses and single unions rather than federations of either. The greater strength of the federation of the bourses led in 1902 to a

reconstitution and a revivification of the Confédération Générale du Travail, although under this reorganization the federation of the bourses went out of existence as a separate organization. For some time thereafter, however, congresses of the bourses continued to be called for propaganda purposes such as national attempts on a nation wide scale to combat antimilitarism or to prevent the establishment of private employment agencies. Under the new arrangement the bourses were to be local centers of union activity. They were to maintain the vitality of local unions, to see that labor legislation was enforced and to collect statistical and other information on working and living conditions in their districts. During the period 1900–14 there were few strikes in which the bourses were not concerned. They played an active part in the syndicalist movement, and in the congresses of the C. G. T. their delegates sometimes exceeded numerically the delegates of the national trade union.

In the post-war period the name *bourse du travail* is used in some cases to designate a regularly constituted association of the labor unions of a city or district and in others is applied merely to the local headquarters. In recent years, particularly after the establishment of public employment exchanges, the organizations called bourses have been in the main of the second type; that is, they provide offices, meeting halls and other usual accommodations for mutually independent unions. Within the C. G. T. the original function of the bourses is now filled by the provincial or municipal associations of the regularly constituted unions, which are united nationally and have their own secretariat within the C. G. T. on a basis of equality with the national trade unions. These associations as well as their member unions are housed in *bourses du travail*, some of which are municipally supported; others are financed entirely by the unions.

ROGER PICARD

See: EMPLOYMENT EXCHANGES; CONFÉDÉRATION GÉNÉRALE DU TRAVAIL; SYNDICALISM; LABOR MOVEMENT; LABOR, GOVERNMENT SERVICES FOR; TRADE UNIONS.

Consult: Franck, Charles, *Les bourses du travail et la Confédération Générale du Travail* (Paris 1910); Pelloutier, F. L. E., *Histoire des bourses du travail* (new ed. Paris 1921); Jouhaux, Léon, *Le syndicalisme et la Confédération Générale du Travail* (Paris 1920); Martin St.-Léon, Étienne, *Syndicalisme ouvrier et syndicalisme agricole* (Paris 1920); Picard, Roger, *Le movement syndical durant la guerre*, Carnegie Endowment for International Peace, Social and Economic History of the World War, French series (Paris 1927); Confédération Générale du Travail, *Confédération Générale du Travail et le mouvement syndicale . . . historique . . .* (Paris 1925); Lorwin, L. L. (Louis Levine), *Syndicalism in France* (2nd ed. New York 1914) p. 63–90.

BOUTILLIER, JEAN (sometimes Bouthillier) (*c.* 1340–95), French jurist. He was successively lieutenant of the *baillis* of Vermandois and of Tournai. After 1387 he compiled the *Somme rural*, a juristic encyclopaedia for the use of judges and lesser magistrates, dealing with the various departments of law recognized in that period: public law, ecclesiastical law, private law and procedure. It was based on the customs of northern France, on the jurisprudence of the Paris *parlement* and of the tribunals of the *baillis* and on the formulae of procedure. The *Somme rural* is interesting primarily because the lengthy extracts from the *Corpus juris civilis* and the *Corpus juris canonici* show the growing influence of Roman and canon law in fourteenth century France. Boutillier strongly favored the extension of royal authority and the liberty of the Gallican church. His work met with great acclaim and from 1479 down to the seventeenth century it went through many editions, the best known of which is the Charondas le Caron edition (Paris 1603).

GEORGES BOYER

Consult: Meulenaere, O. de, "Jehan Boutillier, esquisse biographique" in *Nouvelle revue historique de droit français et étranger*, vol. xv (1891) 18–35; Esmein, A., "Un passage de la somme rural de Boutillier dans l'édition de Charondas le Caron de Paris 1603" in *Nouvelle revue historique de droit français et étranger*, vol. xix (1895) 49–58.

BOUTMY, ÉMILE GASTON (1835–1906), French educator and political philosopher. He came of a good middle class family and began his career as a contributor of political and literary articles to Girardin's paper, *La presse*. Boutmy's views were crystallized by his contacts with the foremost liberals of the 1860's and especially by his intimate and lasting friendship with Taine. In 1866 he began to lecture at the École Spéciale d'Architecture on the history of civilizations, as well as on comparative architecture. The defeat of France in 1870–71, under circumstances which revealed the inadequacy of her leaders, was the immediate stimulus of Boutmy's greatest achievement. He conceived the idea of founding a free school, which, unhampered by state connections, would create a political élite qualified to hold diplomatic and high adminis-

trative positions. This idea was realized in 1872 when Boutmy founded the École Libre des Sciences Politiques, which he directed until his death. He was the soul of the institution, and his influence extended to professors and students alike. At this school most of the leading administrators of France during the next half century received their training. Boutmy gave lectures on political institutions and compiled them in a series of important works, in which his method was essentially that of Taine, although less rigid. In *Essai d'une psychologie politique du peuple anglais au xix^e siècle* (Paris 1901; tr. by E. English, London 1904) and *Éléments d'une psychologie politique du peuple américain* (Paris 1902), both of which have become classics, he attempted to isolate and explain the essential characteristics of the English and American public mind. His *Études politiques* (Paris 1907) sought to clarify the historical and social foundations of such generally accepted political formulae as the sovereignty of the people.

ANDRÉ SIEGFRIED

Consult: Levasseur, Émile, "Boutmy et l'école" in *Annales des sciences politiques*, vol. xxi (1906) 141–79; Foville, A. de, in Académie des Sciences Morales et Politiques, *Mémoires*, 2nd ser., vol. xxviii (1911) 31–60; Pasquet, D., "La psychologie politique du peuple anglais au XIX^e siècle, d'après M. Boutmy" in *Revue de synthèse historique*, vol. ii (1901) 141–52; Deslandres, M., "La psychologie politique du peuple américain d'après M. Boutmy" in *Revue de synthèse historique*, vol. v (1902) 283–93; Caudel, M., "Les 'études politiques' de M. E. Boutmy" in *Annales des sciences politiques*, vol. xxii (1907) 381–95.

BOUTROUX, ÉMILE (1845–1921), French philosopher and historian of philosophy. After having taught for many years, chiefly at the École Normale Supérieure and the Sorbonne, Boutroux became director of the Thiers foundation. His work marked a definite turning point in contemporary thought. When he began to write, German Hegelianism and English empiricism were at the height of their influence in France. Using their presuppositions Taine had built up eclectically a philosophy of history and of science which envisaged natural events and human destiny bound in one web of inexorable necessity. Boutroux's genius broke the spell of this prevailing determinism through an insistence on renewed contact with reality.

In 1874 Boutroux enunciated a thesis which anticipated what the French school later called scientific criticism, while avoiding its excesses: "Les systèmes ne considèrent les choses qu'en gros, et les choses ne sont vraies que dans le détail." The deeper one penetrates into the nature of things the more clearly one sees that the apparent continuity between the present and the future, between inorganic and organic matter, between animal and human life, affords scope for the play of qualitative and aesthetic principles, for contingency and for effective creation, through which the reality of freedom is manifested. If he thus attacked the concept of abstract necessity it was in order to give precision to that concept of a concrete determinism, varying with the order of phenomena, which is at the basis of positive science. Despite his close personal intimacy with William James, Boutroux protested repeatedly that a subjective belief, a religious fantasy, could not take the place of a scientifically controlled fact; nor could he accept the principle of utility as the basis of a rational philosophy. He held that it was necessary to abandon the factitious alternative of neo-Hegelianism or pragmatism and scrupulously to ascertain in specific cases the connection between reason and experience in the study of nature and man. In his studies in the history of philosophy and in his essays Boutroux insisted that for the traditional but superficial antitheses such as that of science and religion, or in another field for the sterile national opposition that degenerates into war, must be substituted a liberal conception of the universe and of life, in which individual effort becomes a factor in invention and in beauty, an element of genial and harmonious variation and convergence.

Boutroux exercised a marked influence on all of French thought; his challenge led to a recrudescence of idealism; his concepts influenced the scientific work of such men as Henri Poincaré; and he definitely prepared the way for Bergson.

LÉON BRUNSCHVICG

Important works: *De la contingence des lois de la nature* (Paris 1874, 3rd ed. 1921; tr. by F. Rothwell, Chicago 1916); *De l'idée de la loi naturelle dans la science et la philosophie contemporaines* (Paris 1895, 2nd ed. 1913; tr. by F. Rothwell, London 1914); *Science et religion dans la philosophie contemporaine* (Paris 1908; tr. by J. Nield, London 1909); *Questions de morale et d'éducation* (Paris 1895, 4th ed. 1905; tr. by F. Rothwell, London 1913); *Pascal* (Paris 1900, 2nd ed. 1912; tr. by E. M. Creak, Manchester 1902); *Études d'histoire de la philosophie* (Paris 1897, 3rd ed. 1908); *Morale et religion* (Paris 1925); *La nature et l'esprit* (Paris 1926); *Études d'histoire de la philosophie allemande* (Paris 1926); *La philosophie de Kant* (Paris 1926); *Nouvelles études d'histoire de la philosophie* (Paris 1927); *La philosophie allemande au XVII^e siècle* (Paris 1929).

Consult: Crawford, Lucy S., *The Philosophy of Émile*

Boutroux as Representative of French Idealism in the Nineteenth Century (New York 1924); Gaultier, Paul, *Les maîtres de la pensée française* (Paris 1921) p. 45–95; Lafontaine, Albert, *La philosophie de Boutroux* (Paris 1921); Brunschvicg, Léon, "La philosophie d'Émile Boutroux" in *Revue de métaphysique et de morale*, vol. xxix (1922) 261–83.

BOWLES, a family of American journalists. In 1824 the eldest Samuel Bowles (1797–1851) founded the Springfield, Massachusetts, *Republican* and his son and grandson succeeded him as its editors. He began the tradition of rigorous editorial independence which later characterized the paper, and was responsible also for the policy of giving his readers a full correspondence of local news.

It was under the editorship of the second Samuel Bowles (1826–78), however, that the *Republican* established its position as a powerful journal and achieved a larger circulation than any other New England paper outside of Boston. He was a great personal journalist, ranking in authority and influence with Watterson and Greeley. At all times he was courageous in attacking social and political evils. His belief was, in his own words, that "the press really seems to be the best if not the only instrument with which honest men can fight these enemies of order and integrity in government and security in property." He used this instrument against the financial scandals of his day with such effect that during a visit to New York City in 1868 he was thrown into jail overnight on a libel suit brought by Colonel James Fisk, Jr., the notorious Wall Street speculator and corruptionist. The *Republican*, centrally located in Massachusetts, achieved a reputation as far west as the Mississippi for its independence, its vigorous opposition to political and financial corruption and its wide covering of news. In that day the press achieved circulation rather through its expression of opinion than by the publication of news, but the prestige of the *Republican* drew to it writers of distinction, and its coverage of domestic and international news, considering its facilities, was admirable. Bowles himself considered the *Republican* the "most representative and comprehensive" of provincial journals and his demonstration of the social, political and literary possibilities of provincial journalism was one of his most significant achievements.

The third Samuel Bowles (1851–1915) was politically independent and his paper's utterances were sometimes vituperative, but he was of unquestioned integrity and his opinions aroused wide respect. Many young journalists were trained in his office and they gave the paper a distinctive literary quality. In his day no other newspaper in Massachusetts commanded such a position as the *Republican*. After his death the Bowles family acquired a monopoly of the Springfield papers, Republican, Democratic and Independent, and conducted them as commercial enterprises.

SILAS BENT

Consult: Hooker, Richard, *The Story of an Independent Newspaper* (New York 1924); Merriam, George S., *The Life and Times of Samuel Bowles*, 2 vols. (New York 1885); "An Independent Journalist" (review of Merriam) in *The Nation*, vol. xli (1885) 553–54; Bradford, Gamaliel, *Union Portraits* (Boston 1916) ch. ix; Bleyer, W. G., *Main Currents in the History of American Journalism* (Boston 1927) ch. x; Aikman, Duncan, "The Springfield Republican" in *American Mercury*, vol. viii (1926) 85–92.

BOXER REBELLION. *See* CHINESE PROBLEM.

BOY SCOUTS. *See* BOYS' AND GIRLS' CLUBS.

BOYCOTT. A boycott is a concerted effort to withdraw and to induce others to withdraw from economic or social relations with offending groups or individuals. While the practise of boycott has been resorted to in one form or another for many centuries the term itself is comparatively recent, having been taken in 1880 from the name of Captain Boycott, one of the most hated of the landlords' agents during the agitation against landlords by the Irish Land League. Boycott's tenant farmers had under protest completed the harvesting of his crop on reduced wages. Nevertheless on rent day Boycott sought to evict them, whereupon they held mass meetings and persuaded all of Boycott's employees to desert him and have no further relations with him or his family. This ostracism became widespread and of national significance. The designation of the action as a "boycott" was coined by Father John O'Malley, an Irish priest, and James Redpath, an American journalist. Shortly thereafter the boycott as an important weapon in labor disputes was adopted in the United States by the Knights of Labor. The term is now internationally used. The boycott has been widely employed as a punitive economic and social weapon by various groups—by the members of a national or racial group, by organized groups of consumers, by groups of business men, by labor organizations. When used by employers against

labor it is generally known as a blacklist. When the gesture of non-cooperation is a concerted withdrawal from activities, industrial or political, it is designated as a strike.

The essential element which underlies the various characteristic forms of the boycott is the effectiveness in economic and political struggle of a weapon which through consumers' power and by other methods restricts the market. Under the present economic organization the insistent need of a continuing market for the flow of goods and services presents an aspect of considerable vulnerability; and the diminution of profits through refusal to purchase or patronize may represent a blow considered more serious socially than open conflict. Often, as in the case of consumer boycotts, the boycott is used because no other weapon is available. But the recognition of its effectiveness as an instrument of coercion has often led groups in nationalistic or industrial struggles to use it in preference or as a supplement to other tactics, such as strikes or rebellion. Its initial non-violent character has often recommended it also on ethical grounds. To supplant the use of economic power the social phase of the boycott is often added in the form of ostracism of the offending individuals and their families. The social boycotting of scabs in labor disputes and of resident enemy aliens during wartime may be cited as instances. Since the effectiveness of this phase of the boycott depends on the degree of social interdependence obtaining, its importance has been limited mainly to small communities.

The political importance of the boycott lies chiefly in its employment by aggrieved racial and nationalist groups as a method of protest against the group in power. Boycotts existed in this form long before the invention of the term, as in the case of the Boston Tea Party. The use of this type of boycott against economic or political imperialism or discrimination is most widespread. Oriental countries often boycott western goods, either as a safeguard against their destructive effect on national industries or culture, or as a phase of a more general revolt. In China boycotting has been extensive, especially during the last twenty years. In 1905, in protest against the treatment of their countrymen in the United States, the Chinese boycotted American goods. The Chinese also employed boycotts against the Japanese in 1908, in 1919, in the latter instance because of the award of Tsingtao to Japan, and again in 1927. British goods were boycotted in the recent Chinese agitation.

Natives of India have likewise employed this weapon a number of times in protest against Great Britain and to further their campaign for self-government. Here the boycott of foreign goods, combined with a demand for the purchase of Indian made products—embodied in the Swadeshi movement—emerged as an effective force in 1905 when, as a result of a resolution at the Indian National Congress, thousands refused not only to handle British goods but also to study in official British schools and colleges. Until the boycott was weakened by military force it played great havoc with the business of merchants handling British goods and stimulated the production of Indian wares. More recently the movement has assumed the proportions of a rebellion. The political use of the boycott in India has been especially significant because it has been based on a philosophy of passive resistance formulated by Mahatma Gandhi. In this connection the boycott goes beyond the importance of its specific occasion and attains a significance as a general form of social adjustment.

Boycotts have been employed by consumers as means of reducing prices, of improving quality, of protesting against the conditions of labor involved in the production or marketing of the goods or services, or of punishing the seller of the goods for past offenses. These boycotts do not have as large or as lasting a psychological appeal as the other types and are difficult to maintain for more than a few days, since they soon cease to be news and their continuance seems to involve a sacrifice in time or effort greater than any possible gain therefrom. The temporary nature and limited appeal of most consumers' organizations and the increasing complexity of our economic structure affect especially this type of boycott. Consumers' leagues have more frequently used the negative and legally sanctioned form, the white list. Although business men avoid the term "boycott," perhaps because of the opprobrium attaching to it in labor disputes, in practise they often make use of the trade boycott against other business men whose practises are adjudged inimical to the interests of the group.

In the United States the boycott is generally associated with labor disputes. It was most widely used by American labor during the years 1880 to 1908. In the earlier part of this period the Knights of Labor emphasized and encouraged its use as one of labor's most effective weapons. Many boycotts were put into effect in

California against Chinese labor; elsewhere boycotts were organized against products of convict, child, female and other forms of labor difficult or impossible to influence by other means. The products most frequently subject to boycott were necessities and inexpensive luxuries purchased by working class consumers, such as bread, newspapers, hats, cigars, beer and shoes. Since the local units of the Knights included workers of various trades and professions, consumers' pressure was especially effective. New York was the center of these efforts and from 1885 to 1892 over 1300 boycotts were recorded by the state Labor Bureau. During the late eighties boycotts were placed more and more frequently under the legal ban. The resultant prosecutions combined with its loss of membership led to a diminution in the use of the boycott by the Knights of Labor during the remaining years of its existence.

During the nineties widespread boycotts were carried on, chiefly by the independent railway unions. In 1890 the Brotherhood of Locomotive Engineers passed a resolution forbidding its members to handle property belonging to any railroad involved in a strike. The enforcement of this ban led three years later to the issuance of a restraining injunction against Grand Chief Arthur and other officers. It was in connection with this case that Circuit Judge William H. Taft issued his decision declaring that the boycott of cars of other roads constituted a violation of the Interstate Commerce Law [Toledo, Ann Arbor & N.M. Ry. Co. *v.* Pennsylvania Co., 54 Fed. 730 (1893)]. Despite this decision, however, in 1894 the American Railway Union headed by Eugene V. Debs ordered its members, as a means of assisting strikers against the Pullman Palace Car Company, to refuse to handle Pullman cars. The result was a restraining injunction and the subsequent imprisonment of Eugene V. Debs for contempt of court [*In re* Debs, 158 U.S. 564 (1895)]. It is significant that while boycotts had often been substituted for strikes by the Knights of Labor, they were issued from the nineties on in connection with pending strikes or as a method of carrying on against a firm when a strike had been unsuccessful.

From the mid-nineties until the Danbury Hatters' decision in 1908, the American Federation of Labor in its official magazine carried on its "We Don't Patronize" list the names of scores of "unfair" firms and assisted in other ways the boycotts waged by the national and international unions. So successful were many of these boycotts that an employers' association under the name of the American Anti-Boycott Association (later called the League for Industrial Rights) was founded to assist individual firms in fighting boycotts. This association carried test cases into court, made sure of their application in subsequent struggles and worked to prevent any legislative enactments which might remove legal obstacles to the boycott. It was especially active in the Danbury Hatters' case, which marked a new era in the legal history of the boycott.

Up to that time the chief weapon for fighting the boycott had been the injunction. In fact, in 1908 (the year of the first Supreme Court decision in the Danbury Hatters' case), Samuel Gompers, Frank Morrison and John Mitchell had been sentenced to imprisonment and fined in a contempt action in connection with such an injunction [Buck's Stove and Range Co. *v.* A. F. of L. *et al*, 35 Wash. Law Rep. 797 (1907)]. The boycott in question was one begun by the International Molders' Union as a protest against the ten-hour day and directed against the Buck's Stove and Range Company of St. Louis; it was eagerly taken up by the American Federation of Labor since the company's president was also president of the anti-union National Association of Manufacturers. In 1913 the case was finally dismissed on appeal on a technical ground [Gompers *v.* U.S., 233 U.S. 604 (1913)].

In the Danbury Hatters' case D. E. Loewe and Company brought suit under the Sherman Anti-Trust Act because of a boycott of the company's product, naming as defendants not only the Danbury local of the Hatters' Union but also the 186 individual members of the local. The Supreme Court in 1908 [Loewe *v.* Lawlor, 208 U.S. 274 (1908)] on the specific question of law upheld the employers. A judgment for costs and treble the damages alleged to have been inflicted was rendered by the lower courts, from which several appeals were taken. In January, 1915, the United States Supreme Court [Loewe *v.* Lawlor, 253 U.S. 522 (1915)] reaffirmed the judgment—amounting to over $250,000—against the union and its individual members. Mr. Justice Holmes in his opinion declared that the circulation of a list of unfair dealers is within the prohibition of the Sherman Act, if it is intended to restrain and does restrain interstate commerce. The liability of the individual members, involving their specific authorization of the boycotting, was especially dealt with, the court

holding that such authorization must be presumed under the circumstances by the very continuance of their membership and the undoubted knowledge by the defendants of what was going on.

This decision led to a campaign by the American Federation of Labor for the amendment of the Sherman Act which resulted in 1914 in the enactment of the Clayton Act. Section 20 of this act included the provision that no injunction should be issued prohibiting a labor organization from ceasing to patronize any party to a labor dispute "or from doing any act which might lawfully be done in the absence of such dispute by any party thereto." Any effects on the boycott, beneficial for labor, that might have been expected from this act were nullified several years later by the decision in the case of the Duplex Printing Press Co. *v.* Deering [254 U.S. 443 (1921)]. This involved a boycott declared by the International Association of Machinists not only against the firm in question but against all firms continuing to use its products. The majority opinion held that while, under the Clayton Act, primary boycotts might be regarded as legal, secondary boycotts were illegal.

The legal classification of boycotts into primary and secondary has proved especially confusing. Primary boycotts in labor disputes have been held to include cases in which the refusal to patronize was directed against the offending employer only. Even prior to the Clayton Act the courts had held for the most part that mere withholding of patronage is not unlawful, and that the announcement or publication of such a purpose is within the rights of those who agree together even though it results in the injury of those against whom the acts are directed. By their very nature, however, such boycotts were rarely used and were unimportant. Practically all boycotts involved not only agreement to refuse to patronize the offending employer but an effort to induce third parties to cease their patronage, and were therefore "secondary" or at times even "tertiary" boycotts. The classification was deliberately omitted from the Clayton Act. Justices Brandeis, Holmes and Clarke in their dissenting opinion in the Duplex case contended that, in the light of the facts of the specific case, the defendants were merely cooperating for their self-interest. The emphasis in the minority opinion was thus shifted from the determination of the primary or secondary character of a boycott by the legal relationship of employer and employee, to an examination of the economic situation in the specific case to determine the unity of economic interests involved. This attitude has recently been followed by some state courts. There remains, however, a wide divergence in opinions as to legality. Some state legislatures have passed specific statutes forbidding "secondary" boycotts. Most boycotts have been pronounced illegal by state courts, however, not because they were in contravention of statutes but on the ground that they violated the common law of conspiracy (*see* CONSPIRACY, CRIMINAL). Other decisions have maintained that the aims of the boycotts are not necessarily illegal and that they become illegal only when accompanied by malice or the use of coercive measures. More recently judges have introduced the doctrine of unjustifiable cause and have condemned those boycotts in which the primary or sole object of the boycotters was injury to another rather than advantage to themselves, or where the injury to one party did not carry with it a corresponding or compensating advantage to the other. The federal courts and the Massachusetts courts have brought under the ban of illegality a much wider number of forms of boycott pressure than the New York courts. The definitions not only of the "secondary" boycott itself but of what constitutes malice and coercion have been especially criticized as vague and illogical.

Boycotters have been sued for damages alleged to have been suffered by the boycotted concerns and have been prosecuted criminally. They have been subjected to equity action and enjoined. Often the injunctions have been of the most sweeping nature and have given rise to bitter controversy and to an increasing demand for the limitation or abolition of their use in labor disputes.

In more recent years the building trades have often employed the boycott, refusing to work with material from non-union mills, and where this has proved ineffective have followed it with an actual withdrawal of their labor. At present the boycott is being used sparingly by labor, largely on account of the legal decisions and the increasing expense involved in carrying on a successful campaign, particularly against firms operating on a national scale.

European labor has not utilized the boycott to any great extent during the last quarter of a century. This has been due partly to the strength of consumers' cooperative societies, which have a membership made up largely of

workers and provide a great many of their necessities. The European labor organizations have relied more on the positive weapon of cooperative purchasing than on the negative weapon of boycotting unfair employers. During the nineties and in the first decade of the twentieth century the courts of Great Britain handed down several decisions relating to labor boycotts. In 1893 [Temperton *v.* Russell (1893) 1 Q.B. 715] they declared illegal the attempt of trade unionists to induce other trade union societies to refuse to work for a builder who bought supplies from the plaintiff, and held the individual unionists liable for damage. In 1898 [Allen *v.* Flood (1898) A.C. 1] the courts adopted a more liberal attitude, which they greatly modified, however, in 1901 [Quinn *v.* Leathem (1901) A.C. 495]. Considerable confusion arose as a result of conflicting judicial opinions and in 1906 a Trades Disputes Act was passed which virtually legalized both the boycott and the blacklist as long as they did not involve certain proscribed acts. Nevertheless some judges continued to regard the boycott as actionable. In Germany a famous boycott occurred in 1904 in which members of trade unions were officially called upon, under threat of a penalty, not to purchase goods from bakers who had been listed as "unfair." Action was taken to restrain future publication of the boycott and to secure damages from the boycotters. The Imperial Court (Urt. VI 497/05 *v.* 12 Juli 1906), however, refused to consider the boycott of tradespeople actionable *per se*. The threat against recalcitrants was not regarded as unlawful, "nor does it offend against the rule of fair conduct to apply for aid to others not immediately concerned in the struggle." In few European countries are there any specific antiboycott statutes, although practically all have legal provisions against intimidation which can be readily interpreted as applying to boycotts.

European labor has used the boycott also on an international scale. In 1909 Spanish goods were boycotted as a protest against the execution of Francisco Ferrer. In 1920 the International Trade Union Federation at Amsterdam called for a boycott of Hungarian goods to protest the repressive measures of the Hungarian government against labor. This boycott, participated in by all continental labor organizations, affected particularly the transportation workers; one of its most important consequences was the publicity given to the previously suppressed activities of the Hungarian government.

The success of the boycott depends upon a large number of factors; perhaps the most important is the force of its appeal, which in turn depends upon the nature of the situation in which the boycott emerges; probably no boycott has greater psychological appeal than that employed in national and racial conflict, and none has a more quickly perceptible effect. The strength, intelligence and vigor of the boycotting organization or group is pitted against the power of the boycotted group. The vulnerability of the latter depends upon such factors as the character of the commodity or service boycotted, the nature and extent of the market, the elasticity of demand, the rate and frequency of the sale or use of the commodity and the readiness with which it may be distinguished from others. Consumers' and labor boycotts become less effective as the originally simple methods of conducting them no longer suffice against firms of national scope whose products are used by vast masses of disinterested groups in an economic system of ever increasing complexity.

HARRY W. LAIDLER

See: BLACKLIST; BLACKLIST, LABOR; STRIKE; LABOR DISPUTES; CONSPIRACY, CRIMINAL; INJUNCTION; UNION LABEL; CONSUMERS' LEAGUE; TRADE ASSOCIATIONS; GENERAL STRIKE; PASSIVE RESISTANCE; INDIAN QUESTION; TRADING WITH THE ENEMY; DISCRIMINATION, SOCIAL; COERCION.

Consult: Laidler, Harry W., *Boycotts and the Labor Struggle* (New York 1914); Retzbach, Anton, *Der Boycott; eine sozial-ethische Untersuchung* (Freiburg i.B. 1916); Case, C. M., *Non-Violent Coercion* (New York 1923); Egetmeyer, Richard, *Der Boykott als internationale Waffe* (Leipsic 1929); Carrara, Giovanni, *Il boicottaggio*, Università Cattolica del Sacro Cuore, Publications in Juridical Science, 2nd ser., vol. iv (Milan 1924); Laferrière, J., "Le boycott et le droit international" in *Revue générale de droit international public*, vol. xvii (1910) 288–326; Lambert, Édouard, and Brown, H. C., *La lutte judiciaire du capital et du travail organisés aux États-Unis; le boycottage, le picketing et la grève de sympathie* (Paris 1923); Wolman, Leo, *The Boycott in American Trade Unions*, Johns Hopkins University Studies in Historical and Political Science, ser. XXXIV, no. 1 (Baltimore 1916); Frankfurter, F., and Greene, N., *The Labor Injunction* (New York 1930); Merritt, Walter Gordon, *History of the League for Industrial Rights* (New York 1925); Sayre, F. B., *A Selection of Cases and Other Authorities in Labor Law* (Cambridge, Mass. 1923) p. 394–467; Hoffherr, René, *Le boycottage devant les cours anglaises 1901–1923* (Paris 1923); Maschke, Richard, *Boykott, Sperre und Aussperrung* (Jena 1911); Vodoz, Antoine, *Le boycottage en droit civil suisse* (Yverdon 1926).

BOYD, WALTER (*c.* 1754–1837), British financier and writer on financial questions. He conducted a banking firm first in Paris, then in

London, but both of them failed because his assets in France were confiscated by the Jacobin government in 1793. He was a well known contractor of British war loans, and served as a member of Parliament for several terms. Boyd was the author of several pamphlets in which he discussed the monetary problems of the period of suspension and later the sinking fund as a device for repaying the national debt.

Boyd is noteworthy as the originator of the currency doctrines subsequently expounded by Ricardo and the Bullion Report. In 1797 he opposed the Restriction Act, and later developed the other side of his theory in *A Letter to the Rt. Hon. William Pitt on the Influence of the Stoppage of Issues in Specie at the Bank of England on the Prices of Provisions and other Commodities* (London 1801, 2nd ed. 1811). He stated that he had been led "to suspect that the increase of prices . . . proceeds chiefly from the addition to the circulating medium," and concluded that the failure of the Bank to limit its inconvertible issues constituted "a notorious dereliction of the principles of public economy." He absolved the country banks from all blame for the rise in prices because their notes were not made legally inconvertible. His views as well as the vigor of his language were probably influenced by his personal grudge against the management of the Bank of England. Boyd was opposed in part by Thornton and Sir Francis Baring, but in 1803 Lord King stated that Boyd's "general principles remain unconfuted." The second edition of his tract played a not inconsiderable role in the settlement of the bullion controversy.

EDWIN R. A. SELIGMAN

Consult: Angell, J. W., *The Theory of International Prices* (Cambridge, Mass. 1926) p. 44–46.

BOYS' AND GIRLS' CLUBS. Voluntary and unguided association of boys, less often of girls, is found early in history and is now in evidence throughout the world. Of much more recent growth is the boys' and girls' club sponsored and organized from the outside. The practical development of the club idea for older boys was stimulated by evangelical forces in an attempt to meet the needs of working boys in changing industrial conditions. As observed in 1833 by Frederick Mallet, a club for unmarried young men established in Basel in 1708 served as the prototype for the first Jünglingsverein organized in Bremen in the next year. These societies, usually affiliated with individual churches, had increased to about ten in number by 1844 when George Williams established the London Young Men's Christian Association. In 1843 Boys' Brigades for drill and instruction were organized in connection with churches and missions at Glasgow. The first American Y. M. C. A. was founded in 1851 in Boston by a converted Baptist sea captain, T. V. Sullivan; a similar organization for women followed in 1866.

After the middle of the nineteenth century, and more especially the beginning of the twentieth century, boys' and girls' clubs multiplied rapidly. The need for them was felt more keenly and their formation was stimulated as the growing mechanization of industry made necessary new interests to fill leisure time. The increasing separation of educational and religious activities from the family endowed such clubs with considerable social importance. In America the first boys' club was established at Hartford, Connecticut, in 1860. The settlement movement, with clubs and classes as an important type of activity, began in London in the seventies. In New York settlement clubs at the Neighborhood Guild were organized in 1878. The American Boys' Club Federation was founded in 1906. Clubs were included in the development of the first School Community Centers by Ward at Rochester, New York, in 1907–09. In 1907, as an aftermath of the Boer War, General Baden-Powell organized the Boy Scouts in England, and these were followed shortly afterwards by the Girl Guides of Great Britain. The American organization of the Boy Scouts was founded in 1910, the Camp Fire Girls and the Girl Scouts in 1912. Both the Scout movement and the Christian Association movement have spread throughout Europe and Asia; in some countries the Scout program is sponsored by the Y.M.C.A.

Since the World War the Young Pioneers in Russia and the Young Fascisti in Italy have been among the most important boys' and girls' club movements. In the United States, Pioneer Youth of America, an organization for workers' children, with liberal educational aims, was established in 1924 by a group of labor leaders and experimental educators. There has been a growing interest in programs and clubs for younger boys and girls from about nine to twelve years of age. Although the impetus to this movement was primarily American, one of the earliest of such clubs having been the Woodcraft League of America founded by Ernest Thompson Seton in 1902, the development of club work for younger children has been carried farthest in such countries as Russia and Italy.

Purposive boys' and girls' clubs sponsored from the outside may be organized either in the interest of attaining more balanced personal or group adjustments in the fields of education, recreation, social or religious work or for the projection of special interests. Of the first type, clubs with primarily educational aims are those in which the major emphasis is on group activity rather than on the attainment of specific behavior patterns. Such clubs often work in close contact with recreational movements. Extra-curricular school activities, while to a great extent purely recreational, are also a means for the furthering of educational interests. Literary and dramatic clubs also serve this purpose. A large grouping of primarily recreational clubs is the Boys' Club Federation. It is of American origin, but in 1928 it was expanded into an international organization and now consists of 264 federations of clubs with over 200,000 members. Many clubs in connection with community centers and playgrounds, as well as the scouting and some of the other national movements, combine recreational and educational purposes. Clubs definitely associated with social agencies and led or supervised by trained social workers or educators are found not only as branches of national organizations but in such local groups as social settlements and health organizations. In the field of religious work are found the Y. M. C. A. and the Y. W. C. A., independent church clubs and nationally organized church movements.

In recent years a great variety of clubs for the projection of special interests have been promoted by governments. Organizations similar to the Four H Clubs with their vocational keynote, originating in America through the Extension Division of the Department of Agriculture, have spread throughout the world wherever governments are endeavoring to promote agricultural, rural or military interests. The Young Pioneers in Russia, an organization for boys and girls from six to sixteen years of age, is one of the largest youth organizations in the world. It claimed more than two million members in 1928. In Italy the Balilla, the Young Fascisti movement, estimates that its membership comprises one million boys and over three hundred thousand girls.

There is also in every country considerable club work of a political and semi-political nature not officially sponsored by the government. Many such clubs are organized among boys and girls for the purpose of direct recruiting to the cause, whether of missions, communism or conservatism, and others use the members of the club group as a means of approach to adults. The line of demarcation between this type of purposive club and that which has as its major aim the substitution of desirable for undesirable behavior patterns is often not clear, because the real purpose of projection of some special interest is disguised in a program of an ostensibly general character. The intangible nature of the results obtained in club work contributes toward making it a strategic field for the propagandist. While some question whether club work really accomplishes its objectives, the propagandists for various causes have with the utmost confidence expended their efforts in organizing boys and girls throughout the world. Under the cloak of objectivity and detachment many subtle influences operate in the implanting of ideas and ideals in the minds of boys and girls through group activity. The proof of the success of the system for propagandist purposes seems to lie in its increasing use.

The appeal of the club is as varied as the natural interests and desires of boys and girls. Club life gives opportunity for satisfaction of the common desire for group approval in terms of the particular group standards of strength, health, virility, popularity, versatility, honesty, bravery or reverence. It provides stimulating ideals of both personal conduct and social relationships; it directs the pleasure of following ideas; it makes possible varieties of group activity, such as camping, which might be otherwise unavailable. World tours, international camps and "jamborees" are in evidence in the programs of the largest clubs.

In starting a club organizers usually rely upon certain very specific interests and hobbies such as the study of nature lore, stamp collection, the making of toys or radios, sewing, cooking and dancing. Many of these interests are transitory, but the solidarity engendered in their pursuit becomes the basis for the projection of other interests and activities tending to develop a permanent club life. Another important basis of forming groups, utilized largely by educational institutions, is that of an appeal to the sense of social responsibility.

Some organizations make their primary appeal through equipment and buildings. Gymnasiums where basket ball, indoor baseball, volley ball, wrestling, hand ball and similar activities are carried on are used extensively. Many organizations, particularly those for certain age groups, derive a large part of their appeal from the use of

uniforms and of various elaborate systems of awards and ranks. The publication of magazines and the use of other devices are directed toward furthering the solidarity of the group.

The interest thus stimulated is used to develop a variety of specific behavior patterns. Different organizations place emphasis upon a wide range of standards and ideals. Some stress the development of loyalty, honor, physical fitness, social and racial consciousness or love of country, class, party or sect; others have as a primary goal intellectual development or increasing appreciations of art, aesthetics and nature. These aims are often expressed in terms of large generalizations and slogans; "character building," "development of personality," "good citizenship" and "control over nature" are among the more popular. The purposes of individual clubs are usually conditioned by factors in the environment that affect the interests and needs of their members. Family, neighborhood, work, school and church contacts have important bearing. Some organizations are also shaped by the fact that they aim to influence adults through boys' and girls' clubs.

Modern boys' and girls' clubs are of two general types from the point of view of administration. First, the mass club is a larger grouping of integral units in which a variety of activities may be undertaken simultaneously by different sections under different leaders. The club as a whole meets frequently on the basis of some common interest which may in fact be nothing more than age grouping, time of meeting or a purpose set by the sponsoring organization. The second type, the small group club, on the contrary, carries on activities in which all the members take part in comparatively close association with one another.

In recent years there has been an awakening of interest among sociologists and social workers in the methods used by leaders in club work. It is recognized that just as there are elements capable of analysis and description in the process of making adjustments between individuals and their environment, a process known as social case work, so there is a definable technique in preventing or eliminating deviations from an accepted norm of group behavior. This method or technique, which is elusive and still undergoing analysis, is known as the method of group work. While it is not yet widely practised as a rational technique it is of increasing importance, as is indicated by the appearance of courses on group work in schools of social work.

The assumptions underlying group work are that the loss of opportunity for satisfying social needs and the loss of social control, resulting in part from the changes in family, neighborhood and village life, may be to a great extent compensated by the conscious organization of groups about some selected interest; and that in the varied activities of group life there exist potentialities for the development of emotionally sound personalities and of satisfactory social relationships and the means for the passing on of social patterns. If group life of itself is an entity with potentialities for education, then methods of group work based on the supposition that things true of the individual apply equally in the group situation are fundamentally defective. It is, then, most essential that group work be built on an analysis of the elements of group life and activity. The systematic study of the technique of group work has resulted in the differentiation of a number of successive steps: the assembling of a potentially homogeneous group, the analysis of the environmental factors surrounding individual members of the group, the use of a particular program in such a way as to realize to the fullest the assets of the group, the observation of individual reactions to group activity as well as the group reaction to individual activity and the tying up of individual and group needs with other community resources. Where the standards, from which deviations and problems are defined, are the standards current in the community, the task of the leader, so far as action is concerned, is largely limited to the club membership and his method to the group work method. Much of the background for his analysis, however, and possibly part of his program lie in the field of community organization. He will certainly be drawn into the field of community organization in the event that community standards themselves represent deviations from norms which are more widely accepted.

Certain well defined trends have been apparent in the recent practise of the group work method; among these are emphasis on the value of autonomous choice of its own membership by the group, the selection of a program by the group on the basis of its own interest rather than on the choice of the leader and the direction and control of activities by the group with only indirect supervision by the leader. These tendencies are all in line with the assumption that group life is an autonomous social process which develops within limits set by its own nature. The

newer method is an attempt to set this process in motion under only such supervision as is necessary to make it most effective. It squares also with the educational theory that there is more value in learning through doing than through the emulation of superimposed patterns. The leaders of boys' and girls' clubs, particularly in America, are increasingly stressing this educational approach as opposed to the older method of directly setting up behavior patterns and stimulating the group to accept them as socially desirable.

W. I. NEWSTETTER

See: CLUBS; SECRET SOCIETIES; INITIATION; GANGS; ADOLESCENCE; CHILD, DELINQUENT; PLAY; RECREATION; ATHLETICS; PHYSICAL EDUCATION; GAMES; SPORTS; CAMPING; PLAYGROUNDS; SOCIAL SETTLEMENTS; COMMUNITY CENTERS; COMMUNITY ORGANIZATION; COUNTY AGENT; COUNTRY LIFE MOVEMENT; SOCIAL WORK; SOCIAL WORK, TRAINING FOR; YOUTH MOVEMENTS.

Consult: Sheldon, H. D., "The Institutional Activities of American Children" in *American Journal of Psychology*, vol. ix (1898) 425–48; Hartson, L. D., "The Psychology of the Club" in *Pedagogical Seminary*, vol. xviii (1911) 353–414; Herrmann, Gertrud, *Formen des Gemeinschaftslebens jugendlicher Mädchen* (Leipsic 1929), suppl. no. 2 to *Zeitschrift für angewandte Psychologie*, vol. xlvi (1929); Thrasher, F. M., *The Gang* (Chicago 1927); McKown, H. C., *School Clubs* (New York 1929); Rohrbach, Q. A. W., *Non-Athletic Student Activities in the Secondary School* (Philadelphia 1925); Russell, C. E. B., and Rigby, L. M., *Working Lads' Clubs* (London 1908); Neuman, B. Paul, *The Boys' Club in Theory and Practice* (London 1900); Bernheimer, C. S., and Cohen, J. M., *Boys' Clubs* (New York 1914); Douglass, H. Paul, *How Shall Country Youth be Served?* (New York 1926); Doggett, L. L., *History of the Young Men's Christian Association 1844–1861* (New York 1922); Holden, A. C., *The Settlement Idea* (New York 1922); Young Women's Christian Associations, *The Girl Reserve Movement* (New York 1921); Wade, E. K., *Twenty-One Years of Scouting* (London 1929); Richardson, N. E., and Loomis, O. E., *The Boy Scout Movement Applied by the Church* (New York 1915); Corish, R. S., "Catholics and the Boy Scout Movement" in *Month*, vol. cxxxiv (1919) 398–406; Devas, B. W., "Catholic Boys' Clubs in London" in *Dublin Review*, vol. cxliv (1909) 339–56; Goyau, Georges, "Une 'chevalerie': le scoutisme catholique" in *Le correspondant*, vol. cclxxxii (1921) 302–15; Alexander, Thomas, and Parker, Beryl, *The New Education in the German Republic* (New York 1929); Harper, S. N., *Civic Training in Soviet Russia* (Chicago 1929); Dimock, H. S., and Hendry, C. E., *Camping and Character* (New York 1929); Young Men's Christian Associations, *Group Leaders and Boy Character*, ed. by A. J. Gregg (rev. ed. New York 1927); Williamson, M. A., *The Social Worker in Group Work* (New York 1929); Sheffield, A. D., *Training for Group Experience* (New York 1929); Newstetter, W. I., *Wawokuje Camp, A Research Project in Group Work* (Cleveland 1930).

BOYVE, ÉDOUARD DE (1840–1923), French cooperator. De Boyve, the son of an English mother and French Protestant father, was sent to England for his education. He returned to France and after his marriage became interested in the social aspects of religion and in institutions for the amelioration of poverty. In 1885 he met Vansittart Neale, then secretary of the British Cooperative Union, and resolved to introduce a similar institution in France. Producers' cooperatives had been established in France since the forties; in 1885 they numbered over three hundred but they lacked the common bond of a definite program. With the aid of Auguste Fabre, a Fourierist, and other friends in Nîmes, de Boyve founded on July 27, 1885, the Union Coopérative, which included about a hundred societies. For twenty-seven years, until its fusion with an alliance of socialist cooperatives to form the existing Fédération Nationale des Coopératives de Consommation, he was the guiding spirit of this organization. During this period he opposed the demands of the more radical wing for the exclusion from the union of profit sharing enterprises and of certain types of producers' cooperatives. De Boyve's interests were not confined to the French cooperative movement. In 1886 at the British cooperative congress in Plymouth he suggested the formation of an international organization. This proposal was realized in the International Cooperative Alliance, of which de Boyve was made honorary secretary for life. He was also one of the founders and president for life of the Association du Christianisme Social. His career remains an admirable example of the accomplishments of a middle class Christian socialist.

CHARLES GIDE

Consult: Gide, Charles, *L'école de Nîmes* (Paris 1927).

BRACE, CHARLES LORING (1826–90), American social worker. After a varied career, including training for the ministry, travels abroad and even a brief imprisonment in Hungary under suspicion of radical ideas against the new empire, he settled in New York City and devoted himself to relieving the depressing condition of slum children. As a result of twenty years of unrestricted immigration slums were rapidly developing and crime and poverty increasing among the children. To combat these harmful influences Brace founded in 1853 the Children's Aid Society of New York, the first organization of this type in the United States. Although other child welfare agencies have

outstripped it in certain specific measures it remains the largest and most comprehensive in program of any in America. The society made a great many innovations in child welfare work which have since become generally accepted. These include the founding of model tenements, crêches, seaside sanitaria for mothers and infants, children's summer homes, clubs for boys, industrial schools for girls and newsboys' lodging houses. Early in its history it instituted a system of placing homeless children in family homes in the country, which was a radical departure from the current practise of caring for them in poorhouses. Although this innovation exposed the society to sharp and widespread criticism it served as the beginning of the modern system of the placing out of children, now recognized as fundamental in child welfare programs. The society also accomplished valuable work in connection with the public schools: it established free kindergartens, schools for crippled children, free classes for mental defectives, school gardens, free dental clinics and mothers' meetings and was responsible for the appointment of school nurses and truant officers. Brace served as the executive secretary of the society from its foundation until his death and achieved an international reputation as a pioneer in philanthropic method.

OWEN R. LOVEJOY

Important works: *The Races of the Old World* (New York 1863); *Short Sermons to Newsboys* (New York 1866); *The Dangerous Classes of New York* (New York 1872, 3rd ed. 1880); *Gesta Christi* (New York 1882, 4th ed. 1888).

Consult: *The Life of Charles Loring Brace*, ed. by Emma Brace (New York 1894).

BRACTON, HENRY DE (d. 1268), English jurist. He had a long career as justice of assize and his great treatise *De legibus et consuetudinibus Angliae* (written before 1256) remained unequaled in breadth of scope and masterly treatment until Blackstone wrote five centuries later. The number of manuscript copies extant attests its popularity, but it is significant that almost all of them are earlier than 1350; after that date English law lost the taste for Bracton's broad outlook and became immersed in its own insular technicalities.

Greatly varying estimates have been made of Bracton's "borrowings" from Roman law and of his competence in that study. It seems that he used Roman law chiefly in subjects where there was little existing English law (e.g. in contract) and took over its arrangement and some of its terminology. Such influences are clearest in the first part of his work, a Romanesque introduction on the lines of the *Institutes*; they are rarer when he discusses the details of the forms of action. Maitland's charge that Bracton mishandled Roman law is subject to Vinogradoff's observation that Bracton used a form of Roman law freely modified by custom, a form common on the continent. A remarkable feature of his work is the inclusion of numerous cases from the plea rolls as illustrations of legal principles—cases selected from the decisions of his favorite judges; for the present bench, he remarks, is not equal to its predecessors.

Bracton's influence has been immense. In his own day he introduced a broad view and cosmopolitan learning which served well in a creative period. Although in the later Middle Ages he suffered an eclipse and his authority was denied, the first edition of *De legibus* (1569, reprinted in 1640) was used by Coke in the Stuart conflict, where Bracton's mediaeval doctrine of the supremacy of law was a powerful weapon against the crown. In the eighteenth century his influence was at its height; Lord Holt was able to draw upon the Roman passages in the treatise and thereby to introduce the Roman principles of bailments. Still later the law of easements was systematized under Roman influence transmitted through the work of Bracton.

Two volumes of the authoritative edition of Bracton, edited by G. E. Woodbine, have appeared (New Haven 1915–22). The edition by Sir Travers Twiss (6 vols., London 1878–83) is unreliable.

THEODORE F. T. PLUCKNETT

Consult: *Bracton's Note Book*, ed. by F. W. Maitland, 3 vols. (London 1887), for his life and methods of work. For his Romanism and influence see Holdsworth, W. S., *History of English Law*, 9 vols. (3rd ed. London 1922–26) vol. ii, p. 230–90, and authorities there reviewed, together with Vinogradoff, Paul, *Collected Papers*, 2 vols. (Oxford 1928) vol. i, p. 237–44. For a keen examination of some of Bracton's terminology, Joüon des Longrais, F., *La conception anglaise de la saisine du XII^e^ au XIV^e^ siècle* (Paris 1925) p. 178–201.

BRADFORD, WILLIAM (1589/90–1657), American colonial administrator and historian. In 1609 with the Separatist congregation he left Scrooby for Leyden, where he lost his patrimony in speculation and settled down as an artisan. Eleven years later in company with other Separatists he sailed on the *Mayflower* for New

England. On the death of John Carver in the spring of 1621 Bradford was elected governor of Plymouth colony, a position which he held almost continuously until his death in 1657. His career, which is practically identical with the history of early Plymouth, is told in his famous *History of Plimoth Plantation* (written between 1630 and 1651; ed. by W. C. Ford, 2 vols., Boston 1912). Bradford, one of the best educated and most intelligent of the Pilgrims, wielded almost unlimited powers and was largely responsible for the remarkable theocratic community organization of Plymouth. He was elected governor each year by the General Court of Freemen. With a minimum of written legislation and with only a council of five "Assistants" he accomplished an administrative task of great difficulty. He managed to free the colony from the control of the merchant adventurers of England and laid the foundations for an independent church "body-politic" based on a mutual compact between members who agreed to obey the Law of God as it was administered by their governor. He maintained the practical identity of the church and the colony in spite of opposing tendencies within the colony and external pressure from Massachusetts Bay. Bradford was forced, however, to transfer to more general control the allotment of land and of trading privileges, so that toward the end of his governorship some lands had been acquired by non-members of the church. Throughout his long administration he enjoyed the general support of the colony and by his success in organizing this small community on a theocratic basis was influential in shaping Puritan political theory and in promoting congregational government in New England.

HERBERT W. SCHNEIDER

Consult: Usher, R. G., *The Pilgrims and their History* (New York 1918).

BRADLAUGH, CHARLES (1833–91), English secularist and reformer. The son of a poor attorney's clerk in London, Bradlaugh had merely a primary education. At the age of twelve he worked as wharf clerk for a coal merchant and witnessed and spoke at Chartist meetings. After a short period as a private in the army he became a solicitor's clerk in London and acquired the considerable knowledge of law with which he later defended himself in court. In 1858 he became editor of a skeptical paper, the *Investigator*; in 1860 he founded his most important periodical, the *National Reformer*, and six years later organized the National Secular Society. For a time he described himself as an "atheist" although he interpreted the term as synonymous with "agnostic." Later, however, he took over the name "secularist" from G. J. Holyoake. Bradlaugh's struggle with the authorities led to the repeal in 1869 of the Security Laws, thereby bestowing on the cheap press as great a freedom as was enjoyed by the more expensive journals. As president of the National Secular Society he established free thought agitation on an organized basis and gave the doctrine great publicity. He began in 1868 at Northampton his long campaign to enter Parliament and was finally elected in 1880, but because of his request to substitute an affirmation for the oath he was denied a seat in the House. He was successful in four subsequent elections, but it was not until 1886 that he was allowed to take his seat. Two years later he carried a law permitting affirmation instead of an oath. He espoused the unpopular Malthusian movement and with Mrs. Annie Besant republished Charles Knowlton's *The Fruits of Philosophy; or, The Private Companion of Young Married People*. He was convicted of selling obscene literature but successfully appealed. Through the wide attention that it aroused the trial facilitated the spread of neo-Malthusian ideas. Bradlaugh was largely responsible for the organization of the Malthusian Society in 1861. The last twenty years of Bradlaugh's life were devoted mainly to political work. One of the leading radicals of his day, he agitated for a wide variety of political and social reforms such as woman's suffrage, birth control, trade unionism, liberation of oppressed nationalities and the spread of scientific knowledge. He favored taxation and land law reform but bitterly opposed the rising socialist movement. Bradlaugh was a man of slight culture, but his strength and impressiveness on the platform made him one of the most popular orators and debaters of his time.

JOSEPH MCCABE

Consult: Bonner, Hypatia Bradlaugh, *Charles Bradlaugh* (7th ed. London 1908); Field, James A., "Publicity by Prosecution" in *The Survey*, vol. xxxv (1916) 599–601; Robertson, J. M., *A History of Freethought in the 19th Century* (London 1929).

BRADLEY, FRANCIS HERBERT (1846–1924), English philosopher. Bradley studied at Oxford and lived in retirement as fellow of Merton College from 1876 to the end of his life. His

work was influential in discrediting the individualistic English philosophy of experience and replacing it by Kantian-Hegelian idealism with its higher regard for the state and for human interdependence.

The hedonistic utilitarianism of Bentham, James Mill and their followers had begun as a radical philosophy, making for greater liberty of opinion, for free economic enterprise and for the removal of established legal and political abuses. But the devastating effects of free competition and the factory system indicated to a newer generation of radicals the need for state action along such lines as factory legislation, compulsory education or the legalization of trade unions. The Hegelian philosophy of which Bradley was the keenest representative supplied effective intellectual weapons against the traditional liberalism and the "administrative nihilism" of men like Herbert Spencer. It was Bradley's firm contention that only by integrating his work in the life of the larger whole of which he is a part, can the individual be, find or realize his true self. Bradley combined a profound regard for religion with an unfriendliness toward established churches. He was a most keen critic of Spencer's complacent evolutionary optimism, of Arnold's "Culture" and of the intellectually stolid positivism of Frederic Harrison. His appreciation of the natural delights of sensory and emotional experience led Sturt, a hostile critic, to class him as a "prophet of the flesh."

MORRIS R. COHEN

Important works: *Ethical Studies* (London 1876, 2nd ed. 1927); *Principles of Logic* (London 1883; 2nd ed. 2 vols., 1922); *Appearance and Reality* (London 1893, 2nd ed. 1897).

Consult: Taylor, A. E., in British Academy, *Proceedings*, vol. xi (1924–25) 458–69; *Mind*, vol. xxxiv (1925) 1–69 and 173–84; Sturt, Henry C., *Idola theatri* (London 1906) ch. ix; Barker, Ernest, *Political Thought in England from Herbert Spencer to the Present* (London 1915) p. 61–66; Eliot, T. S., *For Lancelot Andrewes* (London 1928) ch. iv.

BRÁF, ALBIN (1851–1912), Czech economist, statistician and statesman. Bráf was the first professor of economics at the Czech university at Prague (1882–1909) and taught virtually all the economists who are at present active in the universities of Czechoslovakia. Always interested in methodological problems, he at first pursued the lead of J. S. Mill, later that of the German historical school and at last found satisfaction in Karl Menger's *Untersuchungen über die Methode der Sozialwissenschaften*. It was the Austrian method which he followed in the still important "Letters on the Study of Economics" (*Listy o studiu národohospodářském*, Prague 1897). Deterred by other pursuits Bráf never finished his principal theoretical work on the prolegomena to the social sciences, and even his university lectures covering economic theory, economic policy and public finance were published posthumously (*Život a dílo*, 5 vols., Prague 1913–24). Much more numerous are his writings on current practical problems such as social legislation, banking and credit and agricultural questions, of which the outstanding work is *Břímě, které se dá zmenšit* (The burden which can be lightened, Prague 1896), a proposal to secure cheap mortgage credit for the small farmer. Bráf's interest in agrarian problems is reflected also in his statistical works as well as in the type of organization which he helped to found and direct; among these the Czech land bank and the rural insurance fund have survived to the present time. The climax of his public career came in 1909 when he held for a few months the post of Austrian minister of agriculture; he was reappointed to the same position a year before his death. A revered teacher and an indefatigable reformer, Bráf is honored as an important public figure of the pre-war period.

JAN LOEVENSTEIN

Consult: Horáček, C., in *Statistische Monatsschrift*, vol. xxxviii (1912) 461–62.

BRAHMANISM AND HINDUISM. The religious history of India, while it exhibits a marked continuity of tradition and development, may be classified and treated under the separable headings of Vedism, Brahmanism, Buddhism, Jainism and Hinduism. Vedism, an essentially animistic and magical religion with its roots in prehistoric Indo-European life, was brought to India by the Aryan invaders (*c.* 2000–1000 B.C.). Its sacred books, the *Vedas*, have remained the basis of most of the succeeding Indian religions and philosophies. It developed through the activities of a priestly class into the ritualistic Brahmanism (800–500 B.C.). Brahmanism was always peculiarly the religion of an intellectual minority; in its later developments it became increasingly philosophical and difficult for the masses to follow. In reaction against the authority of the Brahmans and against their claim to a monopoly of admission to the ascetic orders there developed in the sixth century B.C. the more democratic and personal religious systems of Buddhism (*q.v.*)

and Jainism. Neither attempted to suppress the older religion; members of both sects, for instance, continued to use Brahmans to direct their family worship; and even during the ascendency of Buddhism under the emperor Asoka (269–232 B.C.) Brahmanism did not completely die out. With the decay of Buddhism in India there was a veritable renaissance of Brahmanism (*c.* 100–400 A.D.), in the course of which it developed a more emotional emphasis and fused more completely the Aryan and non-Aryan religious traditions of India. It is this neo-Brahmanism, developing from the first and second centuries A.D. to the present, which is commonly known as Hinduism. Hinduism is a term of western origin with no corresponding expression in India; it may be used to designate such diverse groups and sects that it is sometimes defined as any Indian religion which cannot be classified under another head. Hinduism possesses, however, the unity given by a dominant social system, by a common tradition based on the *Vedas* and by Brahman authority.

The origin of the social system of India, so inextricably bound up with its religious history, can be traced to the circumstances of the Aryan invasion. The invaders from the West, representing a new ethnological type and bringing a new language of Indo-European origin destined in time to cover almost the whole of India, fought and conquered the indigenous Dasyus or Dasas on the plains of the Punjab. Historians are still in doubt as to the relative advancement in civilization of the two groups, although later discoveries tend to indicate that the city dwelling Dasyus were more civilized than the invading Aryans. As a result of the conflict the indigenous tribes were either slain in battle, driven to the mountains or reduced to slavery, until the word Dasa came finally to mean "slave." The contrast between Aryan and Dasa was that between foreigner and native, light color and dark color, Aryan speaker and *mleccha*, deva worshiper and phallus worshiper, master and slave. There must have been from the first much intermingling of blood with woman slaves; in fact such connections were regularized in the later law codes (*Manu* III. 13, *Vasishtha* I. 56). Thus the color difference was gradually diminished and the Aryans became racially acclimatized. The conquered and enslaved population must have gradually adopted much from the religion of their conquerors, while probably contributing on their part phallus worship and the worship of mother goddesses.

As a result of this gradual modification of contrasts between conquerors and conquered toward the end of the Vedic age the Dasyu under the name of Shudra had come to be ranked among the four orders of Vedic society, albeit the last and the lowest. Brahman, Kshatriya, Vaishya and Shudra represented a graded organization consisting of priests, rulers, artisans and slaves. By race the first three orders were Aryan "twice-born," as contrasted with the Shudra aborigines, and possessed from Vedic days to the present time privileges from which the Shudras were debarred. The status of each of the four orders according to birth and occupation is definitely given in a text of one of the earliest and the most authoritative Hindu scriptures, the *Rigveda* (X. 90, 12). Here is the religious sanction of Indian caste, a system which, notwithstanding its defects, has furnished India with a tough and enduring social fabric. For three thousand years Hindu society has been based on the recognition of differences of race, color, occupation and status and the organization of those differences into the higher unity of an all embracing social system.

The supremacy in this system of the Brahman order is a central fact in the history of India. It alone of the four original orders has maintained through the centuries its identity and distinctness. Kshatriya, Vaishya and Shudra are largely fossilized terms, but Brahman is a living designation. Not only do the Brahmans constitute the aristocracy of India; they have been intellectually and religiously creative throughout the centuries. In the early days the education of the boys of the three "twice-born" orders was in their hands. They must have had much to do with the formulation of the four *ashrams*, or stages of life—the instruction of the youthful pupil, the discipline of the householder, the meditation of the hermit and the renunciation of the ascetic—which for Brahmanism and Hinduism constitute a preparation for the eternal world. The sacred literature of Hinduism from the *Rigveda* downward is almost entirely the composition of Brahmans, while in the various changes which have occurred in the development of Indian religious thought the Brahmans have always taken a leading part. As priests they were responsible for the development of the ritual, which tended to become more and more complicated. Under Brahman influence the *Vedas* came to be invested with such magic power that the slightest error in pronunciation, accent or meter annulled the effects

of the sacrifice. Hence originated a series of sciences, such as phonetics, grammar, etymology and meter, for the proper understanding and pronunciation of the sacred texts; music to enable the *udgatri* to chant the sacred formulae; mensuration needed in the construction of altars; and astronomy to calculate the right times for sacrifice. In all these developments the Brahman played a leading part. Politically, too, he has been a great factor in Indian history, whether as the *purohita*, or "domestic chaplain" of a king, or as his prime minister. The *Arthashastra*, the most primitive manual of Hindu political science, is ascribed to the Brahman minister of Chandragupta. The earliest Indo-European prose, that of the *Brahmanas*, was the work of the various schools of priestly training.

An antithesis between priestly and popular religion existed from the earliest times; it is clearly indicated by the existence of the popular *Atharvaveda*, a compilation of magic practises, side by side with the priestly *Rigveda*. This antithesis has always tended to break down through the progressive synthesis in Hinduism of the priestly and the popular elements. At first the sacred literature consisted exclusively of the Brahmanical "threefold knowledge," comprising the three priestly *Vedas*, but in time the Brahmans made an astute concession to the pressure of popular religion, and the *Atharvaveda* was given the same canonical position as the other three.

Indian religious development from Vedism to Hinduism involved successive emphasis on "the way of works," "the way of knowledge" and "the way of devotion." "The way of works" designates the stage of religion embodied in the hymns of the four *Vedas* as expounded in the *Brahmanas*. By the time of the *Brahmanas* (*c.* 800 B.C.) the priest and the sacrifice had become central, the gods falling distinctly into the background. The emphasis was on the punctilious accuracy of the whole ritual performance regarded as a magical activity that produced an automatic result. Since the priest controlled the sacrifice it followed that if the sacrifice was greater than the gods the priest was greater than the sacrifice. One *Brahmana* text refers to two kinds of gods, namely, the gods, properly speaking, and the Brahmans, who are human gods. This extreme heralded a needed change, the Upanishad movement which placed emphasis on insight rather than on works.

"The way of knowledge" had as its literature the *Aranyakas* and the *Upanishads* (*c.* 700–600 B.C.). It probably owed much to the thought of the "forest dwellers," old men and women of the three "twice-born" classes who had finished the household stage of life. It was a more democratic movement in which Kshatriyas and even women had a part. But here too the Brahman undoubtedly played the leading role; not the Brahman priest who officiated at the altar, but the Brahman who had retired from the world, given up largely conventional religious rites and embraced the life of meditative calm. The "new thought" was marked by new features. It was monistic, or monotheistic, Brahman-Atman being recognized as the central reality of the universe. Over against the changeless bliss of the Atman stood the weakness and vanity of mortal life not only subject to change here and now but also—in accordance with the new doctrines of karma and transmigration developed in the *Upanishads*—bound to suffer the vicissitudes involved in an indefinite number of births. Hence there developed a pessimistic attitude and the idealization and practise of an ascetic renunciation of the world, both coupled with a passionate desire for release from the bondage of transmigration. It is this group of doctrines that constitutes "essential Hinduism." Their social implications have been enormous. Transmigration and karma furnish the philosophical bases of caste; for they explain one's caste and condition in the present life as the expression of merit or demerit gained in past lives.

Brahmanism and Buddhism, which were early influenced in their development by the Brahmanic *Upanishads* and the contemporary dualistic and materialistic Sankhya philosophy, furnished the background of Hinduism. Buddhism emphasized ethics, organized more fully the ascetic life, taught non-injury (*ahimsa*) and through the character of its founder probably stimulated the growth of the doctrine of incarnation in Hinduism. Brahmanism passed on to Hinduism (but not to Buddhism) the great social organization of caste, which through contact and "peaceful penetration" gradually extended itself throughout the whole of India. Brahmanism, moreover, furnished the religious background for Hinduism, the great mass of sacred rites and the worship of endless gods, which had come down from the past, and a philosophical background in the *Upanishads*. The great revival of Brahmanism, which was equally the birth of Hinduism, produced in addition to the old *Veda*, *Brahmana* and *Upanishad* a new series of liter-

ary documents, all the work of the Brahman class. These were the *Puranas*, a collection of ancient writings, *Sutras*, the law books, and the great epics, the *Ramayana* and the *Mahabharata*, crystallizing the traditions of hundreds of years. The new spirit of Hinduism is particularly evident in one section of the *Mahabharata*, the *Bhagavadgita*. In this monotheistic and eclectic philosophy the doctrine of fervent faith, the "way of devotion" of Hinduism, receives literary expression.

By the fourth or fifth century A.D. Hinduism was fairly well established with a developed tradition, social institutions based on the caste system and a philosophy adapted to the continued absorption of new elements, new deities, new practises. Hinduism as the product of many diverse streams of thought and practise may indeed be called "an anthropological process"; it is not more a religion than a social organism, since it reflects the life and institutions and beliefs of over two hundred million people. Its hospitality is so generous that it welcomes alike the weirdest superstitions and the highest forms of religious philosophy; so all embracing that it is willing to absorb any and every religion on the face of the earth. If Vedism represents a polytheism of nature gods and Brahmanism in its deepest insight the doctrine of a single spiritual reality, then Hinduism furnishes a kind of synthesis of the two, namely, a revised polytheism grounded in the pantheistic one and all. So radical is the doctrine of immanence that the whole universe is regarded as an incarnation of God and hence everything in heaven, on earth and under the earth may be worshiped—333,000,000 gods—while at the same time the claim is made that God is one.

This type of religious philosophy explains the special form of religious growth in India. All through the history of Brahmanism and Hinduism compromise and synthesis have been the rule—an aboriginal tribe gradually coming under Aryan influences, the tribe being transformed into a caste, some Aryan customs and beliefs being generally adopted and the gods of the aboriginal tribes being connected with the Hindu gods as attendants or manifestations. Thus Hinduism has proceeded by the "mass movement" method, annexing whole tribes or communities; if it may be considered in any sense to proselytize it is a proselytization by absorption, as much social as religious. Hinduism, therefore, never developed a series of religious institutions. So diverse a tradition has neither room nor need for a central organization or a central creed; its priests need not struggle for secular power, they are an essential part of society. In no country are there more temples or more frequent religious performances than in India, but in contrast to western conditions both are maintained as part of the social fabric and not through corporate organization.

As Vedism had emphasized works and Brahmanism in its final form knowledge, so in Hinduism devotion (*bhakti*) is central. It is devotion to one personal god—Vishnu, Shiva or others—that forms the religion of the great mass of Hindus, a kind of monotheism, howbeit unstable, since other gods are recognized. Thus Hinduism finds expression through a great many separate sects, each carrying some elements of the tradition, each with characteristics of its own. The two most important sects have been Vaishnavism and Shaivism, worshiping the gods Vishnu and Shiva. Representing the synthesis of innumerable local cults and worshiped under innumerable local forms each has nevertheless developed certain unifying characteristics.

Vishnu is an old Vedic god represented by a series of "descents" or incarnations: the princely and ethical Rama; the erotic Krishna; the heterodox Buddha; and the one yet to come, the Kalki *avatara*, really a kind of Messianic anticipation within Hinduism. Krishna, probably an aboriginal chieftain, is celebrated in the *Mahabharata*. Later versions of the Krishna legend are found in the various Vishnuite *Puranas*, in which he is set forth as the boy Krishna, slayer of demons and player of youthful pranks, and also as the lover of the *gopis* and especially of Radha. The Indian drama may have originated here and Indian painting certainly owes a great many of its themes to the Krishna legend. The admission of Buddha into the category of "descents" was late, itself an expression of the spirit of compromise.

Shiva, the other great god, is worshiped in the form of his symbol, the *linga* (phallus). Shiva probably represents the synthesis of Aryan and non-Aryan elements, and through Shaivism the phallic worship so reprobated in the *Rigveda* finally secured for itself a definite place in Hinduism. Shiva's wife or Shakti, called variously Kali, Durga, etc., is the center of a worship even more extensive than that of Shiva. The literature devoted to Kali consists of the *Tantras*—of the right hand more decent and of the left hand less decent—strange books full of magic and sorcery.

Other sects have had temporary or local importance. Like Sikhism, a reform movement of the fifteenth and sixteenth centuries A.D. which opposed the caste system, most of them have become reabsorbed into the main body of Hindu tradition. It is this remarkable power of synthesis that has enabled Hinduism to persist through centuries of change and in spite of the impact of a series of foreign influences. Thus, when Buddhism was finally driven out of India through the destruction of its monasteries by the Mohammedan invaders in the twelfth and thirteenth centuries A.D., Hinduism merely developed certain new aspects under the influence of the hostile religion.

While the persistence and proliferation of Hindu culture is to a large extent a result of the comparative isolation of India, Hinduism has by no means been free from foreign influence, nor has it failed to exert a marked effect on the entire world. In addition to the major contacts of Dravidian and Aryan, Hindu and Mohammedan, Indian and European, Indian history has been marked by a series of less important but fruitful contacts. Thus the Brahmi and the Kharoshthi scripts were introduced from abroad between 800 and 400 B.C. in connection with trade and civil administration. A script, apparently even older, found on the Harappa seals, may prove to be a memorial of an earlier connection between the Indus Valley and the Euphrates. For two centuries the western Punjab formed a frontier province of the Persian Empire. Alexander the Great after his military raid into India left on the western frontier some Greek colonies modeled after the Greek city-state. As a result Greek artistic influences combined with those of India to form the Gandhara school of sculpture which is closely connected with the Mahayana type of Buddhism. From 100 B.C. to 600 A.D. Scythians, Parthians, Kushans and Huns invaded India and were swallowed up in the population; while during the first two Christian centuries there was considerable commercial intercourse between India and the Roman Empire. At the same time Indians were penetrating into other countries. In addition to the preaching of Buddhism in the Mongolian world there was a Hindu migration into Cambodia and Java which was notable for its artistic accomplishments in architecture and sculpture. Asceticism invaded the Christian church first in Egypt, probably coming from India, the true home of the ascetic life. From the fifth to the seventh century Buddhist pilgrims from China visited India.

Since the eighteenth century the literature of Brahmanism has had a profound effect on European thought and culture. The *Rigveda*, as studied by the great orientalists, has given rise to the new sciences of comparative philology and comparative religion and has profoundly influenced the whole range of Indo-European studies. The *Upanishads* even in a most imperfect Latin translation greatly impressed the German pessimist Schopenhauer, and through the expositions of such scholars as Max Müller, Deussen, Oldenberg, Das Gupta and Radhakrishnan they are becoming more and more influential in the philosophical thought of the world. The *Bhagavadgita* and to a less extent the *Yoga* of Patanjali are fundamental sources of the teaching of Mrs. Besant and the Theosophical Society, and through the Hindu propaganda in the West as established by Swami Vivekananda they are taught in many Vedanta societies in Europe and America. New Thought and Christian Science, if they do not owe something directly to Hindu sources, at least have resemblances to Hindu teachings.

At the same time far reaching changes have been inaugurated in India by the foreign influences which have touched and molded it since about 1800 A.D.—British administration, English education and Christian missions. The vast system of British administration has helped to create the idea of a united India and has furnished administrative training for multitudes of Indians. Educational, medical and philanthropic work, especially on behalf of the depressed classes, has established in the Hindu and Mohammedan communities new standards of social service, public health and social organization. The English language as a medium of higher education has introduced the people of India to the literature and science of the West. Christian missions have not only built up a Christian community but have led to the development of new Hindu sects and their adoption of western methods of religious education. The union in modern Hinduism of Indian and western culture has resulted in new religious and social energy as well as in the development of a national consciousness. The new ideals, however, are still based on the strongest Hindu traditions. Thus the *Bhagavadgita* seems to have inspired both the non-violent and the violent types of agitation for home rule which have marked the twentieth century.

Hinduism, according to the English census,

has begun to show a decline in numbers. Although, as reported in the census of 1921, it still counted some 217,000,000 adherents in a total population of 319,000,000, it had lost 850,000 since the previous census, that of 1911, while Islam, Buddhism and Christianity had increased in number. The query has also been raised by the government whether the "untouchables," numbering 50,000,000 more or less, ought to be reckoned in the census reports as "Hindus" in view of the lack of privileges allowed them by the Hindu community. In addition to this apparent decline in numbers, recent years have also been characterized by an unhappy friction between Hindus and Mohammedans often resulting in riot and bloodshed.

In spite of these difficulties Hinduism remains the basic force in Indian life. For through all the changes of modern years caste and the Brahman in the caste system have held their place at the foundation of Indian society. This fundamental institution has from the beginning of Indian history increased in complexity and rigor. Not only have new castes in large numbers come into being by the transformation of tribes into castes, but differences in occupation, place of residence, etc. have contributed to the same result so that India now has three thousand or more castes with an indefinite number of sub-castes. Modifications in caste usages are taking place. Travel in India and abroad, the enlargements of thought due to education, and the cosmopolitan influences of city life all tend to produce changes in such relatively non-essential rules as have to do with contact and food. But the great bulwark of caste—marriage restriction—still largely holds its own. Moreover one characteristic of Hindu society has been the persistence of "archaic survivals" in the form of primitive customs. Such are *sati*, or the immolation of widows (outlawed in 1829); in South India the occasional dedication of daughters to a life of religious prostitution in connection with a temple, the early marriage of girls and prejudice against widow remarriage; some polygamy, especially among princes and wealthy men; what in some cases practically amounts to the exposure of female infants, and general female illiteracy. These conditions have given rise to protests both within and without India. There is hope that the worst abuses may disappear under modern Indian leaders without destroying the inherent social force of Hinduism.

H. D. GRISWOLD

See: INDIAN QUESTION; CASTE; RELIGION; MAGIC; MYTHOLOGY; ASCETICISM; PRIESTHOOD; SECTS; YOGA; BUDDHISM; ATHEISM; ART, INDIAN.

Consult: *Cambridge History of India*, vol. i, ed. by E. J. Rapson (London 1922); Eliot, C. N. E., *Hinduism and Buddhism*, 3 vols. (London 1921) vols. i–ii; Weber, Max, *Gesammelte Aufsätze zur Religionssoziologie*, 3 vols. (Tübingen 1920–21) vol. ii, *Hinduismus und Buddhismus*; Macdonell, A. A., *India's Past* (Oxford 1927); Oldenberg, H., *Die Lehre der Upanishaden und die Anfänge des Buddhismus* (Göttingen 1915); Bloomfield, M., *The Religion of the Veda* (New York 1908); Pratt, J. B., *India and its Faiths* (Boston 1915); Farquhar, J. N., *Modern Religious Movements in India* (New York 1915). See also relevant articles in Hastings' *Encyclopedia of Religion and Ethics*.

BRAILLE, LOUIS (1809–52), inventor of a system of tangible points to enable the blind to read and write. Braille, who had lost his sight at the age of three, began to teach the blind when he was nineteen, if not younger. In 1829 he invented a system whereby letters of the Roman alphabet, figures and notes of music were represented by an arrangement of embossed points. He was not the first to devise a method of reading and writing for the sightless; there had been earlier efforts in this direction, the first recorded attempt being in Spain in 1517. Braille's system, however, was superior in that it substituted for the actual letters or other essentially visual symbols units of raised dots more easily perceptible to the touch and, above all, capable of being written and read by the same hand. In conciseness, legibility and ease of learning it was also an improvement on the system of raised points devised a few years previously by Charles Barbier, in which signs represented phonetic sounds rather than letters and were too large to be read by a single touch. Braille continued to improve his system until 1834, and five years later made it public in his pamphlet, *Nouveau procédé pour représenter par des points la forme même des lettres . . . à l'usage des aveugles* (Paris 1839).

The new method met with considerable opposition, particularly from seeing teachers of the blind, and was not adopted until 1854 even by the school where Braille himself taught. Its use in the United States dates from 1860 and in England from 1868. Many modified and competitive systems were developed, particularly in the United States. In 1888 a proposal for a standardized type was made at Dresden, but it was not until 1916–17 that American organizations, not without sacrificing minor points of superiority in their own system, agreed to accept

the "Revised Braille," which was based largely on British practise. As a result a uniform alphabet is now coming into general use throughout the world. The Braille invention, which facilitated for the sightless tangible writing as well as finger reading, completely transformed their education; it has given the blind, especially those who lose their sight early in life, the possibility of a remarkable degree of independence in study, work and recreation.

LUCY WRIGHT

Consult: Institution Nationale des Jeunes Aveugles, *Compte rendu de la fête du centenaire de Louis Braille* (Paris 1910); Illingworth, W. H., *History of the Education of the Blind* (London 1910); Best, Harry, *The Blind* (New York 1919) p. 395–410; Villey-Desmeserets, P. L. J., *Le monde des aveugles* (Paris 1914), English translation (London 1922) ch. ii.

BRANCH BANKING is a form of bank organization which comprises in addition to the "unit bank" or head office a number of branch offices under the control of the central management; the accounts and liabilities of the branches are usually a part of the general accounting and general liabilities of the head office. This description applies to branch banking in the strict sense of the term. There exist, however, several types of branch banking in which control and management are not so centralized. Thus branches, while constituting an integral part of the general organization and operating without capital stock of their own, may be developed as autonomous units with local boards of directors which fix their policy. A greater degree of independence is afforded where different branches exist as separate establishments with their entire stock owned by the head office, called in this case the parent bank. Again, chain banking, or group banking, based on the control of a number of bank units through stock ownership by an individual or a holding company, is in some aspects a loose form of branch banking; it raises, however, special problems which do not appear in the more integrated forms of branch banking.

While branch banking is in part the result of competition among banks and is to that extent similar to the amalgamation and concentration found in other lines of business activity, it deserves special attention because it brings up a number of important questions of public policy not found elsewhere. In concrete form it raises the question as to the extent to which the banking organization can safely be trusted with the function of shifting at will the fluid capital of the community from one locality to another, thereby tending to alter local rates of interest and discount and presumably to smooth out inequalities in such rates. It has been argued that branch banking exercises this power in an undesirable way. While one group of critics has occasionally charged that banks with branches transfer funds from city to country districts and there "tie them up" for unduly long periods, the more usual complaint has been that country districts are drained of their fluid funds for the purpose of supplying the needs of commercial and financial centers. It is undoubtedly true that branch banking, more than any other type of bank organization, facilitates the flow of funds and that under certain circumstances there may be some basis for both of these contentions. The actual effect of branch banking depends obviously upon the policy of the governing body of the bank with reference to the types of paper which it deems most suitable for the investment of bank funds. While the older and more conservative theories of bank operation naturally favored the concentration of cash, through branch banking, in commercial centers, this is not necessarily the case under present conditions. The essential quality of branch banking is that of providing an easier flow of funds from one community to another and is seen in its best and most effective application in connection with international operations.

The question of branch banking has assumed the aspect of an urgent political problem only in the United States. While the merits and faults of branch banking were seriously discussed in various countries before the war, it is true on the whole that in every important commercial country with the exception of the United States branch banking has for many years been regarded as an accepted element in the banking system subject to varying degrees of restrictions. In America the fact that in former years combinations of capital and the "money trust" occupied a prominent place in public discussion explains in part the unusual interest of the general public in the problem of branch banking. The belief that large city banks drew funds away from the country, the experience, unfortunate in some particulars, with the form of branch banking attempted by the First and Second Banks of the United States and the general desire on the part of the individual states to retain control over their own banking and financial systems were the chief factors which tended to promote the growth of feeling and

legislation hostile to branch banking. The adoption of the National Bank Act in 1863–64 crystallized antibranch opinion and practically committed the federal government to the so-called "unit system" of banking. While the banking laws of the several states were not so positive or severe, they followed on the whole the lead of the federal government. A tendency to change became apparent only after the opening of the twentieth century.

Even prior to that time certain interrelations between banks had developed as a necessary phase of American banking. There had emerged, under the national banking system, the so-called correspondent plan whereby country banks grouped themselves under the leadership of banks in reserve and central reserve cities. Frequently as many as four or five thousand country banks were numbered as correspondents of a single city bank; and while it was true that each country bank might have several city correspondents, in practise it usually tended to establish close relations with only one. In this way a rough substitute for the European branch bank system was developed. Another means of interbank control was afforded later, especially during the nineties, by the practise of organizing local trust companies or security concerns as state corporations and having their entire stock owned by the national banks responsible for their establishment. The trust company or corporation sometimes purchased the stock of groups of country banks, thus enabling a single large bank by its ownership of an auxiliary corporation to control a group of banking institutions scattered over the country.

After the opening of the present century modifications in state laws, changes in administrative practise, or in a few cases court decisions, led in some states to the recognition of branch banking. Branch banks began to compete fairly actively with independent or "unit" banks in several parts of the country. The Federal Reserve system organized in 1914 did not, as some had expected, retard the development of branch banking, but in certain particulars accelerated it. The World War gave a vigorous impetus to consolidation in all branches of business activity, including banking. After the war bank mergers and amalgamations became even more numerous, and in a few states where branch banking had meanwhile taken root such mergers resulted in establishing closer ties between the institutions which had previously been combined as separate offices or branches under a single common ownership. This movement became especially prominent in California but it also made rapid headway in certain other states. A statistical summary of branch banking development in the past quinquennium is given in the table on page 681.

By the middle of 1928 ten states permitted the establishment of branches in and outside the home city, twelve permitted them only in the home city or county and twenty explicitly prohibited the establishment of new branches. The "branch banking area" is thus limited to twenty-two states, although there are in addition eight states which tolerate the operation of existing branches. On February 25, 1927, Congress passed the so-called McFadden Act, one avowed purpose of which was to legalize under specified conditions the creation of branches in cities but to halt the development of branches outside of the city in which the parent office was located by forbidding new extracity branches to national banks and by excluding from the Federal Reserve system such state banks as might seek a widespread development. The bill did not, however, result in furthering to the extent expected the intracity growth of branches; while it probably tended to stereotype and check the further expansion of the movement in general, other forces which exercised a much greater influence masked its operation in practise.

Branch banking presents also problems in bank management. From the outset the serious question confronting branch banks has been that of obtaining detailed knowledge of local conditions and giving a multitude of relatively small borrowers as much individual attention as can be afforded by small local banks. Efforts have been made to meet this problem by creating local boards of directors, recruited in part from local business circles, and sometimes by vesting in branch managers almost absolute powers over loans up to a specified amount. It may fairly be said, however, that this phase of branch banking still offers considerable difficulties of central management. Locally an operating difficulty is experienced by branch banks in obtaining a satisfactory quota of men to fill responsible positions. Those who have sufficient individuality and enterprise are often disinclined to remain in a branch indefinitely, while employees of the conventional type are usually unable to insure the success of a branch confronted with vigorous local competitors. The training of a large corps of branch managers who

DEVELOPMENT OF BRANCH BANKING IN THE UNITED STATES, 1924–29

	JUNE 30, 1924	DECEMBER, 1925	DECEMBER, 1926	JUNE 30, 1927	JUNE 30, 1928	JUNE 30, 1929
Banks operating branches	714	785	796	792	835	818
National	108	132	146	152	169	164
State members of F.R.S.	191	196	194	186	186	190
Non-member	415	457	456	454	480	464
Parent banks in cities of:						
Less than 25,000	284			288	316	305
25,000 to 50,000	108			57	66	70
50,000 to 100,000				70	81	84
Over 100,000	289			377	372	359
Unclassified	33					
Number operating branches:						
Only in home city	391	466	481	490	526	518
Only outside home city	283	264	270	258	262	252
In and outside home city	40	55	45	44	47	48
Number operating:						
1 branch	376	446	456	446	469	443
2 branches	129	135	129	137	150	153
3 to 5 branches		117	123	125	126	130
6 to 10 branches	176	39	38	33	35	37
Over 10 branches		48	50	51	55	55
Unclassified	33					
Maximum number of branches in one system	88	98	100	284	289	285
Number of branches	2293	2642	2781	2994	3230	3440
Operated by national banks	248	332	406	722	941	993
by state members of F.R.S.	1137	1277	1366	1301	1220	1298
by non-member banks	908	1033	1009	971	1069	1149
Located in the home city	1508	1810	1940	2022	2214	2362
outside the home city	785	832	841	972	1016	1078
Established de novo as branches			1962	2055	2214	2329
by conversion of independents			645	757	853	958
no report			174	182	163	153

Source: Adapted from the *Federal Reserve Bulletin* for February, and December, 1929.

are willing to devote themselves to the work as a life service and for whom a regular system of promotion is arranged has been Great Britain's solution of the problem of management. In the United States the constant changes of ownership and the semi-speculative condition of banking have generally prevented the adoption of such a policy.

The success of branch banks in establishing and maintaining themselves in competition with local banks, which are free from such problems of management, is explained by the fact that they enjoy certain "internal economies." The branch bank is able to dispense very largely with reserve and to obtain coin and currency from the parent office as it is needed; as a result it can ordinarily satisfy its requirements with a comparatively simple vault and equipment. Usually proper management of accounting systems is promoted through branch banking. Moreover, it can reduce the expense of display, which many local banks consider essential as a means of impressing customers, and can economize on the consumption of bank supplies or "stationery," always a costly factor in banking.

The trend is toward a very great development of branch banking in the future. In the United States opposition has been steadily worn away, while in other countries it scarcely exists in its older forms. As a result of present tendencies we may expect the development of a system which will place banking offices at the service of even the smallest community and thus popularize and universalize banking accommodation. Foreign branch banking is likely to proceed more slowly but whatever may be accomplished in this field will have far reaching effects. An interest in the problem is evidenced by the League of Nations' survey of the attitude of various governments toward foreign branches; this has stimulated a tendency to insure uniform legal treatment. As yet success in the organization and management of foreign branches has not been so great as in the case of domestic branches. Never-

theless the experience with the comprehensive network of branches of English overseas banks, partly paralleled by Germany before the war and imitated on a much smaller scale by the United States in recent years, has confirmed the belief that international branch banking will prove an inevitable complement of the growth of foreign trade.

H. PARKER WILLIS

See: BANKING, COMMERCIAL; FEDERAL RESERVE SYSTEM; COMBINATIONS, INDUSTRIAL; INTERNATIONAL TRADE; FOREIGN INVESTMENT; IMPERIALISM.

Consult: Chapman, John M., "Branch Banking in the United States" and "Chain Banking" in *Report of an Inquiry into Contemporary Banking in the United States*, ed. by H. P. Willis and others, 7 vols. (mimeographed, New York 1926) vol. vi, chs. xiii–xiv; Southworth, S. D., *Branch Banking in the United States* (New York 1928); Collins, C. W., *The Branch Banking Question* (New York 1926); Phelps, C. W., *The Foreign Expansion of American Banks* (New York 1927); Sykes, Joseph, *The Amalgamation Movement in English Banking, 1825–1924* (London 1926); *Foreign Banking Systems*, ed. by H. Parker Willis and B. H. Beckhart (New York 1929).

BRANDES, GEORG MORRIS COHEN (1842–1927), Danish literary and social critic. Brandes was born of a Jewish merchant family in Copenhagen. He was from his childhood a sensitive and alert student and as he matured he grew away entirely from the provincialism which characterized Denmark at that time. Hegel, Sainte-Beuve, Taine, Renan, John Stuart Mill and Spencer had each an individual and important place in his development, and extended travels in Europe helped further to impress on him the implications of diverse ways of thought and custom.

Brandes' career began conspicuously on November 3, 1871, when he delivered in Copenhagen the first of a series of lectures which was later to be published as *Main Currents in Nineteenth Century Literature* (*Hovedströmninger i det nittende aarhundredes litteratur*, 6 vols., Copenhagen 1872–90, 5th ed. 1923–24; tr. by D. White and M. Morison, 6 vols., new ed. London 1923). His remarks were intended primarily as a stimulant to Denmark's fading intellectual energy. He demanded that literature forsake its idyllic romanticism and turn to the search for truth and "set up problems for discussion"; he introduced the cult of the familiar into art and the lure of emancipation into the current orthodoxies of religion, philosophy and morality; he tried to impress the necessity for the free right of inquiry and for freedom of thought, which was very close in his mind to political freedom; he revealed in the history of literature the interlocking influences of political events and social conditions and extended the scope of critical inquiry to include the literature of a continent. But he became the target of a furious resentment, was denounced as atheist, antipatriot and cosmopolitan, the apostle of free love, "the fiend who would dechristianize the country," and he was forced eventually to leave Denmark. Only after several years in Germany was it possible for him to return to a slightly more sympathetic public and to find a band of youthful followers.

Brandes inaugurated a new period in Danish literature and brought the writings of the Scandinavian countries to the attention of the rest of the world. For fifty years he wrote books and articles and lectured not only in Denmark but in all the principal cities of the western world. Any manifestation of realistic thinking was certain to command his interest and it was he who first recognized the power of Ibsen and Nietzsche. His desire for naturalism was gradually superseded, however, by an even greater interest in psychology and by a growing conviction of the supreme right of genius—Nietzsche's doctrine of the superman was wholly concordant with his temperament. His long list of analytical biographies was the result: Shakespeare, Goethe, Caesar, Voltaire, Michelangelo, Disraeli, Lassalle are only a few of Brandes' heroes. These works not only launched but show at its highest development the method of interpretative and imaginative analysis; they also exhibit the faults of this method in its tendency to draw generalizations from insufficient and subjective premises.

Although Brandes was primarily a critic of literature his interests covered the entire world of affairs. As early as 1864, when all Denmark was aroused over the war with Prussia, he had become interested in political problems and this interest developed constantly as his powers of perception and judgment matured. He never made any attempt to become a political leader but he was always a well informed and stimulating political observer. His analysis of events was so accurate that he achieved the reputation of a prophet; his volume of essays, *The World at War* (*Verdenskrigen*, Copenhagen 1916, 4th ed. 1917; tr. by C. D. Groth, New York 1917), contains many canny and stimulating observations. During the World War he was greatly criticized for his persistent neutrality—it cost him a

cherished friendship with Clemenceau—but this was the inevitable result of his horror of race hatred and militarism. In politics as well as in art he was a cosmopolitan, and could never be drawn into merely national issues, although when any form of oppression was also involved his sympathies were always ready. To Russia, Finland and Poland he was known as "the friend of our people," and his work on *Poland, a Study of the Land, People and Literature* (tr. from a series of essays, London 1903) attests the seriousness of his interest. In spite of Brandes' sympathy with political liberalism and even with socialism, however, he was too fiercely individual, too contemptuous of mass stupidity, to believe in democracy. Aristocratic radicalism, the phrase he applied so aptly to Nietzsche, was his political as well as his personal philosophy. In his later years his political mood was one of pessimism and he looked with foreboding on a world which he considered increasingly dominated by nationalism, Catholicism and a growing communism.

ELIZABETH TODD

Consult: Brandes, Georg, *Recollections of my Childhood and Youth*, tr. from the Danish (London 1906); Topsöe-Jensen, H. G., *Den skandinaviske litteratur fra 1870 til vore dage* (Copenhagen 1928), tr. by I. Anderson (New York 1929) p. 13–21; Harboe, Paul, in *Outlook*, vol. lxxviii (1904) 852–55; Porterfield, A. W., "The Return of Georg Brandes" in *New Republic*, vol. xxxi (1922) 44–47; Boyd, E. A., in *New Republic*, vol. i (1927) 143–44.

BRANDTS, FRANZ (1834–1914), German industrialist, prominent in Catholic social reform. After a period of residence in England, Brandts introduced textile manufacturing into what later became the textile center of München-Gladbach. He early established in his own plant the reforms which he advocated for industry as a whole. These included the recognition of shop committees and of freedom of association by workers, housing reforms, the extension of employment opportunities to handicapped workers, the exclusion of mothers from factory labor, temperance work, the establishment of workmen's libraries and many other "patriarchal" employers' projects until then unknown in Germany. In 1880 he founded the Arbeiterwohl, the union for workers' welfare for Catholic employers and sympathizers, and in 1890 the Volksverein für das Katholische Deutschland. A dominating personality, he set on foot in many organizations of private and public character an effective propaganda for the introduction of protective labor legislation and social insurance. With Hitze he converted the (Catholic) Center party and German Catholicism to a program of social reform by the state.

THEODOR BRAUER

Consult: Brauns, H., "Franz Brandts" in *Soziale Revue*, vol. xiv (1914) 401–08; Hohn, W., *Franz Brandts*, Führer des Volkes, no. 12 (Munich 1914).

BRANTING, KARL HJALMAR (1860–1925), Swedish statesman and leader of the Social Democratic party. Branting, the son of a wealthy professor, came in his student days under the influence of radical democratic ideas and later established contacts with labor circles, to which he was attracted by his social sympathies and political ambitions. He began by writing for the liberal press, and in 1886 became chief editor of the *Social-Demokraten*. His influence as a journalist, which was due to his pointed and spirited style, prepared him for a political career. In 1889 he was important in persuading the trade unions of the necessity of political action, and served as one of the founders of the Social Democratic party. His leadership was soon recognized; in 1896 he was elected to the Riksdag and in 1907 became chairman of the party. His goal as party leader was to strengthen the position of labor by parliamentary methods, and in parliament he fought indefatigably and successfully for social and political reforms, such as universal pension insurance (1913), compulsory accident insurance (1916), the eight-hour law (1919), the extension and democratization of the franchise. He was minister of finance in 1917, and premier in the cabinets of 1920, 1921 and 1924.

Although he was essentially a pacifist, Branting pursued a zigzag course in foreign policy. In 1905 his influence was important in averting a war between Sweden and Norway, but in 1914 he voted for increased armaments. During the war he advocated strict neutrality for Sweden and made efforts to secure a cessation of hostilities, but was known to have strong pro-Entente sympathies. In 1919 he exhibited a strong anti-Bolshevist bias at the meetings of the Second International in Berne. Elected to the Council of the League of Nations in 1923, he made a sincere attempt to reorient the League in accordance with Wilsonian principles, but was successful in influencing only individual decisions. In 1921 he was awarded the Nobel Peace Prize.

Branting was a statesman rather than a

philosopher. He organized the great majority of Swedish labor under the banner of bourgeois-radical rather than Marxian socialist ideals. His prestige as a labor leader and parliamentarian was enormous, although he was never free from opposition.

WILHELM GROTKOPP

Consult: Magnusson, G., *Socialdemokratien i Sverige* (Stockholm 1920); Heberle, Rudolf, *Zur Geschichte der Arbeiterbewegung in Schweden* (Jena 1925); Hansome, M., in Brotherhood of Locomotive Engineers, *Journal*, vol. lix (1925) 255–56 and 306; Grotkopp, W., "Sozialismus und Wirklichkeit" in *Archiv für Sozialwissenschaft und Sozialpolitik*, vol. lvi (1926) 789–98.

BRANTS, VICTOR (1856–1917), Belgian Social Catholic reformer, economist and historian. In 1881 he was appointed professor at the Catholic University of Louvain and thereafter lectured on political economy in the law faculty and taught history in the faculty of philosophy and letters. In the same year he founded the Société Belge d'Économie Sociale, which was modeled after the Le Play society at Paris and exercised considerable influence on the intellectual circles of the Catholic party in Belgium. He was also among the founders of the Association Internationale pour la Protection Légale des Travailleurs, which may in some measure be regarded as a precursor of the Labor Office of the League of Nations.

Brants wrote a number of inductive studies on mediaeval and modern economic conditions and on social policy, in which he displayed a particular interest in the welfare of the peasantry and of the urban handicraftsmen. In his most important work, *Les grandes lignes de l'économie politique* (Louvain 1901, 4th ed. 1904), he questioned the validity of the classical economic man and the finality of economic laws, and asserted that economic behavior is subject to the moral law as embodied in religious norms. He found the cause of unemployment, capitalist exploitation and other evils of the present order in the elevation of economic activity to an end in itself. He preferred the regulated economic system of the Middle Ages and emphasized the ameliorative role of the small scale producer even under modern conditions. In his *La petite industrie contemporaine* (Paris 1902) he attempted to disprove statistically Marx's prophecy as to the eventual disappearance of small scale industry.

Brants was the most outstanding as well as the most authoritative of the Belgian economists who upheld the social doctrines of the famous encyclical *Rerum novarum* issued by Pope Leo XIII in 1891. After 1886, when protective labor legislation was introduced in Belgium, he exercised, despite the opposition of the Catholic Conservative party, some influence on the Catholic government in office. His work on behalf of international labor legislation (*La législation comparée et internationale du travail*, Louvain 1903) made him well known abroad. He was an excellent teacher and had a number of distinguished and influential disciples. The success of the school of social and political sciences at the University of Louvain is due in large part to his efforts.

ERNEST MAHAIM

Consult: Terlinden, Charles, in Université Catholique de Louvain, *Annuaire 1915–1919* (Louvain 1924) p. 436–50.

BRASSEY, THOMAS (1805–70), British railroad contractor and builder. He came of a family of small landowners and began his career by working as land agent and surveyor. In 1834 he secured a small contract on one of George Stephenson's projects. Larger railway commissions followed rapidly in England. In 1841 he contracted with an Anglo-French company to build the Paris-Rouen railway, the first important line in France. Brassey's chief work as railway builder was done in England and on the continent, and nearly every European country possesses a sample of his construction work. He also built railways in Australia, the Argentine, India and Canada. His activities as contractor included the transportation of thousands of laborers to various countries, the operation of equipment plants and rolling mills in England and on the continent and the financing of difficult railway enterprises. As a consequence of his undertakings the technique of railway building was spread over many parts of the world.

Brassey was notable for his skill in handling his subordinates. He built up his own staff of subcontractors and engineers, among whom he distributed responsibility. His principal agents shared in his profits and with them he talked over his labor difficulties. He maintained schools, churches and other community service for his employees. Believing in paying according to results he increased wages in proportion to the progress of each employee. Brassey realized that work may be cheap when wages are high, and without voicing a theory he sought to increase efficiency by advancing wages above the usual rates paid in the areas where he operated. This

policy appears to have resulted from his observations of the comparative efforts of laborers from different countries on different wage scales and dietaries.

LELAND H. JENKS

Consult: Helps, Arthur, *Life and Labours of Mr. Brassey, 1805–1870* (London 1872); Jenks, L. H., *The Migration of British Capital to 1875* (New York 1927) p. 134–38, 176–77.

BRASSEY, THOMAS, FIRST EARL (1836–1918), British political and social reformer, son of Thomas Brassey, the railway contractor. Forsaking the practise of the law he became a member of the House of Commons, remaining there for eighteen years until he was raised to the peerage in 1886. In Parliament he specialized in naval, maritime and industrial questions, upon which he also lectured and wrote extensively. His encyclopaedic work on *The British Navy* (5 vols., London 1882–83) outlines his program for the navy, including reforms in the administration of dockyards and naval pay as well as in general policy. His views on industrial questions are contained in *Trades Unions and the Cost of Labour* (London 1870); *Work and Wages* (London 1872); *Cooperative Production* (London 1874); *Lectures on the Labour Question* (London 1878); *Foreign Work and English Wages* (London 1879). Brassey championed trade unions when they were barely tolerated by many of his liberal associates, advocated industrial arbitration and cooperation and urged ample legislative protection for working women and children. He consistently opposed, however, all measures, including those of the trade unions, in restraint of production. Backed by his father's experience in railway construction he vigorously and continually assailed the persistent fallacy that low wages or long hours imply cheap production.

W. H. DAWSON

BRATIANU, a family of Rumanian statesmen. Ion C. Bratianu (1821–91), founder of the family's prestige, was instrumental in the establishment of modern Rumania. With his brother Demetrie he was prominent in the movement which forced the abdication of Prince Bibescu of Wallachia in 1848 and the election of Alexander Cuza, first prince of Rumania. He was a founder of the Liberal party in Rumania and during a period of political exile was involved in the Orsini attempt to assassinate Napoleon III. He soon directed his radicalism toward nationalist demands, playing an important role in the dethronement of Cuza, the installation of a Hohenzollern dynasty and the winning of independence from Turkey in 1879. In cooperation with King Carol, Bratianu worked for the centralization of government power to develop Rumania's primitive economic system. He conceived of economic organization as the basis of independence and directed his policy along Listian neomercantilist lines. In 1861 he demanded the establishment of a National Bank, an idea realized in 1880 when he was premier. In 1873 and 1875 with the assistance of other statesmen he founded the Urban and Rural Mortgage Banks. In 1881 he established agricultural credit institutions. He next gave attention to transportation and port development, and in 1887 after a tariff war with Austria he inaugurated Rumania's first independent protective tariff. His policy, including opposition to the entrance of foreign capital, was successful in its aim of developing the nucleus of a native middle class.

This policy was less imaginatively continued by his son Ionel (1864–1927), eleven times premier. He relegated economic matters to his brother Vintila who, despite the economic changes which the years had brought, fanatically opposed the use of foreign capital on conditions which involved foreign control. Vintila Bratianu was also largely responsible for the abandonment of a plan approved by parliament to substitute direct taxes (income tax and special levies on capital and war profits) for indirect taxes. The adoption of war time and post-war laws breaking up latifundia (with the resulting Hungarian land dispute), nationalizing the subsoil and inaugurating universal suffrage was largely due to Ionel Bratianu. His greatest work, however, was the reuniting of all the Rumanian provinces after the World War, which Rumania had entered only after long negotiations conducted by Ionel Bratianu.

The Bratianu family were the leaders of banking interests headed by the Banca Romaneasca and sought the subjection of the national economy to these interests. No concessions were made to concerns which had not come to an arrangement with the Banca, and natural resources belonging to the state were ceded at ridiculously low prices to interests headed by the Banca. In connection with these activities there grew up around the Liberal party a coterie of corruptionists who did much to discredit the state abroad. Antisemitism, rife during the lives of both Bratianu generations, was in part an

aspect of their public and private economic policy.

Ionel Bratianu, who held almost dictatorial powers until his death, was instrumental in changing the succession law to oust Crown Prince Carol. The death of King Ferdinand in July, 1927, was a serious blow to the power of the Bratianus, and the organization of the National Peasant party and the liquidation of minor parties used by the Bratianus as political pawns contributed still further to the family's decline. Their thinly veiled dictatorship ended with the fall of the Vintila Bratianu ministry in 1928, partly a result of failure to obtain a foreign loan to stabilize the leu, deflation of which had followed on the financial policy of post-war Bratianu governments.

AURELIU ION POPESCU

Consult: Miller, W., *The Ottoman Empire and Its Successors 1801–1922* (Cambridge, Eng. 1923); Pasvolsky, Leo, *Economic Nationalism of the Danubian States* (New York 1928); Evans, I. L., *The Agrarian Revolution in Roumania* (Cambridge, Eng. 1924).

BRAUN, KARL (1822–93), German politician and economist. He came of a prosperous Catholic peasant family and practised law before his election to the Nassau Landtag in 1849. Later he was a member of the Prussian lower house (1867–79) and of the Reichstag, where he joined at first the National Liberals and subsequently the German Progressive party. He attacked the particularism of the small German states and worked for the creation of a unified Germany under the lead of Prussia. As an economist Braun was one of the leading German free traders. In 1858 he helped to organize the Congress of German Economists and served for a long time as president of this organization. In 1863 he founded the *Vierteljahrschrift für Volkswirtschaft, Politik und Kulturgeschichte* and became a regular contributor to its columns. An opponent of government intervention in economic affairs, he insisted on the abolition of all restrictions upon the free movement of population and on repeal of the legal maximum for interest charges.

PAUL MOMBERT

Important works: *Aus der Mappe eines deutschen Reichsbürgers*, 3 vols. (Hanover 1874); *Bilder aus der deutschen Kleinstaaterei*, 5 vols. (Leipsic 1869, 3rd ed. Hanover 1881); *Randglossen zu den politischen Wandlungen der letzten Jahre* (Bromberg 1878); *Der Staat und die Volkswirtschaft* (Berlin 1879).

Consult: Grandpierre, Ernst, *Karl Braun* (Idstein 1923).

BRAUN, LILY (1856–1916), German feminist and socialist. She was the daughter of an army officer of the aristocracy, and after participation in the ethical culture and feminist movements became a socialist. The fundamental dualism of her character led her to seek a brilliant career as an individual and at the same time to devote herself passionately to the cause of the oppressed. She thus incurred the enmity of both the bourgeois and the socialists. Her collaboration in bourgeois periodicals made her suspect in the eyes of the socialists and compelled her after twelve years of membership to relinquish all connections with the Social Democratic party. On the other hand, together with Clara Zetkin, she criticized the feminist organizations for their implicit bourgeois tendencies. Nevertheless she remained to the end of her life a feminist and a socialist by conviction.

Lily Braun's contribution to feminism consists in combining the belief in the liberating power of labor with faith in the social importance of motherhood. The thesis of her most important work, *Die Frauenfrage* (Leipsic 1901), is that capitalism through its inability to dispense with the wage work of women digs its own grave by destroying the family and endangering the welfare of the offspring. She was one of the first advocates of maternity insurance.

The socialist views of Lily Braun underwent a curious evolution. At the outset a confirmed believer in the class struggle, she came later to insist that socialism is a problem in education and that the movement must include intellectual as well as manual workers. She developed these ideas in the weekly *Die neue Gesellschaft*, which she and her husband, Heinrich Braun, edited. Later she placed even stronger emphasis on the significance of the individual and changed from a protagonist of equality to a protagonist of freedom. In her *Memoiren einer Sozialistin* (2 vols., Munich 1909–11), which became a best seller, she gave an excellent picture of the socialist trends of her time in the setting of a somewhat fictionalized autobiography.

ALICE SALOMON

Works: *Gesammelte Werke*, 5 vols. (Berlin 1922).

Consult: Vogelstein, Julie, *Lily Braun* (Berlin 1923); Puckett, H. W., *Germany's Women Go Forward* (New York 1930).

BRAY, JOHN FRANCIS (1809–95), early socialist writer and labor agitator. New researches based on family correspondence show that Bray, who had been assumed to be an

Englishman, was born in Washington, D. C., and in 1822 was taken by his father to Leeds, England. In 1835 Bray, then a journeyman printer, wrote to his brother in Boston that he had decided to take part in the labor movement and that he had principles which, if he acted upon them, might bring him misfortune but not disgrace. Under the signature "U. S." he published five "Letters for the People" (Leeds *Times*, December, 1835–February, 1836) dealing with natural rights and human equality. In September, 1837, he spoke at the inaugural meeting of the Leeds Working Men's Association and was elected its treasurer. In November of that year he delivered three public lectures on "the working class, their true wrong and their true remedy" (Leeds *Times*, November 11, 22 and 29, 1837), which formed the skeleton of his book *Labour's Wrongs and Labour's Remedy, or the Age of Might and the Age of Right* (Leeds 1839). In 1842 Bray returned to America, where he worked as farmer, printer and journalist in and near Detroit, continuing to be active in the workers' cause. It is known that in 1854 he was engaged in writing a book, but there is no indication that this work was published.

Labour's Wrongs begins with the statement of the "first principles of nature," the equality of all men with regard to their nature and their wants and the importance of labor as the only means of satisfying these wants. Labor is the essence and measure of value and is the only true title to property. In the existing order the wage received by the producer worker from the owner capitalist contains a smaller quantity of labor than that which he had incorporated in the product, while the surplus accrues in the form of rent, interest and profit to the owner. The accumulation of capital is based on withholding remuneration for a part of labor; capitalist property thus acquired through "rapacity" is illegitimate. The existence of private property engenders private interests, and the unequal exchange of labor and remuneration produces injustice and dissatisfaction. The entire machinery of government is organized for the purpose of protecting and maintaining this injustice. Capitalist society cannot be mended by piecemeal reform through trade unionism, free trade or political action. The existing order must be changed, but not by force, for although force can overthrow existing political arrangements and inaugurate others it cannot generate social institutions. The only remedy is the abolition of private property in favor of communal possession, with a universal duty of labor and equal exchanges. The present generation formed in an unjust society is unfit for the new order; an intermediate stage must be provided from which men may rise gradually to the final goal of a complete communal life. Bray envisaged this intermediate stage as a confederation of joint stock cooperative companies in which all means of production would be owned in common and work remunerated in full by notes which would entitle the bearer to goods valued in accordance with the quantity and quality of labor which they incorporated. Such a company would use self-interest as a stimulus, but would render exploitation through unequal exchange impossible.

This book, which combines all ideas relevant to the working class movement from John Locke to Robert Owen, is written in a vigorous style and with a glow of conviction. The book was much quoted but was not a publishing success since it deprecated the Chartist program of political reforms.

MAX BEER

Consult: Foxwell, H. S., "Introduction" to English edition of Anton Menger's *The Right to the Whole Produce of Labour* (London 1899) p. lxv–lxxi; Beer, Max, *A History of British Socialism*, 2 vols. (London 1919) vol. i, p. 236–44, and his introduction to the German translation of Bray's *Labour's Wrongs* entitled *Die Leiden der Arbeiterklasse und ihre Heilmittel* (Leipsic 1920) p. 1–30; Lowenthal, Esther, *The Ricardian Socialists*, Columbia University studies in History, Economics and Public Law, vol. xlvi, no. 1 (New York 1911) p. 84–100.

BRAY, THOMAS (1656–1730), English clergyman and educator. On the strength of his work designed for use in the religious instruction of poor children (*A Course of Lectures upon the Church Catechism*, Oxford 1696), he was selected by the Bishop of London in 1696 to go to Maryland as "superintendent, commissary, and suffragan" to organize the Anglican church. He did not sail, however, for almost four years and meanwhile he secured funds for the establishment of parochial libraries. Of these more than fifty were founded in America and other countries abroad and more than sixty in England and Wales. In connection with this work he wrote *Bibliotheca parochialis* (London 1697, 2nd ed. 1707), *Bibliotheca catechetica; or, the Country Curates' Library* (London 1699) and *Primordia bibliothecaria* (London 1726). Out of these activities grew the Society for Promoting Christian

Knowledge (S. P. C. K., 1698) and the Society for Propagating the Gospel (S. P. G., 1701), concerned respectively with the development of elementary English and colonial education. In 1699 he sailed to Maryland and in connection with his work there wrote *A Memorial Representing the Present State of Religion on the Continent of North America* (London 1700). After a short stay he returned to England and became interested in the founding of schools for Negroes in the West Indies. In 1723 he formed the Bray Associates to continue this work and also the distribution of books. A few years later his efforts in behalf of imprisoned debtors brought him into contact with General James Edward Oglethorpe and he became interested in Oglethorpe's scheme for an American colony for the needy and unemployed. He died, however, before the plan became a reality. Bray himself bore a great part of the financial burdens of his philanthropic work.

I. L. KANDEL

Consult: Rev. Thomas Bray, his Life and Selected Works relating to Maryland, ed. by B. C. Steiner, Maryland Historical Society, Fund Publication, no. xxxvii (Baltimore 1901); Allen, W. O. B., and McClure, Edmund, *Two Hundred Years: the History of the Society for Promoting Christian Knowledge 1698–1898* (London 1898); Crane, V. W., *The Southern Frontier, 1670–1732* (Durham, N. C. 1928) ch. xiii; Kemp, W. W., *The Support of Schools in Colonial New York by the Society for the Propagation of the Gospel in Foreign Parts,* Teachers College, Columbia University, Contributions to Education, no. lvi (New York 1913).

BREACH OF MARRIAGE PROMISE. The origin of this form of action is rather difficult to discover. There seems to have been a similar one in early Roman times which disappeared before the classical period. In the latter period the recovery of earnest money, a settlement made at betrothal, was permitted, but that did not long survive the empire. When the Code Napoléon combined the remnants of Roman law in southern Europe with the customary law of the North, the action for breach of marriage promise was entirely omitted. Today it is absent not alone in France but in all the civil law countries. This absence does not preclude recovery of actual pecuniary loss; there are statutory or general tort remedies to take care of that situation. It merely means that there is no civil law action for the breach of marriage promise built upon the contract analogy with its train of consequences.

In both civil and common law countries the early action was for specific performance (i.e. forcing the unwilling party to marry). When that remedy dropped out of civil law the form of action was not retained. The common law countries at that time, however, found themselves engaged in a battle for jurisdiction, state and church, law and equity courts claiming what crumbs of litigation they could. The ecclesiastical courts originally had jurisdiction over breach of marriage promise as part of their complete control of the sacrament of marriage. By the middle of the seventeenth century the secular courts, declaring that the action was temporal since it was for damages and not for specific performance, had captured and preserved the action for breach of marriage promise.

The change in jurisdiction implied a change in theory. The ecclesiastical court was protecting the institution of marriage; the secular court allowed this action, "not to meddle with the marriage, but for damages that he hath not taken her according to his promise." To the legal mind this shift in emphasis was of the utmost importance. Accustomed to a static logic, it now thought of the marriage promise and its breach in contractual terms, concepts which carried with them consequences that made abuse easily possible.

In the first place the offer and acceptance, parts of any legal contract, were oral and often equivocal. It was universally granted that the contract did not fall within that section of the Statute of Frauds which required written proof. Because of the private nature of the oral promise the evidence came largely from parties and was frequently uncorroborated. Since the existence of the contract was a question of fact it was argued before a jury, thus giving that body undue power and placing great emphasis on the persuasiveness of counsel or the pulchritude of the plaintiff.

The situation might have been partially saved had the legal mind retained full control. In the early days the contract interpretation greatly restricted the amount of damages awarded, since it required proof of pecuniary loss. Under the influence of juries and persuasive oratory, however, by the early eighteenth century such intangibles as wounded spirit, unmerited disgrace, probable solitude, had been added and their evaluation was entrusted largely to the discretion of the jury.

American courts in the beginning of the nineteenth century, acting on the theory that the early English disputes were purely jurisdic-

tional, accepted the current view and allowed the action. We find an early Massachusetts judge saying with pardonable pride that the "delicacy of the sex . . . requires for its protection and continuance the aid of the laws." The emotional tone of the plaintiff's counsel was taken over by the stern but human court; and in the United States the action was put on the same basis as in the mother country.

It must not be thought that no attempt was made in either country to abolish or modify the action for breach of marriage promise. In 1879 the English Parliament did what it could and failed. Later attempts in state legislatures met with a similar lack of success. A Michigan court declared that "while it is the policy of the law to encourage marriage it is not the policy of the law to encourage unhappy marriages." The same court quoted with approval a statement that the engagement period should be a probationary one.

It is a defect of current methods of legal research that undue emphasis is placed on the opinions of appellate courts and the acts of legislatures. Social aspects of the action can be understood only through studies of other facts, and most of these studies have yet to be made. The nature of breach of promise suits, the wealth of the defendants, the fact that in all but a few cases the plaintiff is a woman, give undue publicity to a situation that may not be widespread. Again the wealth of the defendants and the large awards sought give rise to the assumption that more breach of promise cases are appealed than we expect to find in situations where less money or a poorer class of defendants is involved. In spite of the likelihood of frequent appeals only one hundred and nine were reported in the thirteen-year period 1916–29. While we have no clue to the ratio that number bears to the number handled by the trial courts, the trial court statistics available indicate that the total is far from alarming. Only fourteen cases are recorded in thirteen counties in Connecticut, Massachusetts and New York for the years 1925 and 1926. We know nothing, of course, of the number of cases settled out of court.

On the whole the action, which has survived through no merit of its own, is anomalous and out of date and represents a distinct cultural lag in an age when women are becoming increasingly independent economically. But it is not a much more serious problem than our blue laws and can probably be counted on to die of inanition. As long as its use is infrequent and is confined, as it has been, to a small section of society it cannot be said to constitute a serious social problem.

DONALD SLESINGER

See: FAMILY LAW; MARRIAGE; CONTRACT; EXTORTION; SEDUCTION; WOMAN, POSITION IN SOCIETY.

Consult: MacColla, C. J., *Breach of Promise, its History and Social Considerations* (London 1879); Bryce, James, *Studies in History and Jurisprudence*, 2 vols. (Oxford 1901) vol. ii, p. 792–93; Esmein, A., *Le mariage en droit canonique*, 2 vols. (Paris 1891) vol. i, p. 139–41; Lobingier, C. S., "Notes on International Law: Spanish versus American Law of Breach of Marriage Promise" in *American Law Review*, vol. xliii (1909) 759–69; Burge, William, *The Comparative Law of Marriage and Divorce*, ed. by A. W. Renton and G. G. Phillimore (London 1910) p. 156–58, 174–77; Grunspan, Anna, *De la rupture des promesses de mariage* (Paris 1917); Bishop, J. P., *New Commentaries on Marriage, Divorce and Separation*, 2 vols. (Chicago 1891) vol. i, bk. iii, ch. xi; Keezer, Frank H., *A Treatise on the Law of Marriage and Divorce* (2nd ed. Indianapolis 1923) ch. ii; Howard, G. E., *A History of Matrimonial Institutions*, 3 vols. (Chicago 1904) vol. ii, p. 200–03, 281–82; Wright, H. F., "The Action for Breach of the Marriage Promise" in *Virginia Law Review*, vol. x (1923–24) 361–83.

BRÉAL, MICHEL (1832–1915), French philologist and educator. Bréal was born of Jewish parents in the Rhineland; he studied at Metz and Paris, later going to Germany where he was a pupil of the great orientalist Bopp. Upon his return to France he published important works in semantics, held several professorial chairs and was inspector general of higher education (1879–88) and a member of the Conseil Supérieur de l'Instruction Publique (1880–96). He helped establish several pedagogical societies and frequently contributed to scientific journals.

Bréal early became interested in pedagogy and in 1872 published his influential *Quelques mots sur l'instruction publique en France* (5th ed. Paris 1886), an unusual book in a day and place which neglected pedagogical science. Pointing to the disasters of 1870 as an indication of the need for reforms in French life, he urged the remodeling of the French elementary, secondary and higher systems of education, especially with a view to benefiting from German examples, of which he was a great admirer. He criticized the French system for its rigid traditionalism, its emphasis on preparation for examinations rather than on the development of useful patriotic citizens and independent creative scientists. He urged that in primary schools French be taught as a live and spoken, rather than a dead and written, tongue, that reading habits be developed, libraries

established and that what might be called a primitive form of visual education be introduced. He favored the retention of Latin in the *lycées*, but demanded reform in methods of teaching so as to make its intellectual value greater; he especially demanded the dropping of Latin verse making, which he regarded as fit for the aristocrats of Oxford but not for the French peasant schoolboy. Especially in the field of higher education he urged a general reorganization after the German model. Each of the chief universities was to include the four major faculties of arts, letters, law and medicine, and minor universities were to be regarded as potentially developing toward that end. The universities were to be enabled to give instruction in subjects hitherto reserved to the *écoles spéciales*, elective courses were to be introduced, the number of examinations reduced and better working facilities—libraries and laboratories—provided. He especially urged the appointment of *docteurs libres*, the equivalent of the German *Privatdocenten*. Many of his suggestions, particularly with regard to the universities, were adopted and did much to change them from lecture and examination schools into centers of science and learning.

ROGER COUSINET

Consult: Dihigo y Mestre, J. M., *Bréal estudio crítico* (Havana 1911).

BREMER, FREDRIKA (1801–65), Swedish feminist, novelist and social reformer. Her *Teckningar utur hvardagslifvet* (Sketches from everyday life) (3 vols., Uppsala 1828–31), pleasantly realistic pictures of family life, became very popular. In her later books she became more and more engrossed in the problems of family life as they touched the happiness of women. In 1849 she toured the United States, where she studied social conditions, particularly the reputedly high position of women, and found her ideal of true companionship between men and women most fully realized among the Quakers. Her best known novel, *Hertha* (2 vols., Stockholm 1856; tr. by Mary Howell, 1 vol., London 1856), formulated her demands for women. Recalling her own suffering from repression and restraint as a young girl in a socially prominent family, she proposed that girls be allowed to study whatever their minds could master and do any work for which they had proved their fitness. She asked, moreover, that women should attain their majority automatically at a certain age in order to get command of their persons and their fortunes instead of going through the special legal process required by the law at the time, and her agitation resulted in the repeal of that law. She was a pioneer also in organizing women for various philanthropic purposes and took the initiative in movements for the care and housing of delinquent children and of aged women, the establishment of schools for the deaf and dumb and the securing of work for released prisoners. Her activities initiated the feminist movement in Sweden.

HANNA ASTRUP LARSEN

Consult: Bremer, Fredrika, *Sjelfbiografiska anteckningar, bref och efterlemnade skrifter*, ed. by Charlotte Bremer, 2 vols. (Örebro 1868), tr. by F. Milow and E. Lonnen as *Life, Letters and Posthumous Works of Fredrika Bremer* (London 1868), and *America of the Fifties: Letters*, ed. by A. B. Benson (New York 1924).

BRIBERY is the practise of tendering and accepting private advantage as a reward for the violation of duty. To bribe is to control by means of tangible inducements rather than by persuasion or coercion. An offer of money or position shades over to such less tangible forms of influencing as calculated sociability. The conception of bribery implies choice, and when the element of choice is seriously curtailed we have to do with extortion or imposition. Bribery also involves an intention to influence and to be influenced in a sense incompatible with good faith, and passes by degrees to the offering and receiving of favors in which the offering shows but a vague desire to keep on good terms and the receiving entails no more than perfunctory thanks. The concept likewise implies that the nature of the duty involved is distinctly understood. As the vagueness of obligation increases, acts of bribery merge into bargaining, price setting and term making in general. The definitions of bribery which are adopted in various legal systems often include acts of extortion, but in the main they unduly restrict the term to the bribery of judges, administrators, legislators or voters and fail to include bribery in sport, business, ecclesiastical, artistic and fraternal life.

The prevalence of bribery in human affairs is demonstrated by references to it in the earliest records. The Code of Hammurabi, king of Babylon, dating from the twenty-second century B.C., provides that "if a man (in a case) bear witness for grain or money (as a bribe), he shall himself bear the penalty imposed in that

case." The Edict of Harmhab, king of Egypt, in the fourteenth century B.C. prescribes capital punishment for the official or priest who has accepted a bribe in the performance of his judicial functions. Ashur-bani-pal of Assyria resorted to bribery during his troubles with the Elamites in the seventh century B.C. The provision of penalties shows that bribery was a problem among the Jews, Chinese and Japanese, among the Greeks and Romans and among the Aztecs of the New World.

Bribery is influenced by many factors. A complicated society abounds in agency relations which increase the opportunity for appeals to private interests, since operations which the individual was once able to perform for himself pass through intermediaries, each one of which is a relay of potentially distorting private motives. When new functions arise in an expanding society they are indistinctly defined and inadequately supervised. Frequently they clash with older practises. Those who are immersed in the new would be definitely handicapped were they scrupulously to respect the methods by which formal redefinitions of usage are to be procured, because general rule making presupposes definite knowledge of what is wanted and also leisure for the detached consideration of experience. The very fact that they are engaged in a pioneering enterprise implies that they are not yet entirely sure of what they need. Fired with new hopes of concrete achievement they are submerged in the details of active administration and look upon delay with impatience. These factors cumulate in efforts to secure tentative and piecemeal readjustments by such short cuts as bribery. The process described is especially prominent when opportunities for making large fortunes may be granted or withheld by the state. The will to bribe of the promoter in an expanding society is matched by the will to be bribed on the part of those who serve the old order. This comes about because a period of expansion is usually characterized by an increase in the standards of ostentatious consumption. Those who are accredited agents of the old order are usually on a fixed salary or in a status otherwise circumscribed. They suffer from inferiority as their returns in money and prestige fall off, and this sense of inferiority is quickly transmuted into a sense of injustice when the rich or those who cater to the rich advance more rapidly. This creates an atmosphere of cynicism in which bribery flourishes, for the older proportion between deserts and rewards is upset to the disadvantage of the scrupulous, and there ensues a relapse to more primitive codes of conduct. The spread of the pecuniary calculus dissolves many ancient restrictions.

When society is disintegrating and pessimistic, resentment is aroused by the general deprivations. A belligerent nation which has endured poor food, inferior clothes and unremitting exertion, and whose hopes of victory have been repeatedly dashed, is such a society. If deprivations do not fall evenly, and if simultaneously with the shortages there appears a new class of "profiteers," there results an acute sense of injustice and much demoralization. Those who possess power share the prevailing insecurity and intensify the dissatisfaction by conspicuously enjoying their cake while they have it.

Quite apart from periods of rapid or slow development bribery plays a principal role in society. Politics is always a rather unstable equilibrium of interests, but it is possible to achieve accommodations of interest which work smoothly for extended periods, and bribery is one of the instrumentalities by means of which provisional adjustments are reached and perpetuated. The analysis of American urban communities has shown in certain mobile areas a high concentration of interests which are in opposition to the legal, moral and conventional standards of the more stable areas. Bribery is one of the tools which is used to secure exemption from the enforcement of ostensibly inclusive standards and to temper them to local diversities. Minority groups within empires have likewise been able to ameliorate their lot by bribing the administrators who were legally bound to discriminate against them. These accommodations are maintained until the time when some new accession of power to the general or local interests disturbs the established equilibrium and makes necessary a new level of adjustment.

The ubiquity of bribery and the fact that it is often resorted to where cheaper means would seem appropriate to the desired result suggest that it gratifies drives which are organized very early in the life history of individuals regardless of the particular culture in which they find themselves. The intensive examination of individual life histories shows that there is a strong and only partly conscious drive against authority which is frequently made manifest in efforts to bring authority into contempt. Offering a

bribe is often partially motivated by a drive to put representatives of authority in the wrong by inducing them to violate professions and obligations. Anti-authoritarianism likewise shows itself in an exaggerated sense of guilt and in a resulting compulsion to propitiate authority by giving up tangible goods. This operation appeases the sense of guilt and permits the individual to secure absolution from his own conscience for actual or contemplated acts against accepted standards. These reactions are established in early childhood and depend upon features of the relationship of child to adult which are so general as to exist in varying degrees in every culture.

The phenomenon of bribery is to be treated therefore as a function of diverse cultural contexts and likewise of certain general conditions in the early development of the individual.

It is not surprising that efforts at the eradication of bribery have had very qualified success. Bribery is difficult to control by legal prohibitions since, unlike cases of fraud or violence, all parties usually get what they want and no one is aggrieved. The severity of the penalties imposed where regulation is sought by law is frequently in inverse relation to the success achieved in coping with the problem. Thus bribery is a misdemeanor in England and a crime in the American states. Bribery is often dealt with most successfully when private groups impose ethical norms upon themselves and set up procedures which enable them to deal with difficult cases.

HAROLD D. LASSWELL

See: CORRUPTION, POLITICAL; PUBLIC OFFICE; EXTORTION; INTERESTS; POLITICS; MACHINE, POLITICAL; LOBBY; BUSINESS ETHICS; MORALS; PUBLIC OPINION.

BRICE, CALVIN STEWART (1845–98), American railroad promoter. Brice attained some success as a corporation lawyer before he abandoned active practise in 1870 to begin operating as a railroad promoter and manager. He was one of the first to realize the profit to be obtained from constructing and purchasing short lines of railroad which could later be sold to trunk lines. With this in view he had constructed, and in 1887 became president of, the Lake Erie and Louisville Railroad (later called the Lake Erie and Western) tapping the coal fields of southern Ohio. He was chiefly responsible for the construction of the "Nickel Plate" Railroad as a parallel and competing line to the New York Central System. The Nickel Plate competed so effectively that Brice and his friends reaped a considerable profit by selling it to the Vanderbilt interests. In addition he guided the reorganization of five small southern railroads and consolidated them into the first important railway system of the South. In the process he did some remarkable stock juggling, letting some of these lines deteriorate badly. His southern system was later reorganized by Morgan as the Southern Railway. Brice's railroad interests extended beyond the United States. He formed a syndicate to construct a railroad in Jamaica, W. I., which was purchased by the government in 1896. Two years later he was interested in the Brice Chinese Syndicate, which received concessions to the exclusive right of way for a railroad between Hankow and Canton, China.

JOHN H. FREDERICK

Consult: "The Railroad Men of America: Calvin S. Brice" in *Magazine of Western History*, vol. x (1889) 717–21; Moody, John, *The Railroad Builders*, Chronicles of America series, vol. xxxviii (New Haven 1919) ch. x.

BRIDGEWATER, FRANCIS EGERTON, THIRD DUKE OF (1736–1803), pioneer canal builder in England. When, disappointed in love, the duke turned from a life of aristocratic ease to manage his coal properties he found that the high cost of transporting his product to market at Manchester greatly interfered with the profitable development of his mines. To lower that cost he conceived the idea of building a canal across country from his pits at Worsley to the city. This project was completed in 1761. The resulting reduction in the price of coal at Manchester and the increase in his income led the duke to build a second canal connecting Manchester and Liverpool. This lowered the transportation costs between these cities to half that for the roundabout river route and to less than one sixth of the cost by road and in addition greatly improved the service. In order to build these canals Bridgewater had to fight the strong vested interests of the river navigation monopolies, land owners and others both locally and in Parliament. The success of Bridgewater's ventures gave the impetus to the great era of British canal building which supplied the cheap system of inland transportation that for over half a century was a leading factor in England's industrial revolution.

GEORGE MARSHALL

Consult: Smiles, Samuel, *Lives of the Engineers*, 5 vols. (popular ed. London 1904) vol. i, p. 186–330;

Jackman, W. T., *The Development of Transportation in Modern England*, 2 vols. (Cambridge, Eng. 1916) vol. i, p. 360–66.

BRIESEN, ARTHUR v. (1843–1920), founder of legal aid work in America. Briesen was born in Germany but emigrated to the United States in 1858 and served as a volunteer in the union army during the Civil War. In 1868 he was admitted to the New York bar and in 1890 became president of the Deutscher Rechts-Schutz Verein, a post which he retained for twenty-six years. The society gave aid exclusively to indigent Germans, but Briesen saw the need of expanding the organization in order to furnish aid to all worthy applicants regardless of nationality or race. Despite considerable opposition he had the charter revised to permit legal assistance to non-Germans, and in 1896 the name of the association was changed to the Legal Aid Society. Briesen succeeded in getting considerable publicity for the society, increased its membership, won the support of prominent citizens and for the first time interested members of the bar. By 1916 it was extending aid in more than 40,000 cases annually. Within the organization the attorneys' contracts were revised so that they might devote all their time to legal aid. The success of the society led to the establishment of similar organizations throughout the country; in 1912 they formed a National Alliance of which Briesen was president. The National Alliance later developed into the National Association of Legal Aid Organizations. Briesen believed that the function of legal aid was to further legal reform as well as to render assistance to individuals. With fair success he directed the campaigns of the society against practises which particularly affected the rights of the poor, such as the bucket shop frauds and dishonest instalment plan sales. Briesen's real importance, however, lay not so much in his administrative achievement as in his personal influence. His passion for justice generated a vision which was translated into effective action by his practical, driving, indefatigable energy.

REGINALD H. SMITH

Consult: Smith, R. H., "Justice and the Poor," Carnegie Foundation for the Advancement of Teaching, *Bulletin*, no. 13 (New York 1919); Maguire, J. M., *The Lance of Justice: a Semi-Centennial History of the Legal Aid Society 1876–1926* (Cambridge, Mass. 1928).

BRIGANDAGE is an antisocial activity carried on by groups of armed outlaws usually under the leadership of a locally famed chieftain. Brigand bands resort to holdups, train attacks, plunder, blackmail and holding for ransom. The essence of all the methods that the brigand utilizes to gain his ends is terrorism and violence. Occasionally he engages in smuggling, selling contraband and rustling cattle across frontiers, but these activities are more characteristic of criminal gangs who tend to cluster around the centers of population.

Brigandage is favored by physiographic conditions providing convenient hiding places such as inaccessible mountains, deserts, jungles. The Scottish highlands, the English forests, the mountains of Spain and Latin America, the Australian bush, the jungles of India and the deserts of the Near East and of northern Africa have furnished refuge for bands of brigands whose methods of operation have been influenced by the character of the regional topography. National boundaries often facilitate the escape of brigands from the law, especially where the boundary administration offers complex problems. In Italy before the achievement of political unity brigands moved easily from one jurisdiction to another. Along the Mexican-American border brigandage has been rife. On the northern frontier between China and the disputed Manchurian region brigands, both Chinese and Russian, have raided back and forth. These activities have often endangered the relations between the countries concerned. But such forms of frontier pillage are to be distinguished from filibustering, which usually requires extensive preparations and often has political aims distinct from those of brigandage.

Physiographic conditions are, however, merely the external factors facilitating the operations of brigands. Brigandage usually has its origin in intolerable economic conditions, oppressive laws, political debility and racial and religious antagonisms; it thrives in conditions of chronic civil conflict, as in China and Mexico, and is often to be found associated with or as an aftermath of war, civil war and revolution. Agrarian struggles, as in Croatia and Mexico, have been a fruitful source of brigandage. Often the income which the peasant gains from cultivating the land is supplemented by clandestine marauding. The struggle of peasant versus landlord creates a psychological condition in which on the one hand peasants turned brigands are regarded sympathetically by the countryside, and in which on the other hand the proprietors permit their peons or serfs to sally forth against recalcitrant peasants in predatory fashion and subse-

quently to return to the grange. These were common occurrences during the 1926–29 religious wars in Mexico. Brigandage is likely to flourish also where racial groups in different stages of cultural development come into contact. This accounts for considerable brigandage in India, Afghanistan and Persia, for the raids of the Yaquis in Sonora, Mexico, for the activities of the Kirghiz tribes and for incidents in the opening of the American West. Where differences in race have coincided with differences in religion, as in the case of the Spaniards and Moors, brigandage has often found partisan protection on the part of the dominant racial and religious group. Brigandage has also, especially in politically undeveloped countries, been a forerunner and aftermath of revolution. This has been true in Latin America and in Italy before unification. In France before the revolution lawbreakers with many of the characteristics of brigands were abetted, warned of danger and protected by the population suffering from oppression.

This identification of the brigand's activities with the social aspirations of the community has often given him the protection and admiration of suffering portions of the people, especially in states subjugated by a foreign power. In the case of a Robin Hood or a Pancho Villa the brigand has acquired fame as a protector of the poor and a despoiler of the rich. Sometimes romantic sentiments are attributed to bandits, such as courtesy to beauty in distress or special consideration to poets and bards. But despite popular sentiment the true nature of the bandit is not that of social reformer. He is essentially selfish and has no fundamental interest in rectifying social evils. Frequently he enlists in causes in which he has no real interest, as in the national wars in the Balkans and in Italy before the unification and in the various religious wars in Mexico. Brigandage in such cases is difficult to distinguish from guerilla warfare carried on for some political cause. But the converse—that nationalist opposition to foreign invasion is nothing but brigandage—does not follow. The foreign invader is apt to rationalize his behavior and express his indignation by calling his opponents brigands. This has been true of the American marines fighting Sandino in Nicaragua and Charlemagne Peralte in Haiti, the Spaniards trying to capture the Cuban insurgents, the French in recent years in Morocco and in their control of the Iberian peninsula during the Napoleonic wars.

Although the history of brigandage in any particular locality varies, the natural history of the brigand may be traced in broad terms. Reclus in his *Primitive Folk* gives a vivid description of how in eras before the rise of the modern state the brigand developed from a predatory bandit into a tax collector, a guarantor of order and a lord of the highway. He started by harassing trade routes. When he had sufficient strength and confidence he fortified himself permanently at some strategic point where travelers, caravans and pack trains were obliged to pass. Gradually the violent features of his calling vanished and he exacted a fixed tribute—a procedure that had the advantage of securing a permanent income without destroying the sources of it. Presently a second brigand, observing the profits that the locality yielded, set himself up across the way; and after a few preliminary skirmishes and scowlings from their respective donjons the two came to an agreement to split the spoils and drive off all new poachers. Gradually their joint power was recognized. In return for mulcting the travelers they provided security over a large area. By this process of development the tribute exacted by the original bandit had become a fixed tax for guaranteed order. A somewhat similar process is still going on along the Bagdad trade routes. John Dos Passos in his *Orient Express* has humorously described a conflict between a caravan and a brigand band in which fighting has been reduced to a mock ceremony and both sides haggle over the amount of tribute.

This is the principal role that the brigand plays in political organization. In the interstices of regular political control, where anarchic situations are potential, he steps in and improvises some sort of order—for a price. Thus it is that although he is an outlaw the brigand chief often exercises control over considerable areas; that at times his alliance has been sought by powerful feudal grandees and by the political authorities anxious to suppress incipient disorder and to preserve the equilibrium already established. Dr. Harvey J. Howard, an American captured by the Chinese *hung hutzes*, has described collusion between the brigands and the town and military authorities, opium being the principal "graft" paid over for protection and ammunition. Students of contemporary urban "racketeering" have observed the similarity between its development and that of brigandage, and the political role which, when completely organized, the lawless activity performs.

Throughout the history of the western world

this role has been most evident in periods of political disintegration. During the decline of the Roman Empire, in the interlude when feudalism was emerging but had not yet fully established itself, brigandage was prevalent. Freemen, to avoid serfdom, fled to the forests and formed roving bands. Mercenary soldiers, discharged between wars, swelled their ranks or organized themselves into separate bands to maintain themselves by plunder until their services should be again in demand. One of the edicts of Charles the Bald, characteristic of such a situation, was that these shifting groups instead of acting independently and hiring themselves out now to this lord and now to that should attach themselves to one lord permanently.

In another transition period, when the feudal era was on the threshold of the modern state, brigandage again became an important phenomenon. In the last struggle against the central government, and often in an effort to resist foreign subjugation, the brigands attached themselves to the feudal lords. Inevitably in the cases of resistance to foreign power brigandage became involved with suppressed nationalistic sentiments. Where, as in the Balkans, national independence was not achieved until very recently, brigandage has been a recurrent phenomenon. In general in such instances the brigands were protected by the underlying population who, although they may have suffered on occasion, felt more kinship with the outlaws than with the foreign oppressors. It must be added that even where the brigands have contributed toward obtaining national freedom they have often proved a serious problem for the new governments which have been formed.

The disorganization caused by the World War, as by other wars, resulted in a widespread recrudescence of brigandage. Especially in Russia, the Balkans and other areas devastated by the war, where economic disorganization and famine conditions prevailed and where the hordes of returning soldiers were not reabsorbed in peaceful occupations, a vast amount of lawless plundering took place. Where disputed areas lay open, to be fought over by hostile emerging nationalities, this condition was intensified. A striking example was Galicia, which was overrun by looting soldiers from the Ukraine and from Poland in a concerted terrorizing sponsored by the two governments but with little systematized control. Another was the Ukraine where, in an attempt to gain possession of the province, ten thousand Polish legionaries were set loose from November, 1918, to the middle of 1919, and their activities were mainly those characteristic of brigand bands. In the invasions of the White army under Denikin, Wrangel and others, brigandage by detached units of both the Red and the White forces was common, the peasants being the principal sufferers.

In general the attempts of governments have been to suppress brigandage except in those cases where the brigands have proved temporarily valuable auxiliaries against invaders or rival political authorities or where organized brigandage has seemed a lesser evil than complete anarchy. Brigand bands have often proved valuable instruments for foreign powers which have for one reason or another desired the weakening of the central government of the country in which they had an interest. The struggles over colonial politics in North Africa, concessions in China and foreign investments in Mexico may be cited as instances.

The control of brigandage has proceeded often by the strengthening and centralization of the government and the consequent creation of a disciplined constabulary, as in the case of the Guardia Civil in Spain, organized in 1844, or the famous Rurales of Porfirio Diaz, a highly paid corps into which many of the former bandit chiefs and their followers had been absorbed. The establishment of modern means of communication has lessened the scope of brigand operations. Thus in Mexico one of the notorious bandit nests of the country, celebrated in Manuel Payno's novel *Los bandidos del Río Frío*, dominated the Valley of the Río Frío until the building of a macadam highway from Mexico City to Puebla through this remote mountain region and the resultant rise of a roadside center caused brigandage practically to disappear from that area. Popular wrath has sometimes done away with the worst abuses: in the American West the "vigilance committees" and in Mexico the "committees of social defense," largely of peasant composition, have voluntarily protected the smaller towns from depredations; in Sicily to this day groups of the people have combated the mafia, often refusing to submit their grievances to the police; in 1922 the Ukrainian population in Galicia, incensed at the semi-official brigandage of the Polish soldiers, began a systematic campaign of violence against them.

But in a more general way the control of brigandage has depended on the remedying of

the political disorganization, the economic impoverishment and the social oppression which have constituted its underlying causes. The extension of regular industrial pursuits into previously neglected areas has tended to limit banditry by creating a more stable population with vested interests in pacific conditions. The throwing off of foreign yokes and the liberation of agrarian populations from peonage have had widespread effects. Less controllable, however, is that transition from one economic and social system to another which has often been fundamental in the creation of brigandage.

CARLETON BEALS

See: CARBONARI; COMITADJI; MAFIA; OUTLAWRY; PIRACY; FILIBUSTERING; GUERILLA WARFARE; MERCENARY TROOPS; FEUD; TERRORISM; VIOLENCE; BACKWARD COUNTRIES; GANGS; RACKETEERING; POLICE.

Consult: Tarde, G., *La philosophie pénale* (4th ed. Paris 1903), tr. by R. Howell (Boston 1912) p. 268–92; McFarlane, Charles, *Lives and Exploits of Banditti and Robbers* (London 1837); Zugaste y Saenz, Julian de, *El bandolerismo: Estudio social y memorias históricas*, 4 vols. (3rd ed. Madrid 1876–77); Oddo, Giacomo, *Il brigantaggio o l'Italia dopo la dittatura di Garibaldi*, 3 vols. (Milan 1863–65); Moens, W. J. C., *English Travellers and Italian Brigands*, 2 vols. (London 1866); Masi, Pierre, *Le brigandage dans les états pontificaux* (Paris 1867); Sōtēropoulos, S., *The Brigands of the Morea*, tr. by J. O. Bagdon, 2 vols. (London 1868); Anon., *Le brigandage en Macédoine: d'après un rapport confidential adressé au gouvernement bulgare* (Paris 1908); Pavlovitch, M., "Zelim-Khan et le brigandage au Caucase" in *Revue du monde musulman*, vol. xx (1912) 139–61; Ly, J. U., "An Economic Interpretation of the Increase of Bandits in China" in *Journal of Race Development*, vol. viii (1918) 366–78; Howard, H. J., *Ten Weeks with Chinese Bandits* (New York 1926); Hatch, W. J., *The Land Pirates of India* (London 1928); Carré, Henri, "Le brigandage dans le Haut-Poitou" in *Revue des études napoléoniennes*, vol. xxv (1925) 109–44.