SOCIAL INSTITUTIONS

PRENTICE-HALL SOCIOLOGY SERIES

edited by Herbert Blumer

SOCIAL INSTITUTIONS

In an Era of World Upheaval

by

HARRY ELMER BARNES

New York
PRENTICE-HALL, INC.
1942

COPYRIGHT, 1942, BY
PRENTICE-HALL, INC
70 Fifth Avenue, New York

ALL RIGHTS RESERVED NO PART OF THIS BOOK MAY BE REPRODUCED IN ANY FORM, BY MIMEOGRAPH OR ANY OTHER MEANS, WITHOUT PERMISSION IN WRITING FROM THE PUBLISHERS

other moral limitations on greed and sharp business practices, the great unified international Roman Catholic ecclesiastical state, and the Scholastic system of education) were undermined or completely supplanted.

In their place arose typical institutions of the early modern age—the centralized national state, first absolutistic and then representative, farming by free tenants under great landlords, an increasingly commercial and industrial economy, the domestic or putting-out system of industrial control, national and world trade, capitalistic ideals and methods, the quest of private profits by any means not flagrantly illegal, the great schism in the Catholic world-state produced by Protestantism, and the ascendency of Humanistic ideals in education.

Had a scholar suggested in 1500 that the civilization of his age was about to undergo a sweeping transformation, he would have been ignored or ridiculed. But just this thing happened. By 1800, medieval civilization was no more, except in the more backward parts of Europe.

So, in the second third of the twentieth century, it is hard to believe that we may be in about the same condition in which the western world found itself around 1500. Yet plenty of evidence supports the opinion that we have already instituted more far-reaching changes than any previous century has ever witnessed—perhaps the most fundamental transition in man's experience. There are at least two important contrasts between former transitional epochs and our own.

In the first place, the changes which lie ahead of us, for better or for worse, will probably be carried through far more rapidly than in the past. The civilization of earlier ages could keep going, in one way or another, for a long time under adverse conditions. Except for war, invasion, and devastation, complete breakdowns were infrequent. There might be less dried beef, flour, and meal for the larder, and less fodder for the cattle. A more than usual number of babies, calves, and sheep might die of malnutrition; the standard of living might be lowered in the few towns that existed; yet, somehow, mankind managed to get along. Scores of causes for the decline of Roman society have been suggested by historians, but despite all these causes it took several centuries to wreck Roman civilization. Similarly, the decay of medieval institutions actually began in the late thirteenth century, but the early modern age was hardly complete before 1800. Even when things were improving in the past, it took a long time to create a new order.

Our urban industrial world-civilization presents an altogether different spectacle. Our culture is so complex, so delicately articulated, so thoroughly based upon an elaborate division of labor—between industries, between industry and transportation, between city and country, between nations—that the whole system must work efficiently if it is to work at all.

An illustration of this fact was furnished by the "bank holiday" in the opening days of Franklin D. Roosevelt's first administration. Our industrial system was still operating; transportation lines ran as before; food supplies were not curtailed: electric current was generated in normal

tions and patterns of life, in the social and economic basis of the control over human society. A new class of leaders is thrown up. Either new institutions arise or sweeping changes are made in those which hold over from an earlier pattern of culture. A new type of civilization comes into being. The basic patterns of society are reconstructed.

At the dawn of history in the ancient Near East, military chieftains from the earlier tribal society built up little feudal kingdoms and city-states. Adroit and powerful rulers of such political units conquered others and, in time, created kingdoms and empires. They built up vast wealth, founded on rich landlords and a wealthy commercial class. A powerful priesthood, it was thought, kept the favor of the gods and brought supernatural aid to the conquerors. The same process was repeated when the Roman Republic and the Roman Empire were created in later millenniums.

Another great world-revolution took place when Roman imperial society disintegrated after 300 A D. and the Germanic tribal chieftains and kings seized control of western Europe. They built a new social order founded primarily upon powerful landlords, thus creating what we know as medieval feudalism. In time, powerful national monarchies arose, but nothing was created which reproduced the great empires of oriental and classical antiquity. The manors and guilds dominated economic life, and Catholic social ethics controlled business and financial practices. The Catholic Church and Scholastic philosophy reigned supreme in the intellectual realm.

Following 1500 another world-revolution came along, this time propelled chiefly by the rising power of the merchant class—the new bourgeoisie. At first they supported the kings against their old traditional enemies, the feudal lords, thus promoting the growth of royal absolutism. However, the kings became an even greater menace than the feudal lords had once been; so the bourgeoisie took up arms against the kings and either displaced them or subordinated them to a system of representative government dominated by the middle-class merchants and businessmen.

The wars of Cromwell against Charles I, the ousting of James II, the American Revolutionary War, and the wars of the French Revolution and Napoleon were only incidental military episodes in the great social revolution in the course of which the merchant class replaced the feudal landlords as the dominant class in western society. Napoleon, in any profound historical sense, was only an instrument of social change hastening the process, as Stalin and Hitler later sped up the fourth great social revolution, in which proletarian leaders may oust the moguls of capitalism in the dominion of society.

The third world-revolution that produced modern times probably bears the closest resemblance to our age. In the three centuries following 1500, the typical medieval institutions (such as a decentralized feudal government, an agricultural economy operated according to the manorial technique, the gild control of urban industry, local markets and national fairs to facilitate exchange of goods, the theory of the just price and

volume, and so on. There was merely a temporary suspension of the ordinary credit system, yet the country was in a veritable panic. Had not a new and colorful administration been installed to give renewed hope and confidence, there is no telling how serious a breakdown of the whole structure of capitalistic society might have ensued. One can easily imagine what would happen if basic industries, transportation, or food production were entirely disrupted.

Our economic system, if it runs well, can do more for man than any earlier one, but it exacts a price for this advantage. It demands relatively efficient control and coördination to operate at all. A dynamo can do much more work than a treadmill, but it needs more expert attention and is more likely to get out of order if carelessly handled.

The second major contrast between our age and any previous era of transformation is that the alternatives which lie ahead are far more sharply contrasting than was the case in any previous period. We have today a mechanical equipment which might enable us to attain a material utopia with relatively slight physical effort. O. W. Willcox has estimated that we could produce all the food that would be required for a liberal diet on one fifth of the land now under cultivation in the United States and with one fifth of the farmers now engaged in agriculture. If we eliminated all waste, we could probably produce twice as great a volume of manufactured goods as we turn out today.

We are the first generation in the history of humanity which is able, to use Plato's phrase, to create a "city of happy pigs."[2]

Likewise, we have all the intelligence and information necessary to demonstrate the utter imbecility of war and military activities. If we could apply this information to statecraft and diplomacy, we could put an end to the menace of war.

The fact that we have utopia right at hand, if we have intelligence enough to claim it, is a unique experience in the whole history of humanity. Hitherto, the utopian writers have had to dream of the blessings of some future era, wholly removed from the realities of their own day; but we do not need a single additional machine or any increase of our natural resources. Everything which Edward Bellamy dreamed of over fifty years ago in his *Looking Backward* is now directly available for us.

If our generation has unique capacity to enjoy prosperity, security and world peace, it also faces the possibility of unprecedented calamities and misery. If we do not succeed in controlling the new empire of machines in a constructive fashion, there is every probability that the economic situation will grow progressively worse until the whole capitalistic system ends in chaos. The breakdown in the United States in the autumn of 1929 shows that unregulated capitalism cannot be trusted to conduct its own affairs. There is as yet no convincing evidence, except in a few small states, that capitalism can be regulated and made to work in adequate fashion. In many states it has already reached the condition of desperation which invites the intervention of fascism.

[2] See below, pp. 795–804.

Moreover, our unparalleled mechanical equipment might prove only a liability to the human race. If the second World War continues for long, our new and more efficient armaments will serve only to make possible a more rapid and certain suicide of our culture. It is very generally agreed by most competent observers that the present democratic and capitalistic civilization cannot withstand the impact of another long-continued world war.

In his *Shape of Things to Come*, H. G. Wells, our most talented social prophet, predicted a half-century of chaos after the second World War, to be followed by a new type of civilization, dominated by engineers and internationalists. That this happy result will follow is purely a matter of guesswork. But if any civilization is established at the end of the current World War, it will be markedly different from that which was known in most of the world in 1939.

In thus facing the alternatives of a material utopia and world peace on the one hand and economic disintegration and widespread chaos on the other, our generation is unique in the experience of humanity. Which road we shall take will probably be decided by the events of the next quarter of a century. The decision will tell the story as to whether man is qualified to make use of those mechanical advantages which the last century or so has placed at his disposal. During the next two or three decades, then, the destiny of mankind upon the planet is likely to be decided for many generations to come.

How the Gulf Between Machines and Institutions Came About

The first Industrial Revolution, which started in England about 1750, created our modern methods of textile manufacturing, the new iron and steel industry, the steam engine, and the beginning of steam navigation on land and sea. This first Industrial Revolution had hardly been established in many countries before a second came on its heels, introducing the application of chemistry in the steel, rubber, oil, and other industries, together with synthetic products of many kinds, new methods of transportation and communication, large-scale industrial establishments, and the like. Today we are in the midst of the third Industrial Revolution—the age of electrification, automatic machinery, electric control over manufacturing processes, air transport, radios, and so on.

We have giant turbines, four of which can generate more energy than the whole working population of the United States. We possess automatic machinery of the most amazing efficiency. One plant can, for example, turn out 650,000 light bulbs each day, or 10,000 times as many per man as was possible by the older methods. This automatic machinery can be controlled by a photo-electric cell, or "electric eye," which is absolutely dependable and unfailing and all but eliminates the human factor in mechanical production. We have giant auto buses; clean, quiet, speedy Diesel-motored trains; safe, swift airplanes. We have skyscrapers. Our bathrooms would fill a Roman emperor with envy. Our system of com-

munication is incredibly extensive and efficient. Our radios would appear a miracle to persons who died so recently as the period of the first World War. Our modern printing presses would stagger Gutenberg. We could thus go on indefinitely through all the provinces of our great "empire of machines."

Never before has there been any such discrepancy between the mechanical side of culture and the social thinking and institutions through which material life is controlled. During most of the history of humanity, social thinking and institutions have been relatively compatible with the science of technology which existed in any age. Only in the case of the Greeks and Romans and of ourselves has there been any notable gulf between machines and institutions.

In the classical period, particularly among the Greeks of Athens and Alexandria, social institutions and philosophy advanced much further than science and machinery, whereas our machinery is infinitely more up-to-date and adequate than our thinking and institutions. The failure of the Greeks and Romans to promote science and invention so as to keep pace with their institutions was the major reason for the collapse of classical civilization. There is a grave danger that our failure to bring our institutions and thinking up to the level we have attained in science and machinery may jeopardize if not destroy our own culture.

The reason for this disparity between science and thinking is not difficult to understand if we are familiar with the history of the modern age. Social thinking and institutional development since 1500 have not moved ahead more slowly than in earlier times. What has upset the cultural balance has been the unprecedentedly rapid progress of science and machinery since 1750. Most aspects of modern culture have lent great encouragement to the development of science and machinery, but they have given no comparable impulse to the growth of social thinking or institutional changes.

Considerable opposition was offered to the rise of modern science, particularly by religious groups, in the past. The publisher of Copernicus' great work was alarmed by its possible consequences and wrote a protective introduction to the book. Giordano Bruno was sent to the stake because he challenged the old astronomical scheme. Gallileo was haled before the Roman Inquisition because of his new views on the heavens. Vesalius was disciplined because of his early work on comparative anatomy. The early exponents of evolution were ridiculed and defamed by churchmen. But, in due time, natural science was taken over into the universities, became highly respectable, and was encouraged by businessmen and statesmen alike.

It is not so well known that there was, once upon a time, persistent opposition to almost every significant invention of modern times. In a notable chapter on "Resistances to the Adoption of Technological Innovations" in the important publication, *Technological Trends and National Policy*,[3] Bernhard J. Stern shows in detail how popular opposition slowed

[3] Washington, Government Printing Office, 1937, pp. 39 ff.

down the progress and adoption of important mechanical inventions. Laws were passed to prevent or to discourage the use of stagecoaches. Canal owners carried on a propaganda against the introduction of railroads. It was alleged that the boilers of the engines would burst and kill passengers. Doctors testified that a speed of 20 miles per hour would be fatal to travelers. The progress of the automobile was delayed for decades by popular opposition and ridicule, though a steam automobile was actually invented by Joseph Cugnot in 1769. The English Parliament in 1861 outlawed horseless carriages. Popular opposition constituted a serious handicap to the installation of street railways, both horse-drawn and electric. The public ridiculed and delayed the introduction of the steamboat. Even world-famous scientists ridiculed the early inventors of the airplane. There was great difficulty in getting anyone interested in the telegraph when Morse invented it. The government refused to buy his patent for a ridiculously low price. At first the telephone was described as the work of the devil. There was tremendous opposition to the use of gas for lighting purposes. Likewise, important newspapers ridiculed Edison's invention of the incandescent lamp. William Kelly encountered ridicule and opposition when he invented the modern method of making steel. Rioters wrecked the early textile machinery. The sewing machine was bitterly fought by workers in the needle trades, and the early agricultural machinery was fought rather than welcomed by the farmers.

However, this hostility and obstruction almost disappeared, and the cultural and institutional trends of modern times began, on the whole, to favor developments in both natural science and mechanical invention. It became understood that science protects and prolongs human life and increases the possibility of financial profit in business and of employment for workers. Capitalism, the profit system, and the modern business age all became powerful forces stimulating the growth of science and machinery. Those whose interests were tied up with the old order of production naturally opposed inventions, but there was an alert minority which in time discerned the financial advantages to be obtained by accepting them.

When the inventions became more technical and complicated and tended to rest more and more upon esoteric discoveries in natural science, business threw its influence behind both science and engineering. The middle class owed its prestige primarily to wealth and economic success, and it inevitably supported those types of intellectual endeavor which laid the material foundations for efficient manufacturing and the profits which flowed therefrom. The progress in chemistry and in air navigation are conspicuous examples of the way in which even war has promoted scientific and mechanical progress. Today, though finance and business on the whole, support and encourage scientific and mechanical progress, there are still striking examples of business sabotage of inventions which threaten to undermine heavy investments in less efficient machinery.

In early modern times there was actually a greater impulse to institutional change and to new types of social thought than there was to the progress of science and invention. Between 1500 and 1800, as the Middle Ages came to an end and modern times came into being, these changes were mainly the product of the middle class. The middle class repudiated most types of medieval institutions and social thought. It helped along the national state and transformed it from an absolutistic to a representative basis. It developed the ideas of natural law, which placed jurisprudence behind the protection of property. In conjunction with the Protestant ministers, the middle class brought into being the capitalistic system and the eulogy of pecuniary profits. It took an active part in colonialism and the creation of modern imperialism; developed an appropriate type of political and economic theory to justify the new bourgeois system; and brought into being the liberal political philosophy, justifying revolution against the privileged aristocracy and defending outstanding civil liberties, such as freedom of speech, press, assemblage, religion, and the like. In economics, it extolled the freedom of trade and the immunity of business and trade from extensive governmental regulation.

Most of these innovations in political and economic philosophy had been executed by the close of the eighteenth century. The system thus created tended thereafter to crystallize to resist change. In this way, the social influences which, between 1500 and 1800, had strongly encouraged the transformation of institutions and social thought, became an insuperable obstacle to such change in the nineteenth and twentieth centuries. It was believed that the interests of the middle class were linked up with preserving the *status quo* in institutional life and social thought. Hence the business and financial classes threw all of their tremendous power into the maintenance of things as they were in institutional life. This they did at the very time when they were becoming most enthusiastic in the way of promoting progress in science and technology. Therefore, from about 1800 to the present time, the dominating economic groups in modern society have tended to resist social and institutional change, while at the same time they have encouraged advances in science and technology. This is a major reason for the strange and alarming state of affairs which we face today; namely, the juxtaposition of a thoroughly up-to-date science and technology and a heritage of social institutions and social thought which date, for the most part, from around 1800 or earlier. Conditions in our modern world have, for more than a century, made strongly for scientific and mechanical advance and for institutional stability.

Some Social and Cultural Implications of the Gulf Between Machines and Institutions

One of the most conspicuous things about the mental life of our day is the contrast in our attitude toward modernity and efficiency in science and machinery, on the one hand, and in institutions and social thought.

on the other. We desire, if we have money enough to buy them, the latest in automobiles, radios, plumbing, and electrical gadgets. We are humiliated by any evidence that we are behind the times in such matters. The average American would be greatly embarrassed to drive a reconditioned Dodge touring car, model 1920, through the thoroughfares of any of our main cities. This would be the case even if the car were in new condition. The mere fact that its model was two decades out of date would provide sharp humiliation for the owner.

But the very person who would be embarrassed by a motor car two decades behind the times is likely to demonstrate great enthusiasm, if not sheer reverence, for a constitution a century and a half old, or for an economic system which was already being extolled by Adam Smith in the year 1776. The man who expresses great contempt for the transportation ideals of the horse-and-buggy era usually defends with gusto and conviction political and economic ideas which antedate the stagecoach.

This situation makes it very difficult to do anything to bridge the gulf between machines and institutions. So long as we are proud of our institutions and ideas in proportion to the antiquity of their origin, we have less than any incentive to bring them up to date. Until we are as much embarrassed by an archaic idea as we are by an obsolete gadget, there is little prospect of making any headway in the transformation of our institutional equipment.

Far from taking steps to bridge the gulf by bringing our institutions up to date, the intellectual attitudes and social values of our era tend to widen the gulf. We provide all sorts of prizes for scientists and engineers who make important discoveries; yet we stand in no great present need of further scientific discoveries, save perhaps in the field of medicine. Nor do we actually require any additional mechanical inventions. What we need more than anything else today are the contributions of the social inventors—those who can bring our institutions and social thinking up to date by devising new and better forms of government, economic life, legal practices, moral codes, and improved educational systems.

But we have few or no prizes or rewards for the social inventor. At best, he is likely to be ridiculed as a crank and nitwit. In certain countries he may be imprisoned or shot. The net result is an extension of the already dangerous abyss between our science and machinery and our institutional life and social thought.

It is not surprising to find a sharp contrast between the type of guidance which we demand in the field of science and technology and that with which we rest satisfied in regard to our institutional procedure. We want the very finest medical scientists and surgeons we can afford. We would be inexpressibly shocked at the suggestion that we should call in, for an operation, the family butcher, who might possess remarkable facility as a precise meat-cutter. When there is an operation to be performed upon our body, we wish the most competent brain trust we can obtain. But, for operations upon the body politic, with problems far more complex and technical than any conceivable surgical operation upon

the human body, we let political butchers hack and mangle the body politic at their will. Hence, we need not be surprised at the vast amount of bungling which goes on in contemporary political life. Until we are as willing to call in experts to guide us in our institutional life as we are to seek their medical services or to request them to repair our gadgets, there is little hope that we shall be able to deal effectively with the complex problems of contemporary life.

The discrepancy which exists between our scientific world and empire of machines and our institutions and social thinking is of the greatest importance in any attempt to understand the institutional crisis and the social problems of our age. The latter are, without exception, incidental manifestations of the gulf between machines and institutions, no matter what type of social problem or institutional crisis we deal with. While millions suffered, were on relief, or were ill-fed and ill-housed, the government paid farmers to plow under wheat and cotton so that we could have less to eat and wear. Millions have been on relief or in the bread-line at a moment when the factories and farms were well equipped to turn out an abundance of goods and food. Our productive potentialities are fitted to give us all we need in every field of human requirements. But the distributive processes of society possess nothing like the same facility in putting goods at the disposal of consumers.

This paradox is easily explained. The productive side of our economic life, based primarily upon our science and machinery, is, relatively up-to-date and efficient; the ideas and practices which control distribution and consumption are, on the contrary, a manifestation and reflection of our institutional life and social thinking, which are highly retarded, out-of-date, and ineffective. If we possessed the same efficiency in getting goods to eager consumers that we possess in turning them out of our factories, there would be no economic crisis in modern industry. At present, our clumsy and outworn economic system exacts around $2.30 to get to the consumers each dollar's worth of goods purchased at the farm or factory gate.[4] If we could get food to the hungry masses as readily as the farmers can provide it, there would be no crisis in agriculture, no millions denied the primary necessities of existence.

Take the example of war in contemporary times. When it comes to devising and manufacturing bigger and better machinery for the destruction of humanity, we are able to produce ever better battleships, submarines, tanks, dive-bombers, machine-guns, field and long-range artillery, and semi-automatic rifles. There seems to be no limit to the intelligence which we apply to improving our war machinery. On the other hand, we approach the whole social and cultural problem of war on the basis of attitudes which date back to the period of bows-and-arrows and the battle-axe, if not the fist-hatchet.

We pool every intellectual resource of university laboratories and scientific foundations to discover how we may wage war more efficiently. But we do not apply even sixth-grade intelligence in studying the problem of

[4] See Walter Rautenstrauch, *Who Gets the Money?* Harper, 1934, pp. 29–47.

how we might rid the world of the menace of war. Whatever social services war may have rendered in early days, it has now become a fatal anachronism and, perhaps, the chief threat to the preservation of contemporary civilization. It does not require even high school intelligence to see that war is a stupid monstrosity. Yet the very best brains of the world are still employed to facilitate its deadly ravages. As matters stand, our failure to bridge the gulf between war machinery and our institutional approach to the war problem may ultimately wipe out much of our present civilization.

The Institutional Lag in Contemporary Culture

The most advanced knowledge in the field of economics, politics, or law is as up-to-date and accurate as that which dominates the scientific laboratory and schools of engineering. But very little of this new knowledge is brought to bear upon the control of our institutions in everyday life. Indeed, we ridicule the very notion that it should be. Roosevelt's institution of a very limited brain trust was hooted and derided by most Americans—even intellectuals. We may now take a few pages to document the assertion that most of our institutional life and social thinking dates from the eighteenth century or earlier.

Our opinions and institutions have altered but slightly in a century and a half. Any person who was a member of the Constitutional Convention in 1787 would be completely amazed if faced by our modern material culture, but he could discuss economics, politics, law, education, and religion with a contemporary American citizen. Indeed, even the average member of the Constitutional Convention of 1787 would be thought dangerously radical by a reactionary Democrat, a typical member of the Republican National Committee, a member of the Liberty League, or the Dies Committee.

Anthropologists have described the primitive mind as characterized chiefly by an all-pervading supernaturalism, credulity, lack of precise and logical thinking, and ignorance of scientific methods and results. Judged by these standards, it is obvious that a great majority of Americans are still overwhelmingly primitive in their ways of thinking—as are the people of nearly every other country. A. M. Tozzer of Harvard published some years ago an admirable little book on primitive culture, entitled *Social Origins and Social Continuities*. As an appendix he included an exhibit of the persistence of ancient superstitions in the themes submitted by Harvard freshmen to the department of English. He showed a striking hang-over of the primitive belief in luck, chance, and other pre-scientific attitudes and devices.

Many still believe it is good luck to see the new moon over their right shoulder, or to find a four-leaf clover. Many believe that it is a bad omen for a black cat to cross their path. Many fear to light three cigarettes on one match, or to start a journey on Friday the 13th. Many think it bad luck to break a mirror. Many continue to attempt to tell

fortunes by tea leaves, daisy petals, and the like. Many flip a coin to determine what action to take, and knock on wood to avoid bad luck. Many continue to pray for rain, good crops, health, and the like. Many still adopt mascots, which are reminiscent of the primitive totemic animals. Astrological columns in the newspapers are read by millions with interest and respect.

Our fundamental ideals and institutions came into being between 1500 and 1800. Capitalism was a product of the ethical ideals of the Protestants and the economic ambitions of the early merchants. Between them they elaborated the fundamental notions and practices of the capitalistic system. The virtues and validity of the profit motive as the chief incentive to economic activity were expounded by the pastors of early modern times, particularly the Puritan ministers. Under the influence of Calvin they emphasized God's approval of accumulating wealth through business activity and extolled the virtues of thrift and industry. The persistent ideals of complete liberty for economic enterprise and of the emancipation of the latter from governmental interference were formulated by the Deists, the Physiocrats, and Adam Smith in the seventeenth and eighteenth centuries. The economic ideals embodied in Herbert Hoover's book, *Challenge to Liberty*, and in the pronouncements of John W. Davis and other Liberty League potentates, differ in no fundamental degree from those set forth in Adam Smith's *Wealth of Nations*, which appeared in the same year that Jefferson wrote the Declaration of Independence. When, early in the present century, the American coal magnate George F. Baer stated that our modern businessmen are unquestionably "those Christian men to whom God in his infinite wisdom has given the control of the property interests of the country," he was only echoing the sentiments which were much more elaborately expressed by James Mill, J. B. Say, and others in the first half of the nineteenth century.

Our attitudes and usages with respect to property are equally full of primitive vestiges. The notion of the unique sanctity of property is in part an outgrowth of primitive magic, mysticism, and superstition. Our contemporary view of property rights is a compound of ancient legalism and of the prevailing sixteenth and seventeenth century Protestant views of God's approval of thrift and profit. To these have been added the seventeenth and eighteenth century notion that the chief purpose of the state and legal institutions is to protect private property. Nothing more modern than this is necessary to explain the majority decisions of the Supreme Court of the United States on matters pertaining to private property in the twentieth century. Critical writers, like Hobhouse, Tawney, and Veblen, have subjected the whole conventional theory of property to searching re-examination, but their views have been, for the most part, ignored. When they have been considered at all they have been bitterly attacked as un-American or Bolshevistic. There is little or nothing in current American conceptions of property rights which cannot be discovered explicitly or implicitly in the writings of John Locke and Sir William Blackstone.

Our political opinions and institutions represent a mosaic mainly compounded of: (1) veneration of the state, derived from the oriental emperor worship and early modern nationalism; (2) the classical obsession with the merits of monarchy, aristocracy, and democracy; (3) archaic views of representative government, which developed between the sixteenth and eighteenth centuries; (4) Rousseau's notion of popular sovereignty and the general will; (5) the seventeenth and eighteenth century doctrine of natural rights; (6) the eighteenth century view of the perfectability of man, linked up with the nineteenth century enthusiasm for democracy.

While plenty of dynamic and vital political doctrine is expounded by up-to-date thinkers in the field, this has found but slight adoption in practice and there has been singularly little effort to adapt our political institutions to the needs of an urban industrial age.

Law is still based primarily upon oriental usages and conceptions, on the formulations of the Roman jurists, and on the precedents of the English Common Law. Very little progress, indeed, has been made in the way of introducing the historical and sociological point of view in the reconstruction of juristic theory and practice in America.

The legal ideals which have dominated the conservative majority of the United States Supreme Court in their decisions upon property issues in the last 75 years have been based upon the theories of natural law which were worked out by Grotius, Althusius, Pufendorf, and John Locke in the seventeenth century. This has been well brought out by Charles G. Haines in *The Revival of Natural Law Concepts*.[5] The rules of legal evidence are hopelessly out of date and confused. In many ways, they are almost exactly the opposite of the principles and processes applied in the field of scientific evidence, which are designed to ascertain the actual truth in regard to some specific problem.

The attitude taken by the courts towards crime and criminal responsibility is a composite of archaic legalism, religious superstition, and metaphysical illusions. With the exception of certain advanced work in juvenile courts, there is but the slightest recognition of the modern socio-psychological conception of human conduct and its relation to the causation of crime. Even in the field of insanity, where the conventional legal conception of the free moral agent is in part suspended, the test for insanity is strictly legal and not medical. In a notorious case in Ohio—that of Mr. Remus—we witnessed the amusing spectacle of a group of learned and logical physicians branding the defendant as legally sane but medically quite irresponsible.

We have been especially reluctant to bring our notions of sex and the family into harmony with contemporary scientific and aesthetic considerations. Our sex mores and family institutions embody: (1) a primitive reaction to the mystery of sex and of women in particular; (2) Hebraic uxoriousness and conceptions of patriarchal male domination; (3) patris-

[5] Harvard University Press, 1930.

tic and medieval views regarding the baseness of sex and sex temptation, especially as offered by women; (4) the medieval esteem for virginity in women; (5) the sacramental view of marriage, which leads us to regard marriage as a theological rather than a social issue; (6) the property views of the early bourgeoisie; and (7) the Kantian rationalization of personal inadequacy and inexperience. There are very few items in the sex mores of a conventionally respectable American today which square with either science or aesthetics.

Our educational system has changed little when compared with the vast alteration of our ways of living. Certain basic strains in our educational doctrine are derived from the oriental and medieval notion that the chief purpose of education is to make clear the will of the gods or of God to man. From the Greeks and Romans came the high esteem placed upon training in rhetoric and argumentation as the prime essential of a successful career in politics. Humanism contributed the view that the classical languages embody the flower of secular learning and represent the most exquisite form of literary expression. The democratic philosophy of the last century supported the idea that everybody is entitled to participate in a complete system of education, and that educational opportunities should be equal for all. But we went on teaching little democrats the same subject-matter that had been designed, centuries before, to fill the minds of the children of the feudal nobility and the squirearchy—thus strikingly illustrating the fact of cultural lag in the field of education.

The punitive psychology, which still dominates the greater part of our educational procedure, was derived from the Christian philosophy of solemnity and of the need for exacting discipline of the will.

Education in the natural and social sciences and in technology was regarded for a long time as relatively unimportant, and even today it occupies not nearly so great a part in our educational system as the older currents in our curriculum. Horace M. Kallen has observed that education today is more of a distraction from life than a preparation for it. Few of the real problems involved in living intelligently and successfully in an urban and industrial world-society are touched upon vitally in our educational system, from the kindergarten to the graduate school. Nor has there been much effort to work over our educational methods in harmony with the modern psychological truism that vivid personal interest is the only sensible basis of a dynamic educational scheme. In the matter of social change, organized education is overwhelmingly lined up with conservatism and the *status quo*. Indeed, it is extremely precarious for a teacher even to advocate in the abstract that education should assume the responsibility for guiding humanity to a better day and a more adequate social order.

Journalism has not as yet achieved any considerable success as a method of accurately informing the public with respect to contemporary issues and providing general educational direction in regard to the problems of modern life. It is still chiefly a method of continuing the whole-

sale dissemination of the old brand of neighborhood gossip in an age when the neighborhood has disappeared and face-to-face gossiping has become ever more inadequate and impossible. The same subjects that made juicy gossip in the pre-newspaper days still constitute the best copy for the contemporary newspapers. Personalities are much more highly esteemed than principles. No scientific discovery of modern times, no engineering achievement of our age, and no social reform program enunciated in our day has received the same publicity as was bestowed upon the kidnapping of the Lindbergh baby or the birth and destiny of the Dionne quintuplets. No newspaper which has made a serious effort to devote itself primarily to public education on vital topics of economic, political, and sociological import has been able to survive.

Religion is probably the most archaic element in our culture, and the most reluctant to take cognizance of contemporary developments in knowledge and life. The fundamentalists—viewing the term broadly—among whom are numbered the majority of religious communicants today, live under the domination of the same intellectual and emotional patterns as prevailed in primitive times. William Jennings Bryan openly declared at the Dayton trial in 1925 that no statement whatever would appear to him preposterous or unsupportable, provided it be found in Holy Writ. Even a majority of liberal theologians today are in rebellion mainly against seventeenth and eighteenth century religious, ethical, and philosophic views. Probably not one per cent of modern theologians are really adjusted to contemporary knowledge and ways of thinking. At best, a majority of them are attempting to express archaic views in contemporaneous phraseology, though some courageous religious reformers have squared their views with modern science. That religion is slower in readjusting itself to new ways of living and thinking than any other phase of human culture was admirably demonstrated by the study of the relative change of opinions and attitudes in American culture since 1890 embodied in Dr. and Mrs. Lynd's book *Middletown*.[6] Religion is the primary intellectual factor that discourages a candid and secular approach to the reconstruction of human knowledge and social conduct in many other fields.

The greatest danger that faces contemporary civilization is this alarming discrepancy between our natural science and technology on the one hand and our opinions and social institutions on the other. Modern civilization is like a man with one foot strapped to an ox-cart and the other to an airplane—with one set of loyalties to a windmill and another to a dynamo.

This sort of situation cannot continue indefinitely. Unless we can bring our thinking and institutions up to date, the ultimate collapse of civilization is inevitable. At present, far from closing the gap, the tendency is for the divergence to become ever greater. Our technology is progressing with dizzy speed, each year making more remarkable strides

[6] Harcourt, Brace, 1920.

than ever before. At the same time, the forces of social conservatism seem to be getting stronger. The outlook, then, is not too optimistic.

Are We Living in a Scientific Age?

The above discussion enables us to comment intelligently upon the frequent assertion that we are living in a scientific age. The fact is, of course, that we are not doing anything of the sort, so far as the attitudes of the average citizen are concerned.

The mass of mankind in Western civilization was, it is true, vastly affected in an indirect way by the progress of nineteenth and early twentieth century science. New mechanical devices and conveniences vitally altered people's lives. Men were healed of diseases more surely and more often and operated upon by surgeons more successfully and more painlessly. In popular magazines and newspapers they read superficially about the wonders that modern science had uncovered. They looked through bigger and better telescopes, and through more powerful microscopes, to instruct or amuse themselves with respect to the heavens or the minute wonders of the animal and vegetable worlds.

However, as we have said in connection with technological advance, the mode of thinking of men in the Western world was very slightly altered by the direct impact of science. To be sure, the perspective of a man who has traveled across a continent in a streamlined railroad train must be somewhat different from that of one whose travels have been limited to an ox-cart within a rural township. But a transcontinental railroad trip may not prevent a person from thinking about the fundamental problems of life and society much as his grandfather did two generations before while jogging along with a horse and buggy.

Such is the situation with Western civilization as a whole. In their thinking about God, the world, man, politics, law, wealth and economics, education, and the problems of right and wrong, most men are as much dominated by custom, tradition, folklore, and habit in 1942, as they were in 1642. The power of the supernatural over human thought has been but little affected by scientific progress. Tradition and emotion, rather than fact and logic, prevail. Belief and conviction are supreme.

Our opinions and institutions are overwhelmingly the product of contributions from the pre-scientific era. In our age, civilization has been profoundly affected in certain respects by scientific discoveries and their application to our material culture. Thus mankind, still primarily pre-scientific in its thinking and life-interests, has been able to appropriate the results of the investigations and achievements of a few scientifically minded pioneers. Probably fewer than 500 individuals have been responsible for the changes in the material civilization that separate us from the days of Columbus and Luther. Modern civilization is a venerable parasite unintelligently exploiting the products of contemporary science and technology.

Very often those who most greedily accept and enjoy the products of

modern science and technology engage in attacks upon the scientific approach to life. Not infrequently, persons who are most exacting in their demands for the most recent provisions in plumbing, the best medical attention, the most efficient and up-to-date automobiles, at the same time defend classical or medieval civilization as the ideal period of human development. Many a plutocrat riding about in a Rolls-Royce is at the same time disporting an intellect which could be matched in most respects by the mental attitudes of a cave-dweller in the late Paleolithic period, or of Tecumseh or Sitting Bull.

Many might gather from the above discussion the impression that our social thinking, in being frequently so archaic, is well-organized, coherent, static, and clear-cut. This is decidedly not the case. While it has a common denominator of antiquity, our conventional social thought is often confused, shifting, and contradictory. The uncertainty and disagreement in the traditional camp is due in part to the clash of class interests and the changing lines of defense of conventional society. Bankers, for example, favor free trade, while manufacturers are prone to support a protective tariff. Employers and laborers, while they may both espouse the economic principles of Adam Smith and Ricardo, have radically different attitudes towards the wage problem and collective bargaining. Political parties rationalize their struggles for the spoils of office in terms of conflicting ideologies, which may have only one point in common—their mutual departure from the realities of history and social science. Conservative educators may quarrel over the necessary degree of intellectual discipline, while mutually ignoring the relation of all education to social change and social planning. The New Deal was devoted to the effort to save capitalism, but it was regarded by "Economic Royalists" as dominated by Muscovite ideals and motives. Liberal theologians attack Fundamentalists no less vigorously than they do the formulators of a rational theology.

Not only do all traditionalists frustrate and delay a scientific attack on our social problems; their differences among themselves weaken the efficiency and coherence of the traditional order of society.

In short, the real problem facing modern civilization is to make this age actually a scientific one, in which we will insist not only upon contemporaneous bathtubs but also upon intellectual and social assumptions harmonious with up-to-date plumbing. In a truly scientific age a man would be as much humiliated and disgraced to defend the literal inspiration of the Bible or to oppose birth-control as he would be today if he were compelled to travel daily down Fifth Avenue, New York, in an ox-cart, or to use stone implements in eating his soup at a metropolitan banquet.

If we are to bridge the gulf between machines and institutions and bring our social life up to date, we must develop and apply the social sciences in our institutional life to the same extent that we have cultivated natural science and technology in building the empire of machines. This fact has been amply emphasized by Professor Robert S. Lynd in his

courageous and realistic book, *Knowledge for What?*[7] This book is, itself, a modest effort to subject our institutional life to the scrutiny and analysis of social science. The degree to which it has succeeded will be measured by the extent to which the reader gains a better understanding of, and a more dynamic attitude towards, the institutions and social problems of our age.

---

[7] Princeton University Press, 1939.

PART II

Economic Institutions in an Era of World Crisis

CHAPTER IV

Some Phases of the Evolution of Industry

Some Suggested Stages of Industrial Evolution

One of the chief institutional efforts of mankind has been that related to the task of making a living—the customs and institutions that Sumner and Keller call the "mores" of self-maintenance. But industry has long been impelled by other forces than the sheer quest for livelihood. Greed, envy, emulation, the quest of the prestige and leisure which accompany wealth and property, have been almost as potent stimuli to industrial effort as has been the material need for food, clothes, and shelter. Indeed, within historic times, those who have controlled and directed industry have been only incidentally concerned with satisfying their direct material needs. They have been motivated chiefly by the prestige and leisure associated with wealth. Providing a livelihood for the masses would be a very easy task today if our industrial organization were directed to this end alone, or even mainly to this end.

Though the term *industry* is usually limited to some form of manufacturing, we shall cover at least briefly the collection of herbs, berries, and nuts, hunting and fishing, pastoral life, agriculture, manufacturing, and trade. But we shall differentiate manufacturing industry from other forms of effort and treat of outstanding periods or stages in its evolution.

A generation ago, when the idea of social evolution dominated social and economic thinking, it was very usual for economic historians to outline so-called stages of economic evolution. These were supposed to be rather universal and to have followed each other in uniform sequence everywhere over the planet. Since different criteria of progress and a variety of economic items were selected for special emphasis by economic historians, these alleged stages of economic evolution varied widely. We can illustrate this more thoroughly. If one took as the chief criterion of economic development the dominant type of economic effort, the stages outlined were likely to be something like the following:

The economy of collectors—natural foraging, hunting, and fishing.
The pastoral economy.
The agricultural economy.
The commercial economy.
The industrial economy.
The financial economy.
The governmental economy—state capitalism or state socialism.

If the methods by which industry is carried on are singled out as a basis for classification, agriculture is usually divided into the periods of the hoe culture, the plow culture, and mechanical agriculture. Manufacturing industry has been divided into two broad stages: the handicraft or tool era and the age of machines and the factory system since the Industrial Revolution. Another form of differentiation has been to stress the sequence of technology in the use (1) of natural objects, (2) of tools, and (3) of machines. If the mode of power used constitutes the test, we find the sequence of hand power, water power, steam power, and electrical power. If major stress is laid upon the place where labor has been applied to produce goods, we often find the following sequence suggested:

The home.
The small shop.
The gild establishment
The putting-out system in the home.
The factory
The super-factory.

Here is another classification based upon the same general point of view:

The family economy.
The village economy.
The town economy.
The city economy.
The metropolitan economy.

If the economic historian has been chiefly interested in the methods of applying and controlling labor, the following stages are frequently separated:

The family system.
The gild system
The putting-out system.
The factory system under private enterprise.
The factory system under state capitalism or state socialism.

Another way of dividing economic stages has been related primarily to the evolution of money and credit. One familiar classification along this line is that of:

The natural economy—exchange by barter.
The money economy
The credit economy ("the promise men live by," according to Harry Scherman).

Another scheme, expanding the same basis of differentiation to include the pattern of economic control, is:

Individual production for one's own needs.
The exchange economy
The capitalistic economy:
  Commercial capitalism.
  Industrial capitalism.
  Monopoly capitalism.
  Finance capitalism.
  State capitalism.

A broad classification, based upon both occupations and industrial technique, is that proposed by Richard T. Ely: [1]

The hunting and fishing stage.
The pastoral stage.
The agricultural stage.
The handicraft stage.
The industrial stage:
  Universal competition.
  Concentration.
  Integration.

If one were to seize upon the dominant objectives and activities of economic life, one could discern the following stages of development:

The collecting economy.
The pastoral-agricultural economy.
The commercial economy.
The manufacturing economy.
The financial economy.
The state economy.

A recent and illuminating classification of economic development, based upon the dominating type of technology, has been proposed by Lewis Mumford in *Technics and Civilization*.[2] Leaving aside very early forms of economic effort in the hunting, fishing, pastoral, and agricultural periods, he divides the rise of the machine economy into three stages: (1) the *Eotechnic* or dawn age of machine technology, resting on a fire, wood, and water basis and involving such things as the water wheel, wooden ships, printing machinery, and simple clocks; (2) the *Paleotechnic* or early machine age, based on coal and iron and embracing the inventions and devices we customarily associate with the first Industrial Revolution; and (3) the *Neotechnic* or recent machine age, depending on electricity and alloys and embodying the technological advances we shall describe in this chapter as the later stages of the second Industrial Revolution.

These attempts to differentiate economic life into stages of growth and change help to clarify one's approach to the evolution of industry and provide a clearer perspective on economic evolution. But we no longer believe, with the older evolutionary writers, that there can be some all-inclusive scheme of stages that takes into consideration all the outstanding factors in the evolution of industry. Nor do we any longer concede that these stages, even when relatively valid, apply everywhere in the same degree and have always succeeded each other in uniform sequence among civilized peoples in all parts of the earth. There is much overlapping in any scheme of classification and evolution, however sound and suggestive. Even in our own era, when manufacturing predominates over agriculture as the outstanding form of industrial effort, agriculture

[1] *Studies in the Evolution of Industrial Society*, Macmillan, 1903.
[2] Harcourt, Brace, 1934.

still remains vitally important in our economic life, as also do the pastoral industries. When viewed with these qualifications, the notion of economic stages may still be highly useful to students in attaining a broad perspective on industrial progress.

Outstanding Aspects of the Evolution of Agriculture

The Origins of Agriculture. For nearly a million years mankind had no formal industrial life, if industry is interpreted according to conventional usage. There were no domesticated animals and no agriculture. There was no manufacturing industry, save for making the weapons and implements used in a hunting and fishing economy. For three quarters of a million years man did not even have stone weapons, and he lived simply by picking up what he could of fruits, grasses, roots, berries, and nuts. If he lived on animal flesh or fish he could only use such of these as he caught in his hands and was willing to consume uncooked. In the Paleolithic or Old Stone Age, man continued to gather berries, herbs, and nuts but he also provided stone and bone implements to aid him in hunting and fishing, and he mastered the art of making fire, so as to cook some of his food. He also domesticated dogs. It was not until the New Stone or Neolithic Age began, perhaps as early as 18,000 years ago, that man domesticated other animals and took up early types of agriculture. Economic life before Neolithic times is generally known in economic history as the era of collectors, or the collecting economy.

Agriculture dates from the Neolithic Age. It was indeed a great discovery when man found that he could plant seeds and get a crop in return. Perhaps man, as G. Elliot Smith suggests, "began agriculture as an irrigator." It may have happened, once it was recognized that the soil became most fertile where it had been covered by a flooded stream, that man simply imitated the action of the river. He then, perhaps, made artificial depressions, where water could gather and increase the productivity of grain that still grew wild and naturally. It is also possible that the discovery of agriculture was woman's achievement. In primitive times, women usually brought the grain and food plants to the home, and it may be that an alert woman noticed that where some seeds or bulbs had been dropped the plants themselves appeared the following spring. Thereafter, she may have done the planting consciously. Some anthropologists believe that not a sown species but a plant with side shoots, like a banana, or a tuber *(taromyam)*, was the first to be cultivated.

The Nile Valley was blessed with natural conditions most favorable to agriculture—warm climate, rich soil, and enough moisture—and there is evidence that cereals have been cultivated there for some ten thousand years. On these grounds, Egypt is often held to be the original source of systematic human agriculture.

We have evidence that Neolithic peoples were familiar with barley,

wheat, millet, peas, lentils, beans, apples, and certain other fruits, and flax, which was used for textile purposes. There were no plows; pointed sticks served at first to grub up roots and dig holes, and later agriculture was carried on in the crude fashion known as "hoe culture." While early agriculture yielded little, and simply supplemented the food supply provided by hunting and fishing, it did revolutionize the life of primitive man. Georges Renard writes cogently as follows:

> A new civilization arose with the growth of agriculture. The peoples who adopted it, submitted to endure disciplined, regular daily work accomplished often by a co-operative effort according to the seasons. They had a hearth, a home lit up at night by the oil lamps, surrounded by a stockade. They took root there where they were born, where their dead were buried. Eaters of bread, they had gentler manners and began to hold cannibalism in detestation. Within their villages there thronged a dense population, which was fundamentally peaceful and formed a whole in which peasants and workers lived amicably side by side. Every change of environment causes a change in habits, ideas, beliefs, and the change that wedded man to the soil, fixed him on the land and for the first time gave him a country, was an enormous one.[3]

Another real step in advance was achieved during the Neolithic period through the domestication of the more common animals. There is no agreement as to whether animals or plants were domesticated first. Perhaps the two processes took place at about the same time. It may be that man did not begin to raise animals until he had a relatively fixed home and a clearing, or perhaps he was able to build homes because he was no longer fully dependent on the chase for meat. Speculation aside, we know that the domestication of cattle, swine, sheep, and goats was achieved before the close of the Neolithic Age. These animals were not bred at the outset for drawing the plow or wheeled vehicles, for these did not appear until well along in the metal ages. They served first of all as a reserve of food, and were also valued for their milk or skins. It was later that man "condemned them to hard labor." No early use of swine is, however, known to have existed in pre-literary Egypt. Nor was beef eaten in early Egypt, Babylonia, or China. Milking, however, was often a late practice of primitive animal-breeders.

Agriculture in the Ancient Near Orient. Agriculture and the pastoral industries achieved striking advances in the ancient oriental cultures of Egypt, Babylonia, and Assyria. Additional types of animals were domesticated, and we also find at this time the first domestication of fowls. The most important animals domesticated in this period were the donkey, horse, mule, and camel. The donkey was domesticated in Egypt, and the domesticated horse first appeared in western Asia around 2200 B.C. The hybrid mule became common after the introduction of the horse, and the camel became popular in the late Assyrian period in western Asia (c. 700 B.C.) and in the Ptolemaic period (c. 300 B.C.) in Egypt. Further, we have in the oriental period the first evidences of

[3] G. F. Renard, *Life and Work in Prehistoric Times*, Knopf, 1929, pp. 131–132.

the selective breeding of domesticated animals for specialized purposes. Also, domesticated animals ceased to be exploited solely for their flesh, skins, or milk, and many of them came to be utilized for draft purposes.

Agriculture was revolutionized. More and better cereals were discovered, and the technique of cultivation was improved, even to the extent of including a practicable seed-drill hundreds of years before the Christian era, though this machine did not enter permanently into the agricultural technique of European civilization until the eighteenth century of our own era. A crude plow made its appearance, and hoe culture gradually disappeared. Likewise the wheeled vehicle, destined to play so stupendous a part in the subsequent history of mankind, was brought on the scene by the Sumerians as they emerged from the Caspian area, possibly about 4000 B.C. The technique of storing a water supply, with the associated practice of irrigation, was elaborately developed by both the Egyptians and the Babylonians. Among the Egyptians there was a highly centralized governmental control of the grain trade.

Instead of the crude agriculture of the Neolithic, practiced on partially uncleared lands and on relatively small plots, with frequent abandonment of each settlement (except for those associated with the lake dwellings), there arose large, permanently cultivated estates. Slave labor was widely applied to agriculture. Another epoch-making transformation carried agriculture beyond mere production for family use, to the production of a surplus of grain for sale. In short, the ancient Orient, for the first time, created large-scale agricultural operations on a permanently cultivated site. There was little revolutionary progress in agricultural technique or organization beyond these oriental achievements until the Agricultural Revolution in western England in the seventeenth and eighteenth centuries.

We may further illustrate the character of ancient oriental agriculture by a description of how it was carried on in ancient Egypt. By November, the overflowing Nile recedes, and the land is dry enough to work. The plow of the ancient Egyptians was a clumsy implement. One man controlled the plow and the other drove the oxen which drew it. Frequently the peasants themselves drew the plow when only the crust of the soil had to be broken up. A wooden hoe was used to pulverize the soil after the plow had turned it up. Seed was scattered broadcast and then trodden in by herds of sheep. Wheat and barley were the usual grains cultivated; millet was also sown Ancient Egypt likewise seems to have produced onions, cucumbers, peas, beans, lettuce, leeks, radishes, and melons. The olive was cultivated in certain parts of Egypt, and vineyards were generally plentiful. Flax and cotton were grown to be used in weaving.

The harvest time of the ancient Egyptians fell in our spring. For cutting grain the peasants used sickles of metal or wood with a cutting edge of flint. Wheat and barley were cut just above the middle of the stalk, which made the threshing easier. The straw, left standing in the fields, was later used in the manufacture of bricks. Men usually did

the reaping; women followed them and gathered the grain. The grain was threshed out on the ground with flails, or oxen and donkeys were driven over the straw to tread out the grain from the husks or hulls. Winnowing, generally the task of the women, was done by throwing the grain and chaff together up into the wind, so that the chaff might be blown away. Then the grain was stored in granaries, and a suitable harvest festival was celebrated.

The most useful domestic animals of the Egyptians were the ox and the donkey. The horse was not introduced until after 1750 B.C., and never assumed much importance in the cultivation of the soil. Sheep and goats were the other most common domesticated animals. Geese (highly regarded by the Egyptians), ducks, swans, and doves were domesticated rather early. The chicken, unknown in early Egypt, was later introduced from India. The camel, the animal we inevitably associate with Egypt, was not used as a beast of burden until the Ptolemaic period —very late in Egyptian history.

The agriculture of Egypt was the source of its power and was by far the most vital occupation. Nevertheless, the servile agricultural laborer was regarded with social contempt. The life and the activities of the peasant population were regimented and controlled by the revelations of the gods and by the edicts of the quasi-divine rulers. The Pharaoh, through his officials, decided what crops were to be cultivated and in what fields they were to be grown, and then determined what percentage of the yield would be given to the government. In return, the rulers undertook irrigation and reclamation projects on a large scale, and gave the farmers such police and military protection as they needed.

Agriculture in Greece and Rome. Agriculture, in spite of the development of trade and industry in Athens, always remained the basic occupation in ancient Greece. The soil was not well suited for cultivation, but it is clear enough that most of the citizens of Athens lived on their land, or at least on its products. The Greeks regarded the cultivation of the soil as the "most honored profession," as Xenophon declared. In Periclean Athens (c. 430 B.C.), about one half of the citizen body possessed medium-size holdings, another group almost as large had only tiny fields to till, and about one fortieth of the body of citizens can be described as large landowners. The large as well as the small landowner usually lived on his land himself. But the tendency for the wealthy landowner to become an absentee landlord and leave the estate to the care of a manager was present early and continued to grow.

Agricultural methods were rather crude. To enable the relatively unproductive soil to recuperate, it was usual to let each field lie fallow in alternate years. Artificial fertilization was little used until the fourth century B.C., when improved methods were introduced and some more advanced cultivators adopted the three-field system in place of the old two-field system.

The more common cereals of Greece were wheat, barley, millet, and spelt. Wheat could be grown successfully only on the more fertile land.

Among vegetables, peas, beans, onions, garlic, and leeks were the most widely grown. The fruits were numerous—olives, apples, pears, quinces, pomegranates, figs, dates, and grapes. Flax was extensively cultivated for the manufacture of Greek clothing and house linen. Goats and sheep were numerous, the former being the chief source of milk and cheese for the Greeks. Donkeys and mules were abundant, but there were few cows. Horses were rarely owned except by the very rich, and even then chiefly in Boeotia and Thessaly. Most of our present-day domesticated fowls—though not the turkey—were raised.

The soil of Greece was ill adapted to the production of cereals, and the Greek mainland depended more and more upon imported wheat from Sicily, Egypt, and the Black Sea region. The common tendency among the Greek states on the mainland was to specialize its agricultural production. Athens concentrated on the culture of olives and grapes for export. After the fifth century, B.C., it is evident that the city-state was rarely able to be a self-sufficient economic unit. The problem of how to feed the constantly increasing city populations became distressingly difficult.

Roman agriculture underwent tremendous changes between the small farms of early Republican days and those of the declining Empire, when cultivation was chiefly carried on by large landowners on great estates with the forced labor of *coloni* and slaves. Roman agriculture during the late Republican period is the most representative of Roman experience.

By late Republican days, cattle and other domestic animals were raised in greater numbers and pasturage gained in importance in proportion to the amount of land under active cultivation. The chief cereals were wheat, barley, and millet. Among the more important vegetables were beans, lettuce, cabbage, leeks, onions, carrots, asparagus, artichokes, cucumbers, melons, and peas. Turnips were food for cattle and slaves. Vineyards provided grapes, raisins, and wine. During the imperial period olive orchards were especially prized and extensively developed. Olive oil was a dressing for food and a substitute for our butter; it was also burned in lamps and used as a lubricant. Figs were grown in abundance. The Romans did little artificial fertilization of the soil, but they did practice the rotation of crops, which helped to preserve fertility. The two-field system was in general use.

The plow was made of wood with an iron point, and it was often necessary to plow back at least once to turn over the furrow. Cross-plowing was also usual. Even so, men on foot had to pull over some of the sod with grub hoes. Crude drags and harrows constructed of wooden beams and iron spikes were used to break up the sod and prepare the soil. The sowing was done by hand—broadcast. Brush was then dragged over the ground to help cover the seed or grain. The ripened grain was cut with sickles and scythes, bound by hand, and drawn in crude ox-carts to the barns. Here it was threshed with flails, or by sheep and other domestic animals driven over it. Stone mills, operated by hand or water power,

ground the grain into flour and meal. There were also presses for making wine and olive oil.

The seasonal distribution of agricultural operations varied somewhat as between the northern and southern portions of the peninsula, but roughly it went about as follows: Wheat was sown in the autumn, when most of the plowing was done for other crops as well. Threshing was also cleaned up in the autumn. In the winter the orchards were trimmed. In the spring the barley and millet were sown and the vegetables planted. Hay was mown in May and June. Wheat, barley, and millet were harvested in July. Figs and grapes were picked in August. Figs were dried, the grapes made into raisins, and the wine pressed mainly during this month.

Agricultural operations were complicated and delayed by the many festivals and religious holidays connected with Roman agriculture. Indeed, the religion of Republican Rome centered about the rites involved in securing adequate supernatural aid and guidance in agricultural processes and about the expressions of gratitude to the gods for a successful harvest. There were forty-five such festival days in the Roman calendar.

Domestic animals were varied and numerous The many breeds of horses were used mainly for travel, war, and races rather than for ordinary farm draft purposes. Cattle were raised extensively for milk and draft purposes more than for beef. Beef was not widely consumed as a staple meat by the ancient Romans except by the wealthier classes. Much cheese was made but butter was practically unknown in Roman times. Hogs were raised in great profusion and pork was the most popular meat consumed by the Romans, especially by the middle classes. Sheep were raised for wool and for mutton. Goats were reared for milk and cheese. Donkeys were bred as beasts of burden. Among the better-known domestic fowls were hens, peacocks, and doves. Game birds were grown for the table of the rich. The bee industry was important since sugar was unknown and honey was the chief sweetening used in the food and beverages of the time.

Medieval Agriculture. During the Middle Ages agriculture was carried on according to an interesting communal form of control known as the manorial system.

With the peasant village inhabited by the serfs as a center, there extended out and around it the arable or cultivated fields, which could be reached from the village by lanes wide enough for the passage of carts. The arable land was divided into three distinct sections, each large field being subdivided into several smaller plots called shots, and these in turn divided into seemingly numberless strips of varying lengths. If the manor was a large one, the village might nestle against the thick outer walls of the lord's castle. In a smaller one, the lord's manor house, with the adjoining barn and stable, would be situated on a choice site not far from, and perhaps facing, the village. Within the same section there stood a church, the dwelling of the priest, and a small cemetery. Near

the manor house lay at least a part of the lord's demesne, which was entirely his own land and usually the best of the farm land on the manor. Finally, there was the common meadow, woodland, and waste land, shared by all the village peasantry.

In all, seven different agricultural divisions of land could be discovered on the typical manor: (1) the lord's demesne, cultivated by special serfs of the demesne and by the villagers; (2) the lord's close, which was that part of the demesne rented to free or semiservile cultivators; (3) the tenures or shares of the villagers, scattered in strips through the three large arable fields; (4) the meadow land; (5) the woodlands; (6) the waste land, and (7) the land of the parish priest, either in a compact area or scattered in strips throughout the fields.

The arable land lay in two or three great open fields—after the close of the eighth century, usually in three. Each field was divided into strips ranging from an eighth of a mile to a half-mile in length, separated by balks of unplowed land. No peasant held two contiguous strips. This open-field system, so strange in modern eyes, finds its reason for existence, as well as its explanation, in the sharehold principle. The peasants' arable land usually did not change hands, but was held by each household in hereditary possession. Yet, as Vinogradoff points out, only when the land was planted did the villager possess what we may call separate or private rights over his particular strips. For after the field had been harvested, returning to the condition of waste land or pasture land, it became a common, and thus perpetuated the principle that the common belonged to the village as a whole. Furthermore, though each household in the manor had a recognized right to its share of arable land, which was usually passed on by hereditary succession, still the particular strips held might not always remain the same from year to year. In some regions at least, and particularly in the early period, the householders exchanged strips periodically by lot, so that each took his chances in getting either the better or the less desirable strips.

The three-field system, so characteristic of manorial husbandry, divided the arable land into three distinct sections. One field was for spring planting, the second for fall planting, and the third left fallow to recover its fertility. This was the one great innovation in agriculture made during the Middle Ages. Both the Germans and the Romans had employed the two-field system, in which one field was planted and one kept fallow for recuperation. The discovery, at some time or other, that wheat or rye could be planted in the fall as well as in the spring made it possible every year to work two thirds of the available land and to permit one third to rest and regain its strength, according to the following rotation in each field: spring planting, autumn planting, fallow. This remarkable discovery produced two crops each year, made use of two thirds of the arable land instead of one half, and even reduced the labor in plowing.

The fall crop, consisting of wheat or rye or both, was sown at the end of August or early in September and was harvested the following summer.

Here about two bushels of seed were sown to the acre strip, and the return was rarely above ten bushels to the acre, indeed a slight one for the labor involved. The spring plowing and sowing took place in February or March, and the crop was harvested late in the following summer. Oats, barley, peas, and beans (the last two were more common in the later centuries, and only rarely was a whole field given over to them) were sown, and the yield of the first two was usually under fourteen bushels to the acre on four bushels of seed. Because a knowledge of artificial fertilization was lacking in most cases, one field, as we have seen, had to be left fallow so that nature might restore its fertility.

The villagers worked their own strips and those of the lord as well. The village community as a whole directed and supplied the labor for all the agricultural processes, including the crops to be planted and the reclamation of new land. All the manorial land, of both the lord and the villagers, was thus cultivated by a complex system of joint labor. Poor implements and the elementary agricultural technique at their command made the labor of the peasants back-breaking and tedious. The fact that most of the labor was done in groups or gangs did something, however, to relieve its wearying monotony.

The plow, a huge, clumsy affair tipped with iron, had to be drawn by some six to twelve oxen, required two or four men to operate it, and turned up the soil in a very shallow furrow. Thorn trees weighted with logs constituted far from adequate harrows. The large lumps of soil were broken with crude mattocks. There were no grain drills, so the seed was always sown by hand. Weeding was done by hand or with a forked stick, a hook, or snippers. Wheat and rye were gleaned with a sickle—a long and laborious job—and a scythe was used to cut the hay, barley, oats, peas, and beans. The grain, threshed with a flail or trodden out by cattle, was later winnowed by being thrown up into the wind. The last was a task frequently performed by the women and children. Except for a very rudimentary use of marl and lime, and the informal manuring of the land when it was used as pasturage, there was no attempt to produce artificial fertilization.

For farm work oxen were preferred and were used far more than horses. They were less expensive to keep and less likely to become sick; their harness was much more simple and their shoeing cheaper; and finally, when they grew old they could be killed and eaten. While horses were raised on the manor—especially for military service—their use was limited. When they were employed for farm work, they were usually hitched together with the oxen. The lack of scientific breeding and care of all domesticated animals resulted in rangy cattle, much lighter in weight and weaker than the sturdy animals of today, and in unimproved types of sheep and hogs. The cattle were valued for butter, milk, cheese, and calves. In the thirteenth century a peasant thought about one pound of butter a week a good return from a cow. Today, ten or twelve pounds of butter is no unusual production for a cow in one week. The record cow in American dairying averaged approximately thirty pounds per

week for a year. At the opening of winter it was customary to slaughter and salt down many cattle not essential for breeding and draft purposes. The sheep were valued chiefly for their wool. "Rot" and "scab" were devastatingly frequent. As late as the beginning of the seventeenth century, the wool was still partially pulled out and partially cut off with a knife. Both the cattle and sheep were cared for by the village cowherd and shepherd, who took them out to pasture in the morning and brought them back at nightfall. Hogs, like our half-wild Arkansas razorbacks, ranged the woods for food. Of fowls, chickens, geese, ducks, and pigeons (only the lord was permitted to breed and keep these last) were common. Turkey and guinea fowl were unknown at this time. During the Middle Ages bees enjoyed—as in Roman days—an economic dignity. The wax was in great demand for seals and candles, and honey was almost the only form of sweetening available.

The villagers, as we have stated, worked both the demesne farm of the lord and their own holdings. In return the peasantry owed the lord certain duties and dues. Besides, from a practical and realistic point of view, the lords did and could exploit the village communities simply because they were strong enough to do so. The theory that the peasants rendered services and dues to the lord in return for protection and the "privilege of working their lands" is at best no more than a legal rationalization of a harsh practical fact.

Beyond these services in labor, the village was obliged to supply the lord with carefully stipulated amounts, at regular intervals, of grain, shoes, eggs, wood, wool, honey, poultry, cattle, and so on. The lord also shifted to his villagers the economic burden of financing his entertainment.

Granted that the lord enjoyed the better part of the bargain, he nevertheless did perform services that were of benefit to his peasants. In the protection he offered, in the food he frequently distributed in famine times, in the ovens and mills and bridges he constructed for general use, and in the superior stock he sometimes kept for breeding purposes, he offered the peasant definite economic aid.

The medieval monks were the best farmers in western Europe. They handed down Roman agricultural methods, did heroic work in clearing forests and waste land for agricultural uses, drained swamps, built roads, and made some start in introducing crude methods of fertilization of the soil. In the early Middle Ages, the monks did most of the farming themselves, but later on they both employed serfs and hired peasant laborers extensively, and their technique and system of cultivation did not differ greatly from the general manorial procedure, save in being usually more efficient and productive.

The Muslims were even more scientific farmers than the medieval monks. They cultivated the conventional grain crops very efficiently, but they were especially famous for their fruits, especially melons, oranges, dates, figs, apricots, and peaches. They were also noted for their scientific stock-raising, particularly fine horses and sheep with an

excellent grade of wool. Muslim agriculture was carried on both on great estates cultivated by serfs and peasants and on smaller farms worked by free peasant owners.

The Agricultural Revolution. The next important change in agriculture was the so-called Agricultural Revolution of the seventeenth and eighteenth centuries. This took place mainly in England, though its achievements were carried to the Continent and to America.

The manorial system had been wiped out in England, so far as methods of landholding and class differentiation were concerned, by the sixteenth century, but the technique of agriculture, involving rudimentary tools and coöperative labor, underwent astonishingly slight changes between the twelfth century and the close of the seventeenth. In spite of the disappearance of the legal aspects of the manor and of many of its older social practices, the agricultural village, strip ownership of land, coöperative cultivation, common pasture, and wood-gathering rights were still present in 1700.

A series of remarkable changes in technique, with a sweeping reaction upon the social organization of English agriculture, took place in the eighteenth century. These were: (1) the introduction of new agricultural implements; (2) successful experiments with new crops; (3) improvements of stock-breeding; (4) drainage of waste land and the development of scientific notions of fertilizing the soil; and finally (5) the organization of scientific and pseudo-scientific societies for the promotion of improved agricultural technique.

Down to the seventeenth century, almost nothing new had been provided for working up the ground about the roots of crops that could be "cultivated" (not grain), and for eliminating weeds. The provision of better agricultural tools and machinery is associated chiefly with the work of Jethro Tull (1674–1740). Tull introduced the first successful modern drill for the sowing of grain. This superseded the old and wasteful method of sowing grain broadcast by hand on top of the ground. He also stimulated (for England) the modern practice of "cultivating," namely, working up the soil about the roots of such crops as peas, beans, beets, turnips, and potatoes, and eliminating the competing weeds. In the words of R. W. Prothero: "The chief legacies which Jethro Tull left to his successors were clean farming, economy in seedings, drilling, and the maxim that the more irons are among the roots the better for the crop."

Lord Townshend (1674–1738) was mainly responsible for the introduction of new crops. Down to this time it had been difficult to secure winter crops, or any that would not considerably reduce the fertility of the land. This deficiency had made it necessary to leave one third or more of the ground fallow each year. An associated problem had been to secure enough fodder to carry the horses, cattle, and sheep safely through the winter season, because the "hay" was chiefly derived from unproductive natural grasses.

Townshend solved some of these problems. He introduced, and rendered important service in promoting the successful cultivation of,

turnips and artificial grasses, especially clover. Clover does not reduce fertility as do grains, and it performs important services in gathering nitrogen, loosening the ground, and counteracting the tendency of many crops, when repeated, to render the soil unfit to reproduce them until it has been "rested," as farmers sometimes colloquially put it. The chemistry of plant growth and the results of repeated cropping on the same spot under intensive artificial cultivation are so delicate and complicated that a judicious change of crops is often as effective in preventing soil exhaustion as a fallow year would be. After the introduction of clover and the rotation of crops, the fallow year was gradually abandoned, and the acreage that might be cropped each year was increased by some 30 per cent or more. At the same time, the appearance of clover made it possible to produce an adequate supply of hay to carry live-stock through the winter. Turnips as a new crop also helped greatly in the problem of getting enough food for cattle. They were also used as food by peasants. So great was Lord Townshend's enthusiasm for turnips that he was dubbed "Turnip Townshend."

A revolutionary development of stock-breeding was very largely the result of the efforts of Robert Bakewell (1725–1795). Specialized breeds that would bring the highest market prices as beef, mutton, and pork had been impossible under manorial conditions. The cultivators had used common pasture lands, so that all the stock ran together, breeding down to a common mongrel type. Something had been done in stock-breeding by monasteries and lay lords who had inclosed fields, but the shortage of hay for wintering tended to throw emphasis on hardihood rather than on quality from the consumer's point of view. Some progress had already been made in the Netherlands, where the manor had disappeared early or never existed at all, and imported stock from the Mediterranean region had improved the breeds, particularly of cattle, horses, and sheep. In England, however, as in northern Europe, it was usual to find a single type of horse, cow, sheep, or hog, not specialized, respectively, to road or draft use, milk or beef, mutton or wool, or the best type of pork.

Bakewell understood that no one type of animal could be adapted to all the various purposes. Therefore, he started to breed specialized horses for draft and for road use, to create distinctive breeds of cattle for beef or milk, and to separate his wool sheep from his mutton sheep. He was opposed to allowing others to imitate his methods or appropriate his secrets, but his improvements in stock-breeding were more rapidly accepted than the innovations of Tull and Townshend in their respective fields. The Duke of Bedford (1765–1802) and Lord Somerville (1765–1819) carried on and popularized scientific stock-breeding.

Arthur Young (1741–1820) made a contribution of a different sort. He was familiar with the work of Tull, Townshend, and Bakewell, and desired to see their innovations generally adopted. He understood, however, that this would not be possible so long as England was divided into many small holdings, worked according to the anachronistic coöperative methods inherited from the manorial regime, and without capital adequate

to finance large-scale farming. His professional life was devoted mainly to the reforms that were necessary to realize his aspirations. He was the great prophet and agitator, urging on the most characteristic agrarian transformation of his time in England—the development of the enclosure or engrossing of land. The consolidation of small holdings into larger farms displaced the English yeomanry and produced modern capitalistic farming between 1760 and 1830.

Further technical advances were made in draining land, mixing soils, and fertilization. The desirability of mixing soils was emphasized by Lord Townshend and carried on by Thomas Coke and other early capitalistic farmers. Scientific fertilization of soils was made possible by the remarkable advances in chemistry in the eighteenth and nineteenth centuries. Perhaps the first important chemist to devote his attention to land fertilization was Sir Humphry Davy. His work was carried on by, among others, the greatest organic chemist of his age, the German scientist, Justus von Liebig. Chemistry enabled experts to determine just what chemicals were needed in any particular soil to insure maximum fertility and also made it possible to produce these substances more surely, speedily, and cheaply. Agricultural societies were organized to aid in carrying on effectively all of these progressive farming methods. Such were the famous Smithfield Club of London and the Highland Society in Scotland.

The rapidity with which the reforms were actually carried out was due to the Commercial Revolution and its results. Merchants had greatly increased in numbers and in wealth, but social prestige was still hard to achieve without membership in the landholding class. Many who had become rich in commerce were thus glad to invest their money in great landed estates as the one open door to political and social influence. Not altogether by accident, the technical improvements in agriculture added the possibility of profits to the social and political incentives for building up the great estates that characterized English agriculture throughout the nineteenth century. Also, the higher agricultural prices that prevailed during the French Revolutionary and Napoleonic wars encouraged capitalistic farming. The large landholdings were created chiefly by purchasing land held earlier by the squires and tenant farmers, and by ousting peasants from their leaseholds and customs holds.

Though these agricultural transformations as a whole increased agricultural efficiency and production, they brought about the wholesale depression of the great mass of the residents in the country. N. S. B. Gras writes:

> To many students of our day, the most significant result of the agricultural revolution was not economic efficiency, not change in land tenure, and not literary culture, but the loss of well-being by the rank and file of country people. The proletarianizing of the yeomen and the customary tenants seems a great social set-back. Where they had been masters, they now became laborers, at least in many instances. And then the cottars and squatters, the traditional

poor and laboring class of the village, suffered greatly when their holdings were enclosed for the new agriculture. They lost their cows, pigs, and geese when the commons were enclosed, and instead of milk, pork, and fowl, they lived on bread and tea. They lost their fuel when the waste land was enclosed; and if they wanted to keep warm, they were invited to use the stables. Truly it was but slight compensation for such losses to have plenty of work offered to them and to be compelled to accept it to keep body and soul together. Industrial discipline is one of our modern acquisitions, but the price in this case and commonly is a very heavy one. The usual escape from this sad dilemma is to regard the economic gain as permanent and the human suffering as temporary. But the unescapable reflection is that the sufferers have but one life to live, and when that is gone, civilization is gone—for them. They have helped to furnish the elegant home of the gentleman farmer and they have submitted to the new discipline. They have built the poet's palace of art but they dwell not in it.[4]

The ruination of the free peasantry was a major cause of the decline of Roman society. The coming of the Industrial Revolution after 1750, however, and the employment of many of the landless in factories, lessened the immediate social penalty of dispossessing the English masses of their land.

The agricultural changes, like those in industry and commerce, were not without a close relation to the Industrial Revolution. The new capitalistic farming, for the time being at least, increased the productivity of English agriculture and made it possible to maintain the greatly increased urban population. Further, the great mass of peasants were glad to take up employment on the large estates or in the new factory towns at even pitifully inadequate wages and under the most exacting conditions of labor. In this way a cheap and eager industrial proletariat was provided for the new factory towns that were created as a result of the inventive genius of Hargreaves, Crompton, and Watt, and the organizing genius of Arkwright. From the dispossessed agricultural laborers there was created a "free" labor market to facilitate the rapid expansion of nascent industrialism.

The Mechanization of Agriculture. The most important recent changes in agriculture are those related to mechanization and the application of chemistry and other forms of science to agricultural production. This transformation of agriculture has been most striking in the United States.

The colonists brought from England and other parts of Europe the plow, the cultivator, and other rudimentary agricultural machinery. There were few further mechanical improvements in agriculture until the nineteenth century. In the first half of that century, Thomas Jefferson and others devised better types of iron and steel plows. A workable seed drill was invented, better harrows, and a mechanical mowing machine. Perhaps the most momentous invention of this period was that of Obed Hussey and Cyrus H. McCormick, who produced the mechanical

---

[4] N. S. B. Gras, *History of Agriculture in Europe and America*, Crofts, 1940, 2nd ed., p. 228.

reaper between 1833 and 1845. Crude threshing machines, usually operated by horse power, appeared about the middle of the century.

From the Civil War onward agricultural inventions became more numerous and impressive. The grain binder (self-binder), invented in the 'seventies, was at first rather crude and bound the grain with wire. In the 'seventies and 'eighties John F. Appleby and William Deering invented the improved twine binder. At the end of the century the mechanical header was introduced and greatly hastened the harvesting process in areas where it was not thought worth while to preserve the straw from the wheat stalk. The steam threshing machine worked a revolution in the separation of grain from the husk. At the turn of the century the corn harvester and the corn husker completely transformed the handling of the corn crop. It is estimated that the mechanical inventions of the nineteenth century brought about a saving of 79 per cent in farm labor and cut down farming costs by over 46 per cent.

But the most sweeping and unsettling advances in agricultural machinery were still to come. The improvement of the internal combustion engine made possible an economical and successful farm tractor, first introduced by Benjamin Holt in 1903. This and the automobile truck tended to displace the horse, mule, and ox in agricultural processes. Along with the tractor, the ever more effective gang-plow and the disc-harrow combine revolutionized the preparation of soil for the sowing of crops. Larger grain drills, tractor-drawn in veritable fleets, greatly hastened the sowing. Airplanes are beginning to be used for the sowing of rice and of wheat with an impressive efficiency.

The harvesting of grain was equally facilitated by the harvesting combine, which cuts, threshes, cleans, and bags grain, all in one process. The product per worker in grain agriculture has been incredibly increased in comparison with the old days of the horse plow and the horse-drawn binder. The cotton-picker, invented by the Rust brothers, may produce a comparable revolution in Southern agriculture. The increase of efficiency brought about as a result of mechanized farming, as well as the wide divergence of the new from the old methods of cultivation, is well brought out by Morrow Mayo:

> Technically, the machine has revolutionized wheat farming fully as much as it has revolutionized automobile production. In 1900 it required three hours of labor to produce a bushel of wheat; today it requires three minutes of machine time. Under horse conditions 500 acres was about all the land that a wheat farmer could handle. He could plow only from two to four acres a day. Even with a six-horse drill he could plant only eighteen or twenty acres a day. Today with a small tractor he plows fifty acres a day and drills fifty acres a day. With a tractor and combine two men can cut and thresh fifty acres of wheat in ten hours—an operation that but a few years ago required twenty-three men the same number of hours. The machine has reduced 10,000 acres of wheat land to the size of 500 acres, and 500 acres to the size of 20 acres. . . .
>
> Corporation wheat farming is a first step in that direction (economical production). Here is the way they do it. The land is divided into blocks of from 5,000 to 10,000 acres. Each block is under a foreman, who has charge of the labor, and the machinery when it is on his unit. He is responsible to the pro-

duction manager. A transportation outfit shifts equipment wherever it is needed. The Wheat Farm Corporation of Kansas City, which operates 75,000 acres, uses forty caterpillar tractors, a fleet of trucks, thirty combines, and hundreds of tillage machines, with an aggregate value of $250,000. Laborers (i.e., farmers) are employed when needed, about sixty or ninety days a year. They work eight hours a day, and punch time-clocks on their tractors. At certain seasons the work is carried on twenty-four hours a day, with the laborers working in three eight-hour shifts and operating tractors equipped with search-lights at night.[5]

When one reflects that nearly one half of our domestic wheat today is produced by tenant farmers on a sharecropping basis, with nothing like the same mechanization which prevails on the big corporate farms, it is easy to realize how far we are from exploiting all the advantages of mechanized efficiency. We can begin to understand what tremendous changes are bound to take place in cereal farming areas if all possible mechanical efficiency is ever fully attained and we begin to produce grain for human use in an economy of plenty.

The contributions of chemistry to greater agricultural efficiency have also been notable. The mechanical inventions and better fertilization have created a potential agricultural production in the United States which seems almost incredible, even to scientific students of the problem. O. W. Willcox has made it clear, in his *Reshaping Agriculture* and *Nations Can Live at Home*, that we could produce all the food needed for a high standard of living with one fifth of the number of persons now employed in agriculture, working only one fifth of the land now under cultivation. The import of all this for the future of the American farm and rural community is too momentous for even the most astute economist or sociologist to discern today or to forecast with accuracy.

Moreover, we are on the eve of remarkable achievements in the field of synthetic chemistry. These will insure a better utilization of farm products and will also create foods artificially by purely chemical methods. The stages in the application of chemistry to agriculture have been thus summarized by Wayne W. Parrish and Harold F. Clark:

1. Primitive stage, still practiced over wide areas of the earth, in which seeds are planted in straight rows in the soil and the whole business is left to nature. A little fertilization is used but most unscientifically.
2. Intensive stage, gradually coming into use, in which large quantities of synthetically produced fertilizers are applied to the soil to reap enormous yields. This stage is so perfected that it is known with precision that a specified quantity of the organic chemical matter will yield a specified quantity of crop.
3 Control stage, which eliminates the soil as being unnecessary to plant growth. Plants are grown in a solution of necessary organic substances in trays or cabinets, with a new crop every few weeks. This stage takes agriculture off the farm into factories or kitchens and places it under strict man-made control.
4. Synthetic stage, in which the chemist transfers the whole agricultural enterprise to the factory, eliminating seeds, plant, sun, soil, winds, and rain. He finds out what a plant is made of, duplicates or imitates it, and provides unlimited production of uniform produce by automatic processes. . . .

---

[5] "Goodbye Wheat Farmer," in *The American Mercury*, June, 1931, p. 193.

Virtually all foods, from wheat and corn to beans, can be made in the laboratory. The problem was merely to break down the natural food into its chemical constituents and rebuild these constituents into new food forms. While this is not strictly a synthetic process, it at least transfers the making of foods from the farm to the factory. One of the outstanding achievements to date has been the manufacture of butter substitutes.[6]

The recent agricultural advances have completely upset the theories of Malthus, to the effect that population growth was bound to crowd hard on the heels of food production. In the twentieth century, population has notably slowed down while potential food production has increased at a most impressive rate. These inventions have also altered some of the main problems of the farmer. In the old days his chief ambition was to get a good crop, which he could easily sell. Today the problem is often how to dispose of a crop profitably, once it is harvested. Machinery, fertilization, irrigation, and insecticides have reduced the tyranny and vicissitudes of nature; but new worries, in the form of agricultural surpluses, have arisen.

Agricultural surpluses are not alone due to better technological methods of production. They also grow out of more efficient modes of preserving and transporting food. The canning industry has been improved, but even more revolutionary have been the use of refrigerator cars and the construction of cold storage plants. Electric and gas refrigeration units have increased the popularity of refrigerators in private homes. This means that less and less food is wasted through spoiling and decay. So-called dry ice as a type of super-refrigeration and the associated method of refrigeration employed in the Birdseye and other frozen food products make possible almost indefinite preservation of food, with little loss of the original taste and savor.

Agricultural Changes Since the First World War. The first World War created a special need for food production at home, on account of the British blockade of the Continent and the German submarine warfare directed against French and English shipping. Considerable land that had hitherto been waste land, pasture land, hunting land, or concentrated in the estates of the nobility was brought under cultivation. Improved agricultural methods were also introduced.

After the war there were sweeping land reforms. In Soviet Russia the land was gradually nationalized, collective and state farms established, and agriculture was mechanized with a speed and thoroughness unmatched in previous human experience.

In the Balkan states and in the newly-created states of Poland, Czechoslovakia, Finland, Latvia, Estonia, and Lithuania, there were notable agrarian reforms, consisting mainly of the redistribution of great estates, formerly held by the nobility, among the peasants. The Tory landlords in England, the feudal landlords in Hungary, and the Junkers in Prussia

---

[6] Parrish and Clark, "Chemistry Wrecks the Farm," *Harper's Magazine*, August, 1935, pp. 274–275, 278.

were able to resist the movement for agrarian reform until the coming of the second World War.

The second World War once more created a food crisis. Germany, in control of much of continental Europe outside of Soviet Russia, and prevented by the British blockade from getting food overseas, made a frantic effort to get enough food supplies by intensive cultivation of European lands. In so doing she made much use of forced labor on the part of conquered populations and armies. The prospect was that the land would be nationalized and agriculture mechanized by the Nazis almost as thoroughly as in Soviet Russia.

In the United States, despite a so-called surplus of agricultural production, at no time have the masses been able to buy enough food to enjoy decent living standards. Even in 1928 and 1929, only 10 per cent of the population could afford to buy enough to eat, according to government standards of a liberal diet suitable for our citizens.

But we have been able to produce far more than the people can buy under a scarcity economy and the profit system of agricultural enterprise. The condition of the American farmers grew progressively worse from 1920 to 1933. The New Deal had to tackle the farm problem resolutely but its policy has been that of subsidizing agricultural scarcity and curtailed production, while the masses of the people still continue to have too little to eat. This is obviously no solution of the farm problem, and many believe that it cannot be solved short of a system of coöperative and state-controlled agriculture which will produce for human use rather than for private profits.

Outstanding Trends in the Evolution of Manufacturing

Industry in Primitive Times. Like those of most other phases of human culture, the foundations of manufacturing industry were laid in the so-called prehistoric or pre-literary period.

The most important contribution of the pre-literary period to human material culture lay in the origins of tools, which made the conquest of nature by man more efficient than would have been possible by his unaided hands. To a considerable degree, the measure of human progress lies in the progressive development of tools. The first tools, we may say, were the products not of thought but of accident. Man's tools were discovered before they were invented.

Wood, bone, shell, skin, and the like were employed as tools by early man, in addition to stone—that is, he used all these objects as means to secure the desired ends. Implements fashioned of stone are generally the ones that enable us to measure early industrial development. The fact that the stone implements and weapons of pre-literary man changed and improved in many ways permits us to distinguish successive stages in his industrial progress.

In the Eolithic period, man found his tools "ready-made." The re-

mainder of the Stone Age is broken up, as we have seen, into the Paleolithic and Neolithic periods, classified according to changes in the type, variety, and fineness of workmanship of the stone tools and weapons manufactured. From then on, man made his own tools instead of depending upon crude aids provided by nature.

Paleolithic man also began the manufacture of clothing to keep himself warm. Equipped as he was with scraper, knife, awl, and bone needle, late Paleolithic man cut and sewed the skins of animals to provide crude clothing for himself and his fellow creatures.

Probably the most striking and far-reaching innovation in the Paleolithic period, with the exception of the basic stone industry, was the method of making fire by rubbing together two pieces of wood. There is good reason to believe that fire was thus artificially produced as early as the middle of the Paleolithic period, and it seems certain that fire was used by man long before he became its real master.

For early man fire meant light, heat, protection, and a multitude of other things. That which once warmed the bodies of primitive man in the Paleolithic rock shelters now reduces to molten form the iron ore in the blast furnaces of today, and in the acetylene torch it cuts steel plates as though they were plywood.

A. L. Kroeber admirably summarizes the achievements of the Paleolithic Age, also indicating what still remained to be done in the way of creating the foundations of human civilization in the subsequent Neolithic period:

> The end of the Paleolithic thus sees man in possession of a number of mechanical arts which enable him to produce a considerable variety of tools in several materials: sees him controlling fire; cooking food, wearing clothes, and living in definite habitations; probably possessing some sort of social grouping, order, and ideas of law and justice; clearly under the influence of some kind of religion; highly advanced in the plastic arts; and presumably already narrating legends and singing songs. In short, many fundamental elements of civilization were established. It is true that the sum total of knowledge and accomplishments was still pitifully small. The most advanced of the Old Stone Age men perhaps knew and could do about one thing for every hundred that we know and can do. A whole array of fundamental inventions—the bow and arrow, pottery, domestication of animals and plants—had not yet been attempted, and they do not appear on the scene until the Neolithic. But in spite of the enormous gaps remaining to be filled in the Neolithic and in the historic period, it does seem fair to say that many of the outlines of what civilization was ultimately to be had been substantially blocked out during the Upper Paleolithic. Most of the framework was there, even though but a small fraction of its content had yet been entered.[7]

Remarkable industrial progress was made during the Neolithic Age. Earlier types of implements and weapons were improved, and new ones were invented. The bow-and-arrow and the large stone axe originated in the early Neolithic. By the close of the period the latter had come to be ground, and perforated to receive a handle. In the early Neo-

[7] A. L. Kroeber, *Anthropology*, Harcourt, Brace, 1934, pp. 178–179.

lithic there was also a marked improvement in the work on horn and bone. The beauty of the design and workmanship evident in the late Neolithic stone implements, particularly the knives, made them works of art as well as tools. One more significant stone implement made its appearance: the stone mill for grinding corn.

Almost as important as the domestication of animals and agriculture was the beginning of spinning and weaving in the Neolithic period. Earlier, man made his clothing of animal skins, using beaten-bark string as thread. Now he began to wear woven clothing, for which flax was the chief fiber material used. Man at first twisted the fibers by rubbing them on his thigh or leg. Later a weight was attached to one end of a stick. The spindle-whorl thus evolved; the yarn could be spun by twisting the spindle to which the fiber was attached. The weight prevented the thread from untwisting or curling. It seems that the spindle-whorl answered admirably at the time, for there was only a slight advance in this technique of spinning until the spinning-wheel was devised some time during the Middle Ages. In some backward regions the spindle-whorl is still used.

The first suggestions of weaving appeared in the wattle-work roofs of the pit dwellings, and the next step came in basketry and matting. By the Neolithic period, cloth was woven on the hand loom, which was finally supplanted only in the first quarter of the nineteenth century of the Christian era. As Professor Breasted points out, the technique of spinning and weaving linen cloth in the late Neolithic period in Egypt was in most respects equal to any workmanship exhibited prior to the Industrial Revolution and the age of mechanical weaving.

For the introduction of pottery, Neolithic man also deserves credit. Hollowed chalk vessels were the only rude traces of pottery in the Paleolithic period. How man discovered pottery we can only guess. But it was indeed a stroke of good fortune when he learned that some kinds of earth could be molded and dried to retain a given shape, and could also be baked and thus made durable and waterproof. The invention of pottery meant that man could pick his habitation more freely, because the all-necessary water could now be transported over a distance. It opened up new possibilities in cooking, and also brought art into the home. Pottery was still hand-shaped in the Neolithic; the potter's wheel did not appear until the metal ages. Kiln-baking was likewise a thing of the future.

Manufacturing in the Ancient Near Orient. In the field of technology and manufacturing, the progress made by the ancient Near Orient was striking and diversified. The Stone Age came to an end, except for stone knives used by the priests for ceremonial purposes. The metal ages began at this time and before the close of the oriental period man had accustomed himself to the manufacture of most of the well-known metals we now utilize, with the exception of aluminum and alloys. Copper was the first metal to be worked. It seems that the Egyptians first invented the art of metal working, as we find some copper needles in

the Egyptian tombs constructed earlier than 4000 B.C., and copper chisels in considerable quantities in graves of around 3500 B.C.

A harder and tougher metal appeared with the rise of bronze implements and weapons, about 2500 B.C., on the islands of the Aegean. The first bronze appears to have been manufactured from an ore in which copper and the essential tin existed in a natural mixture. Shortly after this time, man mastered the process of manufacturing bronze by mixing tin and other metals with the copper ore.

Though there is some evidence of an early iron culture in Africa, it is still generally held that the manufacture of iron implements and weapons originated with the Hittites of Asia Minor, sometime around the fourteenth century B.C. Excellent steel was manufactured in Syria and elsewhere before the close of the oriental period.

The working of the precious metals was also begun in oriental times. The Egyptians executed the most elaborate forms in gold, and the Babylonians specialized in various kinds of silver ornaments. Likewise, competent work on precious stones made its appearance in this antique age.

The potter's wheel was first used in the oriental period, and glazed pottery began to be manufactured. Designs became more ingenious and artistic and the ornamentation much more beautiful. The potter's wheel was the forerunner of the all-important lathe, about the most complicated mechanism that the ancient world produced. It also suggested the drill, which was used by the Egyptian jewelers.

The textile industry expanded rapidly. Finer cloth was demanded and quickly produced. The weaving of tapestry began at this time. The Egyptians excelled in the production of many types of linen cloth, while the Babylonians carried the manufacturing of woolens and worsteds to a high degree of technical perfection. Clothing began to be artificially dyed in a variety of colors.

The improved technology brought about a marked increase in the volume of manufactured commodities. Better transportation resulted from the domestication of the donkey, horse, and camel. Improved roads made it feasible to travel farther in search of raw materials and facilitated the shipment of manufactured products. There was specialization by trades, which made for better quality and increased productivity in manufacture. Likewise, in Babylonia we find the first appearance of factories or shops, usually located in the temples, which made possible a more efficient supervision of industry than could be achieved with scattered labor in individual homes. All along the line there were notable improvements in the variety and technique of manufacturing.

Greek and Roman Manufacturing. In spite of their remarkable contributions to culture, the Greeks were far inferior to the peoples of the Near Orient in their industrial activities. The Greeks did not distinguish between the crafts and the professions as we do. The worker in metal, the sculptor, and the doctor were all "craftsmen." They were all, in theory at least, of the same social and economic rank. The method of instruction, whether in painting or in cobbling, was by apprenticeship.

Even before Pericles there was specialization in industry, and there was specialization within some of the crafts themselves. Sandals, for example, were not usually cut and sewed by the same craftsman. There was a similar division of processes in the manufacture of pottery. The work was done by hand with the aid of fairly simple tools. Most of the Greek craftsmen were free metics (people of foreign birth) and slaves. Some, however, were drawn from the class of free citizens.

One of the largest Athenian establishments produced shields and employed 120 men, but a shop with twenty men was considered rather large. Most craftsmen worked in their homes or in small establishments. They retained their status as private craftsmen when they labored for the state. The free craftsmen were in no sense servants of the state. The chief reasons for the absence of large-scale industrial organization were the continued importance of work in the home and the cheapness of slave labor. Domestic craftsmen were aided by the members of their family and worked side by side with the slaves. The craftsman usually limited his output to his own needs and actual orders received. Xenophon tells us that the Athenian workman was not interested in increasing the number of his employees, since his production was limited by a definite market and he knew exactly how many employees he needed. There was some production, however, for a hypothetical general market. The shoemaker, for instance, produced a number of ready-made shoes.

Though industry, as well as commerce, ran well behind agriculture in economic importance in ancient Rome, the limited evidence we possess indicates considerable industrial development between the third century B.C. and the rule of Augustus. The growth of the population of Rome and other urban communities increased the demand for manufactured goods and, despite heavy imports, stimulated industry. War needs encouraged shipbuilding and metal-working, while the reconstruction of Rome in the last years of the Republic must have caused considerable activity in the building trades. The tendency toward specialization in industry in urban centers was progressing rapidly, even though many needs in the rural districts were still supplied by domestic manufacture on the part of the family. On the largest estates, most of the necessities were provided for by the labor of slaves.

The chief industries of Italy appear to have included the manufacture of pottery, textiles, metal ware, leather goods, and articles of wood. The metal mines, both in the peninsula and in Spain and Gaul, were extensively worked. Several cities, such as Capua, Cales, and Puteoli, became notable for their production of metal goods. Puteoli, with its busy iron works, was most important, while Capua was a center for copper and bronze manufacture. Puteoli was also notable for its extensive pottery works. Rome was a manufacturing center for bricks, pottery, tiles, and articles made from precious metals. The great number of goldsmiths and jewelers in that city was indicative of a growing class of wealthy people and of luxurious tastes. Our knowledge of the textile industries is rather scanty, but it seems that spinning and weaving, characteristi-

cally domestic tasks, were becoming specialized occupations or were done by the slaves in the wealthier families.

Small-scale organization and the simplest of mechanical devices were typical of Roman industry. Large-scale production and organization were to be found only in such industries as pottery and brick-making. Some comparatively large workshops were established by wealthy Romans, in which a goodly number of slaves were employed under the management of a freedman or a slave. Many smaller shops were similarly organized, of several types. The free craftsman working with his family and one or two slaves was common, as were the shops started by freedmen on borrowed money. The ready availability of cheap labor, slave and free, discouraged interest in mechanical invention and labor-saving devices.

Medieval Industry. In the early Middle Ages, two forms of industrial production generally prevailed—domestic and manorial. In the first, also known as house industry, the family within its own household produced, so far as possible, all the necessaries of life for its own uses. In manorial industry, manufactured goods were produced by workers on the manor, who were attached to their work as the villeins were bound to the soil. Likewise, they rendered dues and rents, not in agricultural produce, but in work on manufactured articles. Residing within the town proper or in its suburbs, there existed what we may call an embryonic class of urban artisans, who too were under the dominion of lay or ecclesiastical lords. As a rule, most of the goods produced by domestic and manorial industry were destined for local consumption, and the variety of goods was narrow. Yet historians have lately proved that in the larger towns there was considerable manufacturing, some of it for a luxury trade.

During and after the eleventh century, the revival of commerce provided three stimuli that had hitherto been lacking—broader markets, raw materials, and capital. The contact with the Near East not only introduced new articles into western Europe, but also brought in the more advanced industrial technique and organization of the Muslims and Byzantines. Before long, Europe learned not only to reproduce the articles of the East but also to improve at times upon the borrowed technique.

The characteristic urban industrial establishment was the small workshop of the free artisan—the gild master. He was, apart from the restrictions that encircled him, a small entrepreneur. He provided the tools, frequently the raw materials, always the labor—his own, and that of his family and apprentices and journeymen—and finally disposed of the completed article. Since he was, in part, a merchant, it is understandable why the merchant gild at first included craftsmen.

As the artisan worked on the orders of individual customers or produced for the town or regional market, he rarely ran the risk of overproduction. Though his gain was circumscribed, he alone enjoyed the income from his labor. The element of profit entered, however, where hired workers

were involved. There the master craftsman received a return also on their labor.

An incentive to produce goods of high quality lay in the fact that he sold directly to the consumer. It was thus difficult to escape personal responsibility for articles of poor quality. The gilds regulated the hours and conditions of labor in the effort to maintain uniform standards of excellence. As a rule, the artisan had a long working-day, running from eight and a half to as many as sixteen hours in some trades during the summer. But he was forbidden to work at night principally because the poor artificial light at his disposal made it almost impossible to do good work after dark. The gild craftsman was enjoined to do his work before his shop window, where he could be plainly seen by the public. The fact that all the members of a craft lived in the same street or quarter of a town facilitated inspection of working conditions and manufactured products, and enhanced the sense of corporate unity among the gild members.

Despite the many regulations by the gilds, the standards of excellence were not always maintained as well as is often supposed. Contemporary records show the types of fraud practiced. Material supplied by customers was sometimes cunningly stolen from under their very noses; pots melted when placed on the fire; cloth was stretched; inferior goods were substituted for those of better quality after the sale had been made. "Falsework" was punished—first offenses by a fine, which the gild and the town divided. Third or fourth offenses might draw expulsion from the gild.

The craft gilds also regulated the remuneration of apprentices and journeymen. The latter were the true wage-earners, although the former sometimes received wages towards the close of their training period. The regulation of wages was made to equalize conditions and destroy competition among gild members. Prices were fixed on the assumption that all members of a gild possessed about the same skill. When a great variety of goods with a diversity of grades began to be manufactured, the success of price regulation became uncertain, for it depended upon the uniformity of the goods being produced. To check both variety and diversity, all the gilds discouraged technical improvements. A change in tools, material, or method would destroy the principle of gild equality as well as the uniformity of the type and grade of product. Innovations did creep in, regardless of prohibitions, and complete equality and uniformity was lost with the resulting breakdown in the rigid control of prices.

While agriculture was the main activity carried on by the monks, nevertheless they fostered an extensive development of the ordinary medieval industries, and were surpassed in production only by the gilds. Most of this manufacturing activity was carried on by serfs. This servile labor greatly reduced manufacturing costs. The monks therefore could compete to great advantage with the free and better-paid gild labor. Hence the gilds endeavored to protect themselves by anti-cleric economic legis-

lation in the medieval towns. The monks, however, continued to manufacture utensils, clothing, leather goods, and so on. They were noted for the high quality of their beer, and had a virtual monopoly on beer-brewing until well along in the twelfth century. Their industrial organization attained such efficiency that they might be described as forerunners of our modern division of labor. Among the monastic serfs were smiths, masons, carpenters, carders and weavers, millers and bakers, and skilled workers in precious metals.

The Muslims were far more advanced than the Christians of western Europe in their manufacturing industry. They turned out goods unique for their day in both variety and volume. According to Charles Seignobos, the West owes to the Muslims "the greater part of our manufactured articles of luxury—linen, damask, morocco, silk stuffs embossed with gold and silver, muslin, gauze, taffeta, velvet (later brought to such perfection in Italy), crystal and plate glass imitated in Venice, paper, sugar, confectionery, and syrups."

Early Modern Industry. Industrial developments following the expansion of Europe and the Commercial Revolution after 1500 were more impressive than any others which had taken place since the industrial developments in ancient Egypt and Babylonia.

The new oversea markets called for increased quantities of European manufactured products, and the governments, particularly England, stressed the production of those to be exchanged for raw materials. No doubt the flow of goods was checked somewhat by monopoly and Mercantilism,[8] but the increased production was, nevertheless, unprecedented.

The textile industry was one of the first to be profoundly affected by the new demand for goods. The manufacture of woolens had been highly developed in Flanders in the Middle Ages and had been introduced into England after the middle of the fourteenth century. The silk industry had also grown to some proportions in Italy and France, and to a lesser degree in England. Not only was silk manufactured, but raw silk was successfully produced in both Italy and France.

Most of the oversea demand for European textiles came from colonists. Among the old, established industries to profit by the new situation were English woolens and French silks. The fact that some of this textile trade was with tropical or subtropical regions led in time to a remarkable development of the cotton trade, in spite of the opposition of the vested interests in the woolen and silk industries. As early as the latter half of the sixteenth century, the English began to manufacture for export to the Indies a coarse cloth known as fustian. At the outset, it was probably not cotton, certainly not all cotton, but it soon became a mixture in which cotton figured more and more as the importation of raw cotton increased. A considerable cotton industry also developed in the manufacturing of calico, chintz, and underclothing, but the woolen interests effectively restrained the full expansion of the new rival for a long period.

---

[8] See below, p. 110.

Cotton began to dominate English textile industry only after the onset of the Industrial Revolution of the eighteenth century. As the ancient traditions, craft skill, and the vested interests of the workers in the woolen industry offered much greater resistance to technological changes, English production of a rough, staple cotton cloth was of great importance in facilitating the later introduction of textile machinery.

The revolution in dyestuffs improved the quality as well as increased the quantity of English colored fabrics. The most important of these new vegetable dyes from overseas were indigo, logwood, and cochineal. The wide use of pottery in Europe came mainly from the contact of Europeans with China. During the Middle Ages dishes had been made of wood, pewter, or brass. The Europeans now began to manufacture imitations of the Chinese goods, and such well-known products as Meissen and Delft ware were beginning to be made.

Various types of glass products and glazed ware were produced in Europe on a considerable scale from the seventeenth century onward. During the Middle Ages there had been little use of glass, except for windows in the dwellings of the rich and the notable development of stained glass for cathedral windows. The glass industry in the Orient had been important since the days of the ancient Egyptians, and European contacts with the East led to the large-scale introduction of glass and glazed products. Not only did the expansion of Europe encourage the use of glass and glazing for such purposes as windows and dishes, but also increased the use of spectacles, burning glasses, mirrors, and other devices brought forth as a result of the progress in the science of optics.

The leather industry increased to a marked degree, particularly notable being the enormous colonial demand for shoes. In the year 1658 no less than 24,000 pairs of shoes were sent to Virginia alone.

There was a large market for various types of hardware in the colonies, particularly for muskets, swords, hoes, nails, various types of tools, lead, pewter, and tinware. The development of the hardware industry in turn stimulated mining, particularly the mining of iron, lead, and tin.

Shipbuilding was immediately affected by the new commerce. The improvement in the construction of vessels had been one of the most important influences making possible oversea expansion. Progress in physics and mathematics made it possible to apply scientific rules in the technique of navigation, which tended to keep pace with the demand for more and better vessels. In 1560 the total tonnage of English merchant ships was 7,600. By 1691 it had increased to 500,000. This was accompanied by a remarkable growth in the tonnage of war vessels. The English naval tonnage in 1607 was 23,000, while a century later it reached over 120,000.

Much of this new industry was carried on in the homes of workmen under the so-called putting-out system, which replaced the gild system of the Middle Ages.*

---

* See below, p. 105.

The First Industrial Revolution. The most sweeping changes that ever took place in manufacturing industry were those launched by the "Industrial Revolution," which began in England in the first half of the eighteenth century. While there had been considerable mechanical invention from the close of the Middle Ages, machine manufacturing did not become general until after the Industrial Revolution.

The first important mechanical changes came in the manufacture of cloth, an industry in which England led the world. Before cotton and wool can be made into cloth, the fibers must be spun into threads. The medieval spinning wheel, which spun one thread at a time and was run by foot power, was still in use everywhere until after the middle of the eighteenth century. In 1764, James Hargreaves, an English weaver, succeeded in making a "spinning jenny," which was run by horsepower and spun eight threads instead of one. Some five years later, Richard Arkwright provided a roller water-frame spinning machine which spun a firmer yarn than Hargreaves' machine. Ten years later (1779), Samuel Crompton invented the "mule spinner," which spun even more rapidly and efficiently. By around 1785 the "mule spinner" was in general use in England. Better looms to weave cloth were now needed. In 1738, John Kay had invented a flying shuttle which made hand weaving about twice as easy as it had been before. In 1787 Edmund Cartwright invented a power loom, which soon replaced the hand loom. The invention of the cotton-gin by Eli Whitney in the United States in 1793 enormously facilitated mechanical production of cotton goods. It removed the seeds from raw cotton by mechanical methods, thus making cotton available in quantities suitable for mechanical manufacture.

Between 1750 and 1825, mechanical methods of spinning and weaving were thus successfully devised and practically applied. These inventions rendered necessary new types of power for driving the machinery. Water power, which had been utilized since primitive times, was cheap and adequate where it could be found, but it was not available in all places where men desired to build factories. Hence it was supplemented by the steam engine.

The steam engine had been invented as a sort of mechanical toy in the Greek period, and in the form of a steam-propelled atmosphere engine it had been in use in the early part of the eighteenth century for the purpose of pumping water out of mines. It remained for a Scottish mechanic, James Watt, to invent, in 1769, the true steam engine and thus provide the basic type of power long used in modern industry and transportation. The steam engine has since been supplemented by the steam turbine, the internal combustion engine, and the increasingly popular and efficient electric motor.

The new machines and engines required stronger materials than wood. Iron and steel, as produced by the crude methods of the mid-eighteenth century, were too expensive. The first problem in the production of cheaper iron products was to find more suitable fuel than charcoal for smelting ore. In the early eighteenth century Abraham Darby learned

how to use coke in his furnaces in England. About 1760, John Smeaton invented the air-blast furnace. On the basis of these innovations, Peter Onions and Henry Cort invented the puddling process for making malleable iron relatively cheaply and in large quantities. Their methods were improved upon by Joseph Hall about 1830, and at the same time James Neilson invented the hot-blast furnace. Cort and Purnell invented the rolling mill, and John Wilkinson and John Roebuck combined efficient factory methods with these new processes for making iron. In the 1840's Sir Henry Bessemer extended the methods used by Cort and Onions to the manufacture of low-cost steel. The Bessemer process is still employed for making low-grade steel products, but it has been supplemented by the Siemens-Martin, or open-hearth process for a better grade of steel.

The need for a greater volume and a wider diversity of raw materials, together with the vast increase of finished products produced by the new machinery, made extensive improvements desirable in methods of transportation. Better roads were devised by Telford, Macadam, and others, early in the nineteenth century. These first achievements were followed by success in making asphalt and concrete highways. A great network of canals was constructed in the wake of the initial activities of the Duke of Bridgewater and his chief engineer, James Brindley, in England, following 1760. The steam locomotive was invented by George Stephenson, and the modern railroad and steam transportation on land came into being after 1825. Fitch, Symington, Fulton, and others successfully applied the steam engine to water navigation through the invention of the steamboat. The new methods of manufacturing iron and steel soon made possible greatly improved types of ocean-going boats. The screw propeller invented by John Ericsson notably increased the efficiency of the steamboat.

The Second and Third Industrial Revolutions: Mass Production. These inventions in the realms of textiles, iron and steel manufacturing, and transportation are usually regarded as constituting the essence of the Industrial Revolution. But, in reality, they constituted only the *first* industrial revolution. A second industrial revolution followed closely upon its heels. We are already entering upon a third, and perhaps more momentous, one. The second Industrial Revolution fell mainly between the periods of our Civil War and the World War. The third began to make its appearance at the close of the World War.

The second Industrial Revolution brought into existence bigger and better machinery in those fields where there had been notable inventions during the first industrial revolution. For example, the manufacture of textiles and of iron and steel products became ever more efficient. Railroad trains and steamboats became larger and speedier. There have been, however, many novel developments which were anticipated only faintly, if at all, during the first Industrial Revolution. Especially important has been the application of chemistry to industrial processes. It brought about more efficient methods of making steel. It also laid the basis for the enormously important rubber industry, which today ex-

tends from automobile tires to the most varied articles of clothing and sanitary devices. The discoveries of Charles Goodyear, about 1840, made possible the further development of the rubber industry. It was chemistry which taught us how to refine petroleum and to produce more cheaply the gasoline which is essential for the internal combustion engine. Organic chemistry has enabled us to manufacture a vast variety of synthetic products and to utilize many by-products which were formerly wasted. For example, it requires two pages of a large book merely to tabulate the by-products derived from cottonseed, running all the way from explosives and camera films to soap and cosmetics.

Power and transportation were also revolutionized. The steam turbine and the internal combustion engine made their appearance in the last third of the nineteenth century, the Diesel engine and the electric motor in the twentieth. The bicycle, the automobile, and the airplane have followed in rapid succession. Streamlined and Diesel-motored railroad trains are competing effectively with increasing airplane transport.

The revolutions in the communication of information have paralleled those in power and transport. Marconi gave us the wireless telegraph, and within less than two decades the wireless telephone, or radio, made its appearance. We stand on the eve of practical television. Improved printing presses and typsetting machinery, more efficient methods of making stereotyped plates, the use of cables and wireless, and the appearance of radio pictures have made news more comprehensive and instantaneous.

The second Industrial Revolution brought about a vast increase in the volume of production. The larger factories and better machines made mass production feasible. Industrial units became ever larger. There are today in the United States over a score of billion-dollar industrial enterprises. Industry has also tended to become localized in such a manner as to realize the maximum advantages in the assembling of raw materials and the distribution of finished products.

The greater difficulties of administering these vast industrial organizations have given rise to the science of business management and personnel administration. Efficiency has increased and wastes are eliminated to an ever greater degree. More abundant production has brought to the fore the necessity of improving salesmanship, to dispose of the increased volume of products. To meet this need, commercial advertising has developed on an unprecedented scale.

Impressive though the achievements of the second Industrial Revolution may be, we are entering an even more amazing industrial era in what is coming to be known as the third Industrial Revolution, or "the power age." The most remarkable addition to manufacturing efficiency already in common use is the so-called "speed-up" process which underlies contemporary mass production. This has been made possible by the wholesale manufacture of interchangeable parts and the development of the conveyor-belt.

The introduction of the photo-electric cell or "electric eye" for the automatic control of mechanical processes has brought about an increase in productive efficiency.[10] For example, the manufacture of electric light bulbs is no less than ten thousand times more efficient in terms of production per man power than were methods previously employed. On the basis of carefully compiled statistics, it has been shown that production per man-hour has more than tripled since 1900. Using the production of 1900 as 100, man-hour production in 1919 was 136; in 1939 it was 325; and in 1940 it was 330.

The onset of the third Industrial Revolution is characterized by the increased use of electricity. Formerly generated mainly by water power, it is now coming to be produced more and more by gigantic steam turbines. Four of the largest turbines known in the United States can produce more energy than the entire working population of the country. The location of turbines close to the site of use saves the expense of building transmission lines and the large waste of current incident to long-distance transmission.

The introduction of automatic machinery and the greater utilization of more cheaply produced electricity threatens mankind with technological unemployment to an extent unknown in human experience. It is believed by many that the third Industrial Revolution is rapidly producing tendencies quite incompatible with the ideals and practices of a democratic and capitalistic culture.

As the brilliant French sociologist, Gabriel Tarde, pointed out in his ingenious system of social philosophy, inventions are the chief source of innovations in modern culture. Only by inventions can culture be changed in any very fundamental way. In addition to local inventions, there is also the borrowing by one group of the inventions which another community has produced. Above all, the spirit of invention is a denial of the repetition and stability that characterized pastoral and agricultural society.

Inventions were few and relatively infrequent down to the middle of the eighteenth century. In fact, the condition of technology was relatively static for thousands of years prior to 1700. At the present time, a single year often witnesses a number of inventions far in excess of those produced in a thousand years previous to 1700. Furthermore, with the progress of modern technology, they are no longer the chance product of a unique genius. They are becoming the natural and inevitable result of scientific research and experimentation. Given a definite need, an invention is well-nigh inevitable, as William F. Ogburn and others have proved by citing numerous inventions arrived at independently and almost synchronously by a number of different inventors. It is not now so much a question whether it is possible as whether it will pay to produce and market it.

---

[10] On the photo-electric eye, see *Atlantic Monthly*, December, 1940.

However, the great productive capacity of our modern industrial plants has never been realized except in war time. Our economic system is based upon scarcity and curtailed production, while our technology is adjusted to plenty. Until we are able to create an economic order which sanctions and encourages full productive efficiency we are never likely to realize anything like our actual productive capacity in peace time. Our business order even deliberately holds back technological advances through frequent suppression of inventions and patents which would upset investments in obsolete equipment. Harold Loeb estimates that we waste between 30 and 50 billion dollars each year in potential production of goods as a result of the anti-social and non-economic practices associated with the scarcity economy. And we probably waste an equal amount in the inefficient handling of the problems of distribution and consumption of food and goods.[11]

The most important recent developments working against the prevailing economy of scarcity have been the rationalization of industry and economic planning. These have taken place mainly in Germany and Russia. In rationalizing industry both the state and private producers coöperate in planning production, in eliminating waste, in abandoning inferior plants, and in stimulating invention and engineering efficiency. This program was first elaborately developed in Germany after the first World War. It was used as a method of enabling Germany to recover from the industrial losses sustained during the war.

In Soviet Russia a planned economy with no restriction of production has been achieved. It rests upon three comprehensive five-year plans, the first set up in October, 1928, the second in January, 1933, and the third in January, 1938. The utmost possible efficiency is aimed at. However, the Russians have not yet been able to develop the same degree of mechanical expertness that has been attained in Germany and the United States.

A less resolute effort at a planned economy was made in Nazi Germany, where four-year plans were announced in 1934 and in 1937. The Nazi four-year plans had in part a military goal—to make the country independent, so far as possible, of imports. The result was an increase of efficiency in production, though much of it went into armament and did not bring about any marked increase in the welfare of the people.

Leading Periods in the Development of Trade and Commerce

In treating the rise and growth of commerce, we should recall what has been said earlier concerning the development of transportation facilities, upon which commerce so closely depends. Inventive genius in manu-

---

[11] *The Social Frontier*, November, 1938, pp. 44–46.

facturing and transportation has been mainly responsible for the existence of trade, both local and foreign.

There seems to have been some trade on a barter basis in flint and bone implements, skins, grains, and a few other rudimentary commodities by early man, but systematic trade over a considerable area began in ancient Egypt and Babylonia. Egypt carried on an extensive trade across the desert of northern Africa, down the Nile to Nubia and the Sudan, eastward to the peninsula of Sinai and Arabia, and into Syria. Not only did the Egyptians create a large overland trade, but they seem to have been the first to conquer the sea and to launch commerce on the Red and Mediterranean Seas. The land trade of the Egyptians was carried on chiefly by means of donkey caravans. We usually associate camels with desert commerce, but they were not introduced in ancient Egypt until very late.

The Babylonians built up a large overland trade, which followed the Tigris and Euphrates rivers, and then went west through the mountain passes to the Syrian coast. The government gave security to Babylonian commerce by sending portions of the army to police the trade routes.

But the great land traders of the ancient East were the Arameans of Syria. From their cities, like Damascus, they established control over the rich land commerce of western Asia. Their language became the universal language of the area for commercial and cultural purposes.

The first important people that founded their culture and power mainly on the basis of sea trade were the inhabitants of ancient Crete. By 2500 B C. the Cretans had created a prosperous commercial civilization, which lasted until about 1500 B C.

The next great sea traders of the Near East were the Phoenicians, who carried their commerce and culture throughout the Mediterranean, and even skirted the coasts of western Africa and western Europe.

Greece replaced the Phoenician cities as the leader in Mediterranean commerce after 600 B.C. In the fifth century B.C., Athens became the great commercial state of the Mediterranean and for a time dominated its commerce. Greek products were sent abroad in exchange for the wheat which was so sorely needed. Even after Athens lost its political independence it still carried on a good deal of sea trade.

Athenian dominion was followed by that of Alexandria, which built larger ships than the Athenians were ever able to float and for a time conducted an extremely prosperous commercial activity. Carthage, a Phoenician colony in northern Africa, dominated much of the trade of the Mediterranean from 400 B C. until it was destroyed by the Romans two centuries later.

Rome utilized the maritime genius of its conquered peoples, such as the sailors of Athens and Alexandria, to assist in carrying on the Roman trade which was necessary to supply Rome with both the luxuries and necessities—especially wheat. Indeed, Rome was a parasitic economy which lived mainly on the imported resources of the Near East and Gaul.

From the time of the Egyptians to that of the Muslims, Mediterranean trade was seriously handicapped by the lack of the compass. Ships had to keep in sight of land and hence the hazard of shipwreck was greatly increased. The misfortunes of St. Paul on his famous trip to Rome were not unusual for a sea voyage in ancient times.

During the early Middle Ages the trade of the Mediterranean was divided between the merchants of the Greek Empire in Constantinople and the Muslim traders. The Muslims were unquestionably the leading traders. They ranged from India and China to northern Africa and Spain, carrying with them Muslim products and culture.

Medieval trade in Christian Europe did not reach large proportions until after the Crusades had brought western Europe in contact with the riches of the East. Then the Italian cities dominated European foreign trade. They brought the much desired products of the Near East—especially the spices needed to preserve meat—to the cities of western Europe, where they were disposed of mainly during the course of great national or local fairs. Overland trade in Europe in the Middle Ages operated under great handicaps as a result of poor roads and rudimentary conveyances. In addition, there was the danger of being ravished and murdered by the robber barons that preyed on the merchant trains. Much of the medieval trade in northern Europe was sea trade controlled by great organizations of merchants like the London Hanse and the Hanseatic League, the latter made up chiefly of cities in northern Germany.

Down to the time of Columbus the trade of the world was carried either on the land or on rivers and inland seas. After the beginning of the sixteenth century, trade for the first time became oceanic, as the result of the expansion of Europe and the Commercial Revolution.

Medieval travelers like Marco Polo had brought back stories of the immense riches of the Far East. Overland trade with the Far East was established across Asia, but the Italian cities were able to monopolize most of this. The northern and western European countries were jealous of this Italian monopoly and sought to break it down by discovering a sea route to Asia. This led to the period of exploration and discovery and brought about the Commercial Revolution which created early modern civilization.

Between 1500 and 1800 larger ships were built and commerce attained a volume and variety never before known in the experience of mankind. A great number of new commodities were brought to Europe, and European states found a new market for their commodities in oversea areas and in the colonies established in the New World. The Portuguese, the Spaniards, the Dutch, the French and the English participated in this trade, but by the close of the eighteenth century England had become the dominant trading and naval country of the Old World.

Some elementary statistics will emphasize how the Industrial Revolution and machine production stimulated the growth of commerce. The total trade of the world had already increased sixfold between 1750 and

1800. The following table will reveal the degree to which world trade was further increased by the first Industrial Revolution: [12]

Year	*Gross Commerce*	*Commerce Per Capita*
1800	$1,400,000,000	$2.31
1820	1,600,000,000	2 13
1830	1,900,000,000	2.34
1840	2,700,000,000	2.93
1850	4,000,000,000	3.76
1860	7,200,000,000	6.01
1870	10,000,000,000	8.14

As we have seen, the second Industrial Revolution greatly increased the output of mechanical industries through increased efficiency of machinery, the concentration of industry, the building of giant factories, and the greater economies of mass production. All this is reflected in the growth of world trade from 1880 to the first World War: [13]

Year	*Gross Commerce*	*Commerce Per Capita*
1880	$14,700,000,000	$10.26
1890	17,500,000,000	11.80
1900	20,100,000,000	13.02
1910	33,600,000,000	20.81
1913	40,400,000,000	24 47

After the first World War the more efficient production of goods brought about by the third Industrial Revolution, the reconstruction of Europe, and the development of the automobile industry resulted in a figure of $69,000,000,000 for the total world trade in 1929, as against $40,000,000,000 in 1913. The world depression after 1929 brought the total world trade down to less than $24,000,000,000 in 1933 and 1934. The concentration upon armament production rather than production for export helped to prevent world trade from recovering completely after the worst years of the depression In 1938 the total world trade amounted to about $47,000,000,000. This figure has been greatly reduced by the second World War.

Though most discussions of trade and commerce concentrate upon foreign trade, the exchange of commodities within groups, whether tribes or great national commercial states, has always been greater than the foreign trade between these groups.

Primitive men produced commodities primarily for family or community use; but with industrial specialization, local trade began. Farmers, for example, exchanged their products for manufactured stone implements and weapons.

Local trade on a large scale began in ancient Egypt. At first, the craftsmen sold their products directly to consumers, but by the imperial period a distinct merchant class had arisen which handled much of the

---

[12] Clive Day, *A History of Commerce*, Longmans, Green, 1922, p. 271.
[13] *Ibid.*

retail trade. Much the same situation existed in Babylonia and Assyria. A merchant class arose in due time to control local trade; many of them clustered about the temples. The Aramean merchants controlled the local and foreign trade of the Syrian city-states in western Asia.

In ancient Athens there was much production by craftsmen for a custom trade, and some retail trade was carried on by merchants in stalls in the public market-place.

In ancient Rome there was less retail trade than in Athens, since many of the commodities used by the rich were made on their estates by slaves. But there was a considerable retail trade which, as in Athens, was divided between craftsmen and merchants.

In the Middle Ages, local trade centered in the public markets situated just outside of a town or adjoining a monastery or castle. There were definite market days specified, usually once or twice a week. Here, merchants, craftsmen, and peasants exchanged their wares and products. Local trade on a larger scale was usually carried on through local or regional fairs and commodities were gathered from many towns. During much of the Middle Ages both the town markets and the fairs were controlled by the merchant gilds, though in the later Middle Ages a good deal of control of local trade was taken over by the craft gilds.

When the gild system disappeared in early modern times, local and domestic trade fell chiefly into the hands of merchant capitalists, who conducted the putting-out system, and small shopkeepers who handled the retail trade through private stores. This latter system, with notable improvements in the construction and the administration of stores, continued until the beginnings of the second Industrial Revolution.

Towards the close of the nineteenth century the increased production brought about by the second Industrial Revolution, the growth of population, and the improvement of transportation facilities promoted the growth of chain stores. These sought to profit by the same large-scale operations which had prompted the concentration of industry and the rise of the super-factory. The first chain-store company was the Great Atlantic and Pacific Tea Company, established in 1858. The next important addition to chain stores were the five-and-ten-cent stores opened in the 70's and 80's. After 1900 there was a tremendous growth of chain stores. In 1929, these chain stores had gross sales of about $11,000,000,000, some 22 per cent of all retail trade. These chain stores have brought many economies to consumers. But local jealousy and rivalry, exploited by politicians, has led to attacks upon the chain stores, especially in the effort to tax them out of existence.

Mail-order houses, especially Sears, Roebuck & Co., and Montgomery, Ward, were aided by the creation of the parcel-post system in 1913. Recently they have created chain stores for local trade in leading cities. All in all, the agencies for retail trade are better adapted to serving the public than are the factories, dominated by the policy of curtailing production to maintain high prices.

Leading Forms of Control Over Industry

Control of Agriculture. In early times, agriculture was controlled mainly by the family and the clan. Production was for local use. Ownership of lands and tools was communal, family, or both.

In ancient Egypt we have the first conspicuous example of the rigorous control of agriculture by the state. In theory, the Pharaoh owned all the land. Even over lands granted to nobles the government exercised complete control—specifying crops, inspecting production, and demanding taxes in kind. The officials of the Pharaoh made detailed and frequent reports on the state of agricultural operations. The government also exercised strict supervision over the irrigation system. The estates of the priests were about the only Egyptian lands that were not under governmental control.

The governments of Babylonia and Assyria exercised considerable control especially over irrigation projects, but they never went as far as the Egyptian government in the control of agriculture. Great landlords, often using many slaves, were very prominent in Babylonian agriculture, while a free peasantry under government protection dominated the situation in Assyria.

In Athens, the clan and the family long controlled lands and agriculture; but private enterprise grew, and eventually in Attica great landlords built up their estates at the expense of impoverished peasants. In Sparta the extensive state control over agriculture was a phase of the military socialism which dominated the life of that state.

Ancient Roman agriculture was at first mainly a family affair, but the state soon intervened in seizing and distributing conquered lands. By the end of Republican days Roman agriculture was dominated chiefly by great landlords and their *Latifundia*, cultivated in part by slave labor. In the later Empire the landlords defied the government and created a system of political and economic anarchy, which was an important cause of the break-up of the Empire in the West. In the Eastern Roman Empire of the early Middle Ages we find a system of state control over agriculture which, in certain regions, almost rivaled that of ancient Egypt.

In the feudal-manorial system of western Europe, the lord's *demesne* was a private agricultural enterprise, while the lands of the serfs were cultivated under a complex system of communal control.

In England, after the manorial system broke up, we have the period of the Squirearchy, in which the medium-sized farms of the country squires were cultivated mainly by hired peasant workers. There were also some free small farmers. After the middle of the eighteenth century, English agriculture came more and more under the control of great landlords, who pushed out the squires and peasants and created vast estates worked by hired peasants. In France, the estates remained in the hands of

great landlords until the French Revolution. The agrarian and legal reforms of that period converted France into a country of small farmers. In Prussia, the Junker class carved out great estates and held them down to the present time. In eastern Europe, a quasi-feudal system of great estates dominated the scene until the agrarian reforms after the first World War. In Hungary, the feudal landlords were able to escape even these reforms and continued to hold great estates.

Since the first World War, Soviet Russia has introduced the state ownership of land and complete state control of farming. In Fascist countries, the state has controlled agriculture, though formal private ownership of land still continues.

In the United States, the system of private control of agriculture and small farming has prevailed from colonial times. But the farm crisis since the first World War compelled the government to intervene more and more in behalf of the stricken farmers.

The Control of Industry. In primitive times, manufacturing industries were controlled mainly by the family. Women, as Otis T. Mason has pointed out, carried on many of the manufacturing activities, leaving the men free for hunting and fighting.

The craftsmen in ancient Egypt belonged chiefly to the free middle class. They paid a tax to the Pharaoh or to the nobles for the privilege of carrying on their industrial activities. There was no such systematized gild control over Egyptian craftsmen as we find in the Middle Ages in Europe.

In Babylonia and Assyria, control of industry was varied and complicated. The free craftsmen in the cities were not unlike those in Egypt. There was also slave labor, especially in shops on the estates of the priests. Then there were a large number of slave workers employed by the kings, the great nobles, and in the temple workshops.

In Athens, industrial control was also complex. There were some free craftsmen of the citizen class, but most Greek craftsmen were free foreigners or slaves. The craftsmen worked at home or in small establishments, and there was a fairly elaborate system of organization and specialization. The apprenticeship system was well developed. The craftsmen maintained their professional independence even when in state employ.

In early Rome most craftsmen were free, and were dominated by the family system. In late Republican days most industrial production was carried on by freedmen and slaves. The large proportion of slave labor in industry tended to drive free craftsmen out of industry. Many of them joined with the dispossessed peasants to create the city mob that was supported under the system of bread-and-circuses. The status and operations of such free craftsmen as existed in the Roman Republic and Empire did not differ widely from the situation in Athens.

In the Middle Ages, as we have seen, industrial operations were controlled by the craft gilds, where we find masters, apprentices, and journeymen.

In addition to the generally thorough technical preparation that the apprentice received, he was also given a moral education, apprenticeship being designed to make him socially useful as well as industrially skilled.

The period of apprenticeship ranged from three to as high as twelve years, depending on the difficulty of the trade. A seven-year period was most common in England. In some crafts apprentices received regular wages towards the close of their service. Runaway apprentices were returned to their masters and punished. If the offense became habitual, the apprentice was debarred from the craft for all time. On the other hand, masters guilty of harsh or ill treatment of their apprentices might be punished by the gild. In England, one to four apprentices to a master seems to have been usual. The number of apprentices was further restricted, especially in the later days of the gild, by the desire of both masters and journeymen to avoid competition.

When his term of service was over, the apprentice became a journeyman, and was employed by a master workman at specified wages. The journeyman was a candidate for mastership. At an earlier period in France, the apprentice, having completed his training and proved his fitness, was eligible to mastership if he possessed the necessary capital. In time, several years' employment as a journeyman became customary before a craftsman could become a master. In England, as a rule, the journeyman set himself up as a master when he was at least twenty-three years old, possessed sufficient capital, and had given the gild officials some proof of his skill as a workman.

Following the gild system came what we call the domestic or putting-out system, which had first developed in Italy in the Middle Ages and had spread to the Low Countries in early modern times. It was introduced into England in the fifteenth century, after the gild system had lost its grip. It was at first limited mainly to the woolen and worsted industries. Following are some differences between the putting-out system and the gild system.

Instead of collecting in the household of a gild master, the workers under this system lived in their own dwellings in the towns or in the adjacent countryside. The person who controlled all phases of this manufacturing process was known as a merchant-capitalist, or more technically, in the woolen industry, as a clothier. He furnished the original capital with which to establish the business and sent out the raw materials to be worked up by the laborers at a rate agreed upon. The representatives of the merchant-capitalist could then go to the homes of the contract workers, leave more raw material, and collect the finished work. This merchant-capitalist was not merely superimposed upon a single craft—his group was the organizing center of the whole group of crafts in the industry. For example, the clothier bought raw wool in the market or from the raisers, sent it in turn to spinners, weavers, fullers, and dyers, and finally marketed the finished product.

The most important differences between the gild and the putting-out systems were those which helped to develop a capitalistic tendency on

the part of the merchant, the dominant figure in the process. Incidentally, in some ways the workers, who owned their own tools, were for a while more independent than under the old gild order. Later, however, the workers lost their independence to the merchants, who often supplied them with both materials and tools. In this phase, some of the worst evils, later associated with modern industrialism, put in appearance: woman and child labor, low wages, and the "sweating" of the workers.

Some disadvantages of the putting-out system were the impossibility of continuous supervision, the tendency of workers to get drunk on payday and stay intoxicated until their wages were used up, dishonesty on the part of workmen, and waste of time in distributing raw materials and picking up finished products.

These difficulties led to the appearance of some large central shops—many writers call them factories—before the modern mechanical technique had been introduced. Here men were kept at work by foremen who were representatives of the merchant-capitalists. From the standpoint of personnel organization, this arrangement had all the advantages to the employer of the factory system, as we know it, except one—the cost of the tools was still so slight that the craftsman in most trades still had some chance to work for himself if he thought the employers were unjust.

If it had become general, there is every reason to suppose that the central shop would have exhibited most of the defects and inconveniences of the factory system, such as crowded living conditions and the centralization of control in the hands of a few persons. Its slow growth and its restriction to a few industries suggest that the disadvantages of centralization before machines came in must have just about balanced the advantages until the Industrial Revolution threw an overwhelming weight into the scales on the side of the factory.

The impressive so-called factory system grew up out of the Industrial Revolution as an inevitable aftermath of mechanical production. Many regard the factory system as identical with the machine technique. However, the machine technique comprehends our modern method of manufacturing and the like, while the factory system represents the method of organizing and applying labor to productive processes. Factories of a crude sort—central shops—not only could but did exist long before machinery was provided; but it was difficult, if not impossible, to introduce the new machinery without setting up the factory system. It was impractical to introduce machinery into the homes of workers because of the lack of space and of power.

Improvements in transportation so enlarged the manufacturers' possible market that they could sell a great number of articles exactly alike. Each process could now be broken up into many routine operations, performed chiefly by machines and merely supervised by the workers. Before the development of electrical appliances, power to run machines was transmitted directly by shafts and belts, which meant that it must be used fairly close to its source. Other elements determining the location of factories were the existence of natural resources (such as coal,

iron ore, and petroleum), ease of transportation, and markets. All these considerations made the factory system inevitable.

The most striking characteristic of the factory system is that it brought together in one establishment a larger number of workmen than had ever been assembled in any earlier type of industrial operation. While a factory may employ only a score or so of workmen, the characteristic modern factory has hundreds or thousands of employees.

The factory system provided a greater opportunity for the close control, supervision, and discipline of labor. The modern factory worker is normally more at the mercy of the employing class than was the gild journeyman, who might himself become a master, since the tools he used were relatively inexpensive. Discipline in the factory system is more rigorous than in the putting-out system, under which the capitalist or his representative visited the employees only to distribute raw materials or to collect finished products. Before the development of labor organizations, factory workers were almost entirely dependent upon the will of their employers, and their daily presence in the plant was made obligatory upon penalty of discharge.

The factory rendered such discipline and regimentation absolutely inevitable. A loose supervision based upon personal contacts might have been sufficient for the small gild establishment; but, with hundreds of factory workers under one roof, it became necessary to issue certain rules defining the hours of labor, the assignment of individual tasks, the attitude of the employee in his relations with the employer, details of conduct within the factory, and even the matter of orderly entering and leaving. So elaborate are some of these codes of factory discipline that their complete and literal execution would paralyze the operation of the plant.

The first adequate code of factory discipline was worked out by Sir Richard Arkwright in England after 1770. Arkwright's own factories proved so successful and his code seemed so adequate that it was widely adopted in Europe and was the parent of the later and more perfect ones of the nineteenth century.

Lately, these conventional codes of factory discipline have been criticized for sacrificing to order and regimentation most of the normal human impulses toward creative effort—or, for that matter, toward any effort whatever beyond that compulsory for holding a job. One result was the development of the modern sciences of personnel management and industrial psychology and of attempts to humanize the factory.

The machine technique itself tends to mechanize the workman, who often carries on a narrowly specialized routine operation throughout most or all of his active life. In this way, all those advantages of special training and the repetition of familiar simple motions may be easily realized. Adam Smith pointed out long ago the great advantages inherent in this subdivision of industrial processes, but he could not foresee the elaborate and intricate development of the division of labor in the modern factory.

The gains in productivity are partly offset by the indolence and the

indifference to craftsmanship growing out of the highly regimented factory system. The machine technique itself is charged with producing unnecessary fatigue and various occupational nervous disorders. Industrial and abnormal psychology has been trying to get at the exact causes of such human wastage, in order to suggest better means of adapting our manufacturing processes to the human beings by and for whom they are carried on.

A striking factory development was the speed-up system, first introduced by Henry Ford. It rests upon two major mechanical principles: (1) that of interchangeable parts, first devised by Eli Whitney in the manufacture of muskets, and (2) the endless conveyor belt, which brings around the parts to be assembled. This was first used by the Chicago meat packers, who used an overhead trolley to bring carcasses of beef along the line of butchers. The results were astonishing. In 1914, the Ford plants were turning out about 700 cars daily; on November 4, 1924, 7,500 cars were turned out in a single day. The nature of work under the speed-up system has thus been described by a workman in the Ford plant:

> As a result of the conveyor system, upon which the whole plant is operated, the men have no time to talk to each other; have no rest except for fifteen or twenty minutes at lunch time; and can go to the toilet only when substitutes are ready to relieve them at the "belt." One operation upon which I worked required that I be on the job, ready to work, just as soon as the preceding shift went off; work up to the exact minute for lunch time; take a couple of minutes to clean up and get my lunch kit and be back thirteen minutes later to work. There was never a moment of leisure or opportunity to turn my head [14]

Under such conditions the average man risks a nervous or physical breakdown, or both, after two or three years of steady employment. But eager and hungry men are standing in line to take the place of the discarded human wreckage.

Nevertheless the speed-up process has a great economic appeal. Ford made the country "mass-production conscious," and mass production spread from his plant in Dearborn to other industries throughout the country.

A more humane method of realizing industrial efficiency is that of scientific management in our leading factories. Its foremost figures were three American engineers and industrialists: Frederick W. Taylor (1856–1915), Henry L. Gantt (1861–1919), and Frank B. Gilbreth (1868–1924). The moving spirit was Taylor. A Taylor Society has been formed in his honor, devoted to the principles of scientific factory management. The movement centers around the elimination of waste and the introduction of more efficient standards of production, based upon a careful study of factory methods and improvements in technology.

Both mass production and scientific management have been embodied in the rationalization of industry adopted by Germany since the first World War.

---

[14] *New Republic*, March 16, 1932, p. 117.

In Fascist countries, the state controls industry, though ownership remains mainly in private hands. In Soviet Russia, the state not only controls industry but owns and operates the means of producing and distributing goods. Russia has introduced a speed-up system divorced from the profit system. The first such experiment, started in 1928, was the so-called Shock-Brigade movement, in which workers banded together and declared their determination to keep machines working constantly at the highest degree of efficiency. More recently the Stakhanov movement offered rewards to workers who turned out the greatest possible volume of products. It took its name from a miner, Alexey Stakhanov, who, in 1935, increased coal production in his gang five-fold. This Russian speed-up system rests upon an appeal to the competitive spirit of man and to devotion to the country and its policies.

Even in capitalistic and democratic countries, depression, preparedness, and war have brought about increasing trends toward state control of industry. It would seem that we are moving toward a system in which the dominant type of industrial control will be the factory under state management and perhaps under state ownership.

The most recent and promising proposal for industrial control is what has been called Technocracy, under which economic life would be directed by industrial engineers who would produce for human service rather than for private profit. Those who favor this plan tell us that Technocracy will prove far more efficient than the speed-up system and will be much more humane than the best managed factory today. They assert, for example, that a high standard of living can be maintained with our present industrial plant without working more than ten to fifteen hours a week.

The Control of Trade. In primitive times, such trade as existed was controlled by the community and the family. It was mainly an exchange of goods resulting from the specialization of industry in the local community.

In Egypt, local trade was controlled mainly by the craftsmen and merchants, who purchased concessions from the government. Foreign trade was partially in the hands of merchants and their caravans and partly in the hands of commercial expeditions sent out by the Pharaoh. Even private foreign trade was carefully regulated by the government, and merchants had to surrender part of their profits to the crown. In return, the government protected trade routes on land and sea. The situation was not greatly different in Mesopotamia, though the government did not regulate and exploit foreign trade quite so much as did the Egyptian government. But it did impose restrictions, penalize dishonesty, and levy tribute. In return, it also policed the trade routes.

In Athens, local trade was controlled by free merchants and craftsmen. The state intervened to regulate market conditions, to inspect weights and measures, and to fix the prices of the necessities of life. Foreign trade was chiefly in private hands, though there was considerable state

regulation of the grain trade in order to secure an adequate supply of wheat.

Domestic trade in Rome was mainly in the hands of free merchants. The foreign trade was more thoroughly regulated and controlled by the state in order to secure an adequate grain supply and keep the rabble contented. Foreign trade in Greece and Rome was generally free and private, as compared with the degree of state regulation in the ancient Orient.

In the Middle Ages, both domestic and foreign trade were chiefly controlled by the merchant gilds, which essentially governed the medieval towns. They dominated the fairs and imposed penalties for dishonest practices. Since industry was mainly town industry and since the merchant gilds usually dominated town government, medieval control of commerce was essentially a system of government regulation, though it was by the local rather than the central government. Foreign trade in the later Middle Ages was also controlled by great organizations of merchants, the so-called Hanses, such as the Hanse of London, and the Hanseatic League.

When the gild system broke down and commerce expanded as the result of the Commercial Revolution, there developed an extreme form of government control over trade, generally known as Mercantilism Under this system the government attempted complete regulation of foreign trade, especially the foreign trade of colonies, in order to increase the wealth and the supply of precious metals in the mother country. It was a commercial form of state capitalism.

After the Industrial Revolution, the manufacturers and merchants were for a time able to reduce the degree of governmental interference and to encourage free trade. But, following 1870, the system of protective tariffs, which constitute the modern form of governmental control of trade, became ever more prevalent. After the first World War the protective system became most extensive and rigid

In totalitarian states the government controls domestic and foreign trade, though it may allow certain freedom in domestic trade. The Nazis in Germany especially concentrated on the control of foreign trade, and worked out an ingenious system of barter in foreign commerce. Even where money was used, a special monetary system was employed in foreign trade.

In Soviet Russia, the state assumed control over both domestic and foreign trade. In country districts the coöperatives were allowed to participate in retail trade, but they were checked in the cities; there the state stores dominate. The foreign trade of Russia is a governmental monopoly.

The tense conditions produced by rearmament and the second World War brought about an increasing degree of state control over trade which extended even to the democratic states now engaged in the second World War. We seem to be headed for a revival of a new Mercantilism—really

state capitalism and social planning—more sweeping and far-reaching than anything known in the seventeenth and eighteenth centuries.

The Motives of Industrial Effort

So habitual and firmly entrenched is the profit system that we usually take it for granted that man has always produced mainly for private profit. In fact, however, man has made goods for profit during only about one per cent of the time he has been on the planet. Down to the dawn of history among the Egyptians and Babylonians, productive effort was devoted exclusively to providing materials for the direct and immediate use of the family or community. There was little or no sale of goods for gain.

The profit system grew slowly and did not get under full headway until modern times. It had little standing in the civic ethics of Greece and Rome and even less in the religious ethics of the medieval Catholic Church. It was first given prestige and respectability by commercial capitalism and Protestant ethics in the sixteenth and seventeenth centuries. Protestant preachers used such texts as "Seest thou a man diligent in business? He shall stand before kings"—later the favorite biblical quotation of John D Rockefeller.

After 1600, the opportunity to make profits out of industry offered a great impulse to industrial effort. Since the corporate revolution of the present century, however, this has been less true. Those who control and manage industry today get only a small part of the profits of industry. Hence they are encouraged to exploit industry rather than to run it efficiently.[18]

It is also true that the profit system greatly handicaps productive enterprise, because it is closely linked up with an economy of scarcity. It is thought that only by keeping goods scarce can prices be kept high and profits made. Hence, there is an effort through monopoly and other "bottle-necks of business" to restrict production if it threatens to reduce prices

Another motive of industry which has been significant since early times has been the "instinct of workmanship," more accurately described as pride in excellent workmanship We find this among primitive peoples who exhibit special gratification in a fine piece of work. Greek workmen, especially on public enterprises, took a special pride in excellence of workmanship. In the medieval craft gilds, pride of workmanship was a powerful force. Nearly a century ago, John Ruskin and William Morris made an effort to revive the pride of workmanship within the framework of industrial society.

It must be admitted that pride of workmanship today is limited mainly to the fine arts. Employers are chiefly concerned with security specula-

[18] See below, pp. 127 ff.

tion, clipping coupons, and cashing dividend checks, while the workers have their eyes mainly on the pay envelope.

With the current breakdown of private capitalism and the profit system and the evident inadequacies of the scarcity economy, there is a trend towards state control of industry for the purpose of direct human use and human service instead of private profit. To get the populace to coöperate, much stress is laid on the possibility of securing plenty and a high standard of living with a minimum of work. An appeal is also made to pride in workmanship. But thus far it has been found necessary also to appeal to less noble motives, such as the competitive spirit and special rewards for unusual productive effort.

Whatever the possible adequacy of industrial motives other than the profit system, it is evident that the world is going to be in a difficult economic situation unless additional incentives can be found. The economic order which gave birth to and nourished the profit system is now, however much we may regret it, on its last legs. Other industrial motives must be found if we are to create a permanent and better economic order.[16]

[16] *Cf.* J. A. Hobson, *Incentives in the New Industrial Order*, Seltzer, 1925; and H. F. Ward, *In Place of Profit*, Scribner, 1933.

CHAPTER V

Capitalism and the Economic Crisis

The Fundamental Nature of Economic Problems

It does not require any Marxian dogmatism or any fanatical adherence to the economic interpretation of history to lead one to the conclusion that the crisis in contemporary capitalism and the economic problems related thereunto are fundamental to most of the other social problems of the twentieth century. The remaining ones grow out of the economic situation, or their solution must be held up until the economic crisis is satisfactorily resolved. We can easily illustrate this by a few ready examples.

It is obvious that the question of poverty is closely linked to our economic system. There had been poverty in earlier economic systems, but its causes and nature were quite different from poverty in the twentieth century among civilized peoples. In earlier ages, poverty was due primarily to the fact that there were not goods, wealth, and food enough to provide high living standards for the whole population. Today, we would be able to produce with great ease all the goods and food required for a utopian living standard. But the profit system, as administered, greatly reduces potential productive capacity. We could probably produce more than twice as many goods as we do with the existing national industrial plant if we operated it in terms of engineering efficiency. Even more, we do not seem able to put enough income in the hands of the mass of purchasers to enable them to buy even the restricted product which we turn out. We could produce all the food required for a very high standard of living on one fifth of the land now under cultivation, and with one fifth of the personnel now engaged in agriculture. We are technologically set up to realize utopia almost overnight. But our economic system prevents us from taking full advantage of labor-saving machinery in the interests of social well-being. Rather, the most important technological advances today threaten the very existence of our economic order by creating an ever larger volume of unemployment, which private capitalism either cannot or will not assume the responsibility for making a realistic effort to avert. Our overcrowded cities, the massing of population, and the defective housing of most urban dwellers are tied up directly with the system of private profit in real estate activities. If we

take steps to reorganize and distribute urban populations in suburban areas, this will be due primarily to the fact that business has discovered the economic advantages of smaller urban units in an age of electrical power.

Our population problems are serious mainly because of the economic factors directly involved. Our present productive capacity, if used efficiently, would enable us to rise superior to population fluctuations. We are today able to take care of any prospective population, so far as the necessities of life are concerned. Under a system of production for use, we would not have to worry about any decrease in the number of customers in the case of a rapidly falling birth-rate. We could simply produce for the needs of those who exist at any given time. The fact that population is increasing most rapidly among poverty-stricken farmers and the working classes in the cities is a serious matter mainly because the income of these groups does not enable them to provide adequate living standards and suitable education for their children. Crime and vice are caused to a very considerable extent by poverty. The organized criminality of our day is motivated mainly by greed, and has imitated in an exaggerated degree the ideals and practices of big business and finance.

The traditional family is breaking down chiefly because of influences contributed by the rise of modern industrialism. A major reason for family friction and disintegration is inadequate income and the worries created by a sense of economic insecurity. Race problems and the Negro question in this country are as much economic in character as physiological and psychological. Our contemporary Negro problem rests on an economic basis, though a somewhat different one, just as the Negro problem did in the era of slavery. The impending collapse of democracy arises primarily out of the fact that we attempt to handle our complicated economic problems through politics and the party system rather than by means of engineering science. We have carried over into our technological era the political methods and ideals which prevailed in a rural and handicraft epoch. Our rural or farm problem is chiefly a manifestation of the paradoxes created by the effort to control an economy of abundance by notions which have come down from the era of scarcity. The agrarian policies of Diocletian hang over in an age of combines and gasoline tractors.

The agencies of communication are thoroughly contaminated by various manifestations of our economic problems. The press and the radio are devoted, to a large extent, to propaganda in favor of contemporary business and financial ideals. But such radical journals and radio stations as exist show an equal bias in their very vigorous opposition to the existing economic order. Objective opinion is difficult to secure and ever harder to express in effective fashion. The greater part of education reflects the ideals of leisure-class psychology. It is more concerned with transmitting the reputable economic tradition than with discovering the realities of present-day life and using these as the basis

of preparation for a new and better social system. The great international crisis of our age directly reflects the underlying economic crisis. In countries where capitalism is breaking down, the economic debacle is handled by a dictatorship of the Right or the Left. The former we call Fascism and the latter expresses itself today mainly in the form of Russian "communism." One works towards state capitalism and the other follows the method of state socialism, but both repudiate private business enterprise as we know it in the United States.

While modern wars are something more than a simple struggle between the "haves" and the "have-nots," no realistic student of the international scene in our day doubts the fundamental character of the economic factors underlying the international line-up and the second World War. We could go on indefinitely with such illustrations, but the foregoing summary is sufficient to demonstrate the validity of our thesis that economic problems are basic to most other social problems in the second third of the twentieth century.

The Historical Background and the Rise of Capitalism

While the conditions essential to the complete realization of a capitalistic economy did not all come into existence until the late eighteenth century, various contributions to the capitalistic complex came from earlier ages, and to these we may now devote our attention very briefly.

In ancient Egypt, while the extensive degree of state control over all forms of economic life prevented the rise of anything like free capitalism, there was, nevertheless, some private business and commercial enterprise, and the first great private fortunes were accumulated. In Babylonia, there was much more progress towards the capitalistic system. More private enterprise was permitted and many of the business forms and practices upon which phases of capitalism later rested had their origins here. Business life was founded upon a remarkably wide contractual basis. The importance of formal contracts was made manifest by the provision that a purchase consummated without a contract or without witnesses could be punished even by death. Deeds of settlement and wills, partnership agreements, the relationship of principal and agent, the forms of land deeds and house leases—all these were elaborately regulated by law. Witnessed and sealed documents were prescribed for all economic transactions. Promissory notes were provided for, and the attitude towards interest was surprisingly modern. The high interest rates—normally running from 20 to 25 per cent—were regulated by law. However, debtors received rather considerate treatment, and oppressive creditors were dealt with harshly.

Babylonia was thus the motherland of our modern commercial usages and commercial paper. The mercantile Arameans carried these achievements even further. Western Europe did not surpass their forms and processes until the rise of modern commerce and capitalism after 1500 A.D. The departure from a pure barter economy also took place at an

early date in Babylonia. A real money economy came into being, involving both the theory and practice of productive capital, though there was no coined money until the very close of the late Babylonian epoch. The precious metals were used by weight. Gold, which was fifteen times as valuable as silver, was little used. This was in marked contrast to Egypt, where gold was used almost exclusively.

Some of the traits of capitalism, such as the use of money, the accumulation of large fortunes, the prevalence of private property, and some tendency to reinvest savings in business expansion, thus existed in the ancient Near East. But two basic institutions of capitalism, the free market and free competition, were very slightly developed, owing to the extensive degree of state control over economic life.

The Phoenicians were the great sea-traders of antiquity, and in their commercial practices we find some of the first rudimentary origins of commercial capitalism, especially the mercantile control of business. Since one vital phase of the capitalistic economy is the use of money and the creation of a money economy, mention should be made of the introduction of coined money by the Lydians in western Asia Minor around 800 B.C. The fundamentals of a money economy had existed before this time, monetary values being determined by weight. Coining made monetary designations and circulation more convenient. But the value of money still was based upon the weight of the precious metals contained in each coin.

Though the Athenians engaged in extensive industrial and commercial enterprise, the Greek state exerted considerable supervision over both trade and industry. The Greeks never understood the fundamental notion of capitalism, namely, the accumulation of savings for reinvestment in business. Alfred E. Zimmern once acutely observed that "the Greek states passed with difficulty beyond the schoolboy stage at which every bit of money that comes in is regarded as a windfall, to be spent gaily as the mood will have it, without thought of the morrow." Hence the Greek economy has been called a "napkin economy." This term is used by some economic historians to describe the primitive economic system in which man has not learned to reinvest capital for additional profits. The term is derived from the parable of the three stewards in the New Testament, where the poor steward, with only one talent, refused to take the risk of investment and wrapped his single talent in a napkin. The fact that Greek philosophers looked askance upon interest-taking and ranked trade on almost the same ethical plane as brigandage shows how far Greece was from attaining capitalistic attitudes and practices. Other obstacles to the development of capitalism in ancient Greece were the absence of bankers with connections extending throughout Greece, and the lack of exchanges for the circulation of credit, claims and goods.

In ancient Rome, while more progress was made towards capitalism than in Greece, business was held in disrepute by the aristocracy who believed that agriculture was the only truly noble occupation. Cicero's

opinion on this point is representative of the Roman disdain for money-making:

> All gains made by hired labourers are dishonourable and base, for what we buy of them is their labour, not their artistic skill: with them the very gain itself does but increase the slavishness of the work. All retail dealing too may be put in the same category, for the dealer will gain nothing except by profuse lying, and nothing is more disgraceful than untruthful huckstering. Again, the work of all artisans (opifices) is sordid; there can be nothing honourable in a workshop.[1]

Keeping in mind this prevailing attitude of the aristocratic Romans towards business and money-making, we may briefly survey certain economic developments in Rome between the third century B.C. and the Christian era, which brought about a marked increase in movable wealth and the appearance of a quasi-capitalistic class. The chief source of this new type of wealth was neither commerce nor industry, but the tribute and booty of conquest and the supervision of public works and imperial finances. Imperialism, in other words, was the chief contributor to the new wealth of Rome—a diluted form of state capitalism. Tax-farming accounted for a great deal of the money that flowed into Rome. In addition, Rome's practice of utilizing middlemen in undertaking public works, the collection of rents, the working of state lands, and many other business activities also accounts for the growth of a moneyed class. Collective financial enterprises in the form of joint-stock companies also aided in the creation of a quasi-capitalistic class. Shareholders in such companies, however, were drawn from almost every class except the poor.

In consequence, there was a notable increase of capital in Rome, and great fortunes made their appearance. This accumulation of wealth was dramatized by the suddenness with which it took place. Rudimentary banking was, naturally, stimulated, and money-changing became an important source of income. An exceptionally profitable business was the lending of money at high interest by the new class of bankers. The high maximum legal rate of 12 per cent was only too often exceeded. Speculation became common, and there are records of financial crises in Rome. The wealthy men of business formed a separate class, called the equestrian order (*ordo equester*), the members of which were called knights (*equites*). Their wealth was "movable" rather than landed, and this fact among others served to distinguish them from the senatorial plutocracy. Towards the close of the Republic, even though real estate retained its position of supremacy, both capital and the class that possessed it assumed greater importance in the Roman state.

Three important factors, however, served to hold back Roman industrial and commercial development from anything like the heights which it might otherwise have attained. All grew out of the process of conquest. In the first place, conquest poured slaves into Rome and allowed Italy

[1] W. W. Fowler, *Social Life of Rome*, Macmillan, 1909, pp. 43–44.

to lean upon a slave economy without any strong incentive to mechanical invention or shrewd business management. In the second place, there was the vast tribute from the provinces which, for a long time, offset the losses resulting from the rudimentary type of economic life. In the third place, the constant opening up of new lands for exploitation as a result of conquest diverted capital and energy from Italian commerce and industry. What there was of Roman capitalism disappeared as the society of the Empire went into decline. City life and business fell away and the economy reverted to an agrarian basis. Great landlords rose to a position of supremacy, defied the law, created an agricultural anarchy and, in this way, led Roman civilization into feudalism, which offered no opportunity for the development of capitalistic institutions and practices.

In a general way the civilization and institutions of the Christian Middle Ages were anti-capitalistic. The Christian theologians and lawmakers revived the Greek opposition to interest-taking, and both ethics and commercial law condemned what are today fundamental bulwarks of capitalistic enterprise: namely, monopoly, cornering the market, and the exchange of goods purely for monetary profit. That fundamental economic concept of the Middle Ages, the just price, was anti-capitalistic in character.

Nevertheless, important foundations of early modern capitalism were laid during the Middle Ages. The Jews assumed an important place as money-lenders, and they introduced the use of letters of credit and rudimentary bills of exchange. In time, a considerable number of Christian money-lenders and bankers came into existence, especially in connection with handling the vast resources and extensive financial operations of the Catholic Church. The businessmen of the north Italian city-states in the later Middle Ages not only brought into existence rudimentary banking and credit institutions but also standardized the currency. Banker-merchants began to appear in the latter part of the twelfth century, and a hundred years later the first banks of deposit were coming into being. These were at first private banks, but early in the fifteenth century public banks of deposit sprang up, particularly in Spain and Italy. In these credit operations of the so-called Lombard bankers in Italy and Caursine money-lenders in southern France, we find the origins of ideals and practices that contributed notably to the rise of modern capitalism.

A survey of the contributions of the Italians to banking in the thirteenth and fourteenth centuries shows that they were developing new forms of credit, from business necessity and from the attempt to circumvent the prohibitions of the Church. Loans on mortgages, on a limited partnership basis, on the security of bank deposits, or on specie were coming into rather general use. At the same time the Italians, copying from the Near East, introduced into the West letters of credit and payment, and bills of exchange. These dispensed with cash payments, and they also meant the introduction of what may be regarded as paper currency into Europe. With the dawn of modern times in the sixteenth century,

the bank check and double-entry bookkeeping made their appearance.

A powerful philosophical and ethical impetus to capitalism came from the Protestant Revolt of the sixteenth and seventeenth centuries. Looking at the matter in the broad perspective of the history of civilization, the most important contribution of the Protestant Revolt to economic theory and practice was the sanction and respect it gave to the profit-seeking motive in man. Not even in the period of oriental antiquity had the acquisitive instinct been so frankly blessed. We have already seen how the Greeks looked down upon economic life, when compared to the glories of philosophy, art, and athletics, and how, in the scale of economic activities, they rated commerce much lower than landholding—one step above brigandage. The Roman aristocracy had this same general outlook. Social respectability of the highest order was associated with agriculture and the cultivation of rural estates. We quoted from Cicero, some pages back, to illustrate the contempt of the cultivated Roman for both commercial pursuits and the workshop.

The medieval Christians brought a revolution in human attitudes towards work and industry by upholding the worthy character of manual labor and especially blessing competent craftsmanship. The skilled worker was no longer contemptible. But the medieval Church emphasized the penitential nature of work, looked askance upon the profit system, and tried to eliminate from trade those things which today would be regarded as the very essence of shrewd business—selling at a profit with no social service, cornering the market, monopolizing products, and interest-taking. Christians involved in medieval trade may have engaged to some degree in all these prohibited practices, but the Church never formally gave its approval to such conduct.

The Protestant Revolt fully removed the stigma from personal enrichment through commercial pursuits, glorified trade and monetary profits, and laid the foundations for our present near-deification of the businessman. Protestantism, especially Calvinism, decisively encouraged individualism in economics as well as in religion. It promoted the spirit of thrift and economic ambition, the acquisition of wealth through shrewd dealings, and increased freedom in all forms of economic operations. The modern theory and practice of "business enterprise" found a powerful initial support in Protestant morality and economic doctrine. This helped along the rise of the new bourgeoisie or middle class.

The true origins of capitalism are to be found in the expansion of Europe, the Commercial Revolution, and the rise of a new volume of trade and industry in the sixteenth and seventeenth centuries. We will now summarize the more salient points of capitalism and then indicate the way in which these essentials of capitalism came into being in the two or three centuries after Columbus.

The outstanding traits and practices of capitalism are the following: (1) The desire for private profit rather than the service of the community or mankind; (2) the rise of a money economy, which promoted the freedom of partners in all kinds of economic relations, the dissocia-

tion of objects from the person of the owner, the depersonalization and rationalization of economic relations, and the habit of calculation in economic affairs; (3) the estimation of social status and success in terms of relative monetary resources; (4) the evaluation of goods and services in terms of prices set by bargaining in the market rather than by considerations of justice or intrinsic worth; (5) the accumulation of large monetary resources for investment in business ventures; (6) the existence of a free market for the sale of goods; (7) the presence of a sufficient labor market to produce the needed laborers; (8) a credit system adequate to the needs of the economic era; (9) a reasonably thorough development of commercial and industrial life; and (10) unrestricted dominion of private property in lands and goods. Viewed broadly, capitalism has as its purpose the gaining of private profit, its method is that of free competition, its spirit that of private initiative, and its field of operation, the free market.

We have already noted how the Protestant Revolt broke down the medieval emphasis on the social use of wealth and extolled the economic and ethical virtues of accumulating private profits through business enterprise.

For a long time, social status reflected former agrarian values, and the newly-rich as a social class did not have the same prestige as the old agrarian aristocracy. But by the eighteenth century wealth had come to bestow not only economic power but social prestige, especially when the wealthy business and commercial classes bought up great landed estates. By the nineteenth century one's place in society was pretty directly related to his monetary holdings, and high social position depended upon capacity to make a lavish display of wealth.

The Protestant Revolt and early modern business and commercial practices wiped out the medieval limitations upon the free purchase and sale of goods and encouraged free bargaining in the market. It became one's ethical and legal privilege to buy as cheaply as possible and to sell for as much as he could get, even though nothing was added to the value of the commodity. The idea of the "just price" withered away.

In early modern times, great fortunes were accumulated by families which had engaged for years in money-lending and rudimentary banking. Such were the Peruzzi and Medici of Italy, and the Fuggers of South Germany. The financial resources accumulated by these and other less well-known families provided a material basis for the more extensive investments required after the growth of overseas trade and the expansion of industry needed to support this trade.

The market for goods in the Middle Ages had been rigidly controlled by many practices and groups. The gilds and local market regulations sharply restricted the operations of the local markets. The regional and national market, provided by the medieval fairs, was also subjected to strict regulations imposed by Church ethics, gild regulations, the law merchant, and royal ordinances. In early modern times, these restrictions of the market were slowly but surely swept away and relative free-

dom was given in the sale of goods. Under the Mercantilist system, the main restrictions upon a free market were the limitations imposed upon sales of goods by colonies, but in home countries a free market generally prevailed, though not so absolute as it became in the nineteenth century, when laissez-faire principles had fully triumphed.

The destruction of the medieval manor and the ousting of the serfs therefrom provided a large, mobile, and helpless labor supply, which provided all the workers necessary to produce goods under the new putting-out system. The gradual breaking-down of the gild system put an end to this medieval monopoly over the labor market.

The growth of large fortunes, the extension of business enterprise, the opportunity for more extensive investment and profits, together with the growing experience with credit institutions and banks in the late Middle Ages, gave an enormous impetus to the improvement of banking in early modern times and created a system of money and credit adequate to the needs of the expanding business and commerce. The conventional commercial paper, such as promissory notes, drafts, checks, and bills of exchange, came into wider use and facilitated new business ventures.

The opportunities for gain which were revealed by exploration and colonization led to a notable expansion of commerce. New commodities were brought into Europe from overseas, while colonials and natives provided a new market for European manufacturers. This expansion of business activity laid a substantial foundation for the growth of modern capitalism and encouraged its practices and policies. The latter were blessed by Protestanism, especially by calvinists, who denounced idleness, praised industry, and regarded business as a divine calling.

During the Middle Ages, property had been in part communal and was based upon a complex system of personal and legal relationships.[2] With the breakdown of the manors and the gilds and the destruction of feudalism, there gradually came into being an unrestricted system of private property. This was praised by religion, defended by law, and nourished by business. In early modern times, the direct responsibility of private ownership for business profits tended to make private property a dynamic impulse to industrial development.

We have now briefly listed some of the more important contributions to the rise of capitalism through the ages. By the seventeenth century, the capitalistic system had come into existence. It was a late arrival on the human scene. Over 99 per cent of man's existence on the planet had been passed through before capitalism appeared. Further, capitalism did not come into full bloom until the nineteenth century. Not until then were private fortunes large enough to give capitalism full reach or was economic freedom sufficient to provide fully for that cornerstone of capitalism—the free market. The strong and extensive state control which characterized the Mercantilist system of politics and economics held over until the nineteenth century.

[2] See below, pp. 174–176.

The Evolution of Capitalism

It is misleading to describe capitalism exclusively in terms of any single stage of its development, to envisage as a unified whole a system of economic life covering the period from the Fuggers of the fifteenth century to the Morgans of the twentieth. Capitalism can be intelligently understood only when analyzed according to its periods of evolution, each of which had distinctive characteristics. The most accurate portrayal of the evolution of modern capitalism conceives of it as having already passed through four main successive stages: (1) mercantile or pre-industrial capitalism; (2) early industrial capitalism; (3) monopolistic industrial capitalism; and (4) finance capitalism. State capitalism may be the next stage.

Pre-industrial capitalism developed between the Commercial and Industrial revolutions—between 1500 and 1750. Society was still primarily agricultural, and the rising capitalistic activities were chiefly associated with the growing world trade following the overseas discoveries, and with the small manufacturing units operating under either the gild or the putting-out system. The merchants were the masters of capitalism in this era. Their fortunes were built up chiefly out of the new trade, and capitalistic institutions and practices were created mainly to serve commerce.

Early industrial capitalism prevailed during the preliminary stages of the first Industrial Revolution, and was associated with the rise of the machine technique, the factory system, urban industrial life, and improvements in transportation resulting from the application of the steam engine. The industrialists were the chief capitalists; they owned and operated their own plants and kept finance subordinate to industry. Absentee ownership was not important.

Monopolistic industrial capitalism was primarily associated with the earlier phases of the second Industrial Revolution, which demonstrated the superior efficiency of large industrial establishments and mass production. It was greatly aided by the development of the corporate form of business organization and the rise of trusts. Bold and unscrupulous men attempted to obtain control of entire industries, to profit by the introduction of labor-saving devices and large-scale production, and to fix prices at a high level. Ownership was not, however, even yet divorced to any great extent from management. The industrial giants of those days still maintained an active personal control over their expanding empires of industry. Railroad development was, however, thoroughly shot through with financial chicanery and speculative enterprise. It was here that finance capitalism bored from within.

In finance capitalism, the investment banker replaced the industrialist as the controlling figure in economic life. The process of industrial consolidation launched by monopoly capitalism continued, but was directed by investment bankers rather than by industrialists. The holding company replaced the outlawed trusts. Control and management were

both increasingly divorced from ownership, and absentee ownership became all but universal. This has been one of the outstanding revolutions produced by finance capitalism. Productivity and human service, as dominating economic motives, were supplanted by the desire for large and immediate financial profits through speculative manipulations, the latter often being definitely opposed to the permanent welfare of the industries and transportation systems involved.

It is now pretty generally conceded by impartial students of economic and social history that finance capitalism is drawing to an end and that the next stage—perhaps the final stage—of capitalism will be state capitalism, in which the government will furnish most of the credit, will own many basic industries and transportation agencies, and will exert extensive control over all forms of economic life. In Europe today, state capitalism dominates nearly every country except the Soviet Union. It has attained its most extreme development in such Fascist states as Italy and Germany. But in a less complete form it had become well established in the Scandinavian states and Finland before the second World War broke out. As the result of the emergency created by the second World War, France and Britain had to adopt a complete system of state capitalism, while German conquests brought a number of new countries under the dominion of the Nazi form of state capitalism. In some ways it is a misnomer to call such a system "state capitalism," for it suppresses the most conspicuous element in capitalism, namely, the free market, and it also greatly restricts private property.

Many historians believe that when state capitalism becomes well developed it will bring an end to all forms of capitalism and will pass over naturally into a system of state socialism, like that which exists in Soviet Russia. The Nazi economic order today has moved ahead towards collectivism to such an extent that it does not differ markedly from the Russian economic system, so far as the state control of economic life is concerned.

If we apply this conception of the stages of capitalistic evolution to the United States, for example, the era of mercantile or pre-industrial capitalism falls between the period of settlement and the first quarter of the nineteenth century. Dominated by colonial merchants, this period had, as its outstanding figures in commercial capitalism, John Hancock, Peter Faneuil, the Whartons of Philadelphia, the Livingstons of New York, and the Browns of Providence.

Beginning around 1800, machine methods were introduced into the New England cotton textile industry by Samuel Slater and others; transportation was revolutionized by canals, river steamboats, and railroads; modern methods of making iron and steel were developed by William Kelley and others; and the factory system became rather general. Leading figures in this stage of capitalism were the textile barons, Nathan Appleton, Francis Cabot Lowell, and William Crompton; the ironmasters, William Kelley and Thaddeus Stevens; the manufacturer, Cyrus McCormick; the railroad promoter, J. M. Forbes; and Philip Armour, the meatpacker.

Industrial capitalism was tremendously stimulated by the Civil War. Andrew Carnegie, the ironmaster, was the outstanding representative of well-developed industrial capitalism. No definite date marks the decisive end of this stage of capitalism. Henry Ford may probably be regarded as motivated by the ideals of industrial capitalism, equipped with the technique afforded by the second Industrial Revolution, and operating somewhat defiantly in a world generally dominated by finance capitalism. The anomalous character of Ford's ideals, however commendable, have often been commented upon by historians and economists. What we have just said offers the explanation.

The last two decades of the nineteenth century witnessed a sweeping transformation in capitalistic processes and ideals. The chief objective was to concentrate industrial power, in order to obtain the advantages of large-scale production and monopoly prices. The most representative figure of this period was John D. Rockefeller, Sr., and the Standard Oil Company was the most conspicuous and successful product of monopoly capitalism in this country. Other examples were the United States Steel Corporation, the International Harvester Company, and the American Tobacco Company. Monopolistic capitalism was at first brought about through the use of trusts, but these were outlawed by the Sherman Act of 1890. After this date the holding company was invented. It has been fairly successful in keeping beyond the reaches of the law.

In the United States the age of finance capitalism overlaps the terminal period of monopoly capitalism. Indeed, the finance capitalists continued monopolistic practices. The holding company, the most spectacular product of finance capitalism, became the main instrument of monopolistic control and exploitation. The formation of the United States Steel Corporation at the opening of the twentieth century was as much the work of a banker, J. P. Morgan, as of the industrialists, Carnegie, Schwab, Frick, and others. In the era of finance capitalism, great banking combines were created and investment banks assumed increasing control over the origin and operation of manufacturing industries, mining, transportation, electric utilities, and insurance companies. If the elder Rockefeller was typical of the period of monopoly capitalism, J. P. Morgan, Sr., was the outstanding figure in the triumph of finance capitalism. Other leading banking concerns were Kuhn, Loeb & Co., Dillon, Read & Co., Lee Higginson & Co., and great metropolitan national banks such as the Chase National Bank and the National City Bank of New York. Descendants of monopoly capitalists often assumed a prominent position in the age of finance capitalism. For example, the younger Rockefeller has a controlling interest in the Chase National Bank, the greatest public banking establishment in the United States.

It must not be supposed that the financiers' control of legitimate business was limited to the giant investment houses and manipulators we have just enumerated. There were lesser J. P. Morgans, Samuel Insulls, Albert Wiggins, Charles E. Mitchells, and Clarence Dillons in every sizable city and town who, in a small way, attempted to do what these

men did on a national scale. Moreover, they were aided by the big metropolitan financial houses, which unloaded on the smaller banks their less desirable securities. The latter in turn sold them to trusting clients with disastrous results to both the American masses and to our banking system.

The growth of great banking institutions, together with the vast wealth which they concentrated, naturally made them the pivots of finance capitalism. We must keep in mind the fact that the banks themselves, like industries and transportation lines, have been combined into gigantic institutions and have accumulated immense deposits.

In order that finance capitalism might reach full expression, it was necessary that the banks should gain control over industry, transportation, mining, and electric utilities. All of these require extensive credit, and the banks dominated the credit facilities of the country. Moreover, newly formed companies must have banking aid to underwrite and float their securities. Established companies need similar help when they plan activities requiring the flotation of new issues of corporate paper. When a company goes into a receivership, a great banking house may supervise the reorganization, usually emerging with fairly complete control of the reorganized company. In these ways nearly all forms of American business and transportation have fallen into the grip of the great American banks, private and public.

The Ascendency of Finance Capitalism

The actual character of finance capitalism in the United States today can best be illustrated by a brief summary of the relevant facts. The total national wealth of the country before the 1929 slump amounted to some 367 billion dollars. Of this total, business wealth may be assigned around 210 billions. Some 78 per cent of all business wealth—165 billions—was corporate wealth. This was divided among some 300,000 non-financial corporations (that is, excluding banks and the like). The concentration of this corporate wealth under the management of a few individuals is almost incredible to all except students of recent American economic history. Two hundred of the largest corporations, representing only 0.7 per cent of the total number of corporations, in 1932 controlled 81 billion dollars—namely, about half of all corporate assets, 35 per cent of all business wealth, and nearly 20 per cent of our total national wealth.[8]

Within each of these great corporations there is a high degree of concentration of control. This literal control is rarely based upon the actual ownership of a majority of the stock. In fact, only ten of these 200 super-corporations are controlled by owners of a majority of the stock. And these are relatively small corporations, since the ten control

[8] The concentration of control is even greater today, and the formal assets of the 200 super-corporations are larger.

only 2 per cent of the total assets of the 200 corporations. This divorce of control from investment and ownership is at times amazing. The Van Sweringens gained control over eight Class A railroads, with assets of more than 2 billion dollars, on the basis of an original investment of only 2 million, nearly all of which was borrowed from a Cleveland bank. This was then expanded to 20 million dollars by various subsequent manipulative transactions. Henry L. Doherty and his associates controlled the Cities Service utility interests, with about one billion dollars in paper assets, through the unbelievably small investment of one million in preferred voting-stock. Likewise, an investment of one million dollars has given control over the one billion paper assets of the Standard Gas and Electric Company.

This is only part of the story. Among these 200 corporations there were 43 with assets of more than 500 million dollars each at the beginning of 1932. These are controlled by 166 individuals, who serve as interlocking directors between the 43 corporations, ten leading banks, and three great insurance companies. In fact, the ten banks and three insurance companies control, in practice, not only the 43 corporations, but all one billion dollar corporations of the country, with but one exception: the Ford Motor Company, which is controlled through the ownership of a majority of the stock.

The pivotal organization in this growth of financial concentration and dominion is the firm of J. P. Morgan & Co. This company directly influences, through interlocking directorates, enterprises with more than 20 billion dollars in assets. We shall shortly consider the effect of this financial dominion on economic life.

While we must point out the defects in the philosophy of irresponsible business enterprise, we must also, to be fair and accurate, indicate that the greater part of such sound business as we once had has been undermined by the methods of finance capitalism.

Most attacks on the modern industrial order are lacking in discrimination and emphasis. We frequently assault modern "business," lumping in the term not only actual business pursuits but also speculative finance, which is really the major enemy of legitimate business. It is quite true, as we shall see later on, that modern business enterprise leaves much to be desired. Nevertheless, it has provided those products which enable us to live in a manner quite different from primitive man. Modern business may be unscientific, and harsh with labor, and may have exploited the inventors, but after all, its creations, even though their quality might be improved in most cases, are the most impressive of man's economic achievements. That they may prove self-destructive is another matter.

Modern finance is a different story. But even here we are in danger of indiscriminate abuse. Legitimate banking, which supplies our investment and credit machinery, renders an indispensable service to modern industrial life. Without it, large-scale business, with its increased efficiency and productivity, could not exist. Banking and finance, which

should be the servants of business, have unfortunately become its master in the United States. The investment and credit functions have become incidental to speculative exploitation.

In the United States there has been no such extreme development of state capitalism as we find in Europe. But the depression of 1929 and thereafter has headed this country definitely in the direction of state capitalism. The government has adopted extensive control over banking and credit and has imposed restrictions upon the operations of finance capitalism. It has put the force of the state behind labor organizations. It has tended to fix prices and to attack monopoly. It has asserted extensive control over agriculture. Great sums have been raised to care for the needy through relief and public works, the total cost amounting to about fourteen billion dollars during Mr. Roosevelt's first two administrations. With the adoption of the vast preparedness program of 1940–1941, the government asserted even more extensive control over finance and business, with the prospect of complete state capitalism after our entry into the second World War. The vast expenditures for defense—upwards of a hundred billion dollars—are likely to encourage an ever more complete system of state capitalism to deal with the difficult economic problems which lie ahead. Nine weeks of war subjected American business to a greater degree of state control than nine years of the New Deal were able to accomplish.

Some Defects in the System of Finance Capitalism

Though the net effect of financial dominion over capitalism has been disastrous, as we shall make clear in some detail, one should not overlook the fact that investment bankers can render a real service to business and have at times actually done so in some respects and cases. In ideal theory, as N. S. B. Gras has explained, investment bankers may render the following services to the business world: [4] They make possible the expansion of business and the creation of new companies by underwriting the sale of securities needed to finance plant expansion or the establishment of new business. They arrange long-term loans for business, in the same way that commercial banks provide for short-term loans. Since businesses could, before recent innovations, be started and expanded only through the aid of the investment banks, the latter can exert a restraining influence upon wild investment in new plants or upon unwise expansion of existing plants. Further, through their domination over business, they can select corporate officers and managers of business enterprises and thus bring about wise and efficient business management for the benefit of stockholders and the public alike. In these ways, investment banks and financial capitalists might have a benevolent and efficient control over all modern business.

---

[4] See Gras, "Do We Need Private Bankers?" *New York Times Current History*, August, 1933. Professor Gras' apology for finance capitalism is elaborated in his *Business and Capitalism*, Crofts, 1939.

In practice, these benefits have been very imperfectly realized. The investment banks have, indeed, financed new enterprises and plant expansion, though usually at enormous profits to themselves. But they have rarely exerted any other beneficial effects upon business. Instead of restraining unwise and unneeded enterprise and plant expansion, they have all too often encouraged such rashness, in order to get the profits connected therewith. They have chosen corporate directors and management, but usually for the purpose of having docile puppets who will aid in looting business rather than administer it with integrity and efficiency. Instead of increasing the efficiency of corporate administration, the investment banks have more frequently demoralized it through internal financial manipulations. To facilitate and extend this procedure they have created great holding companies, which loot and drain the profits from manufacturing enterprise, railroads, utility companies, and the like.

That this is not an exaggeration can be seen from a careful reading of Max Lowenthal's *The Investor Pays*,[5] a not extreme case history of finance capitalism at its best in operation—the case of the Chicago, Milwaukee & St. Paul Railroad. This describes the experience of the St. Paul Railroad under the domination of one of the best investment banking houses, that of Kuhn, Loeb & Company. Indeed, Mr. Otto Kahn of this company testified before an investigating committee in Washington that he and his company dealt with the St. Paul as a kindly family physician would deal with the sick wife of a personal friend. The ravishing carried on by more ruthless investment banking houses has often been quite incredible to those not familiar with the practices and policies of finance capitalism.

A brief summary of some characteristic operations of finance capitalism will illustrate its fundamental antagonism to honest practice. The formula and technique of finance capitalism, with minor variations in individual cases, seem to be essentially the following:

A new enterprise is proposed, either to or by a great investment banking house. Little or no concern is shown for the community's need of this enterprise, be it a power plant, a shoe factory, or a transcontinental railroad. Rather, the question is wholly whether the securities of the proposed corporation can be floated profitably. If they can, the investment bankers market the securities at a handsome profit to themselves and with little conscience about the amount of water thrown into the initial capitalization.

Then the actual plant, transportation system, or utility, as the case may be, is built at an unnecessarily high cost, the financiers almost always profiting through their connections with construction and supply companies.

When the plant is built and business starts, there is a period of gross

---

[5] Knopf, 1933. See the excellent review by G. C. Means in *The New York Times*, June 25, 1933.

mismanagement and extravagance. Much of this is due to the control of the corporation by directors who, in one way or another, can, as we shall make clear later, make greater profits for themselves by such mismanagement than by earning large dividends for stockholders. They own only a small portion of stock, so they get only a fraction of the dividends, but they get all of the proceeds from their inside exploitation. Not even the insistence of the stockholders upon getting dividends suffices adequately to check this tendency. Moreover, the stockholders are usually kept in the dark about corporate finances until a receivership is inevitable. As Alden Winthrop has pointed out: "It is no exaggeration to say that it is difficult to find one out of ten corporate reports which is complete, clear and fundamentally honest; and probably there is not one out of five which is not misleading, ambiguous, vague, or evasive."[6]

Mismanagement eventually leads to a receivership. The controlling insiders and their bankers get together and decide upon the steps to be taken. Security holders are usually lulled into a false sense of confidence by optimistic rumors, lest they become panicky and take action which would delay or frustrate the reorganization plans of the controlling clique. A friendly judge is found who will appoint receivers and committees favorable to those directing the reorganization. The mass of small investors are then saddled with great losses, while the insiders gain control of the reorganized concern at relatively small cost. The stock holder has only a substantial or a total loss to show for the hard-earned funds he invested.[7]

In the meantime, the company's service to the public is an incidental matter compared to the financial profit which the insiders make from underwriting, construction, mismanagement, and reorganization. Likewise, the market value of the stock—which should be determined by prudent investment and earning power—is often controlled by stock exchange manipulations, the stock exchange itself being supported and managed by speculative bankers.

Launch, mismanage, wreck, and reorganize are, then, quite literally, the slogan of finance capitalism. Between the first and last of these processes, as many speculative gains as possible are extracted from the company. Hence, wage cuts and other savings at the expense of mass purchasing power are favored. Professor Ripley has trenchantly summarized the results:

> A multitude of people—a horde of bewildered investors—has little left in the world but ashes and aloes. These are all that remain of the precious fruits of years of self-denial and of hard labor. A raid upon the thrift and industry, which lie at the very roots of our orderly civilization and culture, has been, and

---

[6] *Are You a Stockholder?* Covici-Friede, 1937, p. 13.

[7] That this analysis of the operations of finance capitalism is not overdrawn is evident from the careful works of Lowenthal, Berle and Means, Flynn, Wormser, and others. But even more cogent is the reported observation of Paul D. Cravath, one of the greatest of corporation lawyers, that in twenty years he has witnessed over half of the important American corporations pass through receivership.

still is, under way. This is becoming steadily more and more apparent as we set about clearing up the slash after the great timber cut of 1929.[8]

The speculative and exploitive policies of finance capitalism are made possible by absentee ownership, the divorce of control from ownership, and the mechanism of the holding company, which enables a few insiders to gain control of great corporations with a small investment of capital. As John T. Flynn has cogently observed, "The holding companies are the machine guns of the financial racketeers."

We have moved a great distance from the days when the individual manufacturer owned his plant and managed his property, thoroughly disciplined by a sense of personal responsibility. Today, those who manage our industrial enterprises are usually two degrees removed from actual ownership. The owners are the stockholders, usually extremely numerous and widely scattered. Those who control the ultimate policy of industrial enterprises and of particular plants are the corporate officers and directors. As we shall see, they rarely own more than an insignificant fraction of the total stock of the corporation. They get control of the concern by owning a small and coherent block of voting securities, by issuing non-voting stock, and by other methods of legal legerdemain. While this group controls corporations, it usually has little to do with the actual management of manufacturing plants and other business details. These duties and responsibilities are handed over to technically trained business managers, usually graduates of our ever improving schools of business administration. But these business managers find that their scientific ideals and efficiency precepts are all too often violated by the policies of the officers and directors, who succumb to speculative impulses and exploitive ambitions.

Today, it is unusual for the governing clique of a great corporation to own as much as 5 per cent of its stock. But suppose we grant, for the sake of illustration, that they do own 5 per cent. Let us assume that they are industrious, work hard and do everything they can to increase legitimate dividends. What do they get as their reward? They obtain 5 per cent of the total dividends, since they own only 5 per cent of the stock. On the other hand, if they hire an eminent corporation lawyer to tell them how they can increase their profits through financial manipulation and still keep out of jail, what is their reward? They get 100 per cent of the profits, since the whole manipulative process is exclusively in their hands. At the worst, they will be saddled with only 5 per cent of the losses, since they own only 5 per cent of the stock, and any assessment would be limited to that amount.

Therefore, honesty and industry are rewarded at the best by 5 per cent of the income, while, at the very worst, chicanery is repaid with 95 per cent of its profits. Hence, it is no wonder that, human nature and the profit motive being what they are, the governing cliques under

[8] W. Z. Ripley, "Our Corporate Revolution and Its Perils," *The New York Times*, July 24, 1932.

the régime of finance capitalism prefer dishonesty and 95 per cent of the manipulative profits rather than honesty and industriousness and 5 per cent of the dividends. Such abuses are almost inevitable when people handle things which do not belong to them. It is the penalty we pay for allowing our corporate directors to use "other people's money," to employ Mr. Justice Brandeis' phrase, without proper restrictions and safeguards.

In addition to financial manipulation and deliberate mismanagement, another way in which the governing clique of insiders enrich themselves at the expense of stockholders is through excessive salaries and bonuses.[9] Salaries running from $100,000 to $300,000 a year are not uncommon. One special form of salary graft is the creation of a number of perfunctory vice-presidents who often do little or nothing and, yet, receive large salaries. Even more reprehensible is the bonus system when carried to the excesses which have been revealed. During the first ten years that the bonus system was in force in one large corporation, bonuses were paid to officials to the amount of approximately $32,000,000, as against only $41,000,000 paid out to all the common stockholders during this period. Indeed, in 1925–28, when not a cent of dividends was paid to common stockholders, nearly $7,000,000 was paid out in bonuses to officials.

Finance capitalism also accustoms the public to regard the securities of corporations as paper, to be used in institutionalized gambling on the stock exchange. Attention is concentrated on the possibility of speculative profits in financial manipulation rather than on the assurance of steady earnings on bona-fide capitalization. Industry has been further jeopardized through the tendency of finance capitalism to encourage excessive investment in plants. Money may be made for a time through floating the securities of new companies, in spite of an overcrowding of producers in a particular industry. The ultimate result, however, is overproduction, glutted markets, and finally factories abandoned or running on part time, and other symptoms of industrial decline. In real estate, finance capitalism encourages building out of all proportion to actual needs. Investment companies may earn large immediate profits by selling mortgage bonds on new structures, even though these buildings, when erected, may have few or no tenants and will soon pass into bankruptcies and receiverships, saddling the owners of these bonds with heavy or total losses.

Finance capitalism has all but wrecked our transportation and electric utility systems. In its earliest phases, it encouraged overinvestment in canals. Then came the fifty-year period in which railroads were viewed by men like Jay Gould and Daniel Drew more as gambling machines than as transportation systems. But little or nothing was learned from the disastrous experience of the railroads with finance capitalism. The same methods were applied on a grander and more disastrous scale in our electric utility industry. The results were fully illustrated by the

[9] See J. T Flynn, *Graft in Business*, Vanguard, 1931, Chapter VIII.

collapse of the Insull empire in 1932 and the Associated Gas and Electric Company in 1940. Insull and Hopson were only conspicuous examples.

Most fundamental of all the evils of finance capitalism, probably, is the antagonism of finance capitalism to the provision of that mass purchasing power upon which the very existence of our economic system depends. The speculative profits of finance capitalism are almost invariably derived by methods which deplete mass purchasing power. Finance capitalism takes the cream of the profits off every enterprise that it finances, "siphons out" the earnings and resources of these businesses, and drains the proceeds into the pockets of the bankers, underwriters, and security manipulators, to the disadvantage of wage earners in these industries. It also gouges their security-holders and, all too frequently, leaves the industry or organization "financed" unable to function efficiently for any considerable period of time. It need hardly be pointed out that those who get the profits are the least needy class in society and they contribute almost nothing to mass purchasing power. Conspicuous also has been the depression of the farmers, aggravated in many cases by financial control over farm mortgages and markets:

> It is only beginning to be dimly recognized that in a plenty economy there is and must be between the interests of business and those of finance an irrepressible conflict. The normal processes of finance are poisonous to business. Finance causes instability. One way to make financial profits is to wait until business starts to be profitable, and then lend money to someone to set up a competing plant. Then when everybody naturally goes bankrupt, the lender gets the property, and if recovery ever does take place, he is in on the ground floor. Business pays the cost. Another way is to buy securities when they threaten to go up, and hold them so that they will go up, and sell them when they threaten to go down, and sell short so as to help them go down. Business pays the cost. A third way to get financial profits is to set up an investment trust or a holding company that is so complicated that the small investor cannot see just how he is to be rooked. When his investment is gone, he becomes a poor customer for legitimate business. A fourth way is to take a commission from a foreign government for selling bonds to people who ask their banker for disinterested advice. In any case, business pays the costs either in rising overhead or falling sales or both. Business needs stability to prosper, finance gets its profits from instability . . . Over this conflict of interest there must be a battle, because, so long as finance dominates business, both are headed for the precipice, and finance will not loose its grip without a fight. The question whether they will go over the edge together will be settled by whether business has the vitality to rouse itself and muster the power to reduce finance to its proper place as the servant of production. . . .
>
> About one more shot of that kind of thing (the poison administered by finance to business before 1929), and it is hard to see how it will be possible to avoid the final collapse of our social order. The cross-roads of history will be the place where we do or do not develop means for keeping money out of Wall Street and making it travel up and down Main Street where it belongs. No country has ever got out of a depression without some kind of expansion. The important thing to keep in mind now is that if the expansion is applied to the buying end it will not necessarily kill the patient.[10]

---

[10] David Cushman Coyle, *The Irrepressible Conflict: Business versus Finance*, privately printed, pp. 37 ff.

These are relevant observations, if we remember that when Mr. Coyle speaks of finance he means present-day speculative finance. No sane person can question the enormous service rendered by legitimate financial institutions to business.

There have been a number of other disastrous results from the policies and practices of finance capitalism that deserve at least passing mention in this place. In the first place, we may mention the undermining of the stability of American banks, as the result of the domination of bank practices by speculative ideals. Between 1920 and the beginning of 1933, there were about 11,000 bank failures in the United States, leaving only 18,800 banks open to do business on the eve of the bank holiday. The deposits involved in these bank failures amounted to approximately 5 billion dollars. There are fewer valid reasons for bank failures in the United States than in any other civilized country. This is so because of our vast wealth and resources and the possibility of making large bank profits through legitimate forms of banking enterprise. Had our bankers been willing to accept reasonable profits, there would have been no reason whatever for them to take such chances as they did on highly speculative ventures. Their responsibility for our bank failures is well illustrated by comparison with conditions in Canada and Great Britain. In Canada, the difficulties of banking are far greater than in the United States because of the smaller population, its scattered character, and the vast area involved. There is no such opportunity for legitimate banking gains in Canada as there is in this country. But Canadian bankers stuck to banking, and there has been only one bank failure in Canada since 1914, and this was a relatively small one involving liabilities of not more than $20,000,000. There has not been a bank failure in England in contemporary times. Some improvement in our shaky banking system was brought about by the New Deal legislation of 1933–34, but the system was patched up rather than thoroughly overhauled.

Extremely ominous and difficult to reduce is the staggering burden of debt that finance capitalism has piled up as a result of its encouragement of overconstruction, its promotion of installment buying, and its backing of wildcat speculation. It is quite possible that these lines of action will pull down the whole capitalistic system unless a very extensive "write-off" is effected—something that our finance capitalists will resist to the last.

The long-term public and private debts in the United States amounted to 134 billions at the end of 1932. The short-term debts amounted to approximately 104 billions. This made a total of 238 billion dollars. Obviously there was only a very slight margin between debts and total national wealth, which is variously estimated by experts today as somewhere between 200 and 300 billion dollars. It is, therefore, quite apparent that far the greater proportion of our national wealth is pledged to meet credit obligations incurred in the past.

The debt menace still hangs over us. The Roosevelt policies have only postponed the day of reckoning. The public debt has developed by

leaps and bounds since 1932. And the methods of finance capitalism which have created and rapidly extended the current debt structure have not been altered in any fundamental way. The national debt increased from 14.4 billions in 1930 to over 100 billions in 1942. State and local debts increased from 16 9 billions in 1929 to 17.8 billions in 1937. The total debt burden of the country in 1937 was estimated to be over 250 billion dollars. It is far over 300 billions today.

Another important item to be considered is the relationship of debt to production. The capitalistic system is relatively safe only when there is a definite and fixed one-to-one relationship between the growth of debt and the growth of production. In his ultra-scientific volume on *Debt and Production*, an able engineer, Bassett Jones, points out that this safe relationship has not existed in the United States since 1910. The curve of production growth has fallen off ever since that time, while the curve of debt growth has increased at an alarming rate. The result is that today our productive system cannot support more than one sixth of the capital claims that have been piling up against it for the last twenty years. The implications of this situation are staggering.

A very disastrous influence of finance capitalism upon business in the way of lessening the relative income of productive business, cutting down the income of producers—farmers and industrialists alike—decreasing the income going into wages and salaries, increasing living costs and thus reducing mass purchasing power, is to be detected in the amazing increase of overhead costs since the first World War. Overhead costs comprise all charges of any sort involved in moving goods from the producers—factories or farms—to the ultimate consumers, and in distributing them to the latter. The total cost of operating all of our national industrial plant in 1917 was approximately equal to the cost of operating it in 1932. Yet the cost of overhead increased by no less than 230 per cent during those fifteen years. In 1917, when producers received $1 for raising food or manufacturing consumers' goods, those who were engaged in the various overhead operations received $1 also. Today, for every dollar that goes to producers no less than $2.30 goes into overhead charges. For example, every consumer pays 62 cents out of every dollar of living costs for overhead charges on his necessities of life. This increase of overhead has been due, in part, to the creation of holding companies, and the like, that render little or no practical service in producing goods or in moving them to the consumers, but which do impose a vast charge upon society in order to pay dividends to these companies. Advertising is another source of large overhead costs.

Walter Rautenstrauch has indicated the enviable condition that would exist if overhead costs had not been inflated in the period since 1917: [11]

1. We would need 12,300,000 more producers;
2. And no more overheaders;

[11] *Who Gets the Money?* Harper, 1934, p. 48.

3. And an increase in the producers' income of 56 per cent over its 1932 level;
4. And an increase in the farmers' income of 216 per cent over its 1932 level.

It is obvious that this inordinate increase of overhead charges played a large rôle in causing the economic depression of 1929, decreasing the purchasing power of the mass of Americans, and bringing capitalistic society to its knees. There will be little chance of rehabilitating capitalism until this condition is corrected. It is true that there are many engaged in overhead services who receive modest incomes and contribute to the purchasing power of the country. But most of the overhead goes to relatively parasitic super-corporations and holding companies and the rich at the top of the economic pyramid, who neither can nor will spend any large proportion of their incomes.

The operations of American finance capitalism outside of our own country have been just about as disastrous to the mass of American investors. These operations are usually known as financial imperialism. After the first World War, American investments abroad increased greatly. In 1913, our foreign investments amounted to about 2.5 billion dollars. We owed abroad nearly twice this amount. After 1914, the situation changed markedly. A large part of our foreign indebtedness was canceled against payments for war materials. The American public bought widely, optimistically, and indiscriminately almost any foreign securities offered, and American companies made heavy investments in plant and equipment, particularly in the South American countries. By the end of 1929, our investments abroad had reached the astonishing total of nearly 18 billion dollars. Since 1929 the day of reckoning has come, and the United States is beginning to count the cost of becoming banker to the world. In excess of 6 billion dollars of our foreign investments, exclusive of war debts, were in default in 1933. No small part of this loss, the bulk of which falls on the innocent and helpless individual investor, must be counted a cost of our imperialistic tendencies.

Despite the heavy losses sustained by individual investors, financial imperialism has paid the great investment banks handsomely. They quickly unloaded the foreign bonds on lesser banks, and made a good profit on the operation. The lesser banks, in turn, unloaded the foreign securities on their clients, the latter of whom ultimately held the bag and bore the losses resulting from the avarice and irresponsibility of the great investment banks in the field of financial imperialism.

Not only has finance capitalism undermined the capitalistic system as a whole by its speculative practices, and not only is it being challenged by the growth of state capitalism, but it also appears to be on the decline because even capitalistic business is gradually escaping from its control. Indeed, it is not unfair to say that finance capitalism has now reached its twilight period, even if private capitalism continues to be powerful for some time in the United States.

These rather startling facts were demonstrated by voluminous evidence given before the Temporary National Economic Committee in Washington in 1938–39. This is analyzed and summarized with characteristic insight and clarity by Stuart Chase in two brilliant articles in *Harper's Magazine* for February and March, 1940.

In the old days, finance capitalism prospered and enjoyed a strangle hold on industry because many new industries were being established and older industries were expanding their capital plant to produce more goods. The investment bankers loaned the money for plant expansion and sold bonds for this and for the new industries, as well as marketing the stocks which were issued. It was difficult to build a new plant or to expand an old one unless the investment banks would make the loans and underwrite the sale of securities.

In the 1920's, business expansion was kept up by some five main factors or influences: (1) housing construction after the first World War; (2) extensive investments in foreign countries and the expansion of financial imperialism; (3) the growth of consumer credit and installment buying; (4) tolerance of large inventory accumulations; and (5) government construction, especially in the way of automobile highways and school buildings.

Since the depression, business expansion and the demand for loans from investment bankers have fallen off markedly for a number of reasons: (1) technological improvements, leading to increased efficiency of capital plants and lessening the need for plant expansion; (2) overproduction, as a result of inadequate mass purchasing power; (3) the disastrous experience with foreign investments and the closing of many areas to foreign financial penetration, as a result of economic nationalism, totalitarian economics and war; (4) the decline in the rate of population growth; and (5) the fear of New Deal policies and other current trends by business and finance—*i.e.* lack of confidence. Though business profits in 1936–37 were about what they were in 1928–29, the reinvestment in business enterprise was only about one third of what it was in 1928–29. Most of the business expansion since 1929 has been due to government investments and enterprise under the New Deal, such as P.W.A., W.P.A., and other federal projects.

Hence, the demand for the services of investment banks in granting loans and floating securities has fallen off to an amazing extent. On top of this is the impressive and ominous fact that, even when plants are expanded or new plants built, the great corporations finance this expansion from their own funds. These funds are drawn mainly from three sources: (1) depreciation reserves, (2) depletion reserves, and (3) undistributed corporate profits and surpluses. Between 1925 and 1940, American business put aside some 63 billion dollars in depreciation reserves and 6 billion dollars in depletion reserves. Between 1922 and 1929, some 15 billion dollars were laid by in undistributed profits, and this fund has since been increased, in spite of its temporary taxation by the federal government.

We may give some examples of this financing of plant expansion by business itself, independent of investment banks. The United States Steel Corporation raised $1,130,000,000 out of a total of $1,222,000,000 required for plant expansion and reconditioning. The General Motors Corporation financed a gigantic expansion program wholly by its own funds. Even on Class I railroads, between 1921 and 1938, less than 20 per cent of the capital outlay was provided by Wall Street and investment bankers.

Even more striking as evidence of the decaying power of finance capitalism and investment banks is the fact that business concerns requiring long-term loans for expansion and other purposes no longer invariably go to the investment banks. There is a growing tendency to short-cut the process, and go directly to the great insurance companies, which have a vast reserve to lend. In 1938, for example, some 37 per cent of all bonds and notes were handled through loans by insurance companies and other large savings institutions That the trend is upward here may be seen from the fact that in 1936 only 11 per cent of loans were made outside of the investment banks.

Even though not nearly so much money is made by the investment banks through loans for plant expansion and in floating securities as was the case before 1929, yet the great investment bankers do still control, not only the corporations which have ceased to need their loans but also the insurance companies which make many loans that investment banks formerly made. This they do, as already explained, by interlocking directorates, whereby the great investment bankers dominate industries, railroads, utilities, and insurance companies. It will require more than a falling off in their loan market to dislodge them from this vantage-point and the controlling power that it gives.

Industrial Capitalism, Industrial Waste, and Inadequate Mass Purchasing Power

Attempts have been made, especially by Carl Snyder in his *Capitalism the Creator*,[12] to attribute the remarkable developments in industry and transportation during the last two centuries to capitalism. It is difficult to know just how much of this impressive industrial evolution can be attributed to businessmen, dominated by capitalistic outlook, and how much it was due chiefly to scientists and engineers, who brought about the great inventions.[13] It so happened that these inventions took place at a time when capitalism dominated our economic order. Certainly, remarkable economic expansion has taken place under such capitalistic auspices, but it cannot be demonstrated that this has been due to capitalism. If another type of economic system had been in existence, industrial expansion might have done as well or better. Certainly, the state-controlled economy of Prussia in the eighteenth century

[12] Macmillan, 1940.
[13] See, F. W. Taussig, *Inventors and Money-Makers*, Macmillan, 1915.

demonstrated far greater economic efficiency than the free capitalistic system in England during the same period. Or, again, the development of German railroads under Bismarckian and later German state capitalism was far more efficient and sound than American railroad development after 1870 under unrestricted capitalism and wildcat investment enterprise.

The remarkable economic expansion attributed to capitalism took place during the ascendency of industrial capitalism. This came to an end shortly after the beginning of the present century, and finance capitalism has surely done little to stimulate industrial development. Such industrial development as has taken place in the last decades has been due to the momentum of the earlier industrial capitalism, to the impulse from the first World War, to the work of the few industrial capitalists who have survived into the present century, such as Henry Ford, and to greatly increased governmental expenditures since 1933. Therefore, even if we concede that capitalism was once a "creator" of industrial enterprise and business expansion, it can hardly be maintained that it is such in the present stage of finance capitalism.

Many critics of capitalism regard it as, at present, two stages removed from efficiency and vigor. Industrial capitalism is today under the dominion of finance capitalism, which is more concerned with financial speculation than with industrial production. For this reason, representatives of industrial capitalism and their economic defenders lay stress upon the antagonism between speculative finance and sound business. It is alleged that if the octopus of finance were raised from business, industrial capitalism could once more operate in an efficient and dynamic manner. But the industrial engineers contend that even business and industrial capitalism are notoriously inefficient and laggard, judged by engineering standards. They contend that only well-trained industrial egineers can give us a truly efficient economy in these times.

Though finance capitalism dominates all forms of large capitalistic enterprise today, industrial capitalism is still a powerful factor in modern economic life. Its two most serious weaknesses are economic waste and the failure to turn back enough profits in terms of wages and salaries to provide for the mass purchasing power upon which industrial capitalism depends. Of course, the domination of finance capitalism over industrial capitalism is responsible for much of the waste and concentration of wealth which are too often laid wholly at the door of industrial capitalism. Moreover, finance capitalism usually determines what shall be done with the earnings of industrial capitalism and makes it impossible for enlightened employers to return more to the public in the form of higher wages, even if they desire to do so.

The vast amount of waste in our productive and consumptive processes has been made the subject of an interesting study by Stuart Chase. He holds that at least half the available man power of America is wasted as a result of the unscientific methods of our competitive order:

An aeroplane view of America would disclose a very large fraction of the available man-power workless on any given working day; would disclose another large fraction making and distributing things which are of no real use to anybody; and a third fraction taking two hours to do a job which engineers have found can be done in one—and which some men are actually doing in one. . . .

Half and more of our man-power counting for nothing; half and more of the yearly output of natural resources heedlessly scattered and destroyed . . . a billion slaves of energy turning useless wheels, dragging unneeded loads. Motion, speed, momentum unbounded—to an end never clearly defined, to a goal unknown and unseen. If there be a philosophy of waste, it lies in the attempt to clarify that goal, to turn men's eyes towards the whyfore of the sweat of their bodies and of their brains.[14]

In 1921, a Committee of the Federated American Engineering Societies published a comprehensive report on *Waste in Industry*. The introduction to this report was written by Herbert Hoover. Commenting on this report, Raymond T. Bye and W. W. Hewett conclude that Mr. Chase's estimate of total waste is "very conservative." These authors present the following tabular summary of the conclusions of the 1921 report:

PERCENTAGE OF WASTE IN INDUSTRY

Industry	*Points Assayed Against the Best Plants Studied*	*Points Assayed Against the Average of All Plants Studied*	*Ratio of the Best to the Average Plant*
Men's Clothing Mfg.	26 73	63.78	1·2
Building Industry	30 15	53 00	1 1½
Printing	30.50	57 61	1 2
Boot and Shoe Mfg.	12 50	40.83	1 3
Metal Trades	6 00	28.66	1 4½
Textile Mfg.	28.00	49.20	1:1½

A plant in which all possible forms of waste were present would be charged with a hundred points in this table. As no plant is entirely wasteful in every respect, the number of points in any one case would be less than a hundred. In the men's clothing industry, for example, out of a hundred per cent possible waste, the best plant shows 26.73 as the actual waste found. The average clothing manufacturing concern runs almost three times that, or 63 78. It will be noticed that the average efficiency of industry is very far below that achieved by the best plant in each of the industries listed. The ratio of the best plant to the average is approximately one to two. . . .

The following table, taken from the Hoover Report, shows the relative responsibility for waste in industry as assayed against management, labor and other factors·

Industry	*Responsibility Assayed Against Management*	*Responsibility Assayed Against Labor*	*Responsibility Assayed Against Outside Contacts (the Public, Trade Relationships, and Other Factors)*
Men's Clothing Mfg.	75%	16%	9%
Building Industry	65	21	14
Printing	63	28	9
Boot and Shoe Mfg.	73	11	16
Metal Trades	81	9	10
Textile Mfg.	50	10	40

[14] *The Tragedy of Waste*. Macmillan. 1925. pp. 269. 274–275.

The table indicates that more than half the waste in industry is due to faulty management, while less than one quarter of the total waste is due to labor. The remaining waste caused by outside contacts of a plant is, with the exception of the textile business, apparently of little importance. If we are to eliminate waste and increase the efficiency of production, it is apparent that management must take the lead, for management has the greater part of the responsibility.[15]

These figures deal mainly with wastes in our industrial order between the first World War and the depression. The waste has been even greater since 1929. Isidor Lubin estimates that we lost 140 billion dollars in potential national income between 1930 and 1938. Lewis Corey puts the loss for these years as high as 200 billions, and says it is 300 billion dollars if we take into consideration unused potential plant capacity for production.

Not only has business enterprise been wasteful in actual production; it has also squandered disastrously the natural resources of the world —forests, ores, oil, land, waterpower. This had become a national scandal as early as the administration of Theodore Roosevelt.

The growth of the super-corporation and big business has had many important results for industrial capitalism. The most beneficial result of industrial consolidation and big business is greater efficiency in both production and distribution:

> Not only does big business pay its workers, both salaried and wage workers, more per hour than either of the other categories; not only are the conditions of work more favorable and the hours shorter, but also the consumer is best served by big business. He receives more for his money than he does from either of the other producing divisions.
>
> In sum, where big business operates, Americans have a great advantage over citizens in other societies; where little business operates, Americans may or may not have an advantage, and where the old atomic individual enterprise persists, the various societies are more or less on a par. . . .
>
> Thus big business not only gives the consumer more for his money than the consumer receives in other societies, but big business pays out in the process higher wages than little business and much higher wages than the profits the average farmer succeeds in realizing.
>
> If the above presentation is roughly accurate, the higher living standard in America is to a large extent the product of big business. And, in reverse, wherever the American standard of living is unduly low, where labor is sweated, the consumer cheated, and the enterprise wrecked by non-profitable operation, we usually find either little business or some older form of production, such as sharecropping or mixed subsistence farming.[16]

Unfortunately, along with these advantages, there are adverse aspects of big business. While absolute monopoly can rarely be attained, sufficient control over production can be secured so that it can be curtailed and prices can be maintained at a fairly stable level, in spite of changes

---

[15] R. T. Bye and W. W. Hewett, *Applied Economics*, Crofts, 1928, pp. 45–46.

[16] Harold Loeb, "Twelve Trust-Busters in Search of Monopoly," *Common Sense*, January, 1939.

in general business conditions. This enables big business to control production in the interest of corporate profits rather than the service of the public. It also enables business to keep prices high, in spite of general business depression, unemployment, low wages, and wide-spread lowering of mass purchasing-power. By applying drastically these methods, big business can, as E. D. Kennedy has shown in his *Dividends to Pay*,[17] make itself relatively independent of economic fluctuations and the business cycle, so far as profits are concerned. By curtailing expenditures, big concerns can make almost as much money in depression periods as in good times. And, through accumulation of corporate surpluses and undistributed dividends, they can pay high dividends in depression periods, even if earnings fall off greatly. This can be strikingly illustrated from the facts drawn from the depression after 1929. In 1932, total wage payments in the United States were only 45 per cent of what they were in 1929, and even real wages in 1932 were only 49 per cent of the 1929 level. On the other hand, dividend and interest payments declined but slightly from 1929 to 1932—from 173 to 160 (using 1926 as 100). Indeed, in 1931, when employment and wages had both slumped alarmingly, dividend and interest payments were above the 1929 level—187, as against 173 in 1929.[18] Another disadvantage lies in the usual divorce of ownership from control in big business. This makes it possible for the controlling clique to govern business policies in the interest of the corporate insiders rather than the stockholders or the public.

Attacks upon big business, just because it is big—a hangover of radical frontier economic philosophy—are to be deplored. The advantages of big business should be emphasized and conserved. The disadvantages should be explored, exposed, and terminated. What we need to know is why the obvious productive advantages of big business are usually associated with anti-social policies and results, such as curtailing production, reducing the income of the masses, and crippling mass purchasing-power:

> The fundamental questions in regard to our economic procedures are: Why does the United States fail to utilize part of its productive facilities? Why are ten million men, more or less, not to speak of equipment resources and knowledge, prevented from creating needed wealth? Why must an undersupplied society support men in idleness, when the idle men would prefer to correct the deficiency in supplies?[19]

And, while we investigate the real evils of big business, we should not ignore the defects of little business and the inefficiency of current American farming. These should also be investigated and exposed. But there is little probability of such action, because it is politically unpopular. It is easy to get popular support for attacks upon, and in-

---

[17] Reynal & Hitchcock, 1940.

[18] See P. H. Douglas, "Whose Depression?" *The World Tomorrow*, December 28, 1932.

[19] Loeb, *loc. cit.*

vestigations of, big business, but it is politically risky to question the practices of little business and the farming groups.

Before we proceed to take up the distribution of wealth and its effect upon mass-purchasing power, we may well present the following table, which indicates the distribution of national income on a so-called functional basis in the years before the great depression of 1929.

AGGREGATE NATIONAL INCOME SHOWING BROAD FUNCTIONAL DIVISIONS 1917–1929

(In Millions of Dollars)

Year	Totals	Wages & Salaries*	Individual & Corporate Profits	Interest Dividends & Rent	Ratio of Wages & Salaries to Total
1929 . . .	$95,188	$53,350	$22,626	$18,804	56%
1928	94,247	50,617	25,242	17,985	54
1927	87,863	49,724	20,523	17,235	56
1926	87,193	49,245	20,671	16,904	56
1925	86,757	46,855	23,432	16,102	54
1924	77,973	44,493	18,168	14,976	51
1923	75,608	42,893	17,968	14,426	56
1922	66,592	37,700	15,071	13,536	57
1921	58,387	36,214	9,034	12,871	62
1920	73,094	42,283	17,831	12,665	58
1919	69,016	35,399	21,823	11,510	51
1918 .	60,679	32,324	17,875	10,222	53
1917..	55,041	25,802	19,038	9,980	51

* Maurice Leven, Harold G. Moulton, and Clark Warburton, *America's Capacity to Consume* (The Brookings Institution, 1934), p. 157

Industrial capitalism depends for its vitality and prosperity primarily upon mass purchasing-power. The goal of industrial capitalism is to manufacture goods, which will be sold in large quantities for relatively high prices, so that a considerable profit can be made in the process. It is obvious that no such volume of goods can profitably be sold unless the mass of the population has a sufficient income to buy them. In other words, there must be steady employment, good wages and salaries, and a decent income for the agricultural classes. Only in this way can there be sales which are adequate to keep industrial capitalism in active and healthy operation. This is so clear and simple that it might almost be regarded as sixth-grade logic. But the captains of finance and industry seem unable to grasp this elementary truth. We have had an amazing concentration of wealth which has destroyed mass purchasing power and brought capitalism to the very verge of collapse. This fact may be illustrated from familiar American material.

The enormous income from financial and industrial enterprises since the Industrial Revolution has produced personal fortunes which would have been almost incomprehensible in the days of Alexander Hamilton. Concomitant with the growth of private wealth is its unprecedented concentration in the hands of a few persons. The Brookings Institution study, *America's Capacity to Consume*,[20] illustrated this dismal fact.

[20] By Leven Moulton, and Warburton, Brookings Institution, 1934.

In 1929, some 6 million families, or 21 per cent of the total, had incomes of less than $1,000 per family. About 12 million families, or 42 per cent of the total, had incomes of less than $1,500. Twenty million families, or 71 per cent of the total, had incomes of less than $2,500 per family. The 0.1 per cent of the families at the top of the economic pyramid, with family incomes in excess of $75,000 each, received as much of the total national income as the poorest 42 per cent of the families at the bottom of the income group.

Contrary to general impression, the situation was worse during the New Deal period, though this was the result of the depression, and New Deal aid produced a far better situation than existed in 1932. The National Resources Committee studied family incomes in the year from July, 1935, to July, 1936. It was found that the lowest third of the families received $780 or less per family, with an average family income of $471. The middle third of the families received between $780 and $1,450 each, with an average family income of $1,076. The upper third of the families received incomes between $1,450 and several millions each, with an average family income of $3,000. Over 70 per cent of the poorest third of the families received no relief or other aid, though their average income was only $471—a fact that emphasizes the paralysis of mass purchasing-power through the maldistribution of income.

We may emphasize these facts further by a few figures taken from income statistics in 1928. The average income of all wage earners gainfully employed in 1928 in the United States was $1,205. The unskilled wage earners averaged less than $1,000, and the agricultural workers only slightly more than $500. More than 60 per cent of all American families received less than the $2,000 a year needed to maintain health and decency. This poorest 60 per cent received only a quarter of the national income, while the richest 1.2 per cent actually received just about the same amount. In order further to emphasize the fact that the general situation did not markedly change under the New Deal, we may reproduce Walter B. Pitkin's picture of how the American people fared in an economic sense in 1935.[21]

INCOME CLASSES IN 1935

Number in Each Class		*How Much They Receive per Capita*	
1 Upper class, very rich, about	500,000	$10,000 each, or	$ 5,000,000,000
2 Middle class	12,000,000	1,000 each, or	12,000,000,000
3 Self-supporting workers, farmers, small businessmen	34,500,000	500 each, or	17,250,000,000
4. Marginals, earning most of living, but receiving some aid	15,000,000	300 each, or	4,500,000,000
5. Submerged idle, mostly on relief	65,000,000	75 each, or	4,875,000,000
Total	127,000,000		$43,625,000,000

[21] Adapted from Pitkin, *Capitalism Carries On*, McGraw-Hill, 1935, pp. 180–181.

That these inadequacies in mass income had a disastrous influence in restricting purchasing-power is self-evident, but we may illustrate the matter by some relevant examples. To be very practical, one may examine the figures for 1928. The approximately 28 million families, made up of persons with incomes under $5,000, had a total money income of about 65 billions. On a fair budget computation, the most they could spend for manufactured goods was 38 billions. Yet, in 1928, we manufactured goods (not including those exported) to the value of 55 billions. The slightly more than 1,000,000 persons with incomes over $5,000 annually could hardly buy up the surplus of 17 billion dollars worth of manufactured goods.

Another demonstration of the inadequacy of mass purchasing-power is afforded by the following statistics. Between 1923 and 1929, the value of manufactured products increased by some 10 billion dollars. The workers, salaried classes, and farmers were supposed to buy up this 10 billion dollars worth of new goods. But wages during this period advanced by only 600 millions. The workers could not buy the increased volume of goods with only 600 million more at their disposal; the salaried classes had made gains in income only slightly greater than those in wages; while the farmers were getting much less in 1929 than in 1923.

How many more goods could be sold if income were more equitably divided has been indicated by Leven, Moulton, and Warburton. In 1929, over 70 per cent of American families had incomes of less than $2,500. If these 20 million families had all had their incomes raised to $2,500 each, they would, by the spending standards of that year, have spent 40 per cent more for food, 65 per cent more for homes and living quarters, 65 per cent more for clothing, and 115 per cent more for other consumers' goods and services. Such additional expenditures would have prevented the depression.

There is every evidence that the American masses spend liberally for essential goods and services when they have the income with which to make such purchases. The following table gives the relative propor-

PERIOD FROM 1922 TO 1929[22]

Income Classes	*Per Cent Saved*	*Per Cent Taxes*	*Per Cent Spent for Goods and Services*
$1,000 and under	3	3	94
1,000, under $2,000	5	2	93
2,000, under $3,000	11	2	87
3,000, under $5,000	16	2	82
5,000, under $10,000	14	3	83
10,000, under $25,000	22	4	74
25,000, under $50,000	30	8	62
50,000, under $100,000	31	13	56
100,000, under $150,000	35	15	50
150,000, under $300,000	44	16	40
300,000, under $500,000	67	17	16
500,000, under $1,000,000	71	17	12
Over $1,000,000	77	17	6

[22] M. P. Taylor. *Common Sense About Machines and Unemployment*, Winston, 1933, p. 97.

tion of income spent and saved by the various income classes in the United States. It shows that the rich can spend only a small fraction of their income for goods and services.

If those who control and direct our financial and industrial life do not voluntarily provide for a just and efficient distribution of the social income, there is one way of attacking the problem which does not involve any revolutionary radicalism. This is to tax high incomes heavily, turn the money over to the public treasury, and put men to work on government enterprises. A considerable start has been made in this direction as the result of the income tax, which was made constitutional by the Sixteenth Amendment after many years of patient effort by reformers. But the income tax in the United States is still far lower than that on comparable incomes in Great Britain before 1939. The following table will indicate the relative payments made on gross income by the average married man without children in England and the United States in 1934, before preparedness costs boosted the English tax rate:

INCOME TAX SCHEDULES IN THE UNITED STATES AND GREAT BRITAIN 1934[22]

Gross Income	*United States Tax*	*British Tax*
$ 3,000	$ 20	$ 311
5,000	100	711
10,000	480	1,862
25,000	2,520	7,369
50,000	8,600	19,654
100,000	30,100	48,101
500,000	263,600	307,910
1,000,000	571,000	639,160

It has been estimated that, if we adopted the British income tax rates (as they were in 1939) in this country, it would yield our Federal Treasury in excess of 3 billion dollars a year. As it was, the total individual income tax return in 1934 was $511,399,778. Until the New Deal reforms there were also various loopholes, such as the deductions for capital losses, through taking advantage of which even J. P. Morgan himself was able to avoid paying any income tax in 1931 and 1932. Our estate and inheritance taxes are also far lower than in Great Britain. It is calculated that, if the British estate and inheritance taxes were adopted here, they would yield an additional income of 750 million dollars.

The federal and state governments are in part responsible for our failure to collect as much as we might from both incomes and estates. Rather more than 40 billion dollars of wealth is able to hide from the tax collector through the system of issuing tax-exempt securities. At the end of 1932, there were outstanding wholly tax-exempt federal issues of approximately $22,250,000,000, and state and local issues free from federal taxation to the amount of about $16,500,000,000. However, the issuance of tax-exempt securities was abandoned in part in 1941. President Roosevelt has at times proclaimed his intentions to introduce a program

[22] See also below, p. 197.

of taxation in proportion to capacity to pay, but aside from plugging the holes in the income tax, placing a tax on undistributed corporation surpluses, and some minor changes, there was no substantial change in the federal taxation policy under the New Deal until the preparedness activity of 1941. That crushing taxation lies ahead is now certain.

Is Capitalism Worth Saving?

The capitalistic system is certainly not worth saving if we could get a better system without paying a price for the change which would be greater than the advantages brought about by the new system of economic life. To deal with this question intelligently, we must make our meaning more precise. If one asks whether it is worth while to save the type of capitalism which existed from 1921 to 1933, the answer must be in the negative. We could not save it if we wished to do so.

Appraised against the background of our present stage of technological evolution and our vast natural resources, the capitalistic system in the United States from 1921 to 1933 did not make a sufficiently impressive showing to justify any serious wish to retain it, even if it could be revived. As we have seen, over 70 per cent of our families did not have income enough to buy sufficient food to enable them to live in a truly healthy fashion. Ninety per cent of the families could not purchase for themselves a liberal diet, such as any self-respecting person should have available in this day and age. Ninety-eight per cent of the population received less than $5,000 a year, whereas a system of production for use, in conjunction with our existing technology, could certainly have produced an income of $5,000 a year for all American adults. Forty per cent of our American families unquestionably lived in poverty, misery and extreme economic insecurity in 1928–29, the most prosperous years which the old capitalistic system ever boasted. Taking into account the potentialities for the production and distribution of wealth in this country since 1920 and the showing which capitalism actually made in the years when it was most free to demonstrate its powers, we may safely say that it failed to justify its existence. This verdict may be rendered without the slightest infection with Marxian dogma or any passion for economic revolution. In passing a verdict upon the contributions and virtues of capitalism in the United States, one must consider not only what it did but what it might have done, if it had produced the utmost possible within the limits of our technology and resources and had distributed these products in a reasonably equitable fashion.

Indeed, one may go even further and state that the question of whether we should save the old-line capitalism of the period prior to 1933 is today a purely academic question, in any event. It could not be saved in the form in which it existed from 1921 to 1933. In the decade after 1921, capitalism was not interfered with to any marked degree by political agencies. The Harding and Coolidge administrations

believed thoroughly in the doctrine that the less government in business the better. Capitalism was as unimpeded as it ever can expect to be in the present stage of social and economic evolution. It had every opportunity to prove its worth and to make its achievements permanent. As an actual matter of fact, it folded up in the terrific financial crash of October, 1929, through its own weaknesses and defects. There was no governmental interference or threat of interference to cause uncertainty or fear. Indeed, there was every governmental encouragement of the theories and practices which were being followed.

After 1929 Mr. Hoover, for four years, attempted to rehabilitate and restore this capitalism by strictly orthodox deflationary capitalistic policies. His administration ended in the most abysmal depth of depression and despondency which the American economic system has ever known. These facts indicate that capitalism, even under the most favorable conditions, could not of itself maintain economic health nor could it be restored to health by traditional methods. It is quite possible that, by the most drastic deflationary methods after 1929, at the cost of tremendous suffering to the masses, the system might have staggered to its feet again for a few years. But the events of the Hoover administration, together with many other evident considerations, have thoroughly demonstrated that we can no longer rely upon the fiction of the automatic business cycle to restore capitalism to prosperity. There is little evidence that, in our day, there can be any automatic recovery from serious depressions.

We may, therefore, fairly conclude, Wendell Willkie to the contrary notwithstanding, that the essentially *laissez-faire* capitalism of Coolidge days, to which so many of our economic royalists look back with a sentimental nostalgia, would not be worth saving, and could not be saved if we wanted to preserve it. Such steps as will be necessary to rehabilitate it would require fundamental changes in its character.

Much more to the point is the question of whether or not we would find it worth while to preserve a form of capitalism which is capable of preservation. In other words, can any form of capitalism be made to work, and would its achievements justify us in cherishing and continuing it? This is a question upon which there may be legitimate differences of opinion, and one which only a cock-sure dogmatist would dare to answer definitively at the present time.

In certain countries, an economic system which is basically capitalistic has operated fairly well, considering the resources and financial burdens of the states involved. In England from 1919 to 1939, capitalism weathered passably well difficulties far greater than those met with in the United States. England's technology is inferior to ours, her natural resources are far more limited, and her financial burdens are infinitely greater. In the Scandinavian countries, in Finland, in Czechoslovakia, in Holland, and in certain other small states, the capitalistic system ran along fairly smoothly until invaded by Germany. Whether capitalism in these countries possessed sufficient strength to have made its

existence permanent, had it not been for the second World War, is a question which no sensible person would presume to answer today.

In the case of all the states which we have mentioned above, the capitalism which existed bore little resemblance to that of the Coolidge era in the United States. In England, finance capitalism was limited in extent and closely regulated by the state. Not a bank has failed in England in modern times. Half the families in England are members of some coöperative enterprise. Even the Tory government began the nationalization of the coal mines late in 1937. Labor unionism had been fully accepted in England for more than half a century. An elaborate system of social insurance had been in operation in England for upwards of thirty years. There are competent economists who believe that, if the United States were run on the social and economic lines of Tory England in 1938, the result would be so marked and beneficial that the Coolidge era would appear, by comparison, like the bottom of a severe depression. The author of this book shares this view most heartily. In the Scandinavian countries, there was a marked development of both coöperation and state capitalism, which seemed to add materially to the prosperity and permanence of the economy. If the Swedish procedure could be applied wholesale to the United States, it is probable that the results would be even more impressive than the operation of the American economy after the English model.
tem are introduced in this country, the system will neither be worth preserving nor capable of preservation.

In normal times, approximately three quarters of the federal budget is devoted to paying for past wars and getting ready for future wars. In an extended war, costing more than 200 billion dollars and bringing about wartime socialism, there is no reasonable prospect of the survival of private capitalism as a major factor in American economic life.

Radicals are inclined to sneer at the very suggestion of saving capitalism in the United States. They believe that it cannot be saved, and they maintain that its abuses far outrun its benefits. If the radicals could offer us any practical alternative to capitalism which stands any reasonable chance of being introduced at any immediate time in the future and would be clearly superior to capitalism, there would be little ground for refusing to follow their lead. It cannot be assumed that capitalism is the sole type of economy upon which the Deity has bestowed divine approval.

The plain fact is, however, that there seems to be no immediate or practical alternative to capitalism in the United States. A collectivistic economy, producing solely for use, a Technocracy, or an extended development of coöperative enterprise seems out of the question as anything more than a benevolent dream in this country for some decades or generations. Wartime socialism may be followed by post-war fascism.

Perhaps the most forceful argument against the possibility of economic

planning under capitalism was presented by Abraham Epstein.[24] He argues that economic planning and business stabilization under a system of competitive capitalism is self-contradictory and utterly hopeless:

> The prospect of any well-managed corporation introducing a stabilization program at a financial sacrifice for the benefit of its employees is really fantastic. The rare individual who may be so philanthropically inclined will not remain in business very long. . . . Were any corporation to embark on a program embodying any considerable number of these suggestions, its management would be driven into insanity and its stockholders into bankruptcy.[24]

Furthermore, successful stabilization in one industry might mean ruin for others:

> The success of the B V D. Co. spells disaster for the heavy underwear concerns, while increased consumption of macaroni strikes at the potato farmers.

Third, Dr. Epstein contends that no real success has ever been attained by important business concerns in any fundamental type of stabilization. Even the most humane employers cannot guarantee employment to more than a fraction of their whole labor force.

Finally, Epstein maintains that stabilization seems particularly difficult in large business establishments, which employ the majority of American workers:

> A check of the various companies which are reported to have introduced stabilized production reveals that they are all primarily small corporations, manufacturing things which easily lend themselves to regularized production. They produce soaps, macaroni, noodles, package tea. . . . The total number of workers engaged in these industries does not exceed more than a fraction of 1 per cent of the wage-earners in the United States.

Some Problems of Capital and Labor

The United States has been notoriously backward in accepting the principle of organized labor and collective bargaining. Such policies as these were publicly accepted and protected by legislation in the civilized countries of Europe a half century or more ago. Even the German Empire fully recognized the principle of labor organization in the last decade of the nineteenth century. The United States took no effective steps to legalize real collective bargaining until the National Industrial Recovery Act was passed in 1933. Even then the government was loath to enforce this legislation in resolute fashion. E. T. Weir, Tom Girdler, and other steel men successfully defied the government with respect to the enforcement of the collective bargaining clause of the NRA. After the latter was set aside by the Supreme Court, more comprehensive and sweeping protection of collective bargaining was embodied in the Na-

---

[24] Abraham Epstein, "The Stabilization Nonsense," *The American Mercury*, January, 1932.

tional Labor Relations Act, passed in the summer of 1935. Employers fought it vigorously, but the Supreme Court upheld the constitutionality of the act in 1937. But it has required great courage and fortitude on the part of the National Labor Relations Board to enforce the Wagner Act, even with the backing of the United States Supreme Court. Its courageous enforcement of the law was attacked through a vicious propaganda on the part of both employers and reactionary senators and congressmen. The integrity and fairness of the Labor Board was confirmed by the federal courts, which upheld the decisions of the Board with amazingly few exceptions.

No fair-minded person would deny that there were many defects in the older types of labor organization, such as the American Federation of Labor. Such things as limitation of output, labor racketeering, and selfish concentration upon the interests of highly paid skilled labor were only the more notorious of the common abuses. The employers had a case against such deficiencies in labor unionism, for the latter offered to the employer little, if anything, except the prospect of paying higher wages for less or poorer work. But the employers amply revealed the bad faith in their criticisms of these weaknesses of the old-line labor unionism. Just as soon as new and more aggressive unions appeared, like the Congress of Industrial Organizations, relatively free from labor racketeering, repudiating the limitation-of-output policy, and providing for the organization of both skilled and unskilled labor, most employers began to show a new and unusual affection for the American Federation of Labor, with all of its defects which employers had been denouncing for years. Their strange new enthusiasm for the latter was obviously based on the fact that it was less aggressive and dangerous to reactionary employers than the new industrial unions under the banner of the CIO. In other words, what the employers desired was not so much reforms in labor organization as relatively weak and non-aggressive unions. The same bad faith was evidenced in the persistent demand of employers that labor unions incorporate and become responsible. Yet the employers have done their best to weaken, wreck, or crush unions, thus making it impossible for them to give any true effect to responsibility, even if they were willing to assume it. Responsibility means little unless accompanied by strength.

One may state with considerable assurance that there is little prospect for the persistence of capitalism unless the principle of collective bargaining is willingly accepted by the great majority of employers and strong and aggressive labor unions are legalized and tolerated. Capitalism cannot endure without adequate mass purchasing power, founded upon high wages and salaries and relative steady employment. Employers have repeatedly and amply demonstrated that they cannot be trusted to pay high wages and salaries of their own accord. Only strong labor unionism and effective collective bargaining can assure steady employment and permanent high wages. The vigorous labor leader is the truest friend of the enlightened employer under the capi-

talistic system. At the same time, one may reasonably demand that labor be efficient and earn its wages. But studies of waste in industry have shown that employers have a very slight case against labor unions on this ground. Even in the era when the older and more wasteful unions dominated the labor field, the waste attributable to employers' policies and practices far outran the waste which could be attributed to labor. Indeed, the famous Hoover report of 1920 showed that the waste due to management was more than double the waste which was attributable to labor.

Some of our best economists believe that collective bargaining might be made to work effectively if we could bring about some modicum of common sense, good-will, and information on both sides. A powerful case is made out for this thesis by Sumner H. Slichter of Harvard University in his article "Collective Bargaining at Work."[25] He gives a very interesting actual case history of an employer who had been maintaining orderly relations with a national labor union during the previous four years. Though he had not previously believed in collective bargaining, he felt that the NRA was introducing a new era in American industrial life, making collective bargaining a permanent feature of our economy. So he signed up with organized labor in August, 1933, and adjusted his business policy to the new dispensation.

This employer had nothing to guide him except horse-sense, but he had a considerable stock of this. He decided that, if he was going to get along with organized labor, there were two basic things which he must do: (1) he must give his union employees some clear notion of the nature of his business and the policies he was following, and (2) he must convince his employees of his basic honesty and his intention to be fair to them in his relations with labor.

Our employer knew that it would be impossible to take the rank and file of his employees into his confidence with respect to business methods. So he talked these matters over in detail with the business agent of the union, leaving it to the latter to carry on as much education as possible with the union workers In his effort to promote a sense of fairness, he put a ban upon the former procedure of easy and arbitrary discharge of workers, cautioned his foremen to show some consideration to employees, and exercised far greater care in hiring new workers. Further, he ordered his foremen to investigate carefully the alleged grievances of workers. The union officials were carefully consulted in all matters of labor policy, and they were found willing to coöperate with the employer in first warning and then disposing of inefficient workers.

The net result was the development of a satisfactory philosophy of industrial relations. Moreover, the productive efficiency of the plant was notably increased after collective bargaining was adopted. The workers had a better spirit than before. Many of their grievances re-

[25] *Atlantic Monthly*, January, 1938.

lated to inefficient operations which cut down their income from piecework. When these were remedied, greater labor income was assured and with it more efficient production. The one thing which remained was to convince the employees that it is futile to strike unless the employer can afford to pay higher wages. Only a prosperous industry can raise wages. If strikes destroy the prosperity of an employer, labor is killing the goose that lays the golden egg. But the first thing which is necessary here is for the employers to accept collective bargaining as a matter of course. Laborers will not show too appreciative an interest in the need for a prosperous industry so long as they have to fight for their very existence:

> They would appreciate the need far more keenly if American unions were not kept so busy fighting for such elementary rights as the right to exist and to represent their members in collective bargaining. Naturally, as long as unions are treated as outlaw organizations by a considerable part of industry, they can scarcely be expected to have a proper sense of their interest in the employer's prosperity.[28]

An opinion opposed to that of Professor Schlichter is upheld with much vigor and vehemence by Marxists and other radicals who accept the class-struggle theory of economic relationships. They contend that the fundamental interests of the employer and the workers are basically and eternally antagonistic. Neither can make any concessions to the other without being the loser. They contend that labor unions should frankly accept the principle of the class conflict and should regard their activities as simply a preliminary phase of that industrial warfare and economic revolution which will ultimately overthrow capitalism and the employers and install the proletariat in control of modern industrial society.

Some reactionary employers have attempted to justify their opposition to labor unionism on the ground that unions are dominated by Marxists. This charge is particularly leveled at CIO unions. It has repeatedly shown, however, that Marxists and Communists constitute only a small proportion of those under the banners of the CIO. Moreover, the employers who made most use of the red herring of Communism showed little enthusiasm for the American Federation of Labor before the CIO appeared on the scene. And the Federation has been even notoriously anti-Communistic. It held out against the recognition of Russia longer than the arch-reactionary National Security League.

Labor organization and collective bargaining have unquestionably made greater progress under the Roosevelt administrations than in any other comparable period in American history. The legal status of collective bargaining now seems firmly established. But a great deal of statesmanship on the part of labor leaders and far more tolerance and understanding on the part of employers will be required before collective bargaining

---

[28] Schlichter, *loc. cit.*

and high wages can exert their due and necessary influence upon the restoration and maintenance of American economic prosperity under the capitalistic system.

The Problem of Industrial Unemployment

The problem of industrial unemployment is probably the most desperate problem with which American capitalism will have to reckon. There is little prospect that American capitalism will be overthrown by radical opponents; but there is very grave danger that capitalism will be devoured from within by the unprecedented inroads of unemployment.

There has been a large volume of unemployment throughout the modern world in the last half century, and particularly between the first and second World Wars. The amount of unemployment has varied. In Soviet Russia, the feverish effort to carry through the nationalization of agriculture and an ambitious industrialization program under state auspices brought about a labor shortage, in spite of the great population. In the fascist states the volume of unemployment was reduced through elaborate public works projects and the extensive armament program. In France, with a large peasant population, and with what had long been a stationary population, it was rare that enough man-power could be mustered at any given place to operate factories on two shifts. In some of the lesser states of Europe, where there was considerable coöperative enterprise and state capitalism, unemployment was kept down to a low figure. In England there was much unemployment after the first World War, but the problem was handled fairly well as a result of the unemployment insurance system. The latter was also useful to states on the continent of Europe whenever unemployment was extensive.

In the United States, a natural population increase and the vast volume of immigration, especially between 1900 and 1914, have provided a large industrial population. Further, the United States has taken the lead in introducing labor-saving machinery, thus cutting down the demand for man-power. For example, automatic machinery for rolling mills in the steel industry—the so-called hot strip mill—wherever it was introduced, brought about a 97 per cent reduction in the man-power required. Throughout the steel industry, this reduction would amount to about 85,000 of the highest-priced steel workers. This is only one example and by no means the most impressive.

An important but less sweeping cause of unemployment is the "rationalization of industry"—the introduction of standards of efficiency which endeavor to eliminate the great waste revealed by the Hoover report and similar studies. As a result, the same volume is turned out with a smaller working force, even if there is no change in machinery. In agriculture, there has been a comparable introduction of labor-saving machinery and efficiency.

In addition to the steady unemployment (as a result of defects in

capitalism and technological advances), there have been fluctuations in employment by the operation of the so-called "business cycle." In periods of maximum prosperity, unemployment is at a minimum. When the cycle slumps into depression, unemployment becomes abnormally high. Then there has been the less serious variation in the volume of unemployment due to highly seasonal industries or to seasonal variations in industries which operate on a year-round basis. But all other phases of the unemployment problem have been dwarfed by the growth of an ever larger body of chronically unemployed workers who are thrown out of their jobs as a result of technological changes.

Paul H. Douglas estimates that, from 1897 to 1926, an average of 10 per cent of American workers were unemployed all the time. According to a Russell Sage Foundation study, a 10 to 12 per cent average of unemployment is a conservative estimate for the twentieth century. Unemployment reached its height at the beginning of 1933, when the figure was placed between 12 and 17 millions. The New Deal policies considerably reduced the number by priming the pump of industry. But even before the recession of the summer of 1937, there were about 7 million unemployed by private industry. The unemployment census conducted in the latter part of 1937 included over 10 million workers. Since labor-saving machines are being introduced in more frequent and impressive fashion, we may assume that the condition will become even more aggravated and distressing in the future.

War industries and conscription reduce unemployment for a time, but at the close of the war the spectre of unemployment will be even larger and more grim. Abraham Epstein has suggested the ten essential points, listed below, in any effective program to reduce and alleviate unemployment. The New Deal legislation made a start along all ten of these lines of reform, but it did not go far enough to much more than offset the increase of unemployment due to technological advances since 1932:

1. A careful survey of unemployment giving all the facts about the actual extent of unemployment and its industrial and regional distribution.

2. A sufficient number of efficient employment exchanges to bring together employers and potential employees.

3. Increased stabilization of such industries as can be at least partially stabilized.

4. An expansion of public works projects to provide employment for those who cannot or will not be absorbed by private industry.

5. Adequate old-age pensions to remove the aged from both employment agencies and the bread-lines.

6. The raising of the age limit at which children may be employed, thus taking out of employment at once the large number of children under sixteen now employed and restricting the employment of those between sixteen and eighteen.

7. The reduction of the working week, as rapidly as possible and feasible.

8. The raising of wages, so as to produce that mass purchasing-power which is essential to full operation of our factory plant.

9. The institution of a nation-wide housing program, which would provide a vast amount of employment on the 75 billion dollars' worth of construction needed to house the United States decently.

10. The establishment of a national system of unemployment insurance.[27]

Certain spokesmen for private capital have attempted to free employers from responsibility for unemployment by alleging that the great majority of the unemployed are really unemployable—that they are loafers, degenerates, feeble-minded, or incapable of holding a good job. But this alibi was shattered by an elaborate survey by *Fortune* of WPA workers, against whom this charge of industrial incompetence was particularly leveled. The survey found that the WPA workers were eminently employable and only too glad to get work when the opportunity arose.

Certain writers, such as Simeon Strunsky, Walter Lippmann, and W. J. Cameron, minimize the importance of the increasing technological unemployment. They hold that, in the past, workers thrown out of work by machines have always been able to find employment in new forms of industry and that this will continue indefinitely. Their views, however, are shared by few competent students of industrial history and *contemporary economic life.*

Workers thrown out of employment by new machines may be absorbed in other lines of occupation only in a new, dynamic, and expanding economy. But in mature economies, like that of the United States, any large number of persons thrown out of employment by new machines have no prospect of finding work in new industries, save in war industries. While novel enterprises will appear from time to time, even in the present stage of American economic evolution, they will certainly utilize the latest forms of labor-saving devices, and some of them may actually be devoted to the manufacturing of labor-saving machinery. We are literally on the eve of a new era in technological unemployment. Within another decade or so, it would probably require a 15-hour week to provide steady work for all adults in private industry.

The importance of all this for the future of capitalism is apparent to any thoughtful reader. If private capital will not, or cannot, shorten the working week and spread employment sufficiently to absorb the unemployed, the only other solution under the capitalistic system is for the state to provide employment on public work projects. If this goes far enough, the number employed by the government may exceed the number employed by private industry, and state capitalism will gradually supersede private capitalism. If the state refuses to assume responsibility for the unemployed, the result is likely to be revolution, which would end both private and state capitalism.

Nor can any form of unemployment insurance deal successfully with the volume of unemployment which is likely to exist in this country. Nothing except an ever-increasing volume of state enterprise can take

[27] "Faith Cures for Unemployment," *The American Mercury*, January, 1931.

care of the problem. Hence it is not surprising to find even distinguished economists, drawn from the conservative camp, who are predicting today that private capitalism is doomed in the United States because of the volume of unemployment which it faces but does not handle frankly or effectively in peacetime.

Old Age as an Industrial and Social Problem

The problem of old age is closely related to that of unemployment, for the aged make up a constantly increasingly group of chronically and unavoidably unemployed persons. The number of Americans over 65 years of age has been steadily increasing since 1880, when it was 3.4 per cent. In 1890, it had increased to 4.0 per cent; in 1920, to 4.6 per cent; in 1930, to 5.4 per cent. P. K. Whelpton predicts that, when the American population stabilizes itself around 1975, the proportion 65 years of age and over will reach 13 per cent, or in excess of 20 million persons. Therefore the problems of old age are likely to become far more extensive and serious as time goes on.

Next to children, the aged are the most notably dependent group in the population. At the present time, about 25 per cent of those 65 years or older in our population are dependent upon relief from private or public agencies. Moreover, about 65 per cent of those aged persons who are not receiving relief through public or private charity are being supported in whole or in part by relatives and friends. Hence we may regard ourselves as safe in contending that more than half of the aged in the United States fall into the class of actual dependents. As they increase in number, they are bound to augment our problems of private and public relief.

Those over 65 constitute a literal—or biological—old-age group. But an even more serious situation is arising from the presence of a sort of pseudo-old-age group—the occupationally aged—those who are over the age of 35, and especially over 40, who find it ever more difficult, except in a period of extraordinary industrial activity, to secure employment solely because of their age. A few years ago Walter Pitkin created a sensation by writing a suggestive book entitled *Life Begins at Forty*. But those who better their condition after 40 are rare and fortunate individuals in American society. A survey of employment conditions in New York State showed that very few firms in any important form of private economic enterprise were willing to hire workers over 35 years of age. Forty was found to be an upper-age deadline for taking on new employees, which no important industry failed to respect. Some banks actually had an upper age limit of 20 years for bank clerks who were to be taken in and trained.

Many persons over 35 or 40 do retain their jobs until far past this age. But, if they lose their positions, they find it almost impossible to get new jobs. Moreover it has been repeatedly shown that they are more likely to be discharged if they are over forty. Appalling as it may seem,

therefore, the great majority of Americans face the prospect of being unable to secure new employment after 40, and many of them after 35, except in periods of unusual industrial activity or unless they are given various forms of relief jobs by local, state, or federal agencies. Channing Pollock states the economic implications of this outrageous situation:

> One-third of our population is over 40 years old; no work for anyone over 40 would mean pensioning or starving as many people as live in the States of New York, New Jersey, Massachusetts, Maine, Connecticut, Ohio, and Pennsylvania—almost the entire commonwealth of France. Only 31.75 per cent of us are between 20 and 40, so that anything approaching a universal decision that this is the span of industrial usefulness involves the requirement that 38,000,000 of us shall feed, clothe and house the remaining 87,000,000.
>
> The whole idea is as fantastic as it is inhumanly cruel and economically unsound. Common sense tells us that, with ordinary care of his body and cultivation of his intelligence, the average man should be at his best around 40. For labor requiring skill, judgment, and competence, those first 40 years might well be regarded as preparatory—20 years of schooling, 20 years of apprenticeship, and graduation into fitness to cope with the perplexities of breadwinning.[28]

At the very moment when persons over 35 or 40 are being thrown out of work because of their age, and when many thousands of others are unemployed because of labor-saving machinery, the gainful employment of hundreds of thousands of children in industry is particularly reprehensible. At the present time, 46 states have a nominal minimum age of 14 for full-time employment in industry, but 8 of these states provide exemptions which nullify, in practice, the 14-year-old limit. Some of the states, like Ohio, have admirable protection against child labor. Ohio prescribes a 16-year minimum for all occupations. In only two states is child labor legislation practically absent. Since public opinion in the culprit states will not bring about remedial legislation, there has been strong pressure for federal legislation against child labor. So, a federal law was passed in 1916 excluding from interstate commerce goods produced by child labor. The Supreme Court declared the law unconstitutional. Then another law was passed by Congress in 1919, proposing to tax the profits of establishments employing children. But this was declared unconstitutional in 1922.

Despairing of getting adequate legislation through the gauntlet of the Supreme Court, Congress adopted a constitutional amendment in April, 1924, giving Congress the power to "limit, regulate, and prohibit the labor of persons under 18 years of age." Ratification by the states proceeded very slowly. By 1938 only 28 states had ratified it. The strongest force opposing ratification has been the reactionary element within the Roman Catholic Church, which appears to fear the possible political influence on children under 18 which the amendment might confer upon public authorities. Liberal Catholics, like Father John A. Ryan, have, however, been among the most ardent supporters of the

---

[28] "Death Begins at Forty," *The Forum*, November, 1937.

amendment. However, if there should not be sufficient liberal and reform pressure in the country to bring about the ratification of the amendment, the Supreme Court, now that it has taken on a more liberal cast, may approve a really effective federal law suppressing child labor. The Wages and Hours Act of 1938 outlaws child labor on goods sold in interstate commerce.

The Outlook for Capitalism in the United States

It is symptomatic of the present weaknesses in the terminal stages of capitalism that various students of the system find a number of defects, each one regarded by the particular school of criticism as adequate to undermine capitalism. Thurman Arnold, in his *Bottlenecks of Business*, finds that monopolistic practices, the restriction of output, and the maintenance of high price levels are ruining capitalism. Other economists, notably J. M. Keynes and Alvin H. Hansen, contend that capitalism is being undermined because too much profit is saved, as depreciation reserves, to be reinvested in the capital plant, which can already turn out more goods than can be purchased by the masses. They advocate great public works projects and a greater diversion of business profits into wages. Another school, mainly critics of finance capitalism, contend that capitalism is being hurried to extinction through speculative manipulations by corporate management at the expense of absentee owners. Among these writers are Berle and Means, Lewis Corey, John T. Flynn, and Max Lowenthal. They stress the fundamental antagonism between current financial practices and sound business policies.

Another group of writers, including such strange bedfellows as Stuart B. Chase and Herbert Hoover, find that the chief evil of capitalism is the enormous waste of the system, both in production and distribution. If we could stop waste, capitalism might endure for generations. Other writers, notably socialist critics, hold that capitalism is doomed mainly by the hogging of the national income by the rich at the top of the economic pyramid. This results in the restriction of mass purchasing power, leading to so-called overproduction and threatening a general breakdown of the capitalistic system. Technocratic critics like Walter Rautenstrauch believe that capitalism is incompetent today because it is directed by the archaic outlook and technique of the money-maker rather than by the efficient and economical procedure of the industrial engineer.[29]

The problems of capitalism seemed to be temporarily solved as a result of the stimulation of industrial enterprise by the preparedness program and our entry into the second World War. But, in Buenos Aires, back in 1936, President Roosevelt himself warned against trusting to armament industries:

---

[29] Probably the most comprehensive criticism of the capitalistic economic system in a single volume is John Blair's *Seeds of Destruction*, Covici, Friede, 1938.

We know too that vast armaments are rising on every side and that the work of creating them employs men and women by the millions. It is natural, however, for us to conclude that such employment is false employment; that it builds no permanent structures and creates no consumers' goods for the maintenance of a lasting prosperity. We know that nations guilty of these follies inevitably face the day when either their weapons of destruction must be used against their neighbors, or when an unsound economy, like a house of cards, will fall apart.

Whatever temporary stimulus to industry and capitalism may come from preparedness and war, it must end when the war ceases, accompanied by greatly increased debts and the problem of demobilizing millions of soldiers and reabsorbing them in industrial enterprise. Moreover, there is the grave danger that wartime regimentation may hold over indefinitely into peacetime and give us a permanent system of state capitalism which will bring to an end the system of private capitalism.

CHAPTER VI

The Institution of Property in the Light of Sociology and History

Basic Definitions and Concepts

PROPERTY is a complicated legal concept and social usage, involving both things which are owned and the right of ownership thereof. And there are a multiplicity of types of property and modes of property holding. The *Universal Dictionary* thus defines property in the sense of the right of possession:

> The exclusive right of possessing, enjoying, and disposing of anything; ownership. It may be a right unlimited in point of duration, and unrestricted in point of disposition, or a right limited in duration, as a life interest.

One of the most famous definitions of property as the right of possession is given by Sir William Blackstone in his *Commentaries on the Laws of England:*

> The third absolute right, inherent in every Englishman, is that of property; which consists in the free use, enjoyment, and disposal of all his acquisitions, without any control or diminution, save only by the laws of the land, which are extremely watchful in ascertaining and protecting this right.

Another way of looking at property is to regard it as a thing which is owned, according to well established property rights. Viewed in this sense, property is defined in the *Universal Dictionary* as follows:

> That which is held by such a right; that which is owned; that to which a person has the legal title, whether it is in his possession or not.

A. G. Keller has pointed out that nearly all forms of property emerge, in practice, only when there is competition for possession. For example, Robinson Crusoe had no property until Friday appeared on the scene. As Stephen Pfeil observes, "The relation of ownership is not a relation between the man and the thing but between him and other men, whom he excludes from, and to whom he gives, possession. Property is an 'exclusive' right and where there are no people to exclude, the right cannot exist."

The great diversity of property concepts and holdings has been well indicated by Walton H. Hamilton:

> Property is a euphonious collocation of letters which serves as a general term for the miscellany of equities that persons hold in the commonwealth. A coin, a lance, a tapestry, a monastic vow, a yoke of oxen, a female slave, an award of alimony, a homestead, a first mortgage, a railroad system, a preferred list and a right of contract are all to be discovered within the catholic category. Each of these terms, meaningless in itself, is a token or focus of a scheme of relationships; each has its support in sanction and repute; each is an aspect of an enveloping culture. A Maori claiming his share of the potato crop, a Semitic patriarch tending his flock, a devout abbot lording it vicariously over fertile acres, a Yankee captain homeward bound with black cargo, an amateur general swaggering a commission he has bought, an adventurous speculator selling futures in a grain he has never seen and a commissar clothed with high office in a communistic state are all men of property. In fact, property is as heterogeneous as the societies within which it is found, in idea, it is as cosmopolitan as the systems of thought by which it is explained.[1]

One fundamental division of property is that between tangible and intangible. Tangible property is made up of concrete things—land or movable chattels of any type, such as livestock, tools, implements, jewelry, or money. Intangible property is constituted mainly of legal rights to certain uses and privileges, such as copyrights, patent rights, or good-will.

Property is also divided into real property and personal property. Real property includes land, buildings, and other immovable objects, while personal property is made up mainly of movable chattels, such as goods, or money. In a broad way, the distinction between real and personal property is that between immovable and movable objects. As Blackstone observes, "Things personal are goods, money, and all other movables which may attend the owner's person wherever he thinks proper to go." In a large view of the subject, intangible property is an attenuated and legalistic phase of personal property.

We ordinarily think of property as possessed by an individual, in other words, private property. But property concepts and practices are far wider than this. Property may be owned not only by individuals but also by groups. In fact, during the greater part of man's existence, property was owned by groups of different sizes and types rather than by private persons. We ordinarily look upon the various emotions connected with property as being of a highly personal sort, but primitive clans and tribes, ancient city-states, or contemporary fraternal organisations, may have just as specific and passionate notions of property rights as any individual miser.

The average layman regards ownership and possession as essentially the same thing, but they are quite different legal concepts. Even lawyers fall into error when they hold that ownership is a relation of law and

[1] Article, "Property," *Encyclopedia of the Social Sciences*, Macmillan, Vol. 12, pp. 528–529.

possession a relation of fact. Ownership means that a person has all the legal rights which relate to the object owned and that all necessary facts exist to support this right of ownership. In other words, ownership is a complex of rights supporting possession, whether actual or not. In modern law possession means a direct physical relation to the object possessed, power over this object, and intent to exclude others from any similar contact and power. Viewed broadly, ownership and possession are both legal relations, but ownership is more the passive right while possession is both a legal right and an active physical fact.

It is often assumed that property is a creature of law but, in reality, laws have grown out of pre-existing property practices and usages and constitute a rationalization and perpetuation of social customs relating to use and possession. At the same time, law has tended to legalize and stabilize such social usages.

In primitive times, property rights were controlled primarily by custom and usage rather than by written law. But this did not prevent property rights from being often very precise and supported with vigor. In the ancient Near East, private property became well developed, and property rights and usages were embodied in written law as well as in custom and convention. In the Code of Hammurabi, the great king of Babylonia about 2000 B.C., we find a most elaborate legal recognition and regulation of many kinds of property, with special protection given to various forms of contracts. There seems to be good evidence that the Egyptians may have had a comparable legal code.

Many of our more important legal concepts in regard to property grew out of Roman law. Fundamental in early Roman law was the distinction between *res mancipiae*, or a Roman farm and its equipment, even including slaves, and other property, such as merchandise. The *res mancipiae* was regarded as more dignified and important property than other holdings, and could only be disposed of by means of a ceremonial contract or *mancipium*. By including in the basic concept of *res mancipiae* both real property and movable chattels, Roman law tended to blur the distinction between real and personal property. Roman law also created the distinction between ownership, or *proprietas*, and possession, or *dominium*. Roman law envisaged many other subtle legal concepts and rights relating to property holdings.

In medieval law, the distinction between possession and ownership was less distinct, but the differentiation between real property and chattels was made more thorough and decisive than it had been in Roman law. Real property could be acquired in most places only by inheritance or investiture, both of which were closely controlled by feudal law. Investiture was an elaborate feudal rite, both legal and religious. The inheritance of property in the Middle Ages usually followed the principle of primogeniture, or inheritance by the eldest male heir. The possession of real property in England in the Middle Ages was guaranteed by the right of seisin, which was then regarded as the possession of such an estate in land as was believed worthy to be held by a free man. In

England today the possession of a freehold is frequently regarded as the right of seisin.

Perhaps the outstanding development in property law since the dawn of modern times has been that which clearly distinguishes between real and personal property:

> The main differences between real and personal property which still exist in England are these. (1) In real property there can be nothing more than limited ownership; there can be no estate properly so called in personal property, and it may be held in complete ownership. There is nothing corresponding to an estate-tail in personal property; words which in real property would create an estate-tail will give an absolute interest in personalty. A life-interest may, however, be given in personalty, except in articles *quae ipso usu consummuntur*. Limitations of personal property, equally with those of real property, fall within the rule against perpetuities. (2) Personal property is not subject to various incidents of real property, such as rent, dower or escheat. (3) On the death of the owner intestate real property descends to the heir; personal property is divided according to the Statute of Distributions. (4) Real property as a general rule must be transferred by deed; personal property does not need so solemn a mode of transfer. (5) Contracts relating to real property must be in writing by the Statutes of Frauds, 29 Car II c 3, s 4; contracts relating to personal property need only be in writing when it is expressly so provided by statute as, for instance, in the cases falling under s 17 of the Statute of Frauds. (6) A will of lands need not be proved, but a will of personalty or of personal and real property together must be proved in order to give a title to those claiming under it. (7) Devises of real estate fall as a rule within the Mortmain Acts; bequests of personal property, other than chattels real, are not within the act. (8) Mortgages of real property need not generally be registered; mortgages of personal property for the most part require registration under the Bills of Sale Acts.[2]

In the last half-century there have been revolutionary alterations in both the law and concepts of property rights, especially in the United States. These have been associated chiefly with the rise of corporations, the holding-company, and the speculative practices of finance capitalism. As a result of these developments, ownership of much of American business has been divorced from control and management, and those who have been vested with control through legal legerdemain have been able to ride roughshod over the owners of securities.

During this recent period—chiefly since 1870—a sweeping legal revolution also took place with respect to property. Property rights have come to be looked upon as sacred. Therefore, those who had any special vested practice, interest, or privilege attempted to identify it with property and thus secure for it impregnable legal defense. This led to an enormous—indeed, absurd—extension of the property concept in law. Such things as monopoly, factory codes, sales practices, working conditions, the open-shop, immunity from taxation, and so on, were taken under the cloak of property and were given special protection by the courts.

[2] James Williams, article, "Personal Property," *Encyclopedia Britannica*, 11th Ed., Vol 21, p 256. See also Charles Gore (Ed.), *Property: Its Duties and Rights*, Macmillan, 1932, Chap. VIII.

Some Psychological Foundations of Property

A wide-spread notion prevails even among some professional psychologists that the property emotions and practices of mankind rest upon a definite acquisitive or property *instinct*, which not only dominates mankind but is also to be found among lower forms of life, such as insects, birds, rodents, and apes. Such psychologists as William McDougall, W. H. R. Rivers, and others have supported this theory by citing the foraging activities of the bees, wasps and ants, their accumulation of food, and their building of nests. Similar traits among birds and rodents are further adduced to support the instinct theory of the origins of property.

Perhaps the most convincing exposure of this instinct hypothesis is the book, *Property: A Study in Social Psychology*, by Ernest Beaglehole, an able English psychologist. He investigated thoroughly all the evidence usually brought forth to support the idea of a so-called property or acquisitive instinct among insects, birds, and animals and concludes that this evidence does not vindicate any such interpretation.[3] With respect to the insects, Beaglehole concludes that:

> If such accumulating activity (in one case, to repeat, the provisioning of the individual nest, in the other case, foraging for food and other objects of value to the hive and nest) must be fitted into a limited classification of instincts of the McDougall type it is far more reasonably and scientifically subsumed by an instinct of 'nutrition' or 'food-gathering' than by an instinct of 'acquisition,' or even, perhaps, as a modification or extension of an 'instinct of hunting.'[4]

Among birds, food accumulation is the exception rather than the rule, and the collection of materials other than those used for food or nests is found only among rare and very intelligent birds. The defense of a mate, young, or a nest is related more closely to sex, nutrition, building drives, and parental impulses than to any acquisitive instinct. Beaglehole concludes: "These facts take on a legitimate and larger meaning only when they are considered within a configuration which comprise a total activity directed towards the satisfaction of sexual and parental impulses."[5]

The same sort of reasoning applies to the evidence with respect to an acquisitive instinct among animals. Insofar as animals accumulate and defend, it is only because the objects that they do accumulate and defend satisfy general life desires. As Beaglehole puts it: "The psychological origin of property is based on the mental and material appropriation of those objects which are necessary for the satisfaction of those specific instincts subserving the more fundamental needs of the organism."[6]

In short, the tendency to acquire and defend objects by insects, birds, and animals rests upon a complex set of drives to satisfy life needs rather than upon any specific instinct of acquisition. Beaglehole concludes then

[3] *Loc. cit.*, Macmillan, 1932, Chaps. ii–iv.
[4] *Ibid.*, p. 62.
[5] *Ibid.*, p. 93.
[6] *Ibid.*, p. 123

that there is no instinct of acquisition to be found in forms of organic life lower than man and that the resemblance between the acquisitive behavior of man and of other lower forms of life is wholly superficial. There is no organic, psychological, or historical link between the accumulating tendencies of lower forms of animal life and the acquisitive behavior of man. This is also the opinion of Professor Hamilton, who says that "a suspicious analogue alone enables man to find property in the animal kingdom."

After investigating the rise of property drives among men Beaglehole is also convinced that what we find in mankind is socially conditioned acquisitive behavior and not an acquisitive instinct:

> The roots of acquisitive behaviour are to be found in the primitive impulse to grasp and to handle in the interests of the fundamental needs; collecting behaviour is a habit complex whereby, on the one hand, the undisciplined and non-regimented character of the child's impulses is organized into a compact body of interests through play activities and participation in a social group; and on the other hand, in conformity with group values, with developing intellectual interests.[7]

With adults in well developed society acquisitive behavior is motivated not only by the immediate needs of the organism but by many complex factors of a psychological and cultural nature:

> The dominant motives to wealth accumulation would thus seem to be prudence, the love of family, the desire for social esteem and invidious distinctions founded on wealth, and lastly, desire for power, and the aggressive control of others. The desire for economic goods, therefore, the response to the bribe of wealth, is always complex. It is a value supported by a strongly organized system of sentiments and interests, the joint product of the interaction of impulse and emotion with the economic culture patterns of the material and social environment. So important, however, is this group patterning that it is hardly unfair to say that man is acquisitive because his environment makes him so.[8]

We may, therefore, conclude that the drive to accumulate property is a complex one, which does not rest on any simple instinct of acquisition. There seems no valid support for the existence of any such instinct in man or other living beings. The impulse to accumulate, use, and own things is a complicated sentiment, involving everything from the grasping of the babe at warm and familiar objects to the lust for emulation and prestige on the part of "economic royalists" in our era of finance capitalism.

Property Drives in the Light of Psychology, Ethnology, and Sociology

In addition to satisfying some basic requirements of life, property values are conditioned by the social and cultural setting. Things are valuable in proportion to the esteem placed upon them in any culture.

[7] Beaglehole, *op. cit.*, p. 281.
[8] *Ibid.*, p. 308.

When culture changes, property usages and values are likely to undergo a comparable transformation:

> From the point of view of social theory, after allowance is made for this conception of the psychological minimum, one must argue that property is neither unchanging nor indefeasible. It is, in reality, an instrument, expedient or convention, adaptable and changing in accordance with varying needs (just as is any expedient), and must be so changed, if needs are to be satisfied, in conformity with the requirements of a dynamic society. The truth of this statement gains support from even the most cursory glance at the history of Western Europe. This history shows very clearly a gradual development in the culture patterning of property values.[9]

A. G. Keller also emphasizes the fact that the property interest is sharply conditioned by the relative group esteem for the objects in question and by the utility which these objects possess in any particular culture:

> Certain things may be desirable as property to some people and not to others; for instance, the iron and coal deposits in America did not interest the Indians at all, though they now form properties of great desirability and value. The Eskimo who traded some fine furs for a handful of wet matches with red sticks, was eager to own what the white man was just about to throw away as useless.[10]

A particularly brilliant and impressive statement of the cultural determination of property values is provided by Professor Hamilton:

> The mark of a particular society always attaches to a property. An owner is concerned with trinket, vineyard or power, not for what it is in itself, but for what the community allows him to extract from it. In one society a string of scalps are a badge of honor, in another a mere reminder of the ways of savages. The touch of superstition gives value to a rabbit's foot, the bone of a reputed saint and Dr. Wiseman's Panacea-for-Everyill; at the coming of science their places are taken by the test tube and the guinea pig. The march of invention subdues waste land with dry farming, converts a flash of lightning into a great industry, and keeps the catalogue of natural resources in perpetual flux. In one age a moral revolution outlaws the theater, in another it consigns the traffic in alcoholic beverages to oblivion. Under industrialism the fact of property is as fresh as the morning newspaper, the ticker tape and the latest judicial utterance.[11]

The powerful social and cultural conditioning of property values may be illustrated in greater detail. Vanity is a very important source of the property desire. In primitive society, most things, from personal ornaments to wives, are likely to be esteemed not only for their utility or magic potency but also for the prestige which they may confer. This vanity drive has continued, and in its modern manifestation it has been made the subject of sardonic analysis by Thorstein Veblen and other writers interested in the social psychology of our contemporary leisure classes. One of our present day plutocrats may get much the same satisfaction out of a marble castle on Long Island that the savage secures from his

[9] Beaglehole, *op. cit.*, p. 317.
[10] A. G. Keller, *Starting Points in Social Science*, Ginn, 1925, p. 82.
[11] Hamilton, *loc cit.*, p. 529.

string of shells. "Diamond Jim" Brady was motivated by much the same sentiments which promoted the lavish personal adornment of King Luernus of the ancient Gauls.

The possessiveness exhibited by males with respect to their women arises from psychologically complex motives. The desire for women is supported not only by sex requirements and by their utility in the household, but also by sentiments of affection, fear of loss, jealousy, self-love or egotism. Even polygyny, or the possession of many wives, rests as much upon vanity and prestige as upon the lasciviousness of the sheik.

Property is accumulated and prized as much because it bestows power and prestige upon the possessor as for its practical utility. This applies even to a utilitarian matter such as the accumulation of food. It is common among primitive peoples to find food accumulated and displayed beyond any capacity for consumption, because this display of excess food demonstrates prestige and superior rank. Even ornaments are as definitely related to the desire for social prestige as to any aesthetic impulse or personal pride of the wearer. Expensive and unusual adornment gives evidence that the wearer is a person of social importance and high rank.

The possession of land is usually regarded as a preëminent example of utilitarian motivation, but it is a far more complex matter than this. It rests also upon tradition, association with the family past, and aesthetic achievement. Indeed, considered in the large, the desire to possess land is a complex sentiment rather than a direct utilitarian impulse:

> Over and above means of subsistence and the fulfilment of social obligations one must recognize the large part that other psychological factors play in the formation of values in land. Aesthetic appreciation, memories of former years, tribal battles, sacred practices, memories of home and family—in fact all those interests which are the resultant of the interplay of social sympathy with traditional teaching and aesthetic emotion combine to create a sentiment of ownership for the land.[12]

Religion has been a profound influence in creating property values and sentiments. Primitive magic has an especially powerful effect. Not only is magic force supposed to reside in various amulets and other objects, giving rise to that religious concept we know as fetishism, but one's personality is supposed to project itself into the objects he possesses and uses. Hence it is unsafe to seize or use the possessions of others, lest this magic potency do one harm. It was this notion which, in part, underlay the idea of burial with one's possessions. This eliminated the danger of having any survivor use them with disastrous results. Wealth also enabled the possessor to feel more certain of a satisfactory existence in the world to come, for it enabled him to gain the assistance of medicine men and priests in utilizing the aid of supernatural powers. Benefactions for holy causes were supposed to be particularly potent in assuring immortal bliss. Indeed, in the later Middle Ages, wealthy persons were assumed to be able to purchase partial immunity from damna-

[12] Beaglehole, *op. cit.*, pp. 154–155.

tion. This stimulated the notorious sale of indulgences. The power of wealth over contemporary religion has stimulated many sociological and economic studies and powerful social novels, an example of which is Winston Churchill's *The Inside of the Cup*.

One can multiply indefinitely these illustrations of the way in which social, psychological, and ethnographical factors influence property values and usages, but those we have given will suffice to demonstrate the assertion that property motives are extremely complex and are sweepingly altered in the course of social evolution. Those who wish further information may consult the third and fourth chapters of Sumner's *Folkways*, and the more detailed treatment in the *Science of Society* by Sumner and Keller.[13]

Some Outstanding Phases of the History of Property

Property in Primitive Society. The nature of property usages and holdings in primitive society has been a subject of much controversy.[14] One school of ethnology and sociology has sought to demonstrate that in primitive society we always find a system of communism, where all property is held in common by various social groups, such as clans and tribes. Another school of thought, chiefly concerned with upholding the dogma of the sanctity of private property, has combatted this notion of primitive communism by contending that private property has been the rule in primitive as well as in historic cultures.

Neither the thesis of complete communism in primitive society nor the opposed dogma of the universality of private holdings among primitive men accords with the facts. While communal holdings certainly predominated in primitive life, there was plenty of private property, extending even to abstruse types of intangible rights. Often in the case of what passes for communal ownership it was communal possession and use rather than strict communal ownership. There was a rather general trend during primitive times from communal to family holding, and movable objects usually became private property:

> Although it is difficult to find among primitive peoples complete approach to a communistic grouping of society, yet it is equally evident that various factors converge to bring about a fairly equable distribution of wealth within the enlarged family group, the clan, or the tribe. Even in the higher grade agricultural societies, where we first find the phenomena accompanying the differentiation of classes, the rise of nobles and chiefs, we find evidence for the existence of group patterns which stress the social approval of generosity, of giving rather than keeping, and which thus promote equality of wealth. Culture patterns may stress the virtue of liberality; or the glory accruing to the group through temporary possession of *Kula* objects of incalculable value. And human nature does not rebel. It moulds its individualism into conformity with social ways of acting, its sentiments of ownership to group patterns of behaviour. The result is society without abnormal acquisitiveness, without clear-cut communism but co-operative,

---

[13] Especially Vol. I, Part I.

[14] On the evolution of property, see Gore, *op. cit.*, Chap. I.

combining, through its customs, individual initiative with a not unequal distribution of wealth.[15]

This general point of view is supported by the eminent ethnologist, Professor Robert H. Lowie, in his chapter on "Property" in his notable *Primitive Society:*

> It follows from the foregoing that we cannot content ourselves with a blunt alternative: communism versus individualism. A people may be communistic as regards one type of goods, yet recognize separate ownership with respect to other forms of property. Further, the communistic principle may hold not for the entire political unit of however high or low an order but only within the confines of a much smaller or differently constituted class of individuals, in which case there will be indeed collectivism but not communism in the proper sense of the term. These points must be kept in mind when surveying successively the primitive law of immovable and movable property, of immaterial wealth and of inheritance.[16]

In dealing with property in primitive society one must remember that we have no evidence of property usages among any very early type of men. Existing savages, and peoples who lived just before the dawn of history, represent relatively recent stages of human culture. Man had passed through nearly a million years of experience before he reached the stage of culture represented by, let us say, the American Indians at the time of the discovery of America. So, when we talk about property among primitive peoples, we do not mean early primitive peoples but those living in a relatively late and advanced state of primitive culture.

In a rough way, the extent and fixity of private property increased as man passed from the hunting period, through pastoral life, to agriculture. But there were plenty of private property rights in the hunting period and a good deal of communal control and use of property after agriculture appeared.

In the so-called hunting and fishing stage of culture—the economy of collectors—hunting and fishing lands were normally owned or controlled by the whole social group, while individuals owned their own weapons and tools. The ownership of the latter, rested, as we have seen, on magical as well as ultilitarian grounds. But not even hunting grounds were always communally owned. Among the Veddas of Ceylon, for example, private property rights in hunting lands were so specific that a man did not dare to hunt even on his brother's land without permission.

Among peoples living in the pastoral period, what we usually find is communal ownership of the pasture land and private ownership of livestock, though often this ownership of livestock is vested in the family rather than in the individual members.

The appearance of agriculture promoted a marked development of private ownership. This was due to the fact that land had to be cleared

---

[15] Beaglehole, *op. cit.*, p. 237.

[16] Lowie, *op. cit.*, Liveright Publishing Corporation, 1920, p. 210. For more detail on primitive property, see M. J. Herskovits, *The Economic Life of Primitive Peoples*, Knopf, 1940, Part IV.

for tilling, and those who cleared and cultivated it were loath to surrender the product of their effort to the community:

> It is when we come to tillage that the typical property-system as respects land undergoes a decided change. . . . Under agriculture the whole situation as *respects land is altered. It is still the product of the land* rather than the land *itself that is the object of desire;* but now some small areas of land are better *than others, whereas on the hunting and herding stages there was small* choice between *limited plots. One piece of tillage-land* is, perhaps, naturally more fertile than another, even though the two are small and lie side by side. But tillage-land must generally have been improved, by being cleared of trees and underbrush and otherwise prepared for cultivation, and sometimes enriched with ashes, fish, or other fertilizer. When this has been done, the holder of such land is not willing to give it up for any other piece; especially if the ground contains seed which he has planted, does it become a special and individual thing, of which he wants the private monopoly.[17]

With the coming of agriculture the old communal system of ownership did not wholly disappear. Waste land, used for pasturage, almost always remained under communal ownership. There was also often a communal control of tilled land, though there was a definite tendency towards the growth of family or individual ownership of cultivated plots. In the agricultural period, private property in animals and tools was the usual thing. Among advanced primitive peoples we often find that the land is regarded as the "chief's land" or the "king's land." In this way, the ground was prepared for the transition from primitive to historical culture. In the early stages of the latter we usually find that the land was, in legal theory, in the possession of the monarch and distributed among his followers.

In primitive society we find that movable objects of real or supposed utility, such as weapons, tools, and animals, were most frequently owned by families or individuals. Private property was the rule in this area of human possession. The elements of magic, utility, convenience, and pride all combined to stimulate the growth of private ownership:

> In general it may be said that among primitive peoples in regard to the ownership of implements, weapons and land, what is acquired or made by a man or woman by personal exertion is regarded as his or her private property. Similarly what is acquired or made through combined labour of a group is usually the common property of the individuals forming the group.
>
> The psychological elements involved in a sentiment of ownership supporting property, the acquisition of which has involved the mixing of labour, are not far to seek. In the making of a tool or weapon or a house there is the satisfaction of the impulse to construction; in the decoration or carving of the implement there is aesthetic pleasure and joy in good craftsmanship. Memory of the energy, time and labour spent in fashioning the tool from raw materials strengthens the feelings of satisfaction at having produced something of this that is useful or beautiful and perhaps both. Since an object of this nature may be envied or praised by other members of the group, the sentiments grouped round the self are proportionately strengthened and reinforce in their turn those feelings centred about the newly created object. . . .

[17] Keller, *Starting Points in Social Science*, Ginn, pp. 86–87.

Factors of utility, rarity, durability and incorporation of skill are by no means the sole and only determinants of value and desire for possession. Other, and perhaps more potent, factors are the outcome of motives grouped round the drive of vanity, the desire for social recognition, and the fact that value is often the outcome of what, for want of a better term, I may call 'historic sentimentalism.'[18]

Women, as well as men, frequently owned movable objects in primitive times. This was especially the case where, as among the Iroquois, women occupied a position of unusual prestige and power.

An especially striking refutation of the idea that property notions and rights are only slightly developed among primitive peoples is afforded by the extensive evidence of incorporeal property and intangible rights.[19] Among these intangible property rights, usually the possession of individuals, are such things as songs, magic formulas and incantations, local legends, poems, the right to make carvings and other ornamental works, religious rites, ceremonial privileges, the cultivation of sacred herbs, and the revelation of visions. Among some primitive peoples we find notions and usages identical with our concept of copyrights and patent rights.

Property in the Ancient Near East. With the so-called dawn of history in the ancient Near East property usages and rights were embodied in formal legislation and enforced by the absolutism of the ancient monarchs. These early historic civilizations of the Near East were built upon the ruins of primitive culture, which was brought to an end by many centuries of wars of conquest. The monarchs who ruled over the new states usually claimed the formal ownership of the land and embodied their claim in laws and proclamations. But they gave out the land to their followers in the form of gifts and leases which conferred most of the salient points of ownership of private property. The chief limitation was that very often such lands could not be disposed of with the same degree of freedom that prevails under a system of complete private ownership.

There were many changes in the property system in the course of the history of ancient Egypt.[20] In the Old Kingdom we find a hangover of primitive customs. There was a persistence of communal ownership of land along with private ownership of flocks and tools. In the crafts, private ownership of tools was the normal thing. As the kings grew stronger, they tended to assert their ownership over all the land of Egypt and to give it out in leaseholds. But the nobles were able to dispose of such holdings if they obtained the king's consent.

This situation of formal legal ownership of all lands by the Pharaoh, its subsequent redistribution to nobles, and the freedom of the latter to dispose of their holdings with royal permission continued with no important changes in principle throughout the Middle Kingdom and the Empire. The Egyptian priesthood owned vast sections of the best land

[18] Beaglehole, *op. cit.*, pp. 147, 183.
[19] Lowie, *op. cit.*, pp. 235 ff., and Herskovits, *op. cit.*, pp. 348 ff.
[20] See Alexandre Moret, *The Nile and Egyptian Civilization*, Knopf, 1927, pp. 138–140, 144, 265–267, 347–348.

of Egypt. This was owned under a communal religious set-up and was relatively free from royal interference, except in the case of the strongest monarchs. It might be pointed out, in passing, that the priests were the largest slave owners in ancient Egypt.

In the earliest days of ancient Mesopotamia—the Sumerian era—we find well-developed property rights, both communal and private:

> In Sumer and Akkad, from the earliest times, property in land was vested in individuals, or in social groups; pre-Sargonic deeds of sale afford precious evidence for this. The temples had their fields and their orchards; the ishakku's wife and children their private lands. The little house of the poor man was not always immune from the greed of the rich, and his mother's plot was too often plundered by the priest. Already, apparently, the prince rewarded his faithful servants by grants of land, either in perpetuity, or simply in usufruct.[21]

In Babylonia, the king theoretically owned much of the land and gave it out, as had the Egyptian Pharaoh, to his loyal followers. Both the city-states and individuals owned land. Weapons, tools, and implements were usually owned privately by all those who had the means to obtain them. Only those too poor to provide their own movable objects pooled their resources and owned them communally. The Code of Hammurabi distinguished between private property and *ilku* possessions. The latter were granted by the king as a reward for public services, and could not be seized, mortgaged, or sold except after the fulfillment of required duties and with royal consent. Even the disposition of private property was restricted by family rights and, as a rule, could be alienated only for debt. The high value put upon property rights in the Code of Hammurabi is demonstrated by the severe penalties imposed for the violation of contract.

In Assyria, there was both communal and private ownership of land. The cities often owned vast rural properties and leased or sold them to private individuals. Frequently, large farms were owned by several individuals or families. Assyrian legislation was particularly strict with respect to boundary rights. A man dishonestly moving his boundary, if discovered, was compelled to make restitution of three times the area taken, to be whipped, and to work for a month for the king without pay. He might also be mutilated.

The Hebrew ideas of property emphasized the principle of social justice, stressed the fact that man is the "steward of God" in all that he holds, and held that property should be so used as to promote the good both of the owner and his group.[22]

Property in Greece and Rome. Homeric society in ancient Greece represented a transition from primitive to historic culture, and there was a definite tendency towards the increase of private ownership of land:

> We are in a time when groups of the patriarchal type, smaller families, and isolated individuals all exist together, when collective ownership continues to

---

[21] L. Delaporte, *Mesopotamia*, Knopf, 1925, p. 101.
[22] Cf. Gore, *op. cit.*, Chap. IV.

exist by the side of personal ownership, when vast estates are surrounded by medium-sized fields and small plots, and when movable wealth allows industry to put in a timid appearance.[23]

In early Attica, a family system of land ownership predominated but individual ownership was already making strong headway. In the Periclean period in Athens, the formal system which prevailed was one of private property, under the general control and supervision of Athens:

> This, at bottom, was the principle which governed ownership. Property belonged to the individual, under the control of the city. There was neither communism nor anarchy. The maintenance of each in what belonged to him, under conditions determined by the law—no system could be imagined more favourable to society. All goods were at the disposal of the State without belonging to it slavishly, and its demands detracted nothing from the pride or activity of the citizen.[24]

The state owned most of the mines and quarries, though they frequently leased out such public domains to private concerns in the form of "concessions." Private property in both lands and tools predominated. The laws governing the transmission of estates encouraged the division of medium and small estates, until farms frequently became so small that they could not support the owners. Great estates were built up on the ruins of small holdings by a process something like that in which the Roman *latifundia* were created upon the ruins of the old Roman freeholds.

There was some capitalism in Athens, but it bore little resemblance to that of modern times. Piracy and trade were put upon essentially the same ethical plane. The slowness with which money was able to assert itself as a form of property is revealed by the general opposition to the taking of interest. All interest was branded as usury whatever the rate charged.

The situation presented by Sparta was an unusual one.[25] Sparta was one of the first totalitarian states. Its social system was essentially one of military socialism. The highest class in Sparta were the so-called Spartiates. They were strictly organized according to the system of military socialism. They occupied the so-called civic lands of Sparta, which were divided into equal entailed and inalienable family estates. There was equality of land holding and taxes. These estates were transmitted through the system of primogeniture. The estates were cultivated by helots, who were legally servile, but were often fairly well off in a material sense. They bore a certain resemblance to the medieval serf. The other free class in Sparta were the so-called *Periocci*. They were both farmers and city industrialists. They were not subjected to the regimentation of military socialism, though they might often be called upon for military service in time of emergency. They owned their

---

[23] Gustave Glotz, *Ancient Greece at Work*, Knopf, 1926, p. 11.
[24] *Ibid.*, p. 151.
[25] *Ibid.*, pp. 87 ff.

own shops, tools, lands, and herds. Their property was alienable and could be disposed of with relative freedom.

In early Rome, agricultural property was usually regarded as sacred.[28] Agriculture was as much a phase of religious life as of economic activity. In the earliest days there was much common landowning with private property in herds and implements. The cities owned much land and city ownership died slowly. When a city conquered adjoining lands it parceled out this area among citizens.

In the days of the kings and the early Republic we find a form of patriarchal agrarian life, in which each family owned a little plot of land called an *heredium*, containing a little less than two acres. When Rome conquered the Italian peninsula some of the conquered land was sold outright to private individuals. The rest was retained as public land which the state rented out to private cultivators, either Roman citizens or conquered peoples.

This conquest of Italy and the subsequent conquest of the Mediterranean world by Rome gradually brought to an end the era of small landholders. Many Roman farmers were killed off in war and the wealthy element which survived and had profited by war bought up the land and created the great estates or *latifundia*. This disappearance of a nation of small landowners and free men is regarded by historians as the leading cause of the decline of Roman power.

Capitalism and monetary property developed much further in Rome than they did in Greece. There were two main types of capitalists: (1) those who worked for the government as tax-collectors and on public works, and (2) ordinary businessmen. Great fortunes grew up, some of which were created by methods exactly paralleling our modern rackets. Crassus, in fact, may fairly be regarded as the father of the arson racket.

In the Roman Empire the masses were generally dispossessed, whether in city or country. In the city, they usually lived on public largesse in the form of "bread-and-circuses." In the country, they sank to the level of serfs in the so-called colonate. In neither case did they have any private possessions worthy of the name. The middle class was gradually ruined by the taxation system. Those who had property were chiefly a few great landholders, who defied most of the laws and dodged their obligations to the state. The army was owned by the state and lived in a condition which may be regarded as military socialism.

Property in the Middle Ages. It was long popular to find in early German society a system of complete communism in landholding. But today most up-to-date historians doubt that there was much outright communal ownership of arable lands. It appears that the pasture and woodland were owned by the community at large, but cultivated land was only subject to communal control like the medieval manor. Each free cultivator had a right to the land he worked and to its products, though

---

[28] On Roman property, see Paul Louis, *Ancient Rome at Work*, Knopf, 1927, pp. 17–20, 30–36, 51–56, 106, 121.

he did not own it nor could he dispose of it. Private or family ownership of weapons, tools, and herds seems to have been the rule.[27]

In theory, Christianity favored communal property, and the Apostolic Christians set up a sort of primitive communism, while awaiting the expected second coming of Christ. Monastic communities for some time supported a communal system of landholding. Stress was laid on the dangers of accumulating too much private property, lest one become absorbed with this world's goods and neglect the exercises essential to insure salvation in the world to come. Jesus had warned that, where a man's treasure is, there also will his heart be. Wealth and property were to be used only to supply elemental human needs, to glorify God, and to support the Church. But this noble theory soon evaporated under the stress of practical conditions in medieval life.

Land was far and away the most important type of property since the civilization was overwhelmingly rural. The only person who might be regarded as an outright owner of land was the king, or the superior feudal lord who was not obligated to any overlord. But it was not uncommon in the Middle Ages for even a king to hold land under obligations to some feudal lord. The possession of land, known as the fief, was bestowed by the practice of investiture. It was normally passed on through primogeniture, in order to keep the fief intact. But each fief carried responsibilities to the overlord, such as military service or money payments. If these obligations were not met, the overlord could, if he were strong enough, dispossess the holder of the fief. A feudal lord was normally invested with a fief as reward for military services already rendered.

The agricultural system of the Middle Ages revolved about the manor, which might be roughly regarded as the fief viewed in its economic aspects.[28] A part of the manor—the demesne—was cultivated for the lord by his serfs, and he received all the produce thereof. The rest of the manor, known as land held in villeinage, was under communal control, but each serf had the right to cultivate certain sections of this area and get the produce thereof. The serfs usually owned their own animals and tools, but they generally had to pool these and use them in a coöperative manner to carry on farming operations. Even their labor was not their own, since they had to give approximately half their time for free work on the lord's demesne. They could not dispose of their land, but neither could they be thrown off the land. Flour mills and other needed institutions were supplied by the lord, and the serfs paid for their use.

The Church entered actively into the feudal landholding system. Bishops and abbots might be great feudal landlords. The vast tracts of land owned by the monasteries were usually communally owned. They might be worked by the monks, but monastic lands were also frequently cultivated by serfs under conditions very similar to those which existed on secular manors.

---

[27] See J. W. Thompson, *Economic and Social History of the Middle Ages*, Appleton-Century, 1928, pp. 87–92.

[28] Thompson, *op. cit.*, Chap. XXVI.

In the few towns the property was held chiefly by the masters of the gilds. In the craft gilds, the shops and tools were usually privately owned by individual gild masters, though journeymen frequently owned their own tools. The control of medieval towns over town buildings, fortifications, and military enterprise resembled urban socialism. The most extensive control of property by medieval towns was manifested by organizations of merchants—particularly the Hanseatic League, which included various commercial cities in Germany and northern Europe and maintained a great merchant marine, trading stations, a navy, and an army.

As in ancient Greece, the idea of monetary property and property rights made progress slowly. There was sharp limitation on all forms of speculation. All interest was regarded as usury and was forbidden except in the case of Jews, who, by special dispensation, acted as bankers and moneylenders.

Though the Church praised poverty as a leading Christian virtue and warned against absorption with earthly goods, it was actually the largest single property holder in the Middle Ages. While it held its lands and other property as "the steward of Christ," it maintained its property with as great pride and tenacity as any secular owner. However, the Church supported the policy, in theory at least, of using property for the public good, and condemned as sinful most of the policies now universally followed under capitalism to get profits and accumulate property. Moreover, the rise of the Franciscans and the mendicant friars in the later Middle Ages revived once more the Christian eulogy of poverty.[29]

In short, the Middle Ages represented a reversion to a predominantly communal economy and extensive limitations of private property. It has been not inaccurately observed that in the Middle Ages the property system rested more upon personal and legal relationships than it did upon clear title to ownership. But, as medievalism wore on, the communal aspect and relationship system tended to give way slowly before the inroads of private enterprise.

Property in Early Modern Times After the Commercial Revolution. With the rise of modern times we pass from the medieval system, where property rested more upon personal and functional relationships than upon absolute ownership, to a situation in which complete private property in land, movables, and business accessories became the rule. And the political and legal system gave nearly complete recognition and protection to these remarkable extensions of private property concepts and practices, making it what some economic historians call the "proprietary period" in the evolution of property.

It must be remembered that modern economic institutions did not come with the same rapidity to all the countries of Europe. They appeared first in England and the Low Countries. In some parts of Europe, especially eastern and central Europe, the feudal system, the manor, and the gilds lingered, in differing degrees of consistency, for generations or cen-

[29] *Cf.* Gore, *op. cit.*, Chaps. IV-V.

turies. There the property relationships of the Middle Ages hung over with slight change. Where the new economic setup was realized, thoroughgoing private ownership of land was established, whether in large estates created by enclosing the scattered strips of the medieval manor, or in the lesser holdings of the squires and small farmers. The communal system of the medieval manor was wiped out and the serfs became either peasant workers for wages or, less frequently, small proprietors. In almost every case those who owned the land also owned the implements and tools necessary to cultivate it.

In the realm of industry, private ownership became nearly universal in western Europe. The gild system was replaced by the putting-out system, in which the merchant capitalist owned the raw materials and the workers in their homes normally owned their tools. In commercial activity, which required larger investment, joint-stock companies frequently arose, and ownership was divided among the participants.

One of the most revolutionary changes in property at this time was the rise of capitalism and a money economy, the final triumph of the notion of property in money and the freedom to use it. The medieval identification of interest with usury was wiped out. The use of money to acquire more monetary property through lending, investment, and speculation became generally approved.

These innovations constituted the essential elements of the new capitalism.[30] Private property was deemed necessary, and it was thought to be essential to accumulate it for further investment. Business had to produce a surplus for further investment and expansion. The appearance at this time of double-entry bookkeeping concentrated attention upon private profits and the virtues of private property:

> Ideas of profit-seeking and economic rationalism first became possible with the invention of double-entry bookkeeping. Through this system can be grasped but one thing—the increase in amount of values considered purely quantitatively. Whoever becomes immersed in double-entry bookkeeping must forget all qualities of goods, and services, abandon the limitations of the need-covering principle, and be filled with the single idea of profit; he may not think of books and cargoes, meal and cotton, but only of amounts of values, increasing or diminishing.[31]

Economic philosophy bestowed its blessings upon the new era of private property. John Locke, David Hume, Adam Smith, and others praised property as a supreme virtue and the chief incentive to human effort. Sir William Blackstone observed that "nothing so generally strikes the imagination, and engages the affections of mankind, as the right of property." Property came to be regarded as an inherent natural right of mankind and property itself was regarded as "inalienable, immutable, and indefeasible." Even religion gave warm approval to the new era of private property rights. As Max Weber, Ernst Troeltsch

---

[30] *Cf.* Jerome Davis, *Capitalism and Its Culture*, Farrar & Rinehart, 1935.

[31] Werner Sombart, *Der Moderne Kapitalismus*, Munich, 1921–27, Vol. II, pp. 119–120.

R.-H. Tawney, and others have pointed out, Protestant ethics thoroughly backed up the concepts and practices of the new capitalistic system. But the element of stewardship was not ignored.[82] John Locke contended that the chief purpose of government is to protect property, and legislators quickly took heed and made this abstract theory a practical reality.

This remarkable development and extension of private property gave a new incentive to personal effort in economic life. Personal ownership produced personal opportunity and responsibility for acquiring profits. Property in this era was real, active, dynamic, and widely distributed. In the twentieth century, property owners and their legal defenders exploited these facts of earlier centuries in order to defend quite a different economic system, in which property and property rights had taken on remarkably altered traits and attributes had become passive and parasitical. The beginnings of the change were to be found even in the early period with the rise of joint-stock companies and the growth of stock exchanges. Through these instruments, a new form of property arose. It was not the ownership of a material thing but of a piece of paper which stood for the thing, and constituted a claim upon the profits of enterprise and speculation.

Property after the Industrial Revolution. The Industrial Revolution stimulated the growth of capitalism and the power and scope of private property. In England, peasants were thrown off their small holdings, which they had occupied tenuously through customary copyholds, and the land was concentrated in great estates through the enclosing of land between 1760 and 1830. In France, the French Revolution brought about the opposite results by breaking up great estates and increasing the number of small peasant holdings. In English colonies in America much of the land was formally owned by great proprietors who held by royal grant, or by the Dutch patroons along the Hudson. But in the later Colonial period, private ownership became more usual and a major social result of the American Revolution was the wiping out of great estates, and of entail and primogeniture. The private ownership of relatively small farms became the rule. This process was encouraged by the settlement of the West, and particularly by the famous Homestead Act of 1862. The building of transcontinental railroads threw much land into the hands of the railroad companies, but even most of this was later sold off to homesteaders. Timber and mineral interests, however, acquired vast tracts of the public domain, to the detriment of the country which was not yet alive to the pressing need for conservation policies.

This trend, however, was reversed in the twentieth century and there has been a marked decrease in outright farm ownership. The number of mortgaged farms has increased notably. In 1890, the tenants made up only 28 per cent of all farm occupants, while in 1930 they constituted 42 per cent. Tenancy is still on the gain in over forty states. Some of these tenants, such as the southern sharecroppers, live in extremely pre-

[82] *Cf.* Gore, *op. cit.*, Chap. VI.

carious fashion. Inadequate conservation methods and foolish methods of cultivation have led to the exhaustion of the land and forced migration of the owners, particularly in the western dust bowl region.

The first World War in Europe was followed by much agrarian reform, particularly in Central Europe and the Balkans. Large estates were broken up and given over to small holders. But in Russia, private ownership of land was either extinguished or subjected to extreme forms of state control. The rise of fascism has been accompanied by a large increase of state control over private property. If current tendencies continue, independent private ownership of land in Europe seems likely to be severely controlled or entirely obliterated.

The invention of machinery for production created the factory system. Many of these factories were, at first, privately owned. Even when they came to be owned by partnerships and joint-stock companies the ownership of the factories was vested in those who operated them and received the profits. Ownership was not yet separated from management and control.

While property holding by the business classes became more impressive, the Industrial Revolution and the factory system produced opposite results for the laboring masses. They no longer owned their own tools or shops. They became what has been called "wage-slaves," rarely owning even their own homes and becoming wholly dependent upon those who controlled the factories:

> First, there appears the important fact that the proletarian is a typical representative of that kind of man who no longer is in relation (either internal or external) to Nature. The proletarian does not realise the meaning of the movement of the clouds in the sky; he no longer understands the voice of the storm. . . . He has no fatherland, rather he has no home in which he takes root. Can he feel at home in the dreary main streets, four stories high? He changes his dwelling often either because he dislikes his landlord or because he changes his place of work. As he moves from room to room, so he goes from city to city, from land to land, wherever opportunity (i.e., capitalism) calls. Homeless, restless, he moves over the earth; he loses the sense of local colour; his home is the world. He has lost the call of Nature, and he has assimilated materialism. It is a phenomenon of today that the great mass of the population has nothing to call its own. In earlier times the poorest had a piece of land, a cottage, a few animals to call his own; a trifle on which, however, he could set his whole heart. Today a handcart carries all his possessions when a proletarian moves. A few old scraps are all by which his individual existence is to be known. . . . All community feeling is destroyed by the iron foot of capitalism. The village life is gone; the proletarian has no social home; the separate family disappears.[83]

The need for greater expenditures, with the development of the factory system, increased production and trade, and stimulated the growth of capitalism. Larger fortunes arose. Banking institutions became more extensive and powerful, to provide credit for the new business. Indus-

[83] Werner Sombart, *Das Proletariat*, cited in Milton Briggs and Percy Jordan, *Economic History of England*, 4th ed., University Tutorial Press, Ltd., 1914, p. 182.

trial expansion became the rule. Property was accumulated, in part to reinvest, to extend productive plants and to increase profits. But throughout this era, preëminently the nineteenth century, management and control remained in the hands of owners. A considerable group, to be sure, derived their income from investment in securities and thus became what we know as "absentee owners," but they were the exceptions rather than the rule until near the close of the nineteenth century. With the growth of larger property interests there was ever greater effort upon the part of owners to secure more legal protection of their right of ownership and their freedom of enterprise.[34]

Property under Finance Capitalism. Few persons other than technical students of economic history and corporation finance realize that the twentieth century has produced one of the greatest revolutions in the whole history of property, especially in the United States. With the concentration of industry and growth in the size of plants, legal ownership in large corporations has been vested chiefly in a large number of security holders. But these owners do not control the policies of the corporations or actively manage the operation of the factories. They are what we call absentee owners, meaning by this that they have no personal contact with either the corporate offices or the plants which turn out goods and services. Their ownership is both passive and relatively impotent. Only a few very rich families, like the Fords, the Mellons, and the DuPonts have enough personal wealth to own and operate their giant concerns.

In the middle of the nineteenth century the industrialist owned and operated his factories and machines. He controlled the policies of production and sales, and actively managed the operation of his plant. Ownership, control, and management were unified. Those who control business enterprise today are the officers and directors of the giant corporations. But they own relatively few of the securities of such corporations, rarely as much as 10 per cent and usually less than 5 per cent. They rarely take any part in the actual management of factories and business enterprises, but hand it over to salaried experts, often trained in schools of business administration. These experts run the plant in accordance with policies laid down by the few men—the official clique—who have gained control of the corporate enterprise through juggling securities.

All this constitutes a sweeping revolution in the former system of unified ownership, control and management of business. Owners cannot control the use of their property and have only a precarious legal claim on some possible return from the use of their property by others.[35] Those who control the use of property do not own what they use and control but can use it as they wish, short of the most overt and palpable fraud. They are frequently able to escape detection even when guilty

---

[34] See Gore, *op. cit.*, Chap. VIII.

[35] *Cf.* Harry Scherman, *The Promises Men Live By*, Random House, 1938.

of gigantic swindles. Property, therefore, is no longer active and dynamic, as it was in early modern times. It is now mainly passive in great business enterprises:

> The characteristic fact, which differentiates most modern property from that of the pre-industrial age, and which turns against it the very reasoning by which formerly it was supported, is that in modern economic conditions ownership is not active, but passive, that to most of those who own property today it is not a means of work but an instrument for the acquisition of gain or the exercise of power, and that there is no guarantee that gain bears any relation to service, or power to responsibility. For property which can be regarded as a condition of the performance of function, like the tools of the craftsman, or the holding of the peasant, or the personal possessions which contribute to a life of health and efficiency, forms an insignificant proportion, as far as its value is concerned, of the property rights existing at present. In modern industrial societies the great mass of property consists, as the annual review of wealth passing at death reveals, neither of personal acquisitions such as household furniture, nor of the owner's stock-in-trade, but of rights of various kinds, such as royalties, ground-rents, and, above all, of course, shares in industrial undertakings which yield an income irrespective of any personal service rendered by their owners. Ownership and use are normally divorced. The greater part of modern property has been attenuated to a pecuniary lien or bond on the product of industry which carries with it a right to payment, but which is normally valued precisely because it relieves the owner from any obligation to perform a positive or constructive function.[36]

Control is now the active and dynamic development in business enterprise, not ownership or property. The owners, in most cases, do not even know how their property is being used. Though the great corporations give out annual reports, they are either inadequate, very technical, or both. As Alden Wmthrop has made clear, not one stockholder out of a hundred can read and understand a corporation report, even if the report happens to be comprehensive and accurate. Owners can only trust to their luck and hope to escape from the worst forms of fraud and mismanagement.

Since those who do control business enterprise own only a negligible part of the enterprise, they cannot expect any large income from the direct and legitimate profits paid out in dividends. They must seek their reward primarily in large salaries and bonuses at the expense of the owners, or in speculative profits from internal manipulations, which are even more disastrous to the owners than lavish salaries and bonuses. We have described in Chapter VI how such speculative frauds and mismanagement have already sent more than half of the great business enterprises of our country into bankruptcy and reorganization. When this bankruptcy takes place, those in control—officials and directors—usually take over the reorganized enterprise and the original owners are left more or less propertyless, so far as the enterprise in question is concerned.[37] This tremendous revolution in the character and use of property, as a

---

[36] R. H. Tawney, *The Acquisitive Society*, Harcourt Brace, 1920, pp. 61-62.
[37] *Cf.* Max Lowenthal, *The Investor Pays*, Knopf, 1933.

phase of the corporate revolution and the separation of ownership from control, has been competently summarized by A. A. Berle and Gardiner Means:

> Corporations have ceased to be merely legal devices through which the private business transactions of individuals may be carried on. Though still much used for this purpose, the corporate form has acquired a larger significance. The corporation has, in fact, become both a method of property tenure and a means of organizing economic life. Grown to tremendous proportions, there may be said to have evolved a "corporate system"—as there was once a feudal system—which has attracted to itself a combination of attributes and powers, and has attained a degree of prominence entitling it to be dealt with as a major social institution. . . .
>
> In its new aspect the corporation is a means whereby the wealth of innumerable individuals has been concentrated into huge aggregates and whereby control over this wealth has been surrendered to a unified direction. The power attendant upon such concentration has brought forth princes of industry, whose position in the community is yet to be defined. The surrender of control over their wealth by investors has effectively broken the old property relationships and has raised the problem of defining these relationships anew. The direction of industry by persons other than those who have ventured their wealth has raised the question of the motive force back of such direction and the effective distribution of the returns from business enterprise.
>
> Outwardly the change is simple enough. Men are less likely to own the physical instruments of production. They are more likely to own pieces of paper, loosely known as stocks, bonds, and other securities, which have become mobile through the machinery of the public markets. Beneath this, however, lies a more fundamental shift. Physical control over the instruments of production has been surrendered in ever growing degree to centralized groups who manage property in bulk, supposedly, but by no means necessarily, for the benefit of the security holders. Power over industrial property has been cut off from the beneficial ownership of this property—or, in less technical language, from the legal right to enjoy its fruits. Control of physical assets has passed from the individual owner to those who direct the quasi-public institutions, while the owner retains an interest in their product and increase. We see, in fact, the surrender and regrouping of the incidence of ownership, which formerly bracketed full power of manual disposition with complete right to enjoy the use, the fruits, and the proceeds of physical assets. There has resulted the dissolution of the old atom of ownership into its component parts, control and beneficial ownership.
>
> The dissolution of the atom of property destroys the very foundation on which the economic order of the past three centuries has rested. Private enterprise, which has molded economic life since the close of the middle ages, has been rooted in the institution of private property. . . .
>
> In the quasi-public corporation, such an assumption no longer holds. As we have seen, it is no longer the individual himself who uses his wealth. Those in control of that wealth, and therefore in a position to secure industrial efficiency and produce profits, are no longer, as owners, entitled to the bulk of such profits. Those who control the destinies of the typical modern corporation own so insignificant a fraction of the company's stock that the returns from running the corporation profitably accrue to them in only a very minor degree. The stockholders, on the other hand, to whom the profits of the corporation go, cannot be motivated by those profits to a more efficient use of the property, since they have surrendered all disposition of it to those in control of the enterprise. The explosion of the atom of property destroys the basis of the old assumption that the quest for profits will spur the owner of industrial property to its effective use. It consequently challenges the fundamental economic principle of individual initiative in industrial enterprise. It raises for reëxamination the

question of the motive force back of industry, and the ends for which the modern corporation can be or will be run.[38]

The sweeping transformation in the property system has not only separated ownership from control and created a system of passive and helpless absentee ownership, but it has also made property holding and claims exceedingly complex, as compared with the days when property consisted mainly of the direct ownership and use of lands, weapons, or tools. Professor Tawney lists some of the outstanding types of property today, running from the direct and personal to the most abstruse legal claims:

1. Property in payments made for personal services
2. Property in personal possessions necessary to health and comfort.
3. Property in land and tools used by their owners.
4. Property in copyright and patent rights owned by authors and inventors.
5. Property in pure interest, including much agricultural rent.
6. Property in profits of luck and good fortune: "quasi-rents."
7. Property in monopoly profits.
8. Property in urban ground rents.
9. Property in royalties.[39]

Most of the changes in property concepts and usages in recent years have borne some definite relationship to corporate practices and interests. Outstanding among such changes has been the enormous, even absurd, extension of the legal concept of property and property rights. At the very time when actual property rights are being blurred almost out of existence by corporation finance, and when property itself is becoming progressively more insecure, a vast field of vested interests, claims, and relationships, which cannot in any literal sense be regarded as property, have been brought under the legal cloak of property, and glorified and protected. Due to the ingenuity of corporation lawyers, who serve those controlling contemporary business enterprise, the concept of property has been extended until it has lost all realism.

Any vested private interest which was threatened by progressive legislation for the public welfare was christened "property" by the legal battalions of corporation finance and the courts have usually upheld this legal casuistry.[40] As Professor Hamilton has sagely observed, the courts did not so much literally protect property; they gave the name "property" to everything they protected.[41] This innovation was brought about in the United States primarily as the result of the Fourteenth Amendment to the Federal Constitution, originally framed and adopted to protect the civil rights of the Negroes in the South. It stated, among other things, that no state shall deprive any person of life, liberty, or property without due process of law. About fifteen years later, the lawyers induced the courts to regard a corporation as a person. Then they used the vague

---

[38] *The Modern Corporation and Private Property*, Macmillan, 1932, pp. 1, 2, 7–9.
[39] Tawney, *op. cit.*, pp. 63–64.
[40] *Cf.* T. W. Arnold, *The Folklore of Capitalism*, Yale University Press, 1937.
[41] Hamilton, *loc. cit.*, p. 536.

"due process of law" concept as the means of declaring unconstitutional almost any attack upon vested economic interests, even notorious offenses against the public weal. Policies and acts which powerful economic interest opposed were declared contrary to due process of law and were thus set aside by the courts as unconstitutional.

The Supreme Court of the United States admitted to legal protection under the concept of property and property rights such matters as monopoly and the restraint of trade, the ability to charge such railroad rates as the railroads saw fit, the right to manufacture shoddy material and to use short weights in making sales, the right to escape the taxation of income, inheritances, and stock dividends, the right to maintain any working conditions that businessmen saw fit to impose upon their employees, the right to outlaw union labor, and the right of business practices to evade governmental control. The fact that some of these "rights" were later denied does not affect the fact that they were defended as property rights by lawyers and were so sustained for many years by the supreme law of the United States. Indeed, most of these stood as law until President Roosevelt's attack upon the Supreme Court in 1937.[42] The relation of the American constitution to the protection of property and the degree to which the sanctity of property has developed under judicial protection is described by Arthur W. Calhoun:

> The United States Constitution was made by a convention of property interests for the express purpose of preventing democracy and with the positive aim of keeping the propertyless masses in subjection. The Constitution was designed as a frame-work of government to operate for the purpose of carrying out a supreme principle antecedent to the Constitution and possessing untouchable sanctity, namely the sacredness of private property, which no government was entitled to infringe.
>
> One may read the Constitution with considerable care and not detect its capitalistic nature unless he is primed for the discovery. Unless one knows all about the making of the document and the "higher law" that it ordained to carry out, he may still cherish fatal illusions about "the charter of our liberties." The best corrective of such fallacies is the behavior of the United States Supreme Court specifically in its refusal to take jurisdiction for the protection of life and personal property of an ordinary sort, whereas it will comb to the limit any case in which a state is charged with confiscation of capitalist property.
>
> If Sacco and Vanzetti had been proprietors of a little electric plant in a small Massachusetts town, the United States Supreme Court would have been glad to see that justice was done them in a rate case by the state courts. So sacred is capitalist property. But no federal judge could be found to guarantee their rights to life and liberty against the fatuous and bungling travesty on justice perpetrated by the Massachusetts courts. The Constitution professes to give the same protection to life and liberty that it does to property, but the profession amounts to virtually nothing in any crucial case.
>
> All this is entirely natural for inevitably the central purpose of government must be to safeguard the economic system that prevails at the given time. Any other procedure would be suicidal. Consequently those that support the capitalist system have no ground for objecting when government lends itself as a tool to the capitalist interests.[43]

---

[42] *Cf.* L. B. Boudin, *Government by Judiciary*, 2 Vols., Godwin, 1932, Vol. II.
[43] A. W. Calhoun, *The Social Universe*, Vanguard, 1932, pp. 45–47.

During the early New Deal days the Court upheld, as property rights, freedom from the restrictions of the National Industry Recovery Act and the Agricultural Adjustment Act. It upheld the immunity of the soft coal industry from adequate government control and set aside the New York State minimum wage act. The foregoing are only some of the more important extensions of the property concept sanctioned by the Supreme Court. They are only a fraction of the interests and policies which vested interests and lawyers maintained to be legitimate categories of property. The excesses and abuses contained therein were largely responsible for the revolt against the Supreme Court. Its reconstruction by President Roosevelt seems likely to bring about a marked restriction of further legalistic adventures in this field.

We now seem on the eve of a new era in economic life which may bring about startling changes in property rights and usages. In Soviet Russia, state socialism was thoroughly established and with it came the end of the private ownership of the means of production and distribution. In so-called "Middle-Way" countries, like Sweden, and in Fascist states, differing degrees of state capitalism were instituted. This innovation imposed serious restrictions upon many property rights and substituted actual government ownership of such things as public utilities and natural resources. Under the pressure of war, the movement towards government control and government ownership has been rapid even in the democracies. It would be rash to make precise predictions about the future of property, but one would be safe in suggesting that the days of unrestricted or even predominant private property are numbered. It is doubtful if they will survive the present generation.

The Inheritance of Property

Since we have relative freedom in the transmission of property in the United States, we usually assume that this situation prevails everywhere among civilized peoples. Such is not the case. Only in England and the United States do we find relatively complete freedom in the disposition of property through inheritance. Group and family claims on the estate are widely recognized elsewhere because of the so-called right of *legitim*, or the legally enforceable claim of widows and children to some part of the estate of the deceased.

Another consideration is that today the right of inheritance has no great personal significance to the mass of mankind, whatever its significance for our economic system as a whole. Only a very small fraction of the populace can accumulate enough property so that it may be transmitted as large fortunes. For example, in England and Wales just before the first World War only 15 per cent of all persons possessing any personal income had property valued at more than $500 and only 7 per cent possessed more than $2,500 in property. In Prussia, in 1908, only about 14 per cent of the population had property valued at more than $1,200.

In primitive society, the inheritance of private property was relatively unimportant. Most of the land was owned communally or by family groups. Therefore, inheritance was mainly, though not wholly, limited to the transmission of movable objects and chattels. However, primitive magic and religion imposed limitations on the transmission of even these privately owned objects. Since possession and use were believed to confer the magic potency—the *mana*—of the possessor, it was often deemed dangerous for any survivor to claim and use the personal property of a deceased person. As the result of this notion, weapons, tools, and other private possessions were often either buried with the deceased or burned at his death.

Though primitive uses in respect to inheritance may have been relatively unimportant in an economic sense, they were numerous and complicated.[44] As a general rule, those things useful to men were transmitted to male relatives and those things most serviceable to females to the female survivors. Anthropologists believe that this custom was one reason why women were so frequently excluded from inheriting property belonging to their husbands or fathers.

The relatives favored in the inheritance of property were decided by the particular relationship system prevailing, which was usually complicated. Collateral inheritance was common. Under this system, property went to the surviving brothers of the deceased before it could be transmitted to his sons. Primogeniture, or inheritance of the whole property by the eldest son, sometimes existed, but it was relatively rare in primitive society. Indeed, the opposite system at times prevailed. Then the older sons were compelled to leave the family home. The youngest son stayed at home and inherited the property of his father.

In ancient Egypt, it was the usual thing to permit nobles to transmit their lands and goods with the consent of the Pharaoh. The tools and implements used in the crafts and trades were handed on from father to sons within the family. But the right of inheritance was always strictly limited by the power of the monarch:

> It was in families that peasants, craftsmen, and officials worked for the King. Children succeeded their fathers in fields, workshops, and offices. But we should note that this heredity was always uncertain, not giving complete ownership and in no way impairing the principle of the King's eminent ownership of lands and employments. In consequence, there were no social castes in ancient Egypt, and a man could always change his calling, at his wish or by desire of the King.[45]

Much the same situation with respect to inheritance prevailed in Mesopotamia. The right of inheritance was frequently not equal among all the heirs. For example, in Assyria the eldest son was often allowed to take two thirds of the estate, one third of which he personally selected, the other third being chosen by lot.[46]

---

[44] Lowie, *op. cit.*, pp. 243 ff.
[45] Moret, *op. cit.*, p. 273.
[46] Delaporte, *op. cit.*, p. 295.

In Athenian society the right to transmit property was definitely limited by the ties and claims of kindred. No bequests could be made outside of the clan without its consent and a special dispensation. The property of a man went directly to his sons. No legitimate son could be disinherited. If a dying man had no son he might adopt one, and he usually imposed the condition that this adopted son marry one of his daughters, if there were any. The dying man could then will his property to this adopted son.

In Sparta the civic land held by the Spartans was equally divided among the families and was transmitted undivided to the children. Inheritance was, thus, closely controlled by the group. The property of the *Perioeci* could be more freely transmitted by wills and bequests, but even here there were restrictions.

In early Rome, the inheritance of property was controlled by family relationships. All the children, both male and female, had equal rights, and a grandchild had the rights of a child if his father was dead. Since the early Roman land holdings were small, they were rarely divided up among the heirs but all continued to use the property as beneficiaries in common. Women were not allowed to make a will in early days but were later freed from this disability. It was a disgrace to leave an insolvent estate. In such cases the testator usually willed his property to a slave, on whom the disgrace might fall. The claims of the kin were protected even in later Roman law. The famous law *Papia Poppaea* of 9 A.D. prevented distant kinsmen from inheriting the complete estate of a deceased relative. Further, married people without children were restricted in the amount which they could will to each other. There were many subtleties and technicalities in the Roman law of inheritance into which we need not go here.[47] The above-mentioned concept of the *legitim* was basic in Roman inheritance. It has persisted in Romance countries, where the legal system has been modeled on that of Rome, thus limiting the freedom of inheritance in those countries.

In early German law a father's property was divided equally among his sons. This practice even restricted somewhat the practice of primogeniture in Germany during the feudal period, though primogeniture was common there. In most of western Europe inheritance by primogeniture prevailed among the nobility and knights. For both military and economic reasons it was desirable to keep estates intact. The serfs on the manor had no power of free transmission of property. They did not own any land, and their tools and cattle were communally controlled and handed on through the family. The gildsmen in the towns could transmit their property to their heirs, but gild laws and usages restricted complete independence in testamentary disposition of property.

Even in Britain and the United States there are restrictions likely to be enforced by law. Male descendants have an advantage over females

---

[47] See a brief summary in J. E. Sandys, *A Companion to Latin Studies*, Cambridge University Press, 1921, pp. 311–316.

in their claims and, if a man disinherits any or all of his legitimate children, there is a reasonable prospect that legal action will succeed in destroying or modifying the will of the deceased. When there is no legitimate heir the general rule of inheritance is that the closest male relative shall receive the property.

In Soviet Russia, the inheritance of property was at first wiped out entirely. Later on, relative freedom of inheritance was restored. But since most private property has been extinguished in Soviet Russia, about all that can be transmitted are personal possessions. In Fascist states, inheritance has not only been curtailed but in some cases nullified through heavy inheritance taxes and confiscation. Under a system of state socialism or state capitalism the inheritance of property is therefore relatively as unimportant as it was in primitive society.

Since inheritance today is a major cause of the existence and perpetuation of great inequalities of wealth, the ethics of inheritance have been warmly debated. Those who support freedom of inheritance argue that it is an incentive to economic effort, that it alone makes possible an adequate accumulation of capital for re-investment, and that it promotes great bequests to culture and charity.

Against this is the argument that the rich seek to acquire for their own sake rather than for their children. Many hang on to their estates until their death in spite of the penalty of high inheritance taxes. It is stated that too much capital is accumulated and invested. The unequal distribution of wealth makes it impossible for the masses to buy what is already turned out by the existing capital plant. Finally, it has been shown that the bequests for charity and cultural purposes by the wealthy are relatively insignificant. In France, on the eve of the first World War, only one per cent of great fortunes went for such purposes. While the percentage is a little higher in England and the United States, it is relatively negligible, as Abraham Epstein, E. C. Lindeman, and Horace Coon have amply shown.

Professor Lindeman's book, *Wealth and Culture*, is an important study of the social significance of bequests from the estates of the wealthy. It is an elaborate survey of the relation between great fortunes and humanitarian effort. The product of several years of careful study, it is an impressive statistical analysis of the problem. Mr. Lindeman here presents evidence as to the enormous concentration of property and income in the United States, such as the fact that one per cent of the people own 59 per cent of the total wealth of the country, and 13 per cent own 90 per cent of the total wealth, and 75 per cent own practically nothing. In the matter of income, there is also a large concentration in the hands of a fortunate few. For example, the 1.7 per cent of the population having incomes of over $5,000 a year receive 14.8 per cent of the total money income.

Do those who are fortunate with respect to wealth and income hand back most of it for the benefit of humanity? Mr. Lindeman finds that there is no such general tendency, as is usually taken for granted, for

the wealthy to return any considerable part of their income to be put at the service of mankind:

> It seems entirely clear that persons who possess large estates do not, at death, redistribute any sizeable portion of their wealth to society. They pass their wealth on, so far as is possible, to a small circle of relatives and friends. Only six per cent of the wealthy distribute their estates among agencies and institutions. Moreover, the sum which they thus distribute amounts to only six per cent of the total wealth bequeathed.
>
> And, what is even of greater significance, perhaps, is the fact that the bulk of wealth thus distributed flows into the treasuries of churches, hospitals, and conventional charities. In short, the cultural importance of redistributed personal wealth is slight. This analysis of probated wills and appraised estates reveals that Americans on the whole regard their wealth as personal possessions to be disposed of according to individual interest or fancy.[48]

From the funds at the disposal of the foundations and community trusts in the United States there is contributed only some five to ten per cent of the total of our philanthropic budget. Most of their appropriations here have gone for the furtherance of projects devoted to education, health, and social welfare. Ninety per cent of all their expenditures from 1920 to 1930 went for such purposes.

Coon has gone even further and shown that many gifts for charitable and cultural purposes, especially in the form of great endowments, have been consciously bestowed mainly to protect property from state interference. By linking up these endowments with science, medicine, engineering, and art, it is possible for those who defend vested wealth to allege that any attack upon property and profits means a blow at all human culture. Social reforms can thus be blocked or discredited by propaganda. In other words, many, if not most, bequests are consciously given as a mode of insurance against a greater degree of state restriction of economic freedom and property rights.[49]

Another point to be emphasized is that the higher the taxes that are imposed upon great fortunes, especially upon their transmission, the greater the probability that gifts will be made for charitable and cultural purposes before decease.

The Social Justification of Property and Property Rights

In considering the arguments in support of the institution of private property it should be kept clearly in mind that there is no such thing as a natural or inherent right of property which, like the law of gravitation, antedates the appearance of man on the planet. Property, especially private property, is purely a social institution, which made its appearance relatively late in the experience of mankind. If property is to be justified and vindicated, this can only be done by showing that the contributions

[48] Lindeman, *op. cit.*, Harcourt, Brace, 1935, p. 50.

[49] Horace Coon, *Money to Burn*, Longmans, Green, 1939.

of private property to human well-being and social progress outweigh the evil effects of private property. This institution must stand on its own merits. Like all other social institutions, it must be judged by its social contributions and liabilities.[50]

The most elementary argument for private property is that it is necessary to provide for the bare needs of human subsistence. But, to assure mere subsistence, private property has not been required. Communally held property has assured both subsistence and a considerable surplus over the bare needs of living. Certain schools of radical thought even contend that state ownership would bring about a far higher standard of living than private property has ever produced. We do not assume here to confirm or refute any such assertion. All we need do is to make it clear that private property is not essential to life, even in well developed societies. The vital necessity is to have the materials essential to life available for use by groups and individuals. Private property has often performed this function, but it is by no means indispensable in this service. Whatever can assure effective use of lands, tools, and goods will suffice.

Though private property may not be necessary to assure mere livelihood it may supply the most dynamic human initiative and stimulate the highest degree of human efficiency. This, indeed, is the most usual argument in behalf of private property. Volumes have been spoken and written on "the magic touch of private property" in awakening human effort. One of the most impressive, Carl Snyder's *Capitalism the Creator*, appeared in 1940. There is considerable validity to this argument under conditions in which the mode of holding and using property bears a direct relationship to private gain. It should be made clear, however, that human effort can be stimulated by other motives than pecuniary greed. The normal man wishes to rate well according to the standards and judgments which prevail in his society. When these standards and judgments are primarily related to property and money, then private property may, indeed, constitute a great impulse to effort. But, with a shift of such standards in society, monetary gain and status would have less potency. History supports this contention through such examples as medieval monasticism, in which the ideal of poverty and the repudiation of private property was a major social value and stimulus to conduct. Social pressures may do quite as much as private property in stimulating effort and initiative. This is proved by the effect of state supervision of work in Periclean Athens, and the power of gild ideals in stimulating pride in workmanship during the Middle Ages. In other words, industrial initiative can be of a social as well as a personal origin.

The best illustration of the impulse afforded to personal efficiency and industrial effort by private property is drawn from conditions in early modern times, say from 1650 to 1800. Then, both land and tools were owned by private individuals, upon whose efforts depended the possi-

---

[50] *Cf.* Gore, *op. cit.*, Chaps. II-III, VII.

bility not only of making additional profits and extending property holdings but even of retaining the property in hand:

> When property in land and what simple capital existed were generally diffused among all classes of society, when, in most parts of England, the typical workman was not a laborer but a peasant or small master, who could point to the strips which he had plowed or the cloth he had woven, when the greater part of the wealth passing at death consisted of land, household furniture and a stock in trade which was hardly distinguishable from it, the moral justification of the title to property was self-evident. It was obviously, what theorists said, that it was, and plain men knew it to be, the labor spent in producing, acquiring and administering it.
>
> Such property was not a burden upon society, but a condition of its health and efficiency, and indeed, of its continued existence. To protect it was to maintain the organization through which public necessities were supplied. If, as in Tudor England, the peasant was evicted from his holding to make room for sheep, or crushed, as in eighteenth century France, by arbitrary taxation and seignurial dues, land went out of cultivation and the whole community was short of food. If the tools of the carpenter or smith were seized, plows were not repaired or horses shod. Hence, before the rise of a commercial civilization, it was the mark of statesmanship, alike in the England of the Tudors and in the France of Henry IV, to cherish the small property-owner even to the point of offending the great . . .
>
> They found the meaning of property in the public purposes to which it contributed, whether they were the production of food, as among the peasantry, or the management of public affairs, as among the gentry, and hesitated neither to maintain those kinds of property which met these obligations nor to repress those uses of it which appeared likely to conflict with them. Property was to be an aid to creative work, not an alternative to it The patentee was secured protection for his own brain, but the monopolist who grew fat on the industry of others was to be put down. The law of the village bound the peasant to use his land, not as he himself might find most profitable, but to grow the corn the village needed.[51]

However, these conditions no longer prevail in most civilized states. Hence arguments in behalf of property drawn from conditions of the seventeenth and eighteenth centuries possess little or no validity in the second third of the twentieth century.

In the earlier days of the Industrial Revolution, productive effort and industrial expansion were stimulated by private property. When a man owned and operated his own factory he had an immediate incentive to industrial activity. The property motive also encouraged saving and further investment in plant expansion because, with an extension of the factory facilities, there was every reason to expect greater production and profits. Nevertheless, we cannot attribute the great industrial development of Europe and the United States between 1750 and 1900 solely to the energy and efforts of businessmen, impelled by the profit and property motives. As Professor F. W. Taussig pointed out in his important book on *Investors and Moneymakers*, we owe this remarkable industrial expansion quite as much to scientists, engineers, and other inventors. And these scientists and technicians were not dominated

[51] Tawney, *op. cit.*, pp. 57, 59–60.

primarily by pecuniary impulses and the desire to accumulate property. Many of them died penniless.

There is little doubt, then, that the acquisition and holding of property were once of great aid in accumulating capital to promote industrial expansion. Until recent times, property may be regarded as having served a useful service in this regard. But in late years the results of property accumulation have been mainly anti-social and disastrous. There has been a tendency to concentrate wealth and to overinvest in plant expansion at the expense of wages and salaries. As a result, businessmen have been able to sell only a fraction of what they can produce. This underconsumption, growing out of inadequate purchasing power, is an outstanding reason for the decline of the capitalistic system. In other words, excessive savings, overinvestment in plant expansion, and notorious concentration of wealth are paralyzing rather than stimulating capitalistic industry and business.

Under the system of absentee ownership, the possession of private property does not stimulate productive effort but, rather, indolence and passivity. Property, in any large amount, is valuable today primarily for the social prestige and display which it affords. And one of the major ways in which this prestige and display may be manifested is through unusual and conspicuous waste. It is not unfair, then, to maintain that a great deal of property today promotes idleness and waste rather than any effort whatever at productive efficiency. This important consideration has been summarized with incomparable force and irony by Thorstein Veblen in his famous book of *The Theory of the Leisure Class:*

> So soon as the possession of property becomes the basis of popular esteem, therefore, it becomes also a requisite to that complacency which we call self-respect. In any community where goods are held in severalty it is necessary, in order to insure his own peace of mind, that an individual possess as large a portion of goods as others with whom he is accustomed to class himself; and it is extremely gratifying to possess something more than others. But as fast as a person makes new acquisitions, and becomes accustomed to the resulting new standard of wealth, the new standard forthwith ceases to afford appreciably greater satisfaction than the earlier standard did. The tendency in any case is constantly to make the present pecuniary standard the point of departure for a fresh increase of wealth; and this in turn gives rise to a new standard of sufficiency and a new pecuniary classification of one's self as compared with one's neighbours. . . .
>
> In order to gain and hold the esteem of men it is not sufficient merely to possess wealth or power. The wealth or power must be put in evidence, for esteem is awarded only on evidence. And not only does the evidence of wealth serve to impress one's importance on others and to keep their sense of his importance alive and alert, but it is of scarcely less use in building up and preserving one's self-complacency. . . .
>
> Abstention from labour is not only a honorific or meritorious act, but it presently comes to be a requisite of decency. The insistence on property as the basis of reputability is very naive and very imperious during the early stages of the accumulation of wealth. Abstention from labour is the conventional evidence of wealth and is therefore the conventional mark of social standing; and this insistence on the meritoriousness of wealth leads to a more strenuous insistence on leisure. . . .

The quasi-peaceable gentleman of leisure . . . not only consumes of the staff of life beyond the minimum required for subsistence and physical efficiency, but his consumption also undergoes a specialization as regards the quality of the goods consumed. He consumes freely and of the best, in food, drink, narcotics, shelter, services, ornaments . . . amulets, and idols or divinities. . . .

Conspicuous consumption of valuable goods is a means of reputability to the gentleman of leisure. As wealth accumulates on his hands, his own unaided effort will not avail to sufficiently put his opulence in evidence by this method. The aid of friends and competitors is therefore brought in by resorting to the giving of valuable presents and expensive feasts and entertainments. . . .

From the foregoing survey of the growth of conspicuous leisure and consumption, it appears that the utility of both alike for the purposes of reputability lies in the element of waste that is common to both. In the one case it is a waste of time and effort; in the other it is a waste of goods. Both are methods of demonstrating the possession of wealth, and the two are conventionally accepted as equivalents.[52]

Property holding and property motives in our day are, thus, likely to lead to the exploitation of society and indifference to public interest:

If, therefore, under the modern conditions which have concentrated any substantial share of property in the hands of a small minority of the population, the world is to be governed for the advantages of those who own, it is only incidentally and by accident that the results will be agreeable to those who work. In practice there is a constant collision between them. Turned into another channel, half the wealth distributed in dividends to functionless shareholders, could secure every child a good education up to 18, could re-endow English Universities, and (since more efficient production is important) could equip English industries for more efficient production. Half the ingenuity now applied to the protection of property could have made most industrial diseases as rare as smallpox, and most English cities into places of health and beauty. What stands in the way is the doctrine that the rights of property are absolute, irrespective of any social function which its owners may perform. So the laws which are most stringently enforced are still the laws which protect property, though the protection of property is no longer likely to be equivalent to the protection of work, and the interests which govern industry and predominate in public affairs are proprietary interests. A mill-owner may poison or mangle a generation of operatives; but his brother magistrates will let him off with a caution or a nominal fine to poison and mangle the next. For he is an owner of property. A landowner may draw rents from slums in which young children die at the rate of 200 per 1000; but he will be none the less welcome in polite society. For property has no obligation and therefore can do no wrong. Urban land may be held from the market on the outskirts of cities in which human beings are living three to a room, and rural land may be used for sport when villagers are leaving it to overcrowd them still more. No public authority intervenes, for both are property. To those who believe that institutions which repudiate all moral significance must sooner or later collapse, a society which confuses the protection of property with the preservation of its functionless perversions will appear as precarious as that which has left the memorials of its tasteless frivolity and more tasteless ostentation in the gardens of Versailles.[53]

It is, thus, very evident that there is no important incentive to effort in passive or functionless property, as it now exists under a system of

[52] From *The Theory of the Leisure Class*, by Thorstein Veblen. Copyright 1899, 1912. By permission of The Viking Press, Inc., New York. Pp. 31, 36–37, 41, 73, 75, 85.
[53] Tawney, *op. cit.*, pp. 79–81

absentee ownership. Indeed, the situation today is one in which the dominion of functionless property threatens the existence of the whole property system and, with it, capitalistic society:

> Indeed, functionless property is the greatest enemy of legitimate property itself. It is the parasite which kills the organism that produced it. Bad money drives out good, and, as the history of the last two hundred years shows, when property for acquisition or power and property for service or for use jostle each other freely in the market, without restrictions such as some legal systems have imposed on alienation and inheritance, the latter tends normally to be absorbed by the former, because it has less resisting power. Thus functionless property grows, and as it grows it undermines the creative energy which produced property and which in earlier ages it protected. It cannot unite men, for what united them is the bond of service to a common purpose, and that bond it repudiates, whence its very essence is the maintenance of rights irrespective of service. It cannot create; it can only spend, so that the number of scientists, inventors, artists, or men of letters who have sprung in the course of the last century from hereditary riches can be numbered on one hand. It values neither culture nor beauty, but only the power which belongs to wealth and the ostentation which is the symbol of it.[84]

As J. A. Hobson and others have suggested, there are many incentives other than property which may impel man to efficient and productive effort. Such are the pride of workmanship, community spirit, interest in the public weal, and striving for cultural and professional superiority. The competitive spirit can be stimulated even in economic production by other than profit and property motives. This has been demonstrated by the Stakhanov system in Soviet Russia, where prizes and prestige have been bestowed upon those who create outstanding records for productive efficiency. Self-expression, prestige, and superiority are powerful motives among mankind. Property is a strong stimulus only when social prestige and superiority rests primarily upon wealth. When other types of achievement confer comparable or greater prestige, they immediately become more powerful than property in stimulating human effort.

In conclusion, while private property has constituted a powerful impulse to initiative and efficiency in the past, and especially in early modern times, much of present-day property encourages industrial passivity and personal sloth, rather than efficient productive effort. As L. T. Hobhouse puts it, modern economic conditions have all but abolished property for use and have substituted property for power.[85] And a great deal of property is accumulated, held, and utilized by methods which hamper production and undermine the health of the capitalistic system.

In any event, it is high time to seek new incentives for mankind. Rightly or wrongly, whether we approve or regret the change, it seems that we are headed towards an era in which private property will be greatly reduced, if not entirely obliterated, except for purely personal possessions. If we pass into an age in which there is little private

[84] *Ibid.*, pp. 81–82.
[85] Gore, *op. cit.*, p. 23.

property and we have no other incentives for human effort, the state of mankind will be unfortunate indeed.

From the ethical and psychological point of view, it has been argued that private property is desirable for its influence upon the human personality—that property rounds out the personality, gives a sense of responsibility, and helps to provide a salutary discipline over ideas and conduct. There is some element of truth in this contention.[56] But it is also true, as others, especially reformers and Christian socialists, have maintained, that the excesses and abuses of property have done more than anything else to stimulate human brutality, selfishness, exploitation, and misery. Even Jesus remarked on the ethical handicaps of the rich man.

Some Outstanding Abuses of Property

While conceding the stimulus which property has offered to human effort in the past, we must also recognize the evils which have followed in the train of property. In ancient days, perhaps the greatest evil of private property was human slavery and the exploitation of the masses. The sad story has been told in the monumental work of C. Osborne Ward, *The Ancient Lowly*, a book which has been unfortunately neglected by students of social history.[57] The slave system was probably most extensive and brutal in the later Roman Republic and the early days of the Empire. Not only were great numbers enslaved under conditions of gross brutality and oppression, but the masses were demoralized and impoverished. Even when sustained by the state, as in the instance of the Roman system of bread-and-circuses, the masses lost their morale, initiative, and self-respect.

In the Middle Ages, the property system not only encouraged the exploitation of serfs, but also the unabashed robbery and pillage carried on by the medieval nobles and knights. The church itself became enormously rich at the price of impoverishing many of its loyal followers. Its avarice was a major cause of the Protestant Revolt. The kings and princes resented the crushing church taxation, and the religious reformers were shocked at the degradation of religion by ecclesiastical materialism.

When, at the end of the Middle Ages, absolute monarchs arose, they created their brilliant, corrupt, and expensive court life on the basis of crushing exploitation of the majority of the citizens. The nobility wasted lavishly while the bulk of the nation suffered in want and poverty. Not infrequently did the court live riotously while famines swept away thousands of loyal subjects.

More horrible in many ways was the exploitation of the working classes in the new factories which sprang up as a phase of the Industrial Revolution. The working conditions in the factories themselves were shocking, and the hours of labor long. Wages were low, and the apologetic econo-

[56] Cf. Gore, *op. cit.*, Chap. VII.
[57] 2 Vols., Kerr, 1907.

mists contended that they must remain low because only a limited sum—given the mystic title of "the wages-fund"—could be paid without wrecking industry. An economist of great prestige at the time, Nassau Senior, maintained that the working day could not be shortened because the employer had to make all his profits during the last hour. Senior was, accordingly, dubbed "Last Hour" Senior. The eulogy of property as a natural right of man and the idea that the chief obligation of government is to protect property united with the dogmas of the economists to create stubborn obstacles to factory reform and the promotion of social justice.

We have already discussed certain of the evils which have arisen as a result of the corporate revolution and the rise of finance capitalism. To list some of the major evils: It has transformed property owners from workers and producers into absentee drones. It has enormously increased the expenses of living. For every dollar which we pay to the producer of goods, we pay around $2.30 for overhead, much of which goes to those who take no active part in economic life. Finance capitalism has restricted and curtailed productive output to an unbelievable degree. Even capitalistic experts contend that we could produce approximately 100 per cent more with our present capital plant, were it not for handicaps imposed mainly by finance capitalism. Radical technicians estimate that we might produce more than three times as much, if our productive plant were operated by engineers. Through the maldistribution of income under finance capitalism, the masses have never been able to buy enough of any vital necessity. We hear much talk about the surplus of farm products in this country, but even in 1928 and 1929 only 10 per cent of our American families were able to buy enough to eat, if they lived according to the standards advocated by the government of the United States.

Among the evils of property is its opposition to desirable social change and economic reform. As we have already pointed out, no other influence has been so powerful as the legal claims of property in suppressing and thwarting social legislation, and thereby encouraging economic stagnation, inefficiency, depression, and impoverishment. Most important of all—by making adequate reforms through gradual and democratic methods all but impossible, it has already brought violent revolutions to a number of countries, and is inviting revolution in the majority of civilized states. In this way, property is committing suicide by provoking the establishment of a type of society in which property interests and holdings will be severely curtailed, if not wholly eliminated.

Finally, the desire to protect and augment private property is an important cause of war. Indeed, H. N. Brailsford contends that we cannot logically expect world peace until we abolish private property: "Our goal of order and peace can be reached only by a relentless concentration on the single purpose of abolishing private property in the means of life."[88] Moreover, as H. D. Lasswell has pointed out, the personal insecurity produced by the inequalities of property is a strong stimulant

---

[88] *operty or Peace*, Covici-Friede, 1934, p. 253.

to war in that it generates sentiments of indignation, frustration, recklessness, and rebellion, with the result that rulers attempt to distract attention by inviting or provoking a war.[59]

Some Major Inroads on Private Property Today

A direct threat to property comes from crime. We ordinarily think of crime as taking property through various types of thefts and burglaries. However, the total loss from all forms of burglary, robbery and thievery does not amount to more than half a billion dollars annually in the United States. But the cost of organized crime and racketeering annually amounts to at least 5 billion dollars. To this we must add another 5 billions for the cost of law-enforcing agencies and the support of apprehended criminals. The losses due to gambling each year run to 5 or 6 billion dollars.

Another serious inroad upon private property, however legitimate an inroad it may be, is public taxation. And these tax burdens are growing heavier each year. In 1938, before our armament program began, it is estimated that the total federal, state, and local expenditures were in excess of 18 billion dollars. These enormous sums must be raised directly by taxes or through government borrowing, paid off ultimately by those possessing taxable property, unless the public debt is repudiated and those who hold government bonds lose all their investment. The burden of taxation, even on small incomes, today can be illustrated by the income tax in England in 1940: [60]

Income:	*Tax*
$2,000	$171.25
$4,000	796.25
$6,000	1,421.25
$8,000	2,171.25

With large incomes the rate of taxation is higher, until it becomes confiscatory (100 per cent) in the higher brackets. And income taxes are but a part of the total tax burden. Since the second World War started, the income tax rates have been raised, and the government has the legal power to take a man's complete income and confiscate his property through a capital levy if the crisis becomes sufficiently acute. Now that the United States is in the war, our income taxes are likely to rise to the English level, and a great variety of other taxes are being levied on the populace.

When taxation becomes unbearable, the next resort is inflation, which, if carried far enough, wipes out all property values in fixed investments. Germany got rid of her World War debt in this way in 1923–24. A friend of the author had at this time an insurance annuity amounting to 450 thousand dollars. In 1924, it entirely disappeared—not being

---

[59] *World Politics and Personal Insecurity*, McGraw-Hill, 1935.
[60] This is the tax paid by a married man with one child.

sufficient to pay the postage on a postcard to the United States. This is only a representative example of what inflation does to most property values.

Perhaps the greatest losses of property have come about through speculation under finance capitalism. The losses in bank failures between the end of the first World War and the beginning of the New Deal amounted to at least 5 billion dollars. The paper losses in securities between 1929 and 1933 were in excess of 100 billion dollars, and the actual losses were probably a quarter of this sum, perhaps more.[61] The case of Samuel Insull and the Insull utilities, and of the Associated Gas and Electric Company under Howard Hopson, are only dramatic examples of the mulcting of investors in holding companies. The depression after 1929, for which finance capitalism has been primarily blamed, has cost our country over 100 billion dollars in the resulting curtailment of industrial activity.[62]

It is generally believed that trust funds, administered by banks and trust companies, represent the safest possible custody of property. But, as Fred C. Kelly has pointed out in his book, *How To Lose Your Money Prudently*,[63] billions of dollars have been lost in trust funds through unwise investment, lethargy in executing sensible sales and reinvestments, overt graft between various banks and trust companies, and excessive commissions and charges. Indeed, it may, perhaps, be said that property is safer in the hands of an alert and responsible broker than it is in a trust fund handled by a bank or trust company.[64]

The Future of Private Property

Less than a decade ago, Berle and Means predicted that the corporate revolution was building a new property system which might dominate the economic future for many years to come. But the economic and political trends indicate that the world is headed towards momentous social and economic changes which will sweep away the corporate system as thoroughly as nationalism and capitalism wiped out the feudal system of the Middle Ages. Even in democratic and capitalistic countries, the expense of social reform programs and the relief of the poor is bringing about taxation and increases in the public debt that seriously menace the existence of the whole property system. Relief cost the United States 13 billion dollars between 1933 and 1939. But, the cost of war is far more expensive than any past or projected outlay for social reform and relief. Armament appropriations in the United States in 1941–42 were ten times as great as the relief expenditures from 1933 to 1940. It is difficult to see how the system of private property can endure in the face of the expenditures involved in total war.

---

[61] *Cf.* J. T. Flynn, *Security Speculation*, Harcourt, Brace, 1934.
[62] Some economists put the loss at twice this figure
[63] Swain, 1933
[64] *Cf.* J. T. Flynn, *Investment Trusts Gone Wrong*, New Republic Press, 1930.

In Europe, even before the war, the growth of totalitarianism, in the form of state capitalism and state socialism, had already sounded the death knell of the system of private property in several important countries. The virtual obituary of private property came in those countries when they entered the second World War. Even in Great Britain, which entered the second World War as an ostensible democracy, there is no prospect that the system of private property can weather a war of long duration. Already, all property in Britain has been placed at the disposal of the state, and is being rapidly used up in war—at the rate of over 50 million dollars a day or 20 billions a year.

Even if the war comes to a speedy end, the outlook for the system of private property is dark indeed. The burdens of the war are likely to give a fatal shock to the property system in democratic and capitalistic states. And there is not the slightest probability that the totalitarian states will reverse their steps and revive the system of unrestricted private property.

Even leaving aside entirely the insuperable burdens placed upon property by war, it is doubtful if our present empire of machines can be efficiently controlled under a system of private property and a capitalistic economy. The economic ideals of Wendell Willkie, however sincerely held, may fairly be likened to the astro-physical doctrines of Ptolemy. Some form of collectivistic economy, directed by industrial engineers appears to many to be the only system compatible with the technology of the twentieth century.

PART III

Political and Legal Institutions in Transition

CHAPTER VII

The Framework of Democracy: The National State and Constitutional Government

An Outline of the History of Nationalism

We have now come to the point in this volume where we consider the more important political problems of the contemporary era. These are closely related to the economic trends analyzed in earlier chapters. The central problem of contemporary political life, particularly in the United States, is the fate of democracy. But the problems of democracy cannot be understood unless we first treat of those political institutions and practices which are mainly responsible for the problems democracy faces and which have provided the technique democracy employs in its operations.

This makes it desirable to preface our treatment of democracy by an account of the rise and influence of nationalism and party government. The national state has brought to democracy the major problems with which it has to cope—the highly complex life of great territorial states, and the bellicose psychology which creates the threat of war. Party government has been the only technique democracy has thus devised for the operation of representative government. In short, nationalism hands over to democracy the main problems with which it has to deal, while party government provides the current mode of solving such problems.

The course of the development of nations and national states has been a complicated process. So many and deep-seated are the psychic elements and the cultural characteristics which are carried over from the tribal period into the political, that it is nearly impossible to fix any definite period as marking the origin of nations. One can scarcely agree with Israel Zangwill that the tribally organized Jews of ancient Palestine constituted a national state, in the sense used to describe the Germany of Bismarck, Treitschke, and Reventlow, or the Italy of Crispi, Carducci, and Sonnino. Yet it is not easy to deny his criticism of those writers who find nations a phenomenon of very recent origin. Rather, it is best to agree that modern nations have their psychic traits deeply rooted in the tribal past. The history of nationalism and of nation-building involves tracing the expansion of cultural entities and the centers of emotional fixation; in other words, the record of the expansion and rationalization of "herd-instinct."

As human society has undergone tremendous transformations in the period between the gradual breakdown of tribal society and the twentieth century, differences of corresponding scope have developed between the expression of group psychology in tribal society and in the national states. The most profound and far-reaching of these contrasts is the conversion of group solidarity from blood-kinship, real or assumed, to a definite territorial habitat, along with the development of what is conventionally known as "political society." The distinctions will appear clearly only after a careful historical analysis of the development of the constituent principles of the nations of today. It is this fact that renders such a survey of vital importance, entirely aside from the specific content of the historical facts enumerated.

Tribal Society. Students of cultural anthropology generally agree that the earliest well-defined units of social organization were either the village or the clan, both of which were normally linked with others of the same type in a larger and looser entity—the tribe.

It is difficult to describe tribal government briefly, for there were many kinds of government in primitive society, from the crudest of social control in small local groups and villages to fairly well-developed tribal monarchies.[1] As a general rule, however, government in primitive society was an elementary type of representative government with marked democratic tendencies. The council of chiefs was at times chosen by undemocratic methods and was rather tyrannical in its government. Usually, however, it was elected by the tribesmen and ruled with due consideration for group traditions. There is little evidence that women ruled under what has been called a matriarchal system. Women sometimes had unusual political power, as in the case of the Iroquois, but men always held the dominant political posts. Modern research has upset the old idea that democracy had its birth in the tribal assemblies of the Germans and was passed on directly by them to the Anglo-Saxon peoples and Americans. Democracy is a product of modern conditions and not a heritage from the primitive past.

While much of the psychology of tribal relationships has been carried over into modern society, the contrasts between tribal society and the modern national state are many. Tribal society was primarily based upon blood-kinship, either real or assumed, and tribal relations were personal rather than political. Force, custom, and blood-feud were the foundation of tribal juristic concepts and methods. The "instinct of the herd" had a much fuller sway over the group than it has at the present day. Cultural solidarity was more intense and there was little personal individuation, except that which set off a few leaders. An intense religious loyalty and deep attachment to all the symbols of group unity were ever present. So powerful was the domination of the group over the individual that some eminent students, such as Emile Durkheim and his school, have claimed that all categories of religion and thought were

[1] Lowie, *Primitive Society*. Liveright Publishing Corporation, Chap. XIII.

derived from expressions of, and reactions to, group life. Indeed, Emile Durkheim held that the essence of religion is only the psychic exuberance or stimulation arising from group life and activities, and Wilfred Trotter holds the "instinct of the herd" to be the primordial and all-pervading psychic force which has controlled man from the origin of the race to the present day.

Whatever may be the exaggerations of these writers in matters of detail, it is generally agreed that the struggle for the preservation and extension of group solidarity has been the basic factor in the evolution of mankind, and it was inevitable that the psychic traits developed in this process would become deeply grounded in the mental life of humanity:

> Man is in fact fundamentally social by nature. He has never lived in isolation but always in groups. Lacking special organs of defense he found strength, as did the ants and the bees, in group solidarity. Consequently, the struggle for existence on the human plane has been fundamentally a struggle of group with group. Since his survival turned largely on the perfection of his gregarious instinct, there has been achieved in man a keen sensitiveness to the call of the group. This herd instinct, as Trotter calls it, is, therefore, the very basis of human society and the most profound aspect of man's social nature. It is for the group what the instinct of self-preservation is for the individual. It is aroused only in times of stress and danger; group fear in some form is essential to its development; when awakened it not only grips every tribesman in an atmosphere of electrified suggestibility, but stirs within his bodily mechanism the internal secretory apparatus whose products are essential to deeds of valor. It is in its strength and vigor an assertion of the group will to live, and is therefore as deep and mysterious and indeed as permanent as the eternal nisus of nature, the insistent push of everything that throbs with life and energy.[2]

Tribal groups were relatively small. While such groups often held with great tenacity to particular areas, it was because of the economic advantages, such as better fishing or hunting grounds, rather than a purely territorial attachment. There was little hesitancy in leaving a particular locality to follow migrations of game or fish:

> Patriotism, the love of one's *terra patria*, or natal land, is a recent thing. During far the greater part of his existence man has wandered over the earth's face as a hunter and can hardly have had any sweet and permanent associations with the tree or rock under which he was born. But the fore-runners of territorial emotion were the group loyalties of the tribe, clan, family and totemistic group, in whatever order and with whatever peculiarities these may have originated and come to exist side by side.[3]

Early City-States. The transition from tribal groupings and modes of life to the city-state, the earliest type of true political organization, was gradual and slow. The chief contrast between tribal society and that of the proto-historic city-states was that, in the latter, the basis of group relations gradually came to be political and territorial, rather than purely

---

[2] F. H. Hankins, *Patriotism and Peace*, Clark University Press, 1919.
[3] J. H. Robinson, *The Human Comedy*, Harper, 1936, p. 269.

personal and consanguineous. Very often there was an intermediate political stage between tribal society and the city-state, which we call feudalism. Here the relations were partly personal, those of patron and client, and partly territorial, based on the possession of lands by the feudal lords.

Groups tended to consolidate about certain vantage points, determined by considerations of fortification and protection, religious sentiment, economic superiority, or better potentialities for brigandage. Stability replaced the earlier nomadic life, and the habitat became more or less permanent. The early city-states did not, however, resemble the modern urban centers of life and industry. Life was still primarily agricultural, and the "city" was little more than a citadel surrounded by the homes of the peasants who retired within the walls in time of danger.

As trade developed and the division of labor between city and country was established, the early city-states assumed more of an industrial and commercial character. The coming of foreign merchants created those problems of assimilation and the extension of citizenship which were a chief force in breaking down the remaining vestiges of tribal society and in creating the origins of the modern political order. A few historical or semi-historical instances of this all-important change from tribal to civil society have been preserved in historical records. Such were the occupation of ancient Palestine by the Jews and their subsequent choice of a king; the constitutional reforms of Cleisthenes in Attica at the close of the sixth century B.C.; the alleged reforms of Servius Tullius in early Rome and the subsequent constitutional struggle between the patricians and plebians; and the breakdown of Teutonic tribal society and the establishment of political relations in the interval between Arminius and Alaric—the transition which Paul Vinogradoff called "one of the most momentous turning-points in the history of the race."

The city-states of antiquity were soon submerged in the patriarchal empires which arose in the "state-making age" through the superior force and aggressiveness of one of these cities. The ancient Egyptian Empire was a product of the forcible subjugation of the city-states of the Nile Valley; the Babylonian, Assyrian, and Persian empires were built up out of the progressive amalgamation of the city-states of the valleys of the Tigris and Euphrates, and the coast of Asia Minor.

Only the cities of ancient Hellas retained their independence long enough during the historical period to give us any adequate conception of the type of cultural solidarity and political reactions which characterized the antique city-state. Here personal and kinship relations were replaced by the institution of citizenship, based upon residence and naturalization, instead of blood-relationship or elaborate initiation ceremonies. Groups were generally more populous, and civilization more advanced than in tribal society.

Most of the psychic characteristics of tribal life, however, were present in a modified degree in the civilization of Athens, which may be taken as the most advanced product of the ancient city-state civilization. Group

solidarity was still intense. The elements of common culture were prized, even to the extent of being vested with a sacred significance. Ceremonies, costumes, legal forms and political practices, moral codes, religious festivities, and even amusements were tinged with the divinity of their alleged origin. The gods were limited to a particular political group and were regarded as solicitous for its welfare. The attitude toward foreigners was well exemplified by the well-known contrast between "Greek and Barbarian," in which Aristotle was able to find a justification for the subjection of inferior peoples to the Greek "genius" for governing. The group leaders passed, after their death, into the realm of the gods or supermen, and their magnified prowess became a highly prized group possession.

When fixity of habitat had become the rule, a new attachment to territorial possessions arose. Not only were specially sacred places, such as Olympus and Delphi, prized and venerated, but the whole habitat of the group was valued as a special gift from the gods. Aristotle found that the fortunate situation of the Greeks in their geographical habitat served sufficiently to explain the "superiority" of Greek genius.

The ancient city-state was so important a stage in political and cultural evolution that we may well include Hutton Webster's colorful summary of its characteristics:

> A Greek or Roman city usually grew up about a hill or refuge (*acropolis, capitolium*), to which the people of the surrounding district could flee in time of danger. This mount would be crowned with a fortress and the temples of the gods. Not far away was the market place (*agora, forum*), where the people gathered to conduct their business and enjoy social intercourse. About the citadel and market place were grouped the narrow streets and low houses of the town. Thus an ancient city was closely built up and lacked the miles of suburbs that belong to a modern metropolis. . .
>
> Each of these numerous cities was an independent self-governing community. It formed a city-state. Just as a modern nation, it could declare war, arrange treaties, and make alliances with its neighbors. Such a city-state included not only the territory within its walls, but also the surrounding district where many of the citizens lived. It was usually of small size. Aristotle once said that "a city could not consist of ten men, nor again of one hundred thousand." By this he meant that a city ought not to be so small that no community life was possible in it, yet not so large that a man could not know many of his fellow-citizens. . . .
>
> The members of an ancient city-state were very closely associated. The citizens believed themselves to be descended from a common ancestor and so to be all related. They were united also, in the worship of the patron god or hero who had them under his protection. These two ties, the tie of supposed kinship and the tie of a common religion, made citizenship a great privilege which came to an individual only by birth. Elsewhere he was only a foreigner without legal rights—a man without a country. . . .
>
> To the free-born inhabitant of Athens or of Rome his city was at once his country and his church, his club and his home. He shared in its government; he took part in the stately ceremonies that honored its patron god; in the city he could indulge his taste for talking and for politics; here he found both safety and society.[4]

---

[4] *Ancient History*, Heath, 1913, pp. 165-166, 562-563.

The government of city-states was usually an aristocratic type of representative government. The majority of the inhabitants were often excluded from citizenship and were not allowed to take part in government. This was the case even in Athens. Some city-states were kingdoms and others were called democracies. In both cases, however, the council was the most important element in the government. In kingdoms, the council might be aristocratic and hereditary or it might be chosen by the members of the city aristocracy. In democratic city-states, the council was elected by the citizens, and the latter frequently met as a body to discuss public problems and pass fundamental laws. Representative government began in primitive society, but it rested on a kinship rather than a political and territorial basis. The city-state created a representative system based on territorial residence and a truly civic life. The democratic city-states were such in name only. All the citizens might participate in government but the citizens were always a minority of the whole population. In some city-states, like Sparta, we find a system of military socialism which was a forerunner, on a small scale, of contemporary totalitarianism.

The ancient city-states made notable advances toward transforming group life from the tribal to the modern national basis. Had their progress not been arrested by the development of the great patriarchal empires, the national state in its fullness might have been a product of antiquity. For better or worse, this was not to be, and even Athens was swallowed up in the imperial domains of the Macedonian conqueror after its African and Asiatic prototypes had long before bowed to the might of Thebes, Memphis, Babylon, Nineveh, Ecbatana, Sardis, and Susa. James Bryce has admirably described the general absence of anything approaching a national cultural or political unity before the conquests of Rome:

> Men with little knowledge of each other, with no experience of wide political union, held differences of race to be natural and irremovable barriers. Similarly, religion appeared to them a purely local matter; and as there were gods of the hills and gods of the valleys, of the land and of the sea, so each tribe rejoiced in its peculiar deities, looking on the natives of other countries who worshipped other gods as Gentiles, natural foes, unclean beings. Such feelings, if keenest in the East, frequently show themselves in the early records of Greece and Italy; in Homer the hero, who wanders over the unfruitful sea, glories in sacking the cities of the stranger; the primitive Latins have the same word for a foreigner or an enemy; the exclusive systems of Egypt, Hindostan, China are only the more vehement expressions of the belief which made Athenian philosophers look upon a state of war between Greeks and barbarians as natural, and defend slavery on the same ground of the original diversity of the races that rule and the races that serve.[5]

The Patriarchal Empires of Antiquity. The formation of the far-flung autocratic patriarchal empires, in what Walter Bagehot has somewhat loosely called "the nation-making age" was one of the sweeping transformations in the political evolution of humanity. Paradoxical as it

---

[5] Bryce, *The Holy Roman Empire*, Macmillan, 1900, pp. 89–90.

may seem, the empires both stifled and promoted the growth of nations and national unity. Their development was invariably brought about by the cumulative extension of the power and prestige of some powerful and aggressive city-state at the expense of its neighbors. This very process naturally produced an enormous inflation of group pride and egotism on the part of the conquering city. On the other hand, while subject cities were severely treated and their national culture sternly repressed, nothing makes a group so proud and tenacious of its cultural possessions as persecution, and the conquerors unwittingly only intensified the particularism and local pride of such subject communities. Prior to the rise of Persia, the history of the ancient empires is, in part, a record of constant warfare produced by the attempts of the ruling city and dynasty to suppress the revolts of subject cultural groups.

We can illustrate the character of the more highly developed ancient empires by briefly describing the remarkable Persian Empire of the fifth and sixth centuries B.C. Never before had so extensive an empire existed. The victory over Egypt in 525 B.C. meant that the Persian Empire stretched from the Nile in the west to the mountain frontiers of India in the east. In extent and in excellence of administration and organization, only the Roman Empire of later centuries can be compared to it among the political achievements of antiquity

The organization of so vast an empire was a problem of the first magnitude. The task, begun by Cyrus, was completed by Darius the Great in the sixth and fifth centuries B.C. Following an older Sumerian tradition, Darius was called the Ruler of the Four Quarters of the Globe, and the government centered in his hands. In attempting to create unity out of the heterogeneous elements which composed this vast empire, the Persian rulers made a radical departure from the traditional practice of the Near East. They *permitted* the *distinction between conqueror and conquered*—between the rulers and the subject peoples—slowly to disappear. The conquered regions, or satrapies, which under the older system were distinguished by the payment of tribute, gradually acquired the status of provinces. Later on, the word "satrapy" simply implied an administrative unit of the empire, and even Persia itself became a satrapy, though it enjoyed certain special privileges.

What was here attempted, though never completely realized, was the establishment of a heterogeneous empire bound together, in fact united, through the ties created by an administrative system. Each administrative division, each satrapy, was ruled by a governor (a "satrap") and other officials appointed by the king. This, too, was an innovation, for the subjects of the older empires had usually been ruled by natives. In addition to the satrap, who was essentially a civil officer, a general and a secretary were stationed in each province. Royal commissioners, called the "Eyes of the King" and resembling the later *missi dominici* of Charlemagne, traveled through the empire inspecting the satrapies and reporting to the ruler. In the time of Darius there were twenty administrative divisions in the empire.

Much of the harshness, cruelty, and terrorism of Assyrian rule were absent from the Persian system. Persian rule was not only milder, but it was clearly one of tolerance. The attempt to establish unity did not progress far beyond the political sphere. Little effort was made to enforce the use of the Persian tongue and cuneiform script, or the Persian religion, Zoroastrianism. As a matter of fact, Aramaic became the common language of imperial business, and the local languages remained in use. The same is true of social customs and economic conditions. In these matters the localities were unmolested and continued to practice their old habits. The imperial structure was simply superimposed upon the life of the subject peoples, which continued with little modification. Even in local government, many sections of the Persian Empire continued under the same forms of rule they had possessed before their conquest, especially the Phoenician and Greek cities in Asia Minor.

This process of ancient empire-building culminated in the expansion of imperial Rome, in its task of absorbing most of the then-known world and of bringing into existence the ideal "reign of universal peace" and uniform law. The process of Roman expansion marked the nearest approximation to the spirit and methods of aggressive nationalism. The crude and almost tribal expression of collective egotism in "international" policy; the public theory that all her wars were "defensive" and that Rome was always threatened by aggressive states; the alleged conviction that the gods were always favorable to these defensive wars; the control of diplomatic and military policy by the landed "Junker" aristocracy—the Senate; the ambition for private or family glory in war, as manifested by Claudius in the first Punic War and by Flaminius in the second Macedonian War; the "surplus population" argument for expansion; the "scrap of paper" attitude toward treaties as evidenced in the second Samnite War; the harsh and brutal treatment of conquered populations, extending to the devastation of fields, the burning of cities, and the enslaving of populations; the insatiable greed for further expansion; the disregard of the "rights of small nationalities"—all of these aspects of Roman expansion sound exceedingly modern.

The formation of empires was influential in creating that tradition of the glory of territorial expansion which serves as an important impulse to the aggressiveness of the modern national and territorial state. However, it should not be forgotten that there was a most radical difference between the political and cultural basis of such a far-flung political entity as the Roman Empire and the compact German Empire of a few decades ago. Though there was a universal political system, there was little cultural homogeneity or common sentiment of loyalty, which are the indispensable foundations of the national state. Only the citizens of Italian Rome felt any emotional thrills or shared patriotic reactions at the triumphal processions of conquering emperors or generals and at the recitation of the Virgilian epic of the growth of the *Pax Romana*. Though the subject peoples might acquiesce in the apotheosis of the Roman emperor and render formal allegiance, they retained their deeper loyalty and allegiance

to their own pantheon. A common spontaneous patriotism and a universal loyalty to the sovereign imperial state were quite unknown in the ancient empires, and the cultural homogeneity which must precede the political expression of national life was as remote from realization. Even the prevailing political philosophy—Stoicism—decried the sentiments of nationalism and patriotism, and lauded the notion of the brotherhood of man and the cosmopolitanism of world-citizenship:

> No quarrels of race or religion disturbed that calm, for all national distinctions were becoming merged in the idea of a common Empire. The gradual extension of Roman citizenship through the *coloniae*, the working of the equalized and equalizing Roman law, the even pressure of the government on all subjects, the movement of population caused by commerce and the slave traffic, were steadily assimilating the various peoples. . . . From Rome came the laws and language that had overspread the world; at her feet the nations laid the offerings of their labor; she was the head of the Empire and of civilization, and in riches, fame and splendor far outshone, as well the cities of the time as the fabled glories of Babylon or Persepolis.[6]

Had Rome continued to exist with an efficient method of imperial administration and communication for some centuries after Diocletian, it might have been possible for her to have welded her diverse subject populations into a single loyal and unified national unit, but the experiment was not permitted to continue. In 378 A.D., the Teutonic barbarians from the North, who had been gradually filtering into the empire for three centuries, broke their leash and started on their migrations, which submerged the ancient world in a return of preclassical barbarism, and produced a Clovis, a Charlemagne, and an Otto the Great to repeat the tasks of an Agamemnon, an Alexander, and an Augustus. The ancient world, then, passed away, without producing the prototype of the modern national state, but it laid the psychological and political basis upon which the latter could develop. Nevertheless, growth of the modern national state has been, to a large degree, a process *sui generis*, primarily independent of ancient impulses, even if influenced by ancient models.

The Middle Ages: Feudal Politics and Universal Culture. The political, social, economic and cultural conditions of the "Middle Ages" were no better adapted to the production of the national state than imperial antiquity. The unit of political organization and administration was the domain of the feudal lord, which varied greatly in extent. Usually the domain was but a small isolated element in the feudal hierarchy, and it made for political decentralization. The center of social life was the infinite number of isolated and minute medieval manors—village communities—and the few small and scattered medieval towns. These were isolated, self-sufficient, and narrowly selfish and provincial, and were not well adapted to providing any firm economic foundations for national unity.

Feudalism dominated the political scene during the Middle Ages, so we

---

[6] Bryce, *op. cit.*, pp. 26-27.

may pause for a brief description of this important stage of political evolution. Feudalism has been a general, if not quite universal, stage in the evolution of society and political control. Its two fundamental characteristics are: (1) partial protection of the helpless members of society, and (2) their exploitation by the noble classes for economic and military purposes. In return for the protection of his clients against robbery and invasion, the lord demanded that the clients work for him, help him in his own raids and brigandage, and follow him into war. The relationship binding the overlord and his clients together was primarily a personal one, as distinguished from the real or fictitious blood relationship of primitive society, and the territorial and political foundations of later civil society. Feudalism is always encouraged by a breakdown of social systems and by the resulting necessity of turning to powerful personages for protection and security.

From the period of the later Roman Empire until the twelfth century more or less intermittent anarchy existed in western Europe. The administrative power and authority of the Roman Empire disintegrated. The middle class was crushed as a result of bearing most of the financial burdens of taxation because of the defiant default of the landed aristocracy. This left in Roman society an arrogant and anarchic agrarian aristocracy at the top, and at the bottom a vast mass of free and semi-servile men, who lacked protection and economic security. Therefore, the poor free men tended to give up their freedom in return for protection.

From the German side an evolutionary process was contributing to feudal developments. Between the time of Tacitus and Clovis kinship society broke down among the Germanic peoples. Feudalism followed in natural sequence. Free men banded together in the *comitatus* under the leadership of powerful individuals in order to assist in raids and secure a part of the booty, and to attain protection. To these domestic conditions were added foreign intrusions that also encouraged feudal developments. First came the invasions of the Huns, which strengthened the power of the warrior class among the Germans and intensified the confusion in the later Roman Empire. Next came the alarming incursions of the Muslims. Finally, there were the Viking raids, which carried death and destruction throughout northwestern Europe and threw the common people and their lords together for the purpose of mutual salvation. For centuries everything seemingly worked toward localism and personal relations in society, and against strong and centralized political dominion. Medieval feudalism was the outcome.

In earlier periods feudalism had represented an institutional step in advance—progress from kinship society toward civil society. This was true of medieval feudalism, as well, insofar as it applied to barbarian peoples emerging from kinship society. But in the case of regions and populations that had once been a part of the Roman Empire it was a retrogression from more highly developed civil society.

Medieval feudalism was a merging of personal, economic, and political elements. From the personal side Rome contributed the *patrocinium*, or

the practice of an unprotected man's joining himself to a powerful patron for protection. Germany added the *comitatus*, whereby the underlings not only received protection but also willingly took part in the raids and wars of the leaders, and received their share of the booty. The Muslim invasion transformed this relationship devoted primarily to brigandage into a firmer system involving organized military service. The *patrocinium* and the *comitatus* were merged through the institution of *commendation* (*commendatio*), to constitute the vassalage of medieval feudalism, which involved not only protection but military obligations.

On the economic side we start with the Roman *precarium*. This was the land or other property handed over by the helpless free men to furnish the local lord with some material incentive to guarantee his protection. The Germans added nothing comparable in this economic phase of feudalism. But the necessity of raising soldiers to repel the Muslims led the Frankish kings to seize church lands and to confer them upon their followers to obtain the soldiers, horses, and other items necessary for warfare. In short, dependents of lords were given what was called the *beneficium* in return for reciprocal military obligations. In due time, it became usual for the vassal to hand down to his descendants the *beneficium* conferred upon him by his lord. When the *beneficium* became definitely hereditary and carried with it the obligation to furnish military equipment and other feudal aids, it became the *fief*, the material core of the feudal system.

Had the king been powerful enough to assert his authority over the local communities of his realms, there would have been no particular need for feudal institutions. As soon as kings became sufficiently strong to govern their realms and to protect their subjects, the feudal system disintegrated. In the meantime, politics and law rested upon the institution of immunity. That is, the feudal lords owed specific feudal obligations to the kings. Once these were met, the lords enjoyed essential sovereignty on their own domains. They were legally, as well as practically, immune to royal interference, and were empowered to govern and control their own realms in harmony with the prevailing practices of feudal law and administration. Decentralization was supreme, and so remained until the feudal system gave way in the face of the rising tide of nationalism and royal strength.

Set off against the actual political diversity and localism of the feudal system was the political symbol of unity and cosmopolitanism—the Holy Roman Empire. Whatever its actual weaknesses, its symbolic power over the mind of Europeans was sufficient to cause so ardent a nationalist and so blasé an advocate of *Realpolitik* as Frederick the Great to bow before it, even in the days of its declining strength. A universal moral and religious control over medieval life was provided by the Roman Catholic Church, whose growth has been described as "the rise of the new Rome." The medieval church exerted control over the religious, and to a large extent the mental, life of the medieval period. With the aid of the inquisition against heresy, it brought about a degree of psychic unity

throughout Europe never before equaled. Under its greatest popes, such as Innocent III, the Church also exercised a degree of control over European politics never matched by any emperor of the period. The three leading crowned heads of Europe were in turn disciplined by Innocent. The Church prescribed a single theology for all western Europe, which was embodied in the *Book of Sentences* of Peter Lombard and the *Summa Theologica* of St. Thomas Aquinas. Since theology was regarded, throughout the medieval period, as the "queen of the sciences," and since education was chiefly in the hands of the churchmen, the realm of learning was no less unified than was the spiritual world.

There was a striking unity of language and literature during the medieval period. The vernacular languages and literatures began to appear in the eleventh and twelfth centuries, but Latin was the language of politics, business, and learning throughout western Europe during the greater part of the medieval period. The literature read by those who were able to read was not less uniform than the language. The Bible, the works of the leading "Fathers," the crude Latin encyclopedic compilations by Isidore, Rhabanus Maurus, and Vincent of Beauvais, the theological and pedagogical manuals, and the few classical texts on logic, law, and medicine were almost the only books read until the prose and verse of the vernacular languages began to appear at the height of the medieval period. Even Aristotle was read in Latin translations. Lord Bryce has characterized the remarkable unity which was, at least symbolically, brought to the medieval period by the Church and Empire:

> It is on the religious life that nations repose. Because divinity was divided, humanity had been divided likewise; the doctrine of the unity of God now enforced the unity of man, who had been created in his image. The first lesson of Christianity was love, a love that was to join in one body those whom suspicion and prejudice and pride of race had hitherto kept apart. There was thus formed by the new religion a community of the faithful, a Holy Empire, designed to gather all men into its bosom, and standing opposed to the manifold polytheisms of the older world, exactly as the universal sway of the Caesars was contrasted with the innumerable kingdoms and republics that had gone before it. The analogy of the two made them appear parts of one great world-movement toward unity; the coincidence of their boundaries, which had begun before Constantine, lasted long enough for him to associate them indissolubly together, and make the names of Roman and Christian convertible. Ecumenical councils, where the whole spiritual body gathered itself from every part of the temporal realm under the presidency of the temporal head, presented the most visible and impressive examples of their connection. The language of civil government was, throughout the West, that of the sacred writings and of worship; the greatest mind of his generation consoled the faithful for the fall of their earthly commonwealth, Rome, by describing to them its successor and representative, the "City which hath foundations, whose builder and maker is God."[7]

Despite this unique prevalence of the universal and the uniform in fact and symbol during the medieval period, forces were working be-

---

[7] Bryce, *op. cit.*, pp. 90-91.

neath the surface that were to rend asunder this century-old artificial unity. As early as the Strassburg Oaths of 842, there could be detected the first beginnings in the differentiations of language which were to lay the literary basis for national diversity and rivalry. The revival of Roman law in western Europe in the twelfth century became a powerful instrument for royal supremacy and the rise of the dynastic state. The new commerce with the east, which had been built up by the Italian cities in the period of the Crusades enriched the Italian city-states, which first successfully defied the principle of imperial unity. The breakdown of the principle took place in northern Europe, when the opening of the new trade routes to the east and west ushered in the "Commercial Revolution" and with it the dawn of the Modern Age.

The Rise of the National State. At the opening of the sixteenth century a number of new forces and influences made for the creation of national spirit and a national state. Perhaps the economic factors were the most potent. The Roman Catholic Church imposed heavy taxes upon the various nations of Europe. For example, at some periods in medieval Europe the amount of money which went to the church far exceeded that which went to the king. Around the opening of the sixteenth century there was a trend toward heavier taxation, in order to raise money for a new building campaign carried on by the Church, which, at this period was particularly wasteful and extravagant. The various princes and kings were naturally eager to escape, so far as possible, from these heavy financial demands made by the Church on their realms. Hence they welcomed the movement led by Luther and other Protestant reformers, especially since this movement provided a convenient religious and moral cloak for their motives.

Other and major economic influences making for nationalism in early modern times grew later out of exploration, colonization, and the ensuing Commercial Revolution. It was believed that each state should closely control its own and its colonies' economic and commercial life, in order to increase national prosperity and the income of the national treasury. This belief made the nation that industrial and commercial unit we know as a Mercantile state. Mercantilism dominated European economic policy generally in the seventeenth and eighteenth centuries. The American Revolution was an effort to combat the enforcement of mercantilistic regulations.

Religious factors also made for nationalism. The political rulers not only wished freedom from taxation by Rome but they also desired to control the religious life of their kingdoms. The Catholic challenge to the political absolutism of the king during the Middle Ages had been regarded as an annoying nuisance and a menace by the political potentates. Religious reformers, like Luther, despairing of bringing about adequate religious reforms within Catholicism, advocated overt secession from Rome. They were rendered indispensable assistance by the political rulers, who had good financial and religious reasons for favoring the Protestant revolt. In the case of England, Henry VIII added a highly

personal element to the general picture, namely his desire to divorce Catherine and marry Anne Boleyn. In return for the aid rendered by princes and kings, the Protestant leaders tended to give their blessing to the monarchs and to the spirit of nationalism.

Dynastic ambitions of European rulers—Ferdinand and Isabella and Philip II in Spain, the Tudors in England, the Bourbons in France, the Hohenzollerns in Prussia, the Hapsburgs in Austria, and the Romanovs in Russia—promoted nationalistic expansion and unification until the days of Bismarck. They desired to enhance their personal prestige and the strength and extent of their realms through war and conquest. This was the main factor which led to the creation of relatively large and well integrated national states in modern Europe and throughout the western world.

By the time of the famous Treaty of Westphalia, in 1648, the national state had become a recognized institution in the public law of Europe. Yet there was little popular enthusiasm for nationalism—little which could properly be called national spirit Nationalism was still primarily a matter of dynasties, religious dogmas, and economic interests, which did not inflame the masses. Popular enthusiasm was first brought to nationalism by the French Revolution and the Napoleonic wars. The French masses were deeply stirred by the successful wars which the revolutionary leaders waged against the European reactionaries. The slogan of Fraternity galvanized the French nation. Frenchmen were even more thrilled by the dramatic successes of Napoleon. Among the enemies of Napoleon, nationalism and patriotism were given a popular basis through the necessity of waging war against conquest and absorption. English, Prussian, Spanish, and Austrian nationalism were particularly stimulated as a defense reaction against Napoleonic aggression.

The popularization of national sentiment carried over from the Napoleonic period into the nineteenth century and provided psychological support for the unification of Germany and Italy in 1870, and for the later rise of nationality in the Balkan states, which, incidentally, served to set off the first World War

If nationalism was to be both popularized and rendered permanent, it needed a real nervous system for the communication of emotions and ideas. This was provided by the Industrial Revolution and the rise of modern science, which brought into being the telegraph, telephone, radio, cheap daily newspapers, and moving pictures. This made it feasible to keep alive a vivid national sentiment, even when there were no wars to stimulate and heighten national excitement.[8] The Industrial Revolution also contributed powerfully to the system of nationalism by producing an ever greater body of goods to be sold, thus encouraging legislation for the protection of the home market, such as tariff laws, which emphasized the economic unity of industrial states.

The national state has passed through many stages of governmental

[8] See below, pp. 219-221.

practice. It first produced the absolute monarchies of early modern times under Philip II of Spain, Henry VIII of England and Louis XIV of France. The reign of the latter is usually regarded as the culmination of both the glories and miseries of absolute monarchy.

Next came what is often called Enlightened Despotism. Representative of such rulers were Elizabeth of England, Frederick the Great of Prussia, Catherine the Great of Russia, Joseph II of Austria, and Charles III of Spain. While the people had little to say about government under the enlightened despots, the latter did try to rule according to what they believed was the best interests of their subjects.

Representative government, in which elected legislatures became supreme in government, first appeared, in any important state, in England after the Revolution of 1688. It grew up in America in the English colonies and took on a national expression in the new federal government of 1789. Then it came to France after the French Revolution. In the nineteenth century, it gradually made headway in the other major states of Europe, with the exception of Russia, which maintained its absolutistic system until the first World War.

Representative government was undemocratic at first. Only a minority elected the members of legislatures. The earliest example of democratic government in a large state was that of the United States after Andrew Jackson democratized our federal government following 1829.

Nationalism in the United States. The rise of nationalism in the United States is the most impressive achievement of its kind in the New World. As E. P. Cheyney so convincingly indicated, the settlement of America was more closely connected with the economic impulses arising from the Commercial Revolution in Europe than it was with the religious revolts from Catholicism on the Continent and the Established Church in England. These new commercial forces were most influential in promoting unity among the colonists. A century of virtual ignoring of British commercial restrictions, making smuggling a powerful vested interest, gave the thirteen colonies a strong common motive for unified action in opposing the proposed enforcement of the long-dormant mercantilistic restrictions after 1763—a motive that A. M. Schlesinger has fully proved to have been far more powerful than any theoretical or legal abstractions involved in colonial resistance to British imperial power.

In addition to these economic origins of American national sentiment, there was also at work a fundamental sociological process, which has been aptly termed by Carl Lotus Becker "the beginnings of the American people." A geographical, social, political, and economic environment, much different from that of Europe, had long been operating upon a population psychologically more daring than the great mass of Englishmen who remained at home. This tended inevitably to create in the colonies a people who became, generation after generation, more and more divergent in mentality and institutions from their kinsmen in

the mother country across the Atlantic. A fairly homogeneous and united American people was being created, and the beginnings of a national self-consciousness were coming into being.

Initiated (in part unintentionally) by the enterprising and recalcitrant merchants, the American Revolution was favored by the debtor landlords and disgruntled frontiersmen and carried to success by courage and audacity, by the not disinterested aid of the French, and by the aid of the British Whigs. The revolt furnished a unifying force of great potency for a time, but the reaction in the days of the Confederation threatened a lapse into anarchy and dismemberment. Thanks, however, to their desire for financial stability and commercial prosperity, the vigorous capitalistic class, led by the great constructive statesman of early nationalism, Alexander Hamilton, turned the tide of political opinion from separatism and provincialism to nationalism and unity. The work was carried on by the strongly nationalistic court decisions of John Marshall, whom not even Jefferson's enmity could remove from the Supreme Court. Indeed, the Jeffersonian Republicans, when they came into power in 1801, abandoned their localism and accepted most of the nationalistic program that they had criticized with such vigor and acrimony. Jefferson could purchase Louisiana; Madison could be won for war with Great Britain; and Monroe could formulate a strongly nationalistic foreign policy.

Nationalism in America, as in Europe, was completed by the Industrial Revolution. The new factories in the North created an industrial interdependence among various sections of the country and attracted an immigrant population with no sectional sentiments. The new canals and railroads helped on that great nationalistic enterprise of the nineteenth century in America—the conquest of the west, studied with such fruitfulness by Frederick Jackson Turner and his disciples. While the territorial additions were temporarily a cause of sectional dispute and friction, they ultimately became a matter of national pride and common interest. Though Negro slavery, and the accompanying states-rights movement, threatened to disrupt the embryonic nation, the success of the North in the Civil War demonstrated by the verdict of physical force that Webster, rather than Calhoun or Hayne, was right in his interpretation of the nature of the federal union.

Events and tendencies since the Civil War have been even more conducive to the development of national unity. An industrial revolution, like that which affected New England in the first half of the nineteenth century, has come to the South, and the sharp sectional divisions of economic interests have now been greatly lessened. The further development of the means of rapid transportation and almost instantaneous communication of information have made our extensive country an economic and psychological unit to a degree unknown in a much smaller area in 1789. The intersectional investment of capital has also encouraged financial unity.

A national literature has been provided by such writers as Irving,

Bryant, Cooper, Longfellow, Lowell, Whitman, Thoreau, Emerson, Hawthorne, Poe, Clemens, Howells, Riley, and Garland. A collection of the sources of national history was planned and partly executed by Peter Force, and a national historical epic, eulogizing the American past, was created in the writings of Bancroft, Palfrey, Fiske, Holst, and Burgess. Elaborate national expositions and public projects, such as the Chicago World's Fair (1893), the St. Louis Exposition (1904), the Century of Progress Exposition at Chicago (1933–34) and the World's Fair in New York (1939–40), have furnished a series of impulses to unity.

Many pessimists believed that the great influx of foreigners into the United States in the last fifty years threatened national disruption. But the experience of the United States in the first World War definitely disproved their forebodings and demonstrated that, whatever the other results of immigration, it has not brought national disintegration.

A "glorious" foreign war at the close of the century gave a great stimulus to the completion of national development. The participation of the United States in the first World War produced a welling-up of exuberant national sentiment and an intolerant patriotism that caused both the Entente and the Central Powers to gasp with astonishment and incredulity. Organizations of ex-soldiers devote themselves to perpetuating this state of mind.

Nationalism in the Western Hemisphere has not been limited to the United States. The Dominion of Canada, despite a formal connection with Great Britain, has developed a marked spirit of national self-consciousness. A century or more of independent political existence has created a strong spirit of national unity and pride in the Latin American countries. Nationalism seems as well established in the Americas as in Europe.

While nationalism was a main cause of the first and second World Wars, it seems likely that the second World War will gravely modify, if it does not suppress entirely, the national-state system. As H. N. Brailsford, W. H. Chamberlin, and others have suggested, there is not much likelihood that small national states will survive the present world-conflict. A few great states, far exceeding nationalistic boundaries, with lesser states within their spheres of interest, are likely to emerge when the war is over. Regional federations will probably supplant national states.

The national state has been based on a territorial and property foundation, and representative government has been operated by means of territorial, or district, representation. But the more alert and progressive political theorists are inclined to believe that the territorial state is now giving way to the functional state. Though the external boundaries of a country may remain as before, the political organization and operations within the country will be markedly transformed. Instead of voting through territorial districts, voters will choose their representatives as members of vocations or functional groups. In other words, bankers, industrialists, lawyers, teachers, farmers, mechanics, and the like, will elect representatives to the various state and national legislatures. It is

held that this system will give greater logic and honesty to representative government.[9]

Whether or not this is a sound theory, there are many signs that this transformation is under way. This system has been adopted, in differing degrees of thoroughness, in some European countries. In this country, the lobby, which is really a vocational representative body, is frequently more powerful than the legislatures themselves. If territorial representation is supplanted by functional or vocational representation, it will constitute as sweeping a political revolution as the transition from tribal to civil society at the dawn of history.

We may conclude this historical survey with a brief summary or outline of the outstanding stages, periods, or types of political evolution:

I. Tribal Society:
  Kinship basis.
  Personal relations.
II. The Transitional Period of Feudalism:
  Personal relationships.
  Quasi-territorial basis of politics.
III. The Territorial State and Civil Society:
  City-states.
  Patriarchal empires.
  The national state:
    Absolutistic
    Representative.
    Democratic (usually republican)
IV. The Functional Society of the Future
  Political federations and spheres of interest.
  Functional or vocational representation.

Nationalism, State Activity, and the Growing Complexity of Political Problems

To national spirit and dynastic aggression we owe, primarily, the origin of the large political states of our day. It was a matter of pride and satisfaction to carve out these great territories and bring them under the wing of a particular dynasty or political authority. No tremendous new political responsibilities were imposed, because the economy was then still a simple and rudimentary one. Most of the great national states were built up either in a pastoral or agricultural era, or on the eve of the new industrialism. While it was natural that the problems of administration would be somewhat extended and complicated with the addition of new territory and populations, political problems still remained essentially simple and rudimentary. They did not threaten to swamp the political intelligence or administrative methods of earlier eras.

But this simplicity of life and of political problems soon passed away. The empire of machines arose. Cities came into being in ever greater

[9] See below, pp. 263–265.

numbers and on an ever larger scale. New problems of industry and transportation appeared which required public regulation. The fiscal and commercial policies of states became ever more extensive and complicated. New forms of poverty, dependency, and social pathology came into being and demanded the attention of political authorities. Mass movements of population and international migrations demanded a definite political policy. New questions of public health arose. Crime became more complicated and menacing. Even agriculture lost its earlier directness and simplicity, became mechanized, and required extensive public attention. The ravages of industrialism made it essential to turn to problems of conservation.

At the same time, a change came about in political philosophy. The old notion that the state should act chiefly as a policeman, simply protecting life and property, gave way before the notion that the state must assume responsibility for social welfare and must regulate an ever increasing number of social and economic processes. The philosophy of *laissez-faire* was supplanted by that of state-activity. Even those parties and groups which emphasized the fact that there should be as little government as possible in business inevitably had to accept a degree of state intervention in economic life which would have amazed, and perhaps appalled, Alexander Hamilton and other earlier apostles of state intervention. The administration of Herbert Hoover, for example, made that of George Washington appear almost a condition of political anarchy by comparison.

Nationalism thus handed down into our complicated urban, industrial world civilization large political units, the so-called national states. As the problems which must be dealt with by political agencies became more numerous and complex, the national state system began to add markedly to the difficulties of political control over human life and social institutions. Political problems were difficult enough in small states with few inhabitants. The more extensive the territory and the larger the population of a state, the more numerous and complicated were the problems of politics. The great political units of our day, which brought so much pride to their original creators, now became in many ways a political liability.

The major public problems of our era baffle experts, to say nothing of the rank and file of political legislators and administrators. The populace at large is usually woefully ignorant of the facts concerning any major public issue. To submit such issues to a popular referendum is becoming ever more ludicrous, but such is the necessity in democratic procedure. It would be regarded as ridiculous to propose a plebiscite on some complicated problem of astronomy or physics today. But the more important economic problems, which must be dealt with through politics, such as the farm problem, the utility problem, the transportation problem, or the money problem, are far more complicated than any single issue of astronomy or physics.

Some few years ago Irving Fisher suggested that only about a dozen

men in the world were really fitted to discuss the problem of money with competence. An enterprising organization took him at his word and sent out a questionnaire to the experts he named, asking for their opinions on certain major monetary facts and principles. The results of this questionnaire revealed clearly that even the leading experts could not agree upon the most essential phases of monetary theory. And the money problem is one of the clearest and simplest of the economic problems of our age.

Democracy is frequently attacked because it is said that it cannot muster the intelligence to deal with the difficulties of our era of civilization. There may be a great deal of truth in this indictment. But we must remember that it has been the national state, projected into an era of industrialism and urbanism, which has been responsible for many of the current perplexities of democratic government. Had democracy been able to operate in the small political units, for which it was recommended by its original sponsors, it might have continued to work with eminent success. Indeed, it has been eminently successful in a number of the smaller states of the western world—such as Sweden, Finland, and Switzerland.

Nationalism, Patriotism, and War Psychology

A century or so ago the prevailing and most common psychological unit in human society was the neighborhood. It had been such for countless centuries. Along with many good qualities, the neighborhood produced several less lovely psychological traits, such as smugness, provincialism, and hostility and suspicion toward outsiders.

So backward was the general level of thought and social interests on the eve of the Industrial Revolution that the sudden development of means for quickly communicating the prevalent attitudes throughout the modern national state tended to give to national thought and emotion the same self-satisfied provincialism and smug arrogance that had earlier prevailed on a local scale. The inhabitants of whole national states came to entertain towards their neighbors much the same sentiments of suspicion and hostility that dwellers in neighborhoods and local communities had once possessed towards strangers from outside. Therefore it is not surprising when James Harvey Robinson finds that: "Our ancient tribal instinct evidently retains its blind and unreasoning characteristics despite the fact that we are able nowadays, by means of newspapers, periodicals, railroads, and telegraphs, to spread it over vast areas, such as are comprised in modern states like Germany, France, Russia, and the United States." Carlton J. H. Hayes has very effectively stated the relation of the Industrial Revolution to this spread of national sentiment and of nationalistic propaganda:

> Without the Industrial Revolution, it would be impossible to raise funds, to supply textbooks and material equipment, or to exercise centralized supervision and control requisite to the establishment and maintenance of great systems of

free universal schooling. Without the Industrial Revolution, it would be impossible to take all able bodied young men away from productive employment and put them in an army for two or three years, feeding and clothing and housing them and providing them with transport, arms and hospitals. Without the Industrial Revolution, it would be impossible to produce huge quantities of journals, to collect news for them quickly, to print them in bulk, to distribute them widely, to have a numerous public to read them and much advertising to pay for them. Without the Industrial Revolution, it would be impossible for a propagandist society to flood a large country with written and oral appeals. . . .

The technological advance itself is not more favorable to one purpose (nationalism) than to the other (internationalism). It can be used for either or for both. In fact, it has been used for a century, and is still used, preëminently for nationalist ends. Societies, journals, and schools, as well as armies, are today predominantly nationalist, and the nationalism which they inculcate tends to be more exclusive and more vigorous. Indeed, economic development seems to be a handmaid to nationalist development, rather than the reverse.[10]

The development of new means for the communication of information, as a result of the Industrial Revolution, made possible a true psychic unity within each nation, broke up local isolation, and completed the process of popularizing national sentiment and perfecting national self-consciousness. It made the various national manifestations of the "herd instinct" more communicable, more responsive, and more liable to sudden and hysterical explosions. It also has rendered "jingoistic" expressions in other countries better known and more likely to arouse antagonisms. Great national states have thus been rendered as cohesive and inflammable as local neighborhods were some generations back:

In our modern life there is more of instantaneousness than there has ever been in the world before. Never since the world began was it possible to conceive such a situation as this: that one hundred and twenty million people stretching over a continent, an imperial expanse, should think and feel simultaneously. By radio we all hear the same fact at the same time. It may happen to be six o'clock in New York when I hear it, and two o'clock in California when somebody else hears it; but however the clocks may vary, the instant in time is identical. The isolation that once existed when news traveled slowly, advancing in waves, reaching first one area, then another, then a third, with the first having time to meditate about it before it became a universal idea—all this is a thing of the past. Now we not only get the same idea at the same moment, but we all react to it at the same time. Therefore, what was once an inescapable moment of meditation vouchsafed to most of us before the universality of an idea was accomplished, is now abolished.[11]

Neighborhoods, however smug, suspicious, and arrogant, could not, however, go on a rampage and wreck civilization. An entire rural community, armed with all the available muskets, pitchforks, scythes, and rolling-pins, could not do a vast amount of damage to society as a whole. But great national states, equipped with the formidable armaments of our

---

[10] C. J. H. Hayes, *Historical Evolution of Modern Nationalism*, Farrar & Rinehart, 1931, pp. 239–241.

[11] Newton D. Baker, "The Answer is Education," *Journal of Adult Education*, June, 1931, p. 265. See also O. W. Riegel, "Nationalism in Press, Radio, and Cinema," *American Sociological Review*, August, 1938, pp. 510–515.

day, can wreck civilization. Indeed, they are making good headway at it right now.

The first World War was, in part, brought about by nationalistic psychology and it dealt a severe blow to democratic institutions. Though it was fought to make the world safe for democracy, the greater part of Europe today, from the standpoint of both territory and population, has gone over to dictatorship. It was an even more ruthless and intense nationalism that fanned the flames of arrogance and hatred into a new fever heat and brought about the second World War in September, 1939.

It is to nationalism, then, that we owe two of the major problems which confront contemporary democracy, namely: (1) the enormous increase of political complexities and difficulties, as a result of large territorial states in an industrial era; and (2) the intensification of national sentiment on a large scale, which threatens and produces destructive war and imposes greatly increased financial and diplomatic responsibilities upon modern states.

The Rise of Constitutional Government and the Ascendancy of Republics

The ideals of the middle class from the seventeenth century to the twentieth are clear enough—nationalism, freedom for business enterprise, the protection of property, and the guarantee of civil liberties. But it was necessary to do something more than to enunciate and eulogize these ideals. They had to be applied, made permanent, and be protected. In short, it was necessary to create constitutions, which would embody these ideals and make them the basis of the law and politics of the state. Hence the growing power of the middle class and the success of revolutions were everywhere accompanied by the rise of constitutional government.

Back of the rise of all constitutions lie basic aspirations and principles. First, there is the conception of a higher or absolute law, to which any and all secular rulers are subordinate. Second, there is the doctrine of primordial and inalienable individual rights—such as life, liberty, and property. Finally, there is the notion of a sacred written charter, embodying the higher law and personal rights, and immune to change except through a formal and indubitable expression of the public will. Constitutional government states the supreme law, enumerates individual rights, and places all on semi-sacred parchment.

A constitution may be defined in general terms as the organic instrument of government. It creates the form of political institutions, enumerates the functions of political machinery, and also prescribes the rights and immunities of the individual citizen. For example, a constitution determines whether or not a state will be a monarchy or a republic; it may prescribe either executive or parliamentary ascendancy in the government, or it may distribute the powers of government equally among the executive, legislative, and judicial branches, as is theoretically done in the United States; it may describe in detail the nature, terms,

and mode of election of the various members of each department of the government; and it may specifically enumerate the liberties and immunities of the individual citizen under the particular form of government created. In short, the constitution defines and describes the legal rights of the citizen and the structure and operation of the government that is to make him secure in the enjoyment of these rights. As Walton H. Hamilton puts it: "A law for the government, safeguarding individual rights, set down in writing—that is the constitution."

A constitution may be a very precise written document, worked out all at one time by a specific constitutional convention. Or, it may be a collection of documents and precedents running over many centuries. Our Federal Constitution is a good example of the first, and the English constitution of the second.

Since the middle of the seventeenth century, constitutions have been mainly the creation of the middle classes. But any dominant class can make and operate a constitution. Constitutional government may well support a landed aristocracy, as does that of Hungary today. It may just as well bring into being a proletarian regime that virtually outlaws both the landed nobility and the middle-class capitalists. Such has been the result of the constitution of Soviet Russia in our day. But thus far in modern history the movement for constitutions has been so closely linked with the program and activities of the middle class that we may almost identify the desire for, and the creation of, constitutions with the interests and strategy of that class. Down to 1789, the middle-class constitutions were designed to protect property from assault by royalty and nobility—those socially above the middle class. The United States set the precedent in creating a constitution to protect property against industrial workers and peasants—that is, to protect the middle class from those below it. The violence in Shay's Rebellion and other uprisings of the desperate and embattled farmers and the first rumbles of labor organization frightened the property owners Therefore, they drew up a constitution which rendered property relatively immune from any radical legislation and made the amendment of the constitution very difficult, so that the property class was not likely to lose control of the government. This protection of property from the depredations of the lower classes was made still more impregnable after the Civil War by the "due process" clause of the Fourteenth Amendment.

The political institutions and policies of the Western world since the seventeenth century have reflected the economic, social, and political ideals of the capitalistic middle class. These were chiefly legal protection of property, enforcement of contract, and a large degree of freedom in personal and business initiative. Everywhere the bourgoisie have opposed state interference with economic activities, except where this interference has been believed to foster their interests. They have been opposed to social legislation designed to protect the working classes and hence likely to hamper the freedom of the employer to deal with his employees as he sees fit.

Most modern constitutions have embodied these fundamental bourgeois ideals of freedom from arbitrary governmental interference and have assured the protection of personal rights and property interests. The fundamental rights and immunities for all men and the appropriate guarantees of economic liberty were embodied in the first ten Amendments to the American Constitution—really an integral part of the document, since they were all added immediately. The French Declaration of the Rights of Man, drawn up in 1789, mentions property among the "natural and imprescriptible rights of man" in Article 2, and in Article 17 also describes it as "an inviolable and sacred right."

The relative stability of constitutional governments and their specific guarantees of political and economic rights to the propertied classes have been the chief reasons why the triumph of the bourgeoisie in politics throughout the Western world has been followed by the immediate adoption of written constitutions. The degree of fixity and rigidity in constitutional government varies greatly. In Great Britain, Parliament can theoretically amend the constitution with as little formal difficulty as it meets in passing a bill appropriating a petty sum for repairing a local bridge. In the United States the process of amendment is so difficult that only twelve Amendments have been added to the original ten adopted a hundred and fifty years ago. But even in England constitutional changes are infrequent and never undertaken in a lighthearted manner, chiefly because of the British reverence for precedent and their reluctance to experiment. In practice, then the English constitution is not so easy to alter in any fundamental sense. Almost without exception, constitutions have been changed slowly and infrequently, and constitutional government has been characterized by relative rigidity and permanence. The middle class have thus far been vindicated in their reliance upon constitutional government as a safeguard against either royal arbitrariness or proletarian radicalism. It is easy to understand the devotion of contemporary American businessmen to the Constitution.

While the first important written constitution of modern times was the so-called Instrument of Government, drawn up by Cromwell for his Commonwealth government, constitutions are by no means a product of modern history. Aristotle is said to have studied the text of some 158 constitutions, to serve as the basis of his book on the Athenian Constitution. The forerunners of modern written constitutions were the charters granted to the medieval towns, to the English colonies in America, and to chartered trading companies. The English constitution is a curious combination of various documents. Among the most important of these documents are the Magna Charta (1215), the Petition of Right (1628), the Bill of Rights (1688–1689) and the legislation immediately following it, the Reform Bill of 1832, the Suffrage Acts of 1867, 1884, and 1918, the Parliament Bill of 1911, and the Suffrage Acts of 1918 and 1928. Among the other things that go to make up the English Constitution, are "the privileges of Parliament," the Conventions of the Constitution, the Common Law, and the like.

The first great crop of written constitutions in modern society were those adopted by the American states after the Declaration of Independence. They were founded on the precedents of the colonial charters, the revolutionary doctrines of the British Whigs, and the Bill of Rights of 1689. These early state constitutions in America almost perfectly exemplified the political ideals of the middle-class liberals. The aristocratic and monarchical elements in government were eliminated, especially the hereditary executive. Special privilege and hereditary rights were denounced. The doctrine of popular sovereignty and the assertion that all powers were originally given to the government by the people were boldly and universally proclaimed.

The French philosopher Montesquieu maintained, about the middle of the eighteenth century, that the chief guarantee of liberty lies in a proper separation of governmental powers into executive, legislative, and judicial branches, and in an elaborate system of checks and balances. This doctrine was embodied very generally in these American state constitutions. The lingering fear of the king was reflected, nevertheless, in a general tendency to exalt the legislature at the expense of the executive department. Short terms for governors were the rule. John Adams said that annual elections were the only safeguard against tyranny.

The *laissez-faire* tendencies of the economic liberalism of that time were accepted, and the functions of government were limited to the protection of life, liberty, and property. Any extensive development beyond this was frowned upon. Yet there were some vestiges of aristocracy and privilege. Property qualifications for voting and office-holding were common, and even religious qualifications for office and the ballot were frequent.

Constitution-making was carried to a national scope in the Articles of Confederation of March, 1781. But these were weak and inadequate. A Constitution embodying strong federal principles was framed in 1787 and adopted by 1789.

The French Revolution produced a number of constitutions, all profoundly influenced by British and American precedents. The one of 1791, which provided for the creation of a limited monarchy under the Legislative Assembly, was more widely followed as a model than the later and more radical constitutions, because at this time limited monarchy aroused fewer objections from conservative minds than did republican government. Napoleon popularized constitutional government. Even though he ruled with an iron hand, he governed under constitutional forms in France and handed out charters and constitutions to his subject territories. A famous and influential constitution of the Napoleonic period was that adopted in Spain in 1812, based on the French constitution of 1891. This constitution, proclaiming popular sovereignty and parliamentary government, was widely studied by the European liberals in their struggle for constitutions between the Congress of Vienna (1815) and the Revolutions of 1848. It was also widely imitated by the Latin-American peoples. The constitution of industrial

Belgium, influenced by the British constitution, and adopted and approved in 1830–1831, was especially admired by middle-class liberals and widely copied.

From 1815 to 1848 the battle for constitutions met many and serious rebuffs at the hands of Prince Metternich. He knew that constitutions almost always involve representative institutions, and, hence he recognized their threat to the system of autocracy that maintained him in power. But after 1848 his influence waned. The Kingdom of Piedmont and Sardinia obtained a constitution in 1848, which developed into the constitution of United Italy. The King of Prussia granted a constitution in 1850, which lasted with few changes until the close of the first World War. The Emperor of Austria was compelled to establish constitutional government in 1861. The minor European countries adopted constitutions at various times during the nineteenth century, particularly after 1850. The Latin-American states entered the constitution-making age in the first quarter of the nineteenth century.

Those states which adopted constitutions relatively late had a decided advantage in studying the experience of earlier constitutional systems. Most of the constitutions of Australasia embody, for example, the best features of the English and American constitutions. The dozen or so states that came into existence in Europe after the first World War adopted constitutions which, in many cases, embodied not only previous political experience but also novel principles of political science, such as *proportional* and *vocational representation*. The Turkish constitution conferred remarkable powers upon the executive. In Russia, and in Spain for a time, constitutional government was turned against wealth and privilege and made a bulwark of proletarian radicalism. A. C. Flick summarizes the extent and significance of this era of constitution-making:

> Between 1776 and 1850 well on towards a hundred written constitutions were created throughout the world. For the most part they represented political victories won by the people for democracy and nationality. Many of them stood as protests against the oppression of a motherland, such as the new American states against Great Britain, Spain, and Portugal. Others embodied hostility to control by other lands, as Belgium against Holland, Greece against Turkey, and Italy and Hungary against Austria. Some stood as revolts against tyrannical rulers as in France, Spain, Germany, and Austria. Others incorporated internal demands for reform, as in Switzerland and Holland. Taking these documents as a whole, they measure the decline of absolutism and mark the progress of the world in liberty and equality.[12]

In the rise of Fascism and dictatorship after the first World War there was a strong tendency to abandon representative government, though there is no reason why a constitution may not readily be founded upon the most extreme Fascist principles. But the most striking aspect of the rise of Fascism is the implication that the middle class have lost con-

---

[12] A. C. Flick, *Modern World History*, Knopf, 1928, p. 215.

fidence in representative government as a means of protecting the vested interests of property. A main reason for this lies in the increasing strength of the working class in contemporary society, and the consequent demand of this class that constitutions shall express their interests as well as those of the middle class.

In Russia the working class seized power and, for the first time in human history, drew up a working constitution which represented proletarian interests. In the same way that many bourgeois constitutions outlawed revolution and made property secure from working-class attacks, in Russia private property in the instruments of production was outlawed, and only members of the working-class were allowed to participate in government. The Russian Soviet constitution represents the very opposite extreme in class interests and control from the constitution of the United States.

The conception of the divine right of kings has come down to us somewhat modified in the theory of the divine status and sanctity of constitutions. The existence of constitutions has, indeed, begotten a perverted mental attitude towards them known as "constitutionalism." This has been defined by Professor Hamilton as follows:

> Constitutionalism is the name given to the trust which men repose in the power of words engrossed on parchment to keep a government in order. The writing down of the fundamental law, beyond peradventure and against misunderstanding, is an important political invention. It offers exact and enduring language as a test for official conduct at the risk of imposing outworn standards upon current activities.[13]

The vested interests frequently ignore the fact that our constitution was a result of many compromises, and looked upon by its framers as a very imperfect experiment.

The theory of the divine right of kings became archaic and out of adjustment with the social and economic interests of the seventeenth and eighteenth centuries. Constitutions that were drawn up a century or a half-century ago have likewise been found poorly adapted to the needs of a far different civilization from that which presided over their drafting. This defect is likely to become even more serious in the face of future cultural alterations, which take place with far greater rapidity today than ever before. Further, constitutions, which are but a means to the end of orderly and free government, have come to be regarded as an end in themselves. It is doubtful if the excesses of divine-right panegyric under Louis XIV were greater than the absurdities of constitution eulogy in our own age. It is difficult to keep in mind or practice the basic truth, so well phrased by Thomas Jefferson, that constitutions are made to serve society and that society does not exist to serve constitutions. A characteristic product of the constitution cult is the following excerpt from an address by an eminent corporation lawyer, Henry D. Estabrook, cited

[13] "Constitutionalism," *Encyclopedia of the Social Sciences*, Macmillan, Vol. 4, p. 255.

in Harry F. Atwood's *Back to the Republic,* a book that has enjoyed an amazing popularity with the American plutocracy:

> And so, on this great continent, which God had kept hidden in a little world —here, with a new heaven and a new earth, where former things had passed away, the people of many nations, of various needs and creeds, but united in heart and soul and mind for the single purpose, builded an altar to Liberty, the first ever built, or that ever could be built, and called it the Constitution of the United States. . . .
>
> O marvelous Consitution! Magic parchment, transforming word, maker, monitor, guardian of mankind! Thou hast gathered to thy impartial bosom the peoples of the earth, Columbia, and called them equal. Thou hast conferred upon them imperial sovereignty, revoking all titles but that of man. Native and exotic, rich and poor, good and bad, old and young, lazy and the industrious, those who love and those who hate, the mean and lowly, the high and mighty, the wise and the foolish, the prudent and the imprudent, the cautious and the hasty, the honest and the dishonest, those who pray and those who curse—these are "We, the people of the United States"—these are God's children—these are thy rulers, O Columbia. Into our hands thou hast committed the destinies of the human race, even to the omega of thine own destruction. And all thou requirest of us before we o'erstep boundaries blazed for guidance is what is required of us at every railroad crossing in the country: "Stop. Look. Listen." Stop and think. Look before and after and to the right and left. Listen to the voice of reason and to the small still voice of conscience.[14]

These abuses in the form of constitution worship have been most evident in the United States, in part because of the antiquity of the American Constitution and in part because of the degree to which this document is a bulwark of the vested propertied interests. This attitude appears not only in such silly brochures as the one just quoted, but also in such a pretension to sober scholarship as James M. Beck's *The Constitution of the United States.*[15] That a recognition of this state of affairs does not necessarily imply any subversive attitude may be seen from the judicious criticism of the American constitutional system in William MacDonald's *A New Constitution for a New America,* the work of an eminently conservative, respectable, and balanced writer, wholly devoid of any violently revolutionary motives, and in W. Y. Elliott's *The Need for Constitutional Reform.*

But it should be remembered that constitution worship, intellectually indefensible as it may be when used as a mask for the advantage that it lends the vested propertied class, ought not so to antagonize its opponents that they forget that any constitution, along with its archaic and inequitable sections, usually embodies many guarantees and safeguards of personal liberty that have been won during the age-long growth of social conscience.

While constitutions may be provided for monarchical, aristocratic, democratic, and totalitarian forms of government, the middle class have been very generally favorable to the republican form of government.

---

[14] H. F. Atwood, *Back to the Republic,* Whitman, 1926, pp. 66–67.

[15] *Cf.* T. R. Powell, "Constitutional Metaphors," in the *New Republic,* February 11, 1925, pp. 314–315.

Monarchy has symbolized to them, on the basis of the historical experiences of previous centuries, arbitrary royal rule and interference with their business and prosperity. Bourgeois political supremacy has, therefore, generally been followed by the establishment of the republican form of government and the adoption of written constitutions. This has not been invariably true, because, in certain instances, the monarchical tradition has been too strong for the middle class to uproot at once. One must, of course, be on his guard lest he take it for granted that a republic necessarily means a more liberal form of government than can exist under a constitutional monarchy. The formal monarchy of England, before 1939, provided a government more democratic and more responsive to popular will than does the republic of the United States. Even Nazi Germany saw fit for a time to retain the fiction of a republic.

Though the republican form of government has been the usual expression of middle-class political liberalism in modern times, it is well known that republics are in no sense an exclusively modern institution. Republican government was fairly common among the Greeks. Rome remained a republic for hundreds of years. In the Middle Ages there were city-state republics, such as Genoa. Switzerland became a republic in 1291.

The first important republic of modern times was the Dutch Republic, which was formed in 1579 and lasted for two centuries. A far more extensive republic appeared on this side of the Atlantic when the United States of America was given permanence by the Federal Constitution, framed 1787. The First French Republic came into being in 1792. The Second French Republic lasted from 1848 to 1852. The Third French Republic was declared in 1870 and assured in 1879. The revolutions in Latin America after 1810 usually brought into existence what were at least formally called republics, however dictatorial the rule of the leader. In South Africa the Boers established two republics: the Orange Free State in 1836 and the Transvaal in 1852.

After the first World War a considerable crop of new republics sprung up in Europe. Among them were Czechoslovakia, Austria, Poland, the Baltic Republics—Lithuania, Latvia, Estonia, and Finland—The Union of Socialist Soviet Republics, Portugal, and Spain. The Soviet Republics and the Spanish Republic of 1933–1938 have well illustrated the fact that republican government need not be inseparably connected with the dominion and aspirations of the middle class. In both of these countries republican forms of government have been used to advance the interests of the radical proletariat and the peasantry.

CHAPTER VIII

The Technique of Democracy: Political Parties and Party Government

The Role of Political Parties in Modern Government

In the preceding chapter we traced the rise of the national state and the growth of constitutional government. Within this framework representative government and democracy have developed in modern times and have given us the characteristic political system of our day. In this chapter we shall consider the technique whereby representative government and democracy have been able to operate. So that representative government and democracy may work, some method must be found for assuring majority rule and placing the representatives of the people in a position of political power. Thus far in human experience the only practicable method of so doing that has been discovered is party government. Representative government and the development of antagonistic social and economic interests in contemporary society—industrial, financial, commercial, agricultural, and proletarian—have begotten party politics as a natural mode of procedure.

In contemporary western society, outside of totalitarian states, the average citizen participates in political life chiefly as a member of a party. His interest in politics centers mainly in the victory of a given list of party candidates. The average voter has little conception of the general nature or purpose of government. He grasps feebly, or not at all, the fundamental issues that are involved. His whole political outlook is concentrated upon the entity or organization known as the political party, and upon the candidates and symbols that give to the party vitality and personal interest.

Realistic students, however, look upon the political party not as a spontaneous benevolent association but as the public organization through which the various interest-groups in modern society seek to promote their specific objects and ambitions. These interest-groups must compromise with each other in organizing a great party. For this reason, considerable latitude exists in party platforms or whatever serves as the basis of party unity. The strongest parties are those which can unite the largest assemblage of persons in a single interest-group or can combine in a harmonious manner, without sacrificing aggressiveness, the largest num-

blocs or groups. This has been true because, in Europe, party organization has been more normally and naturally associated with the underlying interests of the various groups and classes. Moreover, there have been more classes and interests in Europe than in the United States—everything from monarchists to communists and anarchists. And within each major group there has been an inclination to split over minor interpretations of social, economic, or political dogmas. Further, party machinery is less powerful and cohesive in Europe than in the United States.

The *bloc* system naturally invites disorganization and chaos, as compared to the two-party system, but at least the parties do stand for something definite. The choice is, essentially, between the unreality of the two-party system of the United States and the chaotic character of the *bloc* system of Europe. The latter seemed to be winning out before 1939. Even England, long the home of the two-party system, had in 1939 a half-dozen definite parties represented in the House of Commons. Even the old parties, such as the Liberal, were beginning to split up. The futility of the two-party system in the United States is becoming increasingly apparent. Whatever one's preferences in the matter, it certainly seems that the interests in modern society are too diversified and numerous to allow adequate expression through the medium of two political parties. There would need to be at least three parties—a conservative, a liberal, and a radical party

While there is a trend towards multiple parties in democracies, the new totalitarian states have installed one-party systems. But there the party does not function as a phase of representative government. It is chiefly a propaganda agency and an administrative errand boy for the dictatorship and bureaucracy which run all totalitarian states.

The Rise of Party Government

Factions representing distinct interest groups have existed from a very early day, though party government, as a publicly recognized agency, could scarcely appear until after the rise of representative government. In the Greek city-states, especially in Athens, there were political parties or factions. Aristotle, in fact, made an analysis of the genesis and nature of factional, party, and class activity, though he himself clearly disapproved of these divisions. But there was no permanent party organization in Athenian democracy, much less any recognition of the party as a factor in political society. The Romans produced vigorous political factions, but here again political factions and interests shifted rapidly.

After the collapse of Rome, the western world broke up into the feudal system. With such world-order as existed being furnished by the church and the unifying tradition of Rome, there was still no place for party government. The feudal political relations of the Middle Ages were based chiefly upon personal allegiance, a condition somewhat intermediate between the bond of blood relationship (real or fictitious), in primitive society, and the political status of developed civil society. The

chief struggle during the Middle Ages was that between the church and the state, but such conflicts were partly international in their scope, and they rarely produced any permanent party alignment upon the questions at issue. The struggles within the church, which culminated in the Conciliar Movement of the fifteenth century, were also international in scope and more directly productive of representative government than of the party system.

The factions or parties that, at times, existed in the medieval period are well exemplified by the historic conflict between the Guelphs and the Ghibellines. These parties were produced by the struggle between the Holy Roman Emperor and the Italian city-states, but their conflicts were, in part, personal, family, or municipal feuds, carried on with great bitterness. The other form of political conflict that prevailed in the Middle Ages, especially in the latter part of the period, namely, that between the newly developing cities and the feudal lords or the king, was a conflict of different types of society rather than party strife.

The origins of modern political parties are tied up with the Commercial Revolution and the rise of capitalism, which created a middle class powerful enough to challenge the landed aristocracy. The first parties were thus representatives of the aristocratic landed interests and of the growing urban middle class, respectively. This party development and struggle could, however, find significant expression only where the middle class had become strong enough to institute representative government. England was the only important European state where this was achieved before the middle of the eighteenth century. Here the kings drew their support chiefly from the aristocratic landed groups, and revolution was promoted mainly by the urban middle class. The former grew into the Tories and the latter into the Whigs, this development taking place slowly between 1640 and 1700.

When William III came to the throne of England after the Revolution of 1688, English political parties were already a recognized element in Parliamentary life. Something like strict partisanship in the constitution of ministries came about with the rise of the cabinet system during the reigns of George I and George II. George I, the founder of the Hanoverian dynasty, was a German by birth and culture, and never mastered either the English language or the English political system. He was content to rule through ministers who assumed actual charge of the political situation. He was fortunate in securing for his prime minister the leading representative of the middle-class Whigs, Robert Walpole. Walpole took all his ministers from the party that commanded the confidence of Parliament. In this way, he built up the idea of the responsible partisan ministry. Walpole ruled with wisdom and discretion, avoiding foreign wars and entangling international relations. Under his long leadership, England became gradually accustomed to the party system.

The next important stage in the development of the English party and representative system came after the Reform Bill of 1832, which did away with the rotten boroughs and widened the suffrage to some degree. After

that time, when there was a clash between ministry and Parliament and an appeal was taken to the constituencies, the ministry resigned if the election went against it. In 1835, we have the first instance of a ministry resigning because of a defeat in the general Parliamentary elections—the Peel ministry. In this way, both the ministry and the House of Commons were rendered responsible to the electorate.

The old division of Whigs and Tories began to break down after the Reform Bill of 1832, and the Liberals and Conservatives took their place before 1850. Their early battles turned about factory reform and free trade. The Conservatives at first championed labor legislation, and the Liberals the abolition of the Corn Laws (tariff on wheat) and other such protective measures. During the last half of the century, the Liberals became less rigidly *laissez-faire* and favored social legislation, especially after 1905. The Conservatives were urged to do the same by Joseph Chamberlain, but he met with indifferent success. Irish Home Rule became a burning issue between the parties from 1884 to the first World War. The Liberals favored it. During the last decade of the nineteenth century the Labor party came into existence, and it assumed an important rôle in English political life after 1906. It threw in its weight with the Liberal party from 1905 to 1914 to forward social legislation. Growing in strength, it has been in office twice since the World War and recently seems to be regaining popularity. The first World War hopelessly split the Liberal party, and British politics, divided between various groups of Conservatives and Laborites, took the trend towards the group party system that prevailed on the continent of Europe.

Party government on the continent of Europe passed through the same general stages as did party government in England. The most notable difference we have already touched upon, namely, the tendency of the party system in continental Europe to develop on the lines of the group or *bloc* system rather than the two-party type.

Before the adoption of our Constitution in 1789, the people of the United States had enjoyed more than one hundred and fifty years of practice in the organization of political institutions. Although there was no widespread organization of parties until after the adoption of the Constitution, political parties had existed from the beginning of settlement in America. As John Adams said in 1812: "You say our divisions began with Federalism and anti-Federalism? Alas! they began with human nature; they have existed in America from its first plantation. In every colony, divisions always prevailed. In New York, Pennsylvania, Virginia, Massachusetts, and all the rest, a court and country party has always contended."

The "Fathers" were familiar with the effects of parties, or better, "factions." They regarded party government as detrimental to public life, and tried to guard against it in the new national government created by the Constitution of 1787. They provided for an Electoral College to

select the President, and apparently expected that this would operate in a nonpartisan manner.

Yet the very system of government created by the Constitution was one that strongly encouraged the origin and development of a party system. There was a division of political authority and responsibility between the federal and state governments. Moreover, following the dictum of Montesquieu, there was a strict separation of the three phases of governmental power in the federal government. The executive, legislative, and judicial departments were, in formal theory at least, sharply separated and balanced against each other. It was necessary to have some organization that would produce unity of policy and action in state and federal governments, and also unify the three formally separated departments in the federal government, especially the executive and the legislative. The political party was the agency that achieved this needed unification. Finally, the new American government was one which included a large number of important elective offices. Organization was essential to provide candidates for these offices and to secure their election. The party fulfilled this function as well.

Therefore, the party system arose not long after the establishment of what the Fathers thought was a nonpartisan government. The Electoral College virtually ceased to operate as an independent body by 1796, and by 1800 it had already become a meaningless relic. Party development thus took place speedily, in spite of President Washington's earnest efforts to preserve the nonpartisan system contemplated by the framers of the Constitution. Washington chose the members of his cabinet from both parties, as English monarchs had done a hundred years before. The legitimate function of an opposition party was not comprehended by him. The party spirit of his administration and the bitterness of the party recriminations, with those in his own official family employing pamphleteers to attack political opponents, remind one of the party strife during the reigns of William and Anne.

County and town nominating conventions had developed in the latter part of the eighteenth century. When it became necessary to organize state and national governments, some form of party organization of comparable scope was rendered essential. The legislative *caucus*, that is, the nomination of party candidates by members of the legislatures, at first supplied the need. The legislators were relatively prominent men from all sections of the political community and fairly represented the parties in the legislature. Owing to the difficulty of travel in those days, it was a great convenience to have a group of party men from all parts of the state or country already assembled in some central place—the capital city. The legislative caucus became, for a time, the natural nominating convention and the one fairly permanent bit of party machinery. In its federal form this was known as the Congressional Caucus, and it controlled the party nominations for the Presidency from 1804 to 1824. Because parties were at this time looked upon as extra-legal,

with sinister potency—being in fact literally without standing in public law—the central organization of the parties, the caucus, was naturally severely criticized. It was hailed as "King Caucus," and the deposition of this monarch was eagerly sought.

The destruction of the caucus system as a factor in national politics was accomplished as a part of the democratic-frontier wave which brought Andrew Jackson to the Presidency. Jackson believed himself at a disadvantage with the smooth and devious politicians who controlled the caucus. Further, he and his followers were still enraged by the contested election for the Presidency in 1824, for Jackson believed that he had been cheated out of the election. He and his supporters began a thoroughgoing attack upon the congressional control of the party nominating system. By the time of the campaign of 1828 the congressional caucus had been undermined, and in 1832 the national nominating convention had taken its place.

The first national nominating convention was held by the Anti-Masonic party, which met in Baltimore in 1831 and nominated William Wirt as its candidate for the Presidency. The Whigs met there later in the year and nominated Clay, and the next year the Democrats followed and nominated Jackson. An important revolution had been achieved, and the party had grown, to some degree, beyond the outlaw stage. The nominating convention soon supplanted the caucus in the local subdivisions of the country. Along with it came the development of permanent national, state, and county committees—political machines—to look after party interests in the interval between the periodic nominating conventions.

The political, or party, machine first developed on a large-scale in American cities, especially those cities which had a large foreign-born population, which could be easily manipulated. These machines not only dominated city but state politics as well, and often exerted a large influence on national party organization. Examples of such city machines have been Tammany Hall in New York, the Catholic-Democratic machine in Boston, the Republican machine in Philadelphia, the Thompson and Kelly-Nash machines in Chicago, the Pendergast machine in Kansas City and the Hague machine in Jersey City. Urban party machines often promote graft and corruption. The large and unwieldy city populations have made it difficult to get a united front for reform and thus facilitated and perpetuated the corrupt party machines. The machine continues to exist, even with a shift of party control.

The history of parties, as conventionally taught in the schools, is often little more than a meaningless chronicling of the results of the quadrennial presidential campaigns. Yet the history of parties in America, if properly presented, furnishes an admirable reflection of the various phases of the progress of American society. It is the basic purpose of government to mediate between the various conflicting ideals and interests in society and to adjust these conflicts, as well as possible, in the interest of public order and progress. Parties have been the organization through which our

major social interests have attempted to advance their causes. A study of parties and their activity reveals the more important public issues that have faced the country since the establishment of our national government.

At the outset, the Federalists, under the leadership of Hamilton, planned to reorganize the government after the chaos of the Confederation, restore order, establish a sound system of public and private finance, assume the state debts, fund the national debt, and make it possible for business to resume with confidence.

The program had the backing of the moneyed groups in the East, but it aroused the opposition of the agrarian interests in the South and West, which had little to gain from a revival of business and sound finances. These did not feel that any important benefit would come from a redemption of the public securities and a funding of the public debt. In fact, they would be the losers, for many of the farmers were debtors and most of the certificates of indebtedness were held by the business classes. Further, they resented the greater burden of taxation put upon them by Hamilton's constructive program. Especially was this true of states, like Virginia, which had already paid off their state indebtedness. They found their slogan in a strict construction of the Constitution, denying the validity of Hamilton's contention for "implied powers." They discovered an astute leader in Thomas Jefferson.

As a result of fatal divisions within their ranks, and legislative indiscretions—as in the case of the Alien and Sedition Laws—the Federalists were weakened. In the party revolution of 1800, they were displaced by the Democratic-Republicans. This Jeffersonian party soon accepted the constructive national policy of Hamilton, but put it on a more popular and democratic foundation.

With the development of new problems in our national evolution, appropriate parties arose to defend their diversified interests. The remnants of the old Federalists and the more conservative Democratic-Republicans developed into the National Republican or Whig party, of which Clay and Webster were the spokesmen. They represented the business and financial interests of the East and the more nationalistic element among the Middle-Westerners. They adopted for their program national improvements in the way of building roads, canals, and railroads, the fostering of manufactures, an increase of the tariff, according to the so-called "American system," the maintenance of a United States Bank, and the granting of loans to the West for sectional development.

The opposition party was called the Democratic party, and it chose for its leader Andrew Jackson. The party members were, in part, a debtor group, came to a large extent from the frontier, where sentiments and practices of equality were the rule, and resented the power and arrogance of the business and financial element of the East. They desired state banks, so that they might supply their own credit and be free from the economic control of the Easterners. The demand for the democratization of the suffrage and the abolition of imprisonment for debt appealed

especially to the lower classes, and led the eastern working-classes to join hands with the frontiersmen in bearing Jackson to triumph in 1828.

Soon after Jackson's period the issues that had confronted the parties in the thirties were superseded by the struggle over slavery. The Whig party became divided on the slavery issue and gradually disintegrated. The Democratic party came more completely under the domination of the slavery group, for which Calhoun was the spokesman, and the Jacksonian philosophy lost its hold. The Democratic party became the party of the "Slavocracy" of the South. It was joined by the pro-slavery Whigs.

Out of the disintegrating Whig party and the minor radical and anti-slavery parties, the new Republican party was formed in 1856. It was at first mainly a radical party, with its chief support, as in the case of the early Democrats, in the laborers of the East and the frontiersmen of the West. Coming into power in 1860, as the result of a fatal division of the Democratic party, it was the party that won the Civil War and thus gained the support of the banking and business classes, which had profited by the war. It soon lost its radical traits and became the party of the capitalistic conservatives. It supported the new banking plans, railroad expansion and the land grants, retention of the high war tariff, the growth of corporations, and the elimination of political interference with the freedom of business enterprise. The Democratic party, freed from the slavery octopus, became, for the time being, the minority party, supporting political reform and a more liberal policy in Southern reconstruction.

Neither major party has been consistently either progressive or reactionary since 1865. While the Republicans have been more uniformly conservative and the more dependable exponents of big business and the protective tariff, they have at times shown signs of liberalism, as under Theodore Roosevelt from 1901 to 1909. There has always been a powerful liberal wing in the Republican party, which has been known successively as Liberal Republican, Mugwump, and Progressive. The Democratic party has wabbled from marked liberalism, as under Bryan in 1896, Wilson in 1913, and Roosevelt in 1933, to extreme conservatism, as under Parker in 1904, but it has inclined towards the moderate conservatism of the Cleveland type during most of the period since 1877. *Under Wilson, it ran the whole course from the liberalism of the* "New Freedom" to the ultra-reactionary orgy after 1918, during which the country was all but ruled by Attorney-General Palmer and the Department of Justice.

There is no longer any fundamental division between the two old parties over the basic institutions of society. In 1800, the parties represented mercantile versus agricultural interests. In 1850, the southern Slavocracy was lined up against northern manufacturing and commercial groups and frontier agricultural interests. In 1896, it was a division between the plutocracy and the progressive agrarian and labor interests. But, since 1900, both great parties have wholeheartedly supported the capitalistic system. Even Mr. Roosevelt, in 1933, deliberately and exclusively sought to patch up the capitalistic system. The campaign of 1940 was

probably the greatest sham in American party history. There was no opportunity for the voters to decide upon the most burning issue of the day—that of American attitude towards the second World War. It was observed that Mr. Willkie seemed to be "campaigning for a seat in the Roosevelt cabinet" rather than for the Presidency. Our entry into the second World War makes it possible that we may adopt the one-party system of totalitarian states.

The more extreme liberals and some radicals have tended to be skeptical of gaining their ends in either great party and have persistently organized radical minor parties, such as the Granger movement, the Greenback party, the Populist party, the Non-Partisan League (really a party), the Socialist and Socialist-Labor parties, and, most recently the Farmer-Labor party and the Communist party. In one way these parties have been successful. They have forced the major parties to embody many of the progressive proposals in their platforms.

Any logical party alignment in this country, at present, would probably call for a clean sweep of the two old parties and for the amalgamation of the conservative and liberal elements respectively into two new parties. This would probably have happened long before this, had party organization been as fluid and undeveloped as in 1830. But so powerful has the party machinery become that the party issues are now subordinated to party machinery. The means—party machinery—have been converted into the end. The two major parties today have so much unreality and so few real differences because they exist chiefly to obtain the elective offices and the economic power that comes from being in control. The revolt of reactionary Democrats against the New Deal, particularly against Mr. Roosevelt's plan for reorganizing the Supreme Court in 1937, has suggested to some that we may be on the eve of a rational reorganization of the American party system. In his Jackson Day Speech, on January 8th, 1938, President Roosevelt threw down the gauntlet to reactionary renegades in his own party, and made an appeal to all types of liberals to rally about him. At the same time, reactionary Republican leaders have beckoned the conservative Democrats into their ranks. It is too early as yet to say what may be accomplished, but these rumblings may be symptomatic of more far-reaching changes just over the horizon. The second World War may, of course, bring to an end representative government and the party system, in the United States as well as the Old World.

Outstanding Problems of Party Government

In spite of the indispensable nature of the political party in representative government and democracy, it inevitably developed by-products which created serious abuses. Many of these abuses are inherent in party government. Others are the blunders inevitable in the first stages of experimentation with any procedure.

Among the difficulties and abuses which seem to be inseparably asso-

ciated with political parties is their tendency to become oligarchical in organization and to oppose the popular will in the democracies they are supposed to serve. Franklin H. Giddings suggested that this is the result of the inevitable proclivity of the few to dominate in all social organization and activity. He finds that some react to new issues and opportunities much more readily than others and, by their alertness and resourcefulness, dominate social situations and activities:

> Not all individuals react to a given stimulation with equal promptness, or completeness, or persistence. Therefore, in every situation there are individuals that react more effectively than others do. They reinforce the original stimulation and play a major part in interstimulation. They initiate and take responsibility. They lead: they conduct experiments in a more or less systematic fashion.
>
> Those individuals that react most effectively command the situation and create new situations to which other individuals must adjust themselves. Few or many, the alert and effective are a *protocracy:* a dominating plurum from which ruling classes are derived. Protocracy is always with us. We let George do it, and George to a greater or less extent "does" us.[4]

> Every kleptocracy of brigands and conquerors, every plutocracy, every aristocracy, and every democracy begins as a protocracy. It comes into existence and begins its career as a little band of alert and capable persons who see the situation, grasp the opportunity, and in the expressive slang of our modern competitive life, "go to it" with no unnecessary delay.
>
> We have now arrived at the first induction, the fundamental principle of political science, which is, namely: *The few always dominate.*
>
> Invariably, the few rule, more or less arbitrarily, more or less drastically, more or less extensively. Democracy, even the most radical democracy, is only that state of politically organized mankind in which the rule of the few is least arbitrary and most responsible, least drastic and most considerate.[5]

A number of social psychologists have suggested explanations for the oligarchical tendency in parties. Sighele, LeBon, Tarde, Durkheim, and Ross have held that it is due to the prevalence of crowd psychology in modern political assemblies and even in states as a whole. Psychic contagion is promoted by the press and other modern agencies for expediting the communication of information and the creation of uniform emotional states. Under these circumstances, the leaders can usually manipulate the masses at will. Contemporary propaganda has facilitated this demoralizing trend.[6]

Robert Michels, in his book, *Political Parties*[7] finds that oligarchical tendencies are inevitable in any form of political organization, even though it be that extreme form of revolutionary decentralization known as Syndicalism. He finds the average individual stupid, and lacking in initiative and resourcefulness. The more alert and intelligent persons naturally come to the top as leaders. But the psychological consequences

---

[4] Giddings, "Pluralistic Behavior," *American Journal of Sociology*, March, 1920, p. 539.

[5] Giddings, *The Responsible State*, Houghton, Mifflin, 1918, pp. 19–20

[6] See below, pp 545 ff.

[7] Hearst's International Library, 1915.

for the leaders are all too often vanity, arrogance, and a tendency to forget that they owe their position to popular consent.

Under modern conditions, democracy, in a broad sense, is mass rule. But masses are incoherent and inarticulate; they must have leaders. Further, the masses cannot participate directly in government; they must choose representatives, and representative government requires party organization. Since the masses are subject to mob psychology, they are easily manipulated in elections. Modern parliaments, made up of chosen representatives, operate under psychological conditions very similar to those of the crowd. They are so large and unwieldy that they inevitably come under the domination of the able minority.

The main cause of oligarchy in political parties comes, therefore, from the necessity of organization. The inevitable organization which a political party must create to function effectively produces the necessity of leadership. The consequent oligarchy then defeats the democracy that originally called forth party organization.[8]

First among the abuses of the modern party is the tyrannical dominion of the boss and the machine. A general and popular superstition in regard to the American government is that the individual citizen is able to advance his interests and make his opinion felt in governmental matters. In other words, the government is supposed to be directly representative of the mass of citizens.

Those who have made even an elementary study of the processes of American government in the last fifty years know that this conception is only a pious aspiration. It has been very difficult for any citizen or any small group of public-spirited citizens directly to exert effective pressure upon any governmental organization. Legislation can usually be secured only through advance negotiations with, and approval by, the boss and the machine. Instead of direct government, we have built what has been frequently called the "invisible government," which controls most phases of American political life. Elihu Root once said that, for nearly a generation, the government of the Empire State was not located at Albany but in the private offices of Boss Thomas C. Platt, of the United States Express Company, in New York City.[9]

Down to a couple of generations ago, voting was not secret. It was possible for a boss or his representative to know how every citizen voted. This made it easy for the employer of a voter or for representatives of the political machine to intimidate the citizen and thus control his vote.

Again, the party machine has controlled the selection of delegates to the nominating conventions. There the delegates themselves have had relatively little part in the choice of candidates, who are normally selected beforehand by a narrow clique of the more powerful members of the machine. The people are then given the opportunity to reject or ratify

---

[8] Mickels, *op. cit.*, pp. 21–22, 26–27, 31–35, 130, 135, 230, 401, 405.

[9] Platt was the Republican boss of New York State.

these candidates. Thus, political officers, who theoretically owe their position to popular election, are actually chosen by the machine.

The nomination of Warren G. Harding in 1920 was one of the most flagrant examples of the undemocratic nature of convention nominations. At the time, Mr. Harding was known only as a strictly regular Republican Senator, above the average in appearance and bearing. He made a miserable showing in the preconvention primaries, and even his own campaign manager was not elected to the Chicago convention. The weather was unbearably hot in Chicago at the time, the beer supply was low, and there was a long deadlock between Johnson, Lowden, and Wood. The delegates were disconsolate at the thought of another week-end in the city. The leaders of the plutocrats at the convention saw their chance to exploit the desire of the delegates to get away from Chicago, and to slip in a candidate who would be most plastic in their hands, if elected to the Presidency. Harding seemed to be their man, as he was known to be wholly safe and complaisant, and his physiognomy seemed a most promising decoration for the campaign posters. Hence Myron T. Herrick, George Harvey, and a half-dozen others railroaded him through the convention. He was in no sense whatever the choice of the people. Had there been a popular plebiscite throughout the United States on the eve of that Chicago convention, it is doubtful if Harding would have received 100,000 votes. He was nominated, and over 15,500,000 surged forward in November to place their stamp of approval upon him. The man whom the great majority of the people desired to see nominated for the Presidency, Mr. Herbert Hoover, was not seriously considered by the convention.

Not only do the boss and the machine control voting and nominations; they also control much of the legislation. Even if the machine graciously allows a citizen or a group of citizens to introduce a bill it stands no chance of being favorably reported out of committee and passed unless the party leaders approve. In many cases, bills not approved by the party machine are not even introduced. Legislation is mainly a matter secretly and effectively arranged between the favored groups and classes on the one hand, and the party machine on the other.

We are not charging any special diabolism to American capitalism in relation to politics. Jefferson and the agrarians were politically as unscrupulous in their day, and if a society were dominated by the proletariat we would certainly witness a most faithful continuance of much the same political methods that they now so warmly criticize. It merely happens that since 1865 we have been controlled mainly by the business and financial classes. In some instances, where the labor groups possessed an unusual degree of power, they also exerted the same pressures upon legislation that had been used by the representatives of capitalistic interests.

What we are concerned with is the fact that, during the last fifty years, popular wishes have had little to do with the major part of the important legislation passed in our federal and state governments. The plutocracy have blandly used their power to embody their wishes and objectives in

legislation.[10] They have then utilized a generally willing press to convince the populace that such laws and policies were not only what the people really needed, but were also exactly what the mass of people actually desired. In most cases, the press was very successful in executing this deception down to 1936.

The only important limitation upon unlimited government by the vested interests and the machine, at least down to 1920, was that this collusion could not be carried too far without leading to popular indignation and the development of a revolt against it. Such rebellion has appeared in the Liberal Republican movement, the Mugwump secession, Bryan Democracy, the Roosevelt Progressivism of 1912, the repudiation of Wilsonism and Palmerism in 1920, and the Farmer-Labor revolt of 1924. For the most part, however, the "interests" and the politicians have been able to deceive and reassure the public, and the revolts against plutocratic control have not been frequent or successful. The failure to repudiate Coolidge and the Republican party, in 1924, after the oil and Veterans' Bureau scandals illustrates the docility or cynicism of the public in the face of the gravest political abuses.

As their reward for keeping the government in line with the interests of the dominant economic groups, the boss and the machine have been granted all sorts of gross and petty graft. The "spoils system" has become something far more diversified, ingenious, and remunerative than it was in its primitive days under Andrew Jackson. Favorable contracts on government works, the spoils of appointive offices, "pork-barrel" legislation, and other types of rewards have been handed over to the boss for his efficient services in keeping the populace and the party subservient.

With the growth of the population and the increased necessity for partisan alertness, the expenses that have been connected with successful party organization and political campaigns have enormously increased.[11] Vast sums of money have been spent to secure the nomination of favored candidates, and political leaders have demanded large contributions from the powerful economic interests which expect to profit by the election of their candidates.

This practice first became notorious in the Republican campaign of 1896, when Mark Hanna raised vast sums from Wall Street in order to secure the election of Major McKinley and defeat what was believed to be the revolutionary program of William Jennings Bryan. It had cost only $250,000 to elect Abraham Lincoln, but Hanna is said to have collected in all some $3,350,000. This was far the largest sum ever expended in behalf of a single candidate down to that time. It was probably a good bargain for the economic interests that were faithfully shielded by McKinley's administration, though the advantages were in part lost by the succession of the more liberal Theodore Roosevelt after McKinley's

[10] *Cf.* Matthew Josephson, *The Robber Barons*, Harcourt, Brace, 1935; *The President-Makers*, Harcourt, Brace, 1940; and Ferdinand Lundberg, *America's Sixty Families*, Vanguard, 1937.

[11] See E. B. Logan, Ed., *The American Political Scene*, Harper, 1938, Chap. V.

assassination in 1901. The Democrats spent only $700,000 on Bryan.

The amount of money spent for the election of McKinley was extraordinary at the time and was not exceeded until 1920. Campaign expenses in the last thirty years have increased enormously in comparison with those before 1896. In 1916, the Republican party spent $3,500,000, altogether, in trying to elect Hughes, and has not spent less on its presidential candidate since that time. It spent $7,265,000 on Harding in 1920. The Democrats spent $2,300,000 for Cox. In the campaign of 1928, about $16,600,000 was expended by national and state committees—some $9,433,600 for Hoover and $7,152,500 for Smith. The following table gives the expenditures of the national committees of the Republican and Democratic parties, alone, since 1896 in the presidential campaigns:

Year	*Republican*	*Democratic*
1896	$3,350,000	$ 675,000
1900	3,000 000	425,000
1904	1,900,000	700,000
1908	1,655,000	619,000
1912	1,076,000	1 134,000
1916	2,441,000	2,284,000
1920	5,417,000	1 470,000
1924	4,020,000	1,108,000
1928	6,256,000	5,342,000
1932	2,900,000	2,245,000
1936	8,892,000	5,194,000
1940	2 242,000	2,438,000

These sums are only a part of the total campaign expenditures. The total Republican expenditures in the campaign of 1920 were $7,265,000, as compared with the $5,417,000 spent by the national committee. The Republicans and Democrats, together, spent between 18 and 20 million dollars in the campaign of 1940. Most of this money is contributed by individuals and interests that expect favors or protection. Five powerful interests—Standard Oil, Guggenheim, steel, automobiles, and public utilities—contributed approximately $1,000,000 to the Hoover chest in 1928. Some 239 individuals gave over $2,500,000 to the Hoover cause; one Republican contributed $175,000. Three Democrats each gave more than $100,000 to the Smith fund. In 1928, a new method of campaigning —radio addresses—was developed. The Republicans spent $600,000 in this way, and the Democrats $500,000.

Congressional elections also often involve colossal campaign expenditures. One senatorial candidate spent over 2 million dollars for his nomination and election. Since the first World War, 3 would-be Senators have been challenged by the Senate and refused seats because of excessive expenditures for nomination and election.[12]

Recently there has been a deplorable development of excessive expenditures in the effort to secure nominations for office, particularly the

[12] Truman H. Newberry of Michigan in 1918; Frank L. Smith of Illinois in 1926; and William S. Vare of Pennsylvania in 1926.

nomination for the Presidency. Theodore Roosevelt's campaign for nomination in 1912 cost $750,000, and in the period preceding the Republican convention of 1920 so much money was expended by candidates in the struggle for delegates that two of the most prominent candidates were practically disqualified by the revelation of their expenditures. The unsuccessful campaign of Leonard Wood for nomination at this time cost $1,775,000. Frank O. Lowden's expenses at the same time were $415,000. The Newberry, Smith, and Vare cases involved heavy nomination, as well as election, expenses. The direct primary has been, in part, responsible for this large increase. It costs more to secure the support of the many who vote in primaries than it did to control the few in caucuses and conventions. In states like Pennsylvania, that have been preponderantly one-party states, the nomination has been tantamount to election. Hence it is logical that more money be spent in the primaries than in the formal election campaign. About $1,500,000 was spent in the Republican senatorial primary in Pennsylvania in 1938.

Not only has there been a scandalous use of money in campaigns for nomination and election to public office. There has been much overt fraud and intimidation. Voters of minority parties are often kept away from the polls by violence. Repeaters cast many ballots each for the candidates favored by the dominant machine. Ballots are fraudulently counted. It has been a persistent belief that Mr. Bryan was cheated out of hundreds of thousands, if not millions, of votes in the campaign of 1896 through fraudulent counts in centers controlled by the desperate big-business forces. Intimidation and fraud at the polls have become especially prevalent in the last fifteen years with the rise of racketeering and gangdom and their affiliations with dominant political machines. Our election laws are archaic and provide inadequate protection to insure fair elections, even when enforced:

> Every investigation or election contest brings to light glaring irregularities, errors, misconduct on the part of precinct officers, disregard of election laws and instructions, slipshod practices, and downright frauds. The entire country has been shocked from time to time by the revelation of wholesale election frauds in some of our large cities. Competent political observers report that election frauds are by no means confined to these few cities, but are widely prevalent in less populous communities. Even these election scandals and the slipshod administration revealed by election recounts do not indicate the real state of affairs which prevails generally in election administration. The truth of the matter is that the whole administration—organizations, laws, methods and procedures, and records—are, for most states, quite obsolete. The whole system, including the election laws, requires a thorough revision and improvement.[13]

The machine and party organization, which are supposed to be a means for advancing the party program, have become ends in themselves. From the campaign of 1904 to the New Deal the Republican and Democratic parties rarely took a fundamentally divergent stand upon the more

[13] J. P. Harris, *Election Administration in the United States*, Brookings Institution, 1934, p. 1.

significant public issues. The main goal of both parties has been the protection of vested economic interests and the spoils of office. An effort has been made to keep the party machinery intact, and to discourage any insurgent movement that might wreck one of the grand old parties and substitute a new party with an independent party program.

For over twenty-five years the citizen could decide only between party machines. He was not permitted to choose between two fundamentally different programs of public policy. The election of 1912 offered some exception, but even this demonstrated the power of the machine. The most popular figure in American political life at the time with the most attractive party program since the original platform of the Republican party of 1856, was unable to carry through a revolt against the reactionary machine. The power of the machine was demonstrated by its ability to exclude from the Republican nomination the man who was certainly the choice of the great majority of the Republican voters.

Since the majority react to propositions in a fundamentally emotional manner, party symbols, party shibboleths, and campaign catchwords—such as "the bloody shirt," "the full dinner pail," "the new freedom," "the abundant life," references to "the grand old party" and to distinguished men who have led the party in the past—are relied upon to hold the voters in line and secure their allegiance, even though they know nothing of the platform of the party, and would be likely to disapprove if it were made clear.

Those who fight against the corruption and inefficiency in our political life find the strength of the party symbolism and phraseology an almost insuperable obstacle. To the average American audience, the flashing upon the screen of the elephant, the donkey, the pictures of Jefferson, Lincoln, the Roosevelts, arouses more instant response and approval than the most carefully prepared and informing political speech imaginable. Particularly significant is the fact that during the political campaign, the period in which the voter should employ the greatest rationality, he is most at the mercy of the emotions provoked by party strife. The partisanship that is a mild aberration between campaigns becomes inflated during the campaign periods into what is often downright hysteria and a paralysis of rational judgment—a campaign psychosis.

A fundamental problem in party government goes to the very heart of representative institutions. The old territorial units of representation are proving ever more inadequate to meet the problems of our complicated industrial civilization. Outside of purely rural districts, a constituency is made up of a great diversity of social and economic classes and group interests. No man can truly "represent" them all, or any considerable proportion. If, as is usually the case, he represents a few of the stronger interests in his constituency, he dare not do so too openly, lest he incur the displeasure of the others and risk defeat at the next election. As a result of this situation, an extra-legal type of representation has arisen in the powerful and complicated lobby that has grown up in the national capital and in most state capitals. Here the repre-

sentatives of the dominant interests—bankers, industrialists, exporters, farmers, war veterans, labor leaders, and racketeers—assemble and deal directly with legislators. They try to secure the passage of favorable laws and kill restrictive legislation. So powerful has this national lobby become that E. P. Herring has described it as a "third house of Congress."[14] It is more important than the House or the Senate. This development may be inevitable, but it is a challenge to the existing type of representative government and to our party system:

> In place of nations of individuals, all more or less alike in respect to conditions and ideas, the Industrial Revolution has given us nations differentiated into classes and corporate and occupational groups, more or less different and often sharply antagonistic, in which lines of division have little or nothing to do with the territorial areas on which political representation is based. The government, nominally composed of persons chosen to represent the will of the people in certain territorial areas, finds that the crucial problems of the time, which are essentially economic, cannot be solved without taking into account the will of the people grouped in certain economic categories. Such is doubtless the real source of the diminished state of Deputies and Congressmen. What they too often legally represent is a group of people without any definite common will to be expressed; what they have to deal with are groups of people (and not labor groups only) who can get their will expressed only, or much better, by using their extra-legal power as a means of dictation.[15]

In a stimulating book A. N. Holcombe predicts the end of the old rustic American party system based upon sections, and the rise of a new party alignment founded directly and openly upon class interests. The growing importance of the city in American life will, he believes, render such a transformation necessary:

> The passing of the frontier and the growth of urban industry have shaken the foundations of the old party system in national politics. The old sectional interests are changing and the old sectional alliances are breaking down. The old party politics is visibly passing away. The character of the new party politics will be determined chiefly by the interests and attitudes of the urban population. It will be less rustic than the old and more urbane. There will be less sectional politics and more class politics. That the old rustic sectional politics is passing is easy to demonstrate. What the new urbane class politics will be like and how it may be made most serviceable to the people of the United States are more difficult questions.[16]

Another important issue in representative government is raised by the exponents of proportional representation. They point out the injustice of leaving the defeated party with no representation whatever. They contend that sound and equitable representative government must give the parties representation in proportion to their strength. They hold that it is unfair to give one party or group 100 per cent of the representation

---

[14] E. P. Herring, *Group Representation before Congress*, Johns Hopkins Press, 1929

[15] C. L. Becker, "Lord Bryce on Modern Democracies," *Political Science Quarterly*, Academy of Political Science, December, 1921, pp. 674–675.

[16] Holcombe, *The New Party Politics*, Norton, 1933, pp. 1–2, and Chap. I, *passim*.

when it may have won the election in a given district by a majority of only one per cent of the votes. Yet it must be remembered that proportional representation would probably increase the number of parties in legislatures, thus encouraging the *bloc* system with its complexities.

Corruption and Extravagance Under Party Government

The irritation associated with the annual task of making our federal and state income-tax returns and submitting to the even more distressing indignities of local assessors and tax-collectors has led many thrifty citizens to consider more seriously the reasons for the ever greater expenditures involved in the maintenance of public agencies.

For the decade from 1791 to 1800, the total federal expenditures of our government were $68,256,000, which constituted an expenditure per individual, on the basis of the census of 1800, of approximately $13. In the decade from 1911 to 1920 the federal expenditures for the ten-year period had increased to $425 per head. For the year 1934 alone the federal expenditures were over $56 per individual, or more than four times the expenditures per individual during the whole first decade of our national history. In 1937 the annual per capita expenditures of the federal government stood at $62.69, and in 1940 they were $73.16.

In this discussion we do not assume that democracy is necessarily accompanied by more graft and corruption than all other forms of government. The most relevant fact in the contrast between democracy and autocracy is that as one contemporary writer has expressed it, democracy inevitably brings more "snouts to the trough" than any other leading form of government.

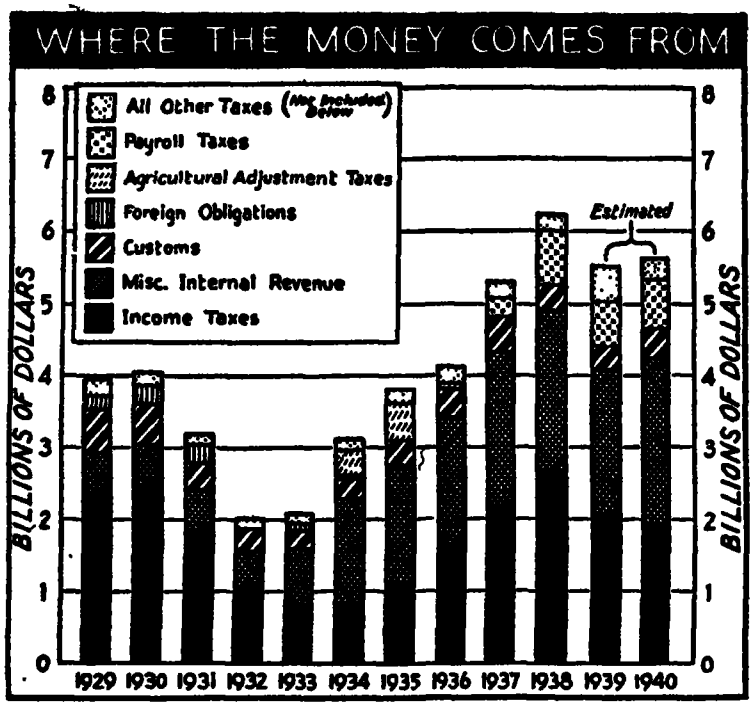
The ever-increasing costs of government are, however, to no small degree produced by the enormous complexity of the social problems that have arisen in the last hundred and fifty years. The growing number of practical problems that must be handled by governmental agencies has resulted in an ever greater state intervention in social, economic, and cultural activities. Many writers have attributed this extension of governmental activity primarily to the growing popularity of bureaucracy and state-socialistic doctrines. To a very large degree, however, such "state socialism" has only been the practical acceptance of the actual responsibilities forced upon society by scientific, technological, and economic revolutions. Wars, also, have become much more expensive, and so have the armaments preparatory to wars. There is much sumptuary legislation, like our late Prohibition laws, that is either useless or harmful and calls for needless expenditures to maintain the officials who execute it. But, after making due allowance for such excesses, the fact remains that the social changes of the last century have inevitably made necessary a remarkable increase in the scope and expense of government activities.

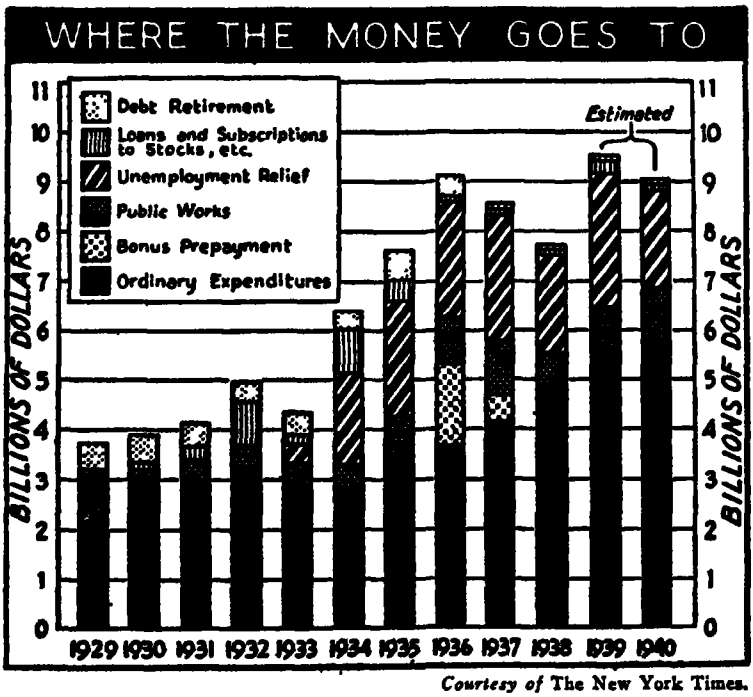
During the first ten years of our national history we spent through the federal government only $68,256,000. The appropriations for the fiscal year of 1932 ran to the staggering sum of $4,674,073,917. "The New

Deal" more than doubled these expenditures before the defense and war periods. The total expenditures for the fiscal year 1933–34 included ordinary expenditures of $3,100,914,000; extraordinary expenditures of $4,004,135,000, and a budget deficit of $3,989,496,000. In 1937, federal expenditures totalled $8,105,158,547. In 1940, they were $9,666,085,000, with total appropriations of $13,351,786,000. Even the recently founded Department of Commerce uses up about as much in one year as was required to run our whole federal government for a decade in the days of Washington. The annual appropriation for the District of Columbia alone is over seven times the annual budget for the federal government in Washington's administration.

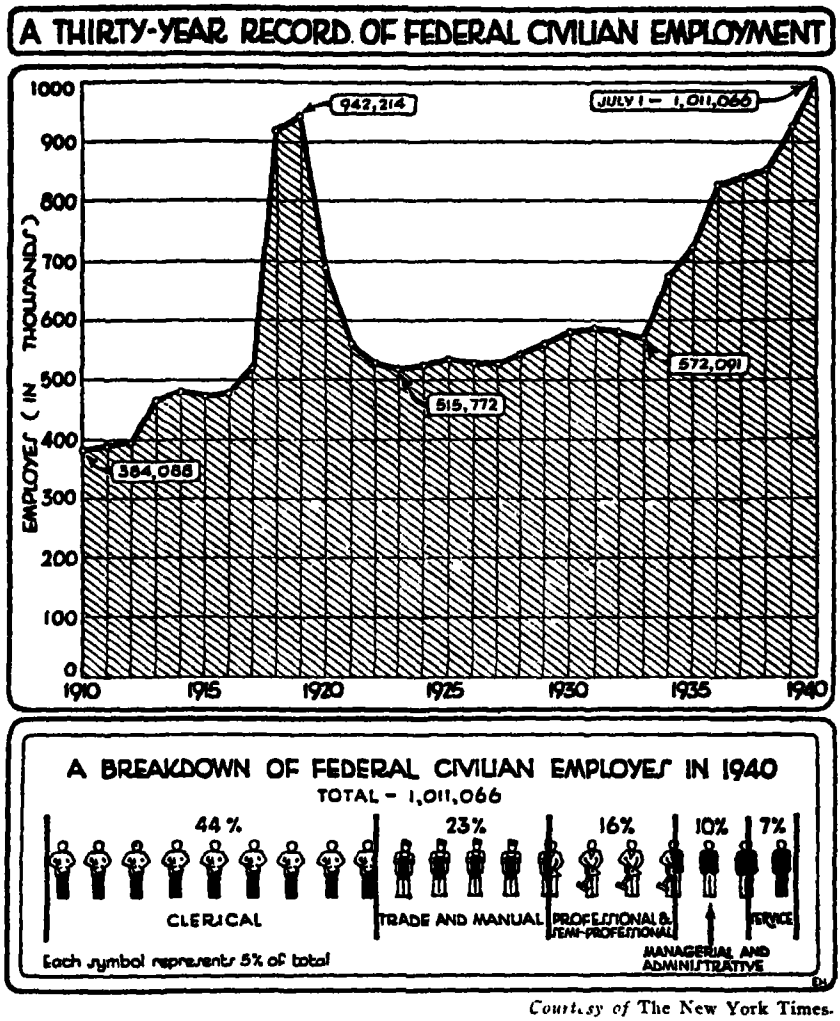
The percentage of the total income of the population of the United States which goes into governmental expenditures—federal, state, and local—has increased amazingly since 1913. In that year governmental expenditures, some 3 billion dollars, amounted to 8 per cent of our total national (not governmental) income. By 1932 they had mounted to 31 per cent, when they stood at $13,470,000,000. Governmental costs have increased markedly since 1932, owing in part to the increasing expenditures for the relief of the unemployed. They were $15,500,000,000 in 1934. By 1938, total government costs were estimated to be $18,000,000,000. The second World War greatly raised government expenditures. The appropriations for 1942 exceeded seventy billion dollars for the federal government alone. The graph on page 250 is a composite picture of the increases in federal expenditures, the types of expenditures involved, and the sources of government revenue.

An important source of mounting expenditures in the federal government is the increase in federal job-holders. This is usually associated, in particular, with democratic institutions and practices, though in all probability the increase of federal employees has been brought about to no small degree by the inevitable growth of state intervention in various aspects of social problems. In 1816, there were about 6,000 in the classified and unclassified federal positions. By 1861, they had increased to about 50,000. By 1890, the number had more than trebled, reaching 166,000. By 1916, the year before we entered the first World War, the federal civilian positions numbered 438,000. In 1918, the war increased these to some 917,760. By 1922, there was a shrinkage that brought the number down to 560,863, but, in 1932, the number had risen to 732,460. The salaries amounted to $1,055,970,000. The total number of persons on the federal payroll in 1932, both civil and military, amounted to 1,032,688. Their salaries ran up to $1,341,670,431. In October, 1934, the federal civilian employees in the executive branches alone totaled 680,181 and their salaries in this month amounted to $101,888,573. In June, 1937, the number stood at 841,664. In July, 1940, they had passed the million mark—or 1,011,666. The second World War greatly increased this figure. In April, 1941, there were some 1,264,000 nonmilitary federal employees. The graph on page 251 indicates the vast expansion of the federal bureaucracy since 1910.





Courtesy of The New York Times.



Courtesy of The New York Times.

When these figures are extended to include those holding state, municipal, and local positions, they become even more impressive. Between 1870 and 1932 the number of persons in public service in the United States increased by 1,000 per cent. Even before the New Deal went into operation and produced an unprecedented number of people getting pay from the federal, state, and local governments, there were over 2½ millions on all public payrolls. They received 4 billion dollars in salaries and wages—some 63 per cent of all tax money collected. In April, 1941, there were 6,100,000 in the employ of the federal, state, and local governments. This was a little less than one out of every eight of the total number of workers employed in the country. Their total remuneration in this month was 667 million dollars, or about 8 billion dollars for the year at

this rate. Of the federal workers, 1,532,000 were in the military service and 1,264,000 in nonmilitary branches. Some 3,300,000 were in the employ of the state and local governments. The great cost of this governmental service makes it desirable that competent and honest persons be employed, so that the public can get its money's worth.

The slowly established federal civil-service system, which was introduced in a feeble fashion in 1883 and has been gradually extended and strengthened since that time, does not notably reduce the graft and expense connected with federal offices. It is designed to secure greater efficiency among those who are actually chosen for federal jobs. In one sense, the civil-service system doubtless helps to increase the actual number of federal employees, in that it makes it more difficult to discontinue an obsolete or unnecessary branch of the service and to discharge supposedly faithful employees.

Most criticisms of our increasing federal expenditures attribute the increase primarily to the extravagance of Congressmen, petty waste, and the growth of state-socialistic enterprises. This attitude dominates the late James M. Beck's *Our Wonderland of Bureaucracy*. But such critics overlook what is far and away the chief source of public waste and mounting expenditures, namely, wars and vast armaments—expenditures which men like Mr. Beck have been the first to support with great enthusiasm. We may have an expensive civil-service bureaucracy and may waste large sums in petty graft and extravagance, but all this is "pin-money," compared to the large and often unnecessary expenditures for war purposes. Moreover, it is well established that our civil servants are, for the most part, underpaid.

From a tabular exhibit of our federal expenditures in 1930, it may be seen that in a normal peace year war accounted for nearly 70 per cent of our federal outlay. Military and naval expenditures ran to 38.5 per cent; and interest and retirement on the national debt, due chiefly to the cost of past wars, to 30 4 per cent. This brings the total up to 68.8 per cent. Payments to veterans are mounting each year. It is inevitable that the vast expenditures for the second World War will greatly increase the proportion of the budget going into military expenses, even in the years after the war is over. Since July, 1940, Congress has voted for defense and war some 160 billion dollars, a sum equal to twelve times the total expenditures for relief and social aid by the federal, state, and local governments from 1933 to 1940.

The governmental expenditures have also increased in state and local units in the last generation, though not in such dramatic fashion as in the federal government. In 1913 the total expenditures of the state governments amounted to $388,000,000. In 1932, they equaled $2,322,000,000. In 1939, they stood at $3,464,000,000. In 1913, the expenditures of local government units totaled $1,844,000,000. By 1932, they had increased to $6,906,000,000.[19] However, much of the increase in 1932 was

[19] Another estimate puts this as high as $8,292,000,000.

due to the heavy relief expenditures of the years after the depression of 1929.

In England, the Chancellor of the Exchequer is compelled to determine the expenditures for the coming year and the various sources of revenue that will cover the proposed expenditures. If the revenues greatly exceed or fall conspicuously beneath the expenditures, the Chancellor is regarded as manifestly unfit for his post. In the United States, however, there has been less scientific coördination of effort in determining federal expenditures and providing for the appropriations to meet them than we find in England.

Down to the time of the passage of the Budget and Accounting Act of 1921, the procedure in determining federal revenues and expenditures was essentially the following: In October, the heads of the cabinet departments sent to the Secretary of the Treasury their estimate for the expenditures for the ensuing year. These departments invariably asked for more than they needed, because they naturally feared that their requests would be pruned by congressional committees. The Secretary of the Treasury had, however, no real power to reduce these estimates. While the executive department heads were, in this way, submitting their estimates to the Secretary of the Treasury, the committees in the House of Representatives in control of the various types of appropriations prepared their estimates, largely based on the expenditures of the previous year. Often there was no coöperation between the cabinet heads and the Secretary of the Treasury, on the one hand, and the House committees on expenditure, on the other.

Even more striking is the fact that neither of these groups was very effectively coördinated with the House committee on revenue (the Committee on Ways and Means). There was opportunity for informal collaboration, but the Committee on Ways and Means could work independently of the Committees on appropriations and the executive departments, with the result that far too much or too little revenue might be raised in any particular year. If the revenues contemplated by the Committee on Ways and Means were not adequate to meet the federal expenditures, the President, the Secretary of the Treasury, and the Comptroller had the authority to decide what should be allotted to each department. This had to be done within the limitations imposed by the existence of specific departments. The unscientific and incoherent nature of such a financial system is obvious.

Much enthusiasm was generated by the passage, in 1921, of the Budget and Accounting Act. Many were led to suppose that it provided for something resembling the highly scientific English budget system. Nothing could be further from the truth. About all that the bill actually achieved was officially to invite and stimulate what had been possible before, namely, direct presidential scrutiny and leadership in the preparation of the estimated executive expenditures for the fiscal year.

The President is required to lay before Congress at the opening of each regular session a composite budget, setting forth the revenues and

expenditures of the previous year and those suggested for the coming fiscal year. The specific information required is furnished to the President by the Director of the Bureau of the Budget, who is supposed to gather his information from the various executive departments and other disbursing agencies. In no way does the President or any cabinet official, such as the Secretary of the Treasury, have the authority to introduce bills to authorize these expenditures or to indicate the specific basis for raising the revenue required. The committees on appropriations can ignore the President's recommendations, and the Committee on Ways and Means is not in any way legally required to respect the proposals of either the President, the Treasury, or the committees on appropriations.

Therefore, our present budget system, as compared with the English plan and procedure, is no budget system at all. The direct and compulsory coördination of executive and legislative activity, which characterizes the English system, is almost entirely absent. Such a confused and uncoördinated system of controlling receipts and expenditures is almost perfectly adapted to fostering every sort of partisan, sectional, and class graft. While various phases of New Deal legislation, such as the Administrative Reorganization Act, have added improvements, we are still far from a scientific budget system like that of Britain. Our budget scheme does not, in any sense, provide for effective control or reduction of the pork barrel and the omnibus bill, the two conspicuous and ingenious techniques for raiding the federal treasury. Charles Austin Beard concludes that "in actual practice, the first test of the new budget system . . . worked a number of economies, but it did not materially reduce the amount of logrolling or the size of the 'pork-barrel.'" As A. E. Buck summarizes the matter: "While the development of the budget in the United States has made considerable progress in the last two or three decades, it has as yet scarcely passed beyond the initial stages."

The term "pork barrel" orginated from a usage on the Southern slave plantations. Salt pork was given out to the slaves at intervals and the usual method of distribution was to smash a large barrel that contained pork and allow the slaves to crowd up and seize as much as they could for themselves. The haste of the Congressmen to include appropriations for their own localities in the general appropriation bill led cynical observers to designate the practice as "the pork barrel," and the name has clung persistently.

The omnibus bill simply means the abandonment of the practice of passing specific appropriations for particular purposes and definite localities, and the substitution of the practice of lumping together, in a single bill, the appropriations of a roughly similar type for the country at large.

In the old days, when appropriation bills were introduced for specific purposes in a particular area by individual Congressmen, any abuses or excesses in the proposal were zealously criticized by fellow Congressmen, who feared lest inordinate appropriations might cause the reduction of the revenue available for the needs of their own districts. Hence it was

relatively difficult to get by with any notorious example of graft or wasteful expenditure.

In due time, however, the typical legislative device of "log-rolling" suggested a way out. If special appropriations were provided for, not in bills introduced by individual Congressmen for local needs but in the general or omnibus bill, then the majority of the Congressmen would all have fingers in the pie and hence a very definite reason for supporting the general appropriation bill. From this time on, it became easy to embody proposals for extravagant expenditures.

The pork-barrel system was well installed in the appropriations for rivers and harbors from the close of the American Civil War, and but two Presidents, namely, Arthur and Cleveland, have ever dared to try to curtail the omnibus appropriation in river-and-harbor bills. The average annual river-and-harbor bills have provided for an expenditure of around 50 million dollars, and the best authorities estimate that probably 50 per cent of these expenditures were for useless projects.

The pork-barrel system spread into the methods of appropriation for federal buildings, such as post offices and custom houses in 1901. Between 1902 and 1919 the appropriations for federal buildings were four times as great as all those in the hundred and thirteen years preceding the advent of the pork-barrel method. Towns whose post-office needs would be amply provided for in the corner of a drug store were graced by elaborate granite or brick structures adequate for the needs of a sizable city. C. C. Maxey cites the following interesting figures on the cost of some post offices:

> Aledo, Ill., population 2,144, cost $65,000; Bad Axe, Mich., population 1,559, cost $55,000; Bardstown, Ky., population 2,136, cost $70,000; Basin, Wyo., population 763, cost $56,000; Big Stone Gap, Va., population 2,590, cost $100,000; Buffalo, Wyo., population 1,368, cost $69,000; Fallon, Nev., population 741, cost $55,000; Gilmore, Texas, population 1,484, cost $55,000; Jellico, Tenn., population 1,862, cost $80,000; Vernal, Utah, population 836, cost $50,000.[17]

In 1909, the Postmaster-General complained that Congress had appropriated no less than $20,000,000 for the construction of post offices in petty towns where his department believed that no changes at all were required.

Even more notorious has been the conquest of veterans' pension legislation by the omnibus bill. Down to 1908 it had been necessary to consider pension bills independently and on their individual merit. There had been abuses in pension legislation before this time, particularly under President Harrison, when the effort was made to conceal the income from the protective tariff by reducing the treasury reserve through lavish expenditures for pensions. But earlier abuses were insignificant compared to those which have sprung up in the last three decades, and partic-

---

[17] On the pork-barrel system, see C. C. Maxey, "A Little History of Pork," *National Municipal Review*, December, 1919, pp. 696–697. For a more comprehensive survey of graft under the party system, see C. H. Garrigues, *You're Paying for It: A Guide to Graft*, Funk and Wagnalls, 1936.

ularly since 1908. Between 1908 and 1916, 50 per cent more special pensions were granted than in the forty-seven years preceding. Soon the special pension grants each year exceeded the number allowed in the entire thirty years following 1865. The graft and injustice connected with the system also notoriously increased:

> To say that the majority of them have provided gratuities for persons who have absolutely no claim upon the benevolence of the country is to speak with great moderation. When we read of the deserters, the bounty jumpers, the unpensionable widows, the remote relatives, the post-bellum recruits, and the various other species of undeserving scoundrels who have had their names inscribed on the pension rolls by means of the special act, we wonder whether every omnibus bill is not a tissue of venality and corruption.[18]

The expenditures for pensions in 1922 amounted to $252,576,000, as compared with 16 million dollars in 1865. In 1937 the annual disbursements for pensions had jumped to $396,030,000, and in 1940 to $429,138,000. The total expenditures for pensions in all our national history, exclusive of payments to World War veterans, had been $8,300,000,000, to 1935. By 1936, we had already paid to World War veterans alone in pensions and other aids over 6½ billions. By 1941, the total disbursements of the Veterans Administration had mounted to $24,000,000,000. Our pension allotment is far more generous than the European practice. For example, in the budget for 1933, the allotment for various payments to World War veterans was $1,020,000,000. This was some forty-seven times the payment made by European combatants for veterans' relief, when computed on the per capita basis of the men under arms in the great conflict.

The river-and-harbor bills, the appropriations for federal buildings, and the exploitation of the omnibus bill for private pension grants constitute the outstanding extravagances in federal financial legislation, aside from the expenditures for armament and war.

Among the other aspects of the pork-barrel system are the now abandoned provisions for the distribution of tons of seed to the constituents of Congressmen, the abuses in the congressional franking of mail, the waste in public printing, the maintenance of assay offices, the establishment and financing of unnecessary army posts and obsolete forts, and the support of Indian schools in districts remote from the Indian reservations. These forms of waste and graft, however, when considered in their gross volume, are perhaps more amusing than important, even though they embody expenditures far in excess of the usual congressional appropriations for educational, scientific, and cultural purposes.

The foregoing represents only a part of the graft and corruption in federal government under the party system. Contracts on public works are let, to the public disadvantage, to friends of politicians and bosses. Money or special favors are given to legislators by lobbyists and other

---

[18] Maxey, *loc. cit.*

pressure groups. Appointments are handed out to friends and relatives of politicians, especially posts outside the classified civil service. Services, usually in the form of large donations to national campaign funds and the party chests, are rendered by criminals and racketeers, who are given protection by the political machine.

Bribery and venality in party government and legislation are more frequent and bald in state government than in federal government. There has been much graft in the construction of state buildings. Over twenty million dollars was spent for the state capitol at Albany, whereas even a generous estimate would put the actual cost at a quarter of this sum. Even more notorious was the graft in the construction of the state capitol at Harrisburg. The construction of state highways opened up a new and extensive field for political graft. Inferior construction is frequently approved by state officials in return for a kick-back from the contractors.

There is plenty of opportunity for graft in county government, in connection with county buildings, highways, and contracts. But the most notorious is the fee system which prevails in the administration of county jails. It has been estimated that this at least doubles the expense of running our jail system.

Since most of our great party machines originate in cities, it is not surprising that the worst political graft has centered in city governments. This fact has been notorious since Lincoln Steffens published his *The Shame of the Cities* in 1904. In spite of sporadic reform since then, it is doubtful if there is any less graft.

The city of Chicago has, perhaps, been most notable for the perpetuation of graft, corruption, and the spoils system. Both parties have shared in this plunder. As a professor at the University of Chicago once put it, "The Republican and Democratic parties are but the two wings of the same bird of prey." The Chicago political machine has acted as intermediary between the great banking, real estate, traction, and public utility interests above, and the gangster elements below. The big financial and business interests want freedom from public regulation and a reduction of taxation. They contribute heavily to the campaign funds of friendly machines and candidates and offer other rewards to complaisant politicians. At the other end of the scale, the gangsters and racketeers wish to be let alone in their remunerative activities in organized crime. They pay protection money, stuff ballot boxes, intimidate independent voters, discourage political reformers by threats and bombings, and otherwise aid the political machine in emergencies.

It has been estimated that, in the days of the Thompson rule in Chicago, the plain and outright graft ran to somewhere between 75 and 125 million dollars annually. This was made possible in a number of ways. Inflated contracts were awarded. In one 2½ million dollar paving job there was one million dollars of sheer graft. A political printer was paid $120,000 to print the annual message of the president of the board of trustees of the Sanitary District. Payrolls were padded. On the average, 16 out of every 100 names on the public payrolls in Cook County were bogus and

fraudulent. In campaign years, around 2 million dollars was paid out in bogus salaries.

Tax rebating was used as a form of political blackmail. Coal companies were organized by friends of assessors and the Board of Tax Review. Following protests about assessments and taxation, agents of these coal companies would call and promise relief if orders for coal were placed with them. One coal company openly printed cards with the encouraging slogan, "Buy your coal of us and cut your taxes." Ninety per cent of the coal in the Loop District was bought from such companies, and in one year alone there was an assessment reduction of 500 million dollars.

High prices were paid for real estate bought by the city. City property was often sold or leased to favored individuals at scandalously low rates. Public funds were placed with favored bankers. Offices and promotions were sold to the highest bidders. Large sums of money poured in from the racketeers, bootleggers, and operators of organized vice.

In one case $2,250,000 was supposedly paid to experts for their opinions on a city bond issue. But the experts received only a nominal salary and the bulk of this sum went into the Thompson campaign fund. The difficulty of organizing intelligent public opinion behind muncipal reform is revealed by the fact that Mayor Thompson was able successfully to distract public indignation from municipal scandals by waging a colorful rhetorical campaign against King George V of England. The regime of A. J. Cermak, which succeeded that of Thompson, was held to be more corrupt than its predecessor, and the articles by John T. Flynn in *Collier's* in June, 1940, indicated that the graft and corruption in Chicago under the Kelly-Nash machine matched that under the Thompson machine, while the public was soothed into general acquiescence. The present machine seems to be a more smoothly running affair than the old Thompson organization.

New York City could not match the achievements of Chicago in municipal graft, but it made an excellent showing, nevertheless. During the terms of Mayor "Jimmy" Walker, who "reigned" contemporaneously with "Big Bill" Thompson in Chicago, the Tammany Tiger enjoyed an unusually rich diet. Judge Seabury and his associates revealed many juicy scandals in the Tammany government, but even before the investigation such notorious scandals as those in the sewer contracts in Queens County had been exposed. There was much graft in connection with city docks and piers. Fee-splitting was common. One employee of the Bureau of Standards made $25,000 monthly out of this form of graft. The firm of a fee-splitting lawyer in the zoning department deposited $5,283,000 between 1925 and 1931. The sheriff of New York County banked $360,000 in seven years, though his salary and other official income were not more than $90,000. The sheriff of Kings County banked some $520,000 in six years, although his salary ran to less than $50,000 for the period. A deputy city clerk, whose chief official duty was to marry couples, deposited $384,000 in six years. There was much graft in the city bus system.

Organized vice and gambling flourished under police protection. In the spring of 1932, Mayor Walker resigned under pressure and fear of removal. These conditions in Chicago and New York were unique only in the size of the totals derived from graft and spoils. In Jersey City a machine far more "reform proof" than those of Chicago and New York was built up. The powerful Pendergast machine in Kansas City was at least temporarily broken up by the Federal Department of Justice, allegedly to rival Thomas E. Dewey's record as a Republican racket-buster, but there is little doubt that this machine or another one equally venal and powerful will reassert its authority in the not distant future.

Reform Measures and Their Fate

The more enlightened citizens, from the days of George William Curtis and Carl Schurz in the 'eighties, have been aware of the political degradation associated with the rise and domination of the party machine. There have been various attempts to reduce the autocracy, corruption, and inefficiency in party government.

Of all the attempts to limit the complete domination of the "boss," the civil-service movement has probably been the most effective in practice. This movement began to get under way after 1872, as a result of the Liberal Republican revolt. It has gained momentum until today most federal offices are, at least in legal theory, filled upon the basis of merit as demonstrated by competitive examinations. But the federal civil service is by no means perfect at the present time, and the state and municipal civil-service systems are far inferior. Still, the situation has been greatly improved, in comparison to that which existed in the time of President Grant. However, the selection and appointment of eligibles under the civil-service system is still determined by partisan influence. Appointments are usually made from the three highest on the list of available persons. This allows considerable leeway for partisan influence. Elective offices are still completely in the control of the party system.

The intimidation of the voter through a knowledge of how he is voting was, in part, eliminated by the introduction of the Australian ballot in the decade following 1885. At present the secret ballot is used in every state except South Carolina. Yet the secret ballot does not fully prevent the boss from learning how a man votes. Various special directions as to names to be written in the blank column of the ballot can serve to reveal the vote of an individual to the boss or his representatives about as adequately as in the earlier days when the method of voting was by show of hand or word of mouth. Voting machines make the control of voters more difficult, and the political machine has tended, though not always successfully, to resist their introduction. Boss Frank Hague of Jersey City has been notable for his opposition to voting machines.

Attempts have been made by groups of citizens to organize for the purpose of promoting certain types of reform legislation. By large-scale persistent efforts it has occasionally become possible for a sufficiently

powerful group of citizens to secure the introduction, if not the passage, of bills looking towards political improvement and a better public policy.

A notable effort to break down the control of the boss and the machine over legislation has been made through the initiative and referendum. They were first widely used in Switzerland and were introduced into the United States in 1899 by South Dakota. Twenty states have adopted them in one form or another. When using the initiative, a stipulated number of citizens affix their names to a petition and force the submission of the proposed legislation to the people of the state. The subsequent submission of the measure to the people is called a referendum. If a majority of the people approves, the measure becomes law. In this way, the law-making process can be taken out of the hands of the boss-controlled legislature. The initiative and referendum may be worked together or separately. When they are applied together the law is initiated by the people and then approved or rejected by them. When they are employed separately, a bill may be initiated by petition and its fate decided by the legislature, with no popular referendum. Or, a proposition may first be approved by the legislature and then submitted to a referendum before it can become law.

These devices are intended to give the people a larger share in the direct proposal and initiation of legislation and in the rejection of legislation passed by the machine-ridden legislatures. But, excellent as these have been in theory, their practical operation has not been conspicuously successful. The people have shown a general apathy, the education of the populace has been difficult, and the general body of citizens have found it hard to vote intelligently on the technical problems involved in many measures. If they vote at all on such matters, they often prefer to accept the suggestions of the party leaders. It is still true, therefore, that most legislation is introduced and passed at the behest, and under the control, of the machine leaders.

Attempts have been made to reduce the volume of corruption in politics (1) by publicizing and curtailing primary and campaign expenditures; (2) by impeachment or dismissal of legislators and public officials found guilty of receiving bribes; (3) by investigations of building scandals in connection with state structures and public works; and (4) by the introduction of a budget system, thus reducing the possibility of the wholesale graft and wild expenditures involved in the "pork-barrel" and "rider" devices.

The large expenditures for nomination and election to public offices have encouraged efforts to curb these abuses. Laws—especially the Federal Corrupt Practices acts from 1911 to 1925—designed to prevent elections from being a walkaway for the wealthy, have outlawed contributions from employees of the federal government; forbidden contributions from national banks and public corporations; limited the amount that may be spent in campaigns for federal offices; made it illegal to promise a job as a reward for political support; tabooed bribery in voting; and ordered campaign expenses to be listed.

But even these commendable measures have failed adequately to remedy the situation. The poor man is still handicapped. The laws exempt from inclusion under election expenses everything spent for personal expenses—stationery, postage, printing, telephone and telegraph charges—in short, most legitimate electioneering expenses. Friends or friendly interests may still spend, directly or indirectly, almost unlimited funds for the candidate. Expenditures may be made at other times than during the campaign without any severe restrictions. Great deficits may be piled up and paid off after the expense report has been filed. The much-heralded reporting of expenditures is often perfunctory and gets little publicity unless there are alert newspapers that scent a scandal. There is little machinery for enforcing existing legislation. Finally, primaries are often exempted from these restrictive laws, and in many cases, as noted before, it is the primaries and not the elections that count.

Rejection by legislative bodies of successful candidates who have spent too much in primaries or elections is no adequate solution, for it cannot be relied upon to operate in every case. Also, this device affects only the successful contestant. His opponent may have spent more. For example, in Pennsylvania, Mr. Vare's opponent for the senatorial nomination in 1926, George Wharton Pepper, is said to have spent even more in the primaries than Mr. Vare did.

The most drastic efforts to curtail intimidation and corruption in political campaigns and to limit expenditures in national elections were embodied in the Hatch Acts of August 2, 1939, and July 20, 1940. They were brought about by the scandalous use of WPA money and jobs to influence primaries and campaigns, especially the senatorial primary and campaign in Kentucky. They were designed to prevent federal employees from taking any active part in political campaigns beyond their personal exercise of the right of suffrage. These laws make it illegal for government employees even to use their personal influence to affect the voting of a single individual. The 1940 Act extended this prohibition to state employees receiving any payment from the federal government. It also limited the annual expenditures of any national committee to 3 million dollars and personal campaign contributions to a national committee to $5,000. Except where limited by a state law, contributions to state and local committees may be of any amount.

These laws have had some effect, but there is plenty of subterfuge and it is difficult to enforce such legislation. As we have pointed out above, there are many ways in which one may evade legal limitations on campaign expenditures. That even such drastic legislation cannot curb excessive expenditures may be seen from the fact that more money was spent in the campaign of 1940 than in any other in American history—about 14 millions by the Republicans and 6 millions by the Democrats. The Democrats also made good use of the bait of the large armament expenditures they controlled. On account of the limitations imposed by the Hatch Acts, most of the money had to be dispensed by other agents than the national committees.

The complete tyranny of the party machine in the selection of candidates has been lessened by the direct-primary system. Certain early anticipations of the principle came in the California law of 1866 and the Ohio law of 1871, but most of the progress has been made since the opening of the twentieth century. In large part, the contemporary movements towards direct primaries were the result of the agitation of the elder Robert M. LaFollette of Wisconsin, in his struggle against the boss-dominated conventions in his state. The direct-primary system was thoroughly introduced in Minnesota in 1901, and has been utilized in widely varying degrees in all but three of the states of the Union—Connecticut, Rhode Island, and New Mexico.

The most extended use of the direct primary in the United States has been in nominations for the presidency. The presidential preference primary was first established in Oregon in 1910. In 1912 some ten states used it. By 1916, twenty-two states had mandatory presidential primary laws and three others permitted a preferential vote on presidential candidates. It was believed at this time that all states would soon have presidential primary laws, but the movement fell off sharply after 1916. No states have adopted it since then and several that once used it have abandoned it.

While, in theory, the direct primary provides admirable machinery to break down the control of the bosses over the nomination of party candidates, it has in practice proved unsatisfactory. This has been due to the lack of public interest and intelligence in its operation. The majority of the voters usually remain away from the polls on primary day and allow a few faithful members of the old guard, who vote under the direction of the machine, to cast most of the votes for the candidates. In this way, the machine actually controls nominations, as it did under the old caucus and convention systems. The main difference is that it costs the state a great deal more to select candidates under the primary system. In fact, so indifferent have the people shown themselves to the direct primary in some states that they have allowed the bosses to reintroduce the convention system.

For the emotional power of party symbols and catchwords, the effective antidote is knowledge of the real meaning of political parties, their true function in political life, and the ways in which politicians deceive the citizens by party propaganda and symbolism. As Graham Wallas pointed out in the first part of his *Human Nature in Politics*, party symbols lose their power once the people are shown how they have been duped by them in the past. Political education can thus furnish a real campaign psychotherapy.

Still most of the voters, even college graduates, are likely to react to political appeals on an emotional plane. Education is most effective with those who already consider public and other problems in a rational light. In many ways the situation is more depressing than it was forty years ago, when Graham Wallas wrote his book. Propaganda technique has been improved during this period. The radio and the movies have

provided new mechanisms for propaganda. The poor average voter is even more at sea and less capable of getting at the real truth than he was four decades ago. At the very moment when problems are most complicated and when clarity of thought and adequacy of information are most essential, propaganda is most effective in blinding and misleading the average citizen.[20]

Broadly, one may say that the reform of contemporary party government is but a phase of the necessary reorganization of modern political life as a whole. It is doubtful whether complete direct majority rule would be desirable even if we could obtain it. In all probability, society will always be dominated by the superior intellects, unless certain unfair institutions and obstructive practices prevent real leadership from asserting itself. Hence, the somewhat autocratic aspect of political parties is not, in itself, to be deplored. It is probably both inevitable and desirable.

Most disastrous in modern party autocracy is the type of leader who has dominated contemporary political parties. We must supplant the corrupt boss by educated leaders, who will assume responsibility in public service. No doubt this is only a pious aspiration, but the only solution of the problems of democracy lies in concentrated efforts to realize this worthy goal.

Intelligent political leadership is not likely to operate effectively unless linked with an active popular interest in political life, and the latter is nearly impossible under the political conditions that exist in the modern state. The great territorial states of the present time, with their complexity of social and economic problems, have so far removed government from the interest and scrutiny of the average citizen that he is unable to grasp its nature and problems. The citizen has thus lost most of his interest in, and practical knowledge of, general political issues. His sole participation in politics usually lies in an unreasoning allegiance to some emotion-provoking party or personality.

The active interest in government which characterized citizens in earlier periods, when small political units were the rule, can be revived, in part, by increasing the importance of local government, thus bringing many important governmental problems closer to the people. Community interests and community organization, as R. M. MacIver and Miss M. P. Follett have pointed out, might be greatly strengthened. The powers of the central government could be restricted to certain large general interests that concern all the citizens of the entire country. By thus emphasizing the local political community, it is likely that the citizens would begin to take a greater interest in problems of government and be able to exert a more intelligent control over public affairs. But it must be conceded that the main trend is now towards greater centralization in government. Another promising proposal of political reform lies in wiping out the irrational practice of basing representative government on

[20] See below, pp. 554 ff., 572–573.

in this respect, could scarcely be worse than they now are. In the second place, groups such as we have indicated are not, in their interests, antagonistic. Housewives are not antagonistic to physicians; nor carpenters to teachers; nor ministers of religion to outdoor unskilled workers. As a matter of fact, the interests of many of these groups coalesce, as in the case of housewives, teachers, physicians, etc. But what is significant is that, with as many occupational groups as we have indicated, no constant balancing of interest one over against the other would be possible—as would be the case, for example, if the occupational groups were, as has elsewhere been suggested, farmers, merchants, clerics. . . .

It would be folly, of course, to pretend that a high grade of political efficiency will be attained at once when men change from the anorganic system of territorial to the organic system of vocational grouping But it may at least be maintained, with some show of reason, that with that change, one of the most insidiously persistent obstacles to political efficiency will have been removed.[21]

A general adoption of proportional representation would be likely to stimulate political interest and activity, especially in areas where one party has been overwhelmingly powerful and the minority has little or no actual representation in government. But proportional representation requires a high degree of political intelligence and public interest.

Finally, a great extension of realistic education upon public problems and political machinery must be provided. At the present time, there is little realistic political education in the public schools and surprisingly little even in the universities. Greater attention must be given to the study of government, and the instruction in such courses must be something more than a superficial description of the external forms of political institutions and pious generalizations as to the theoretical operation of political machinery. The real nature and purposes of existing party government must be candidly taught, and the defects of our present experiments very clearly brought out. Above all, our teachers must cease inculcating in the minds of students, of whatever age, the fictitious dogma that our form of government is not only better than any other in existence, but is perfect and not open to extensive improvement. Humility is the beginning of wisdom, no less in political affairs than in any other field of human activity.

The outlook for successful party government was, until the second World War, brighter in some parts of Europe than in the United States. Vocational and proportional representation had made headway in the governments set up since 1918. Where these did not exist something which achieved roughly similar results, the group or *bloc* party system, prevailed. There tended to be more realistic political interest there than in our own country. If dictatorship gains, it will triumph at the expense of the representative system and party government. Fascism and dictatorship present the same deadly challenge to party government that they do to democracy. Where there is no democracy there can be no real party government.

In the United States, E. M. Sait, A. N. Holcombe, and P. H. Douglas, among others, have argued for the desirability of breaking up the old and

[21] *Loc. cit.*, July, 1915.

irrational Republican-Democrat dualism and creating a real conservative and liberal alignment. In fact, Professors Douglas, John Dewey and others believe that we should have a definitely radical party to represent workers and farmers, even though this might produce a tripartite set-up of conservatives, liberals, and radicals. Some rumblings a few years ago indicated that such a movement might be getting under way, but as yet the visible evidence of a new party alignment is less impressive than the logic of those who advocate such a development. The defense movement and the second World War have at least temporarily suppressed it. What the party line-up, if any, will be at the close of the war cannot be foretold at present.

If it is a rational party alignment, suitable for the stimulation and successful operation of democracy, it should provide for three strong major parties—a conservative party, a liberal party, and a radical party. A one-party system is a vehicle of totalitarianism; our two-party system utterly lacks logic and realism, never more so than today; and a *bloc* system makes for confusion and chaos.

CHAPTER IX

The Crisis in American Democracy and the Challenge to Liberty

A Brief History of Democracy

DEMOCRACY has been viewed mainly as a political concept, meaning government by the majority, or the rule of the people. This majority rule has been achieved by means of universal suffrage, and, usually, through representative government. Only rarely, as in the colonial town meeting or the forest cantons of Switzerland, has the population been small enough so that all the people can govern directly without choosing representatives. Representation has been the rule.

Party government has provided the main machinery whereby representative government is realized and practiced. For the most part, representative government has been carried on in conjunction with republican forms of political institutions; but formal monarchy can be made compatible with democracy, as in Great Britain, which has carried on a rather advanced form of political democracy in association with traditional monarchy.

Especially interesting has been the "democratizing" of the very conception of democracy in the last century. The old Aristotelian notion of the "people" as the upper-class and middle-class members of society, which persisted down to the close of the eighteenth century, has been supplanted by the contemporary view, which regards the people as embracing all members of society, with no important exceptions. Consequently, the conception of "government by the people" meant quite a different thing when used by Lincoln from what it did in the days of Aristotle, of the Magna Carta, of Locke, or of the Fathers of our Constitution.

More recent scholars have begun to see that democracy is more than merely a form of government based on majority rule. F. H. Giddings, for example, finds that democracy is a particular kind of government, a specific form of the state, a special type of social organization, and a definite mode of social control. As a method of government, a "pure democracy" implies the enfranchisement of the majority of the population and direct participation of all the citizens in public affairs. The much more common "representative democracy" is defined as one in which the citizens govern indirectly, through periodically selected deputies or

representatives. As a type of state, democracy implies the existence of popular sovereignty—the ultimate power of the people. As a type of social organization and control, democracy means both a popular organization of the community and the free control of nonpolitical activities through the force of public opinion.

A number of students of democracy are dissatisfied with a formalistic and static analysis of democracy. They have given it a pragmatic definition and have endowed it with a dynamic perspective. John Dewey and James Harvey Robinson, for example, hold that democracy not only requires the popular control of public policy but also implies a type of social organization that will develop to the fullest extent the latent potentialities of every member of the society. It imposes upon society the moral obligation to do everything in its power to hasten the realization of such a state of affairs.

A couple of generations back, it was assumed that democracy originated in primitive political assemblies, especially the *folkmoot* of the primitive Germans. Anthropological research has upset this notion. There was a certain amount of social and political democracy among early peoples, particularly in the pre-tribal periods. Representative government made its first appearance in tribal assemblies. But, by and large, well-developed primitive society showed marked aristocratic traits, and monarchy of a somewhat crude type appeared among some primitive peoples. But millenniums of monarchy, aristocracy, and imperialism intervened between primitive times and the origins of modern democracy.

In the ancient near Orient, democracy had little opportunity to assert itself. Kings ruled with absolutism and divine right, often being themselves regarded as partly divine. Among the Greeks, a limited type of representative government and democracy attained a high degree of development, especially among the Attic Greeks. But Athenian democracy was exclusive—a closed-shop—being limited to the citizen class. The slaves and the Metics, the latter a non-citizen foreign-born class, outnumbered the citizens at all times. In Rome, democracy was even more restricted than at Athens. The plebeians temporarily won the right of self-government; but the trend was towards dictatorship in the last century of the Republic, and imperialism and aristocracy became definitely established. For a time in the Empire the emperors became absolute and asserted divine right. When the imperial power abated in the later Empire, government lapsed into a preliminary sort of feudalism, in which the great landlords were the dominant class.

There were two substantial contributions to democracy during the Middle Ages. One was the social democracy, albeit a servile democracy, which was developed in the coöperative life on the communal medieval manor. The other was the contributions to representative government made in the medieval communes, in the system of estates in the medieval monarchies, and in the Conciliar Movement in the Catholic Church at the close of the medieval period.

During the so-called Renaissance, the importance of the individual

gained emphasis, though monarchy and tyranny all too often dominated the political scene. Likewise, while the Protestant reformers encouraged royal power and sanctioned divine right, the Reformation did stress the importance of individualism in the religious sphere. But it remained for the expansion of Europe and the Commercial Revolution to lay the basis for modern democracy through the growth of representative government and the increased power of the middle class.

The era of exploration and discovery and of subsequent colonization and world trade increased the number and powers of the mercantile middle class in western Europe. At first, this group joined with the absolute monarchs in crushing their mutual enemy, feudalism. But soon the merchants found the new national monarchs as oppressive as the feudal lords had ever been. They interfered with trade, levied arbitrary taxes, and confiscated property. So, in a series of important revolutions the middle class subordinated absolute monarchy to representative government. They realized that the only practical way of controlling the monarchs was to make the representative branch of the government supreme. The first permanent success was in the English Revolution of 1688–1689. This struggle of the middle class to create representative government and to give it a constitutional sanction ran through the American Revolution, the series of French Revolutions after 1789, the Revolutions of 1830 and 1848 in continental Europe, and the Russian Revolution of 1905.

But this did not mean democracy. The suffrage was exercised mainly by the landed gentry and the merchant class. The workers and the peasants had little or no part in government. But the creation of representative government was a very significant contribution to democracy. It was only through making the representative branch of the government all-powerful that universal suffrage could later bring about true democracy. It accomplishes nothing to elect representatives unless they have power to make laws.

There were, however, two real anticipations of democratic doctrine in the seventeenth and eighteenth centuries. During the period of the Commonwealth in England, in the middle of the seventeenth century, a group of political radicals known as the Levellers, led by John Lilburne, asserted that the people are sovereign and held that the whole mass of Englishmen should have the right to vote and thus control Parliament. They foreshadowed many of the democratic policies of the English Chartists, two centuries later.[1] In eighteenth-century France, Jean Jacques Rousseau asserted that all laws must be submitted to a popular referendum; if approved, they became expressions of the general will and were therefore valid and binding upon the whole mass of the people.

In the nineteenth century, democracy was definitely established in the progressive states of the western world. The more important achievements in this direction were (1) extension of the suffrage; (2) greater

[1] *Cf.* T. C. Pease, *The Leveller Movement*, American Historical Association, 1917.

importance of the popular or legislative branch of the government, as compared with the executive; (3) growth of representative institutions; (4) a broader conception of the scope and functions of government; and (5) written constitutions that acknowledge and guarantee these progressive accomplishments.

As the Commercial Revolution created representative government, so did the Industrial Revolution bring about political democracy. The merchants had felt it necessary to increase the powers of representative government in order to protect their interests. In the nineteenth century the oppressed urban proletariat and the farmers believed it essential to capture the right to vote to alleviate the distressing conditions under which the laborers and farmers were compelled to live and work.

Since England was first thoroughly affected by the Industrial Revolution, it was natural that European democracy would show its first marked developments in England. The famous Reform Bills of 1832 and 1835 strengthened representative government in Parliament and in the cities, respectively. The dramatic and comprehensive Chartist movement embodied the following demands: (1) universal manhood suffrage; (2) vote by ballot; (3) equal electoral districts; (4) removal of property qualifications for members of Parliament; (5) annual elections to Parliament; and (6) payment of members of Parliament. While the Chartist movement was discredited at the time (1848), five out of six of its demands have since been realized. Only annual elections to Parliament remain to be realized. Universal suffrage came through a series of partial victories. In 1867 Disraeli extended manhood suffrage to the majority of urban residents. In 1884 Gladstone did as much for the rural dwellers. But down to the first World War, the poorer classes in both city and country could not vote. Finally, in February 1918, a suffrage bill was passed which granted universal suffrage to all males and limited suffrage to women. Universal female suffrage was finally secured in 1928.

The masses won the right to vote in most of the other major European states during the course of the nineteenth century. France put a universal male suffrage act on the statute books in 1848, being the first major European state to do so. The law was never repealed, though under Louis Napoleon and the Second Empire the representatives elected by the people had little actual power in law-making. The German Empire provided for universal manhood suffrage in 1871. This applied to elections to the Reichstag; but the aristocratic Bundesrat was more powerful than the Reichstag, and the aristocratic government of Prussia dominated the empire as a whole. The failure to recast the electoral districts between 1871 and 1918 also tended to frustrate democracy and representative government.

In Austria-Hungary, representative government was assured by the Constitution of 1861 and the legislation governing the union with Hungary in 1867. Universal manhood suffrage was secured through acts of 1896 and 1907. Cavour saw to it that representative government was created in Italy, and universal manhood suffrage was provided for in

laws of 1882 and 1912. The lesser European states provided for universal suffrage late in the nineteenth century or early in the twentieth.

Russia has never enjoyed universal suffrage. The Tsars excluded the masses from the right to vote, and the Bolsheviks denied the right of suffrage to the aristocracy and the capitalistic classes. Since, however, the aristocrats and capitalists were either killed off or driven out of Russia, there has been universal suffrage in actual practice in the Soviet Union.

In Europe the growth of democratic ideals and practices depended primarily upon the growth of industrialism and the rise of an urban proletariat. In the United States, the impulses coming from the proletariat were very powerfully supplemented by the influence of the western frontier upon political ideals. Because of the two major forces making for democracy in our country, democratic developments here were rather more rapid and sweeping than in the Old World. Political democracy was thoroughly realised in the United States, at least in a legal sense, by the middle of the nineteenth century. In the first half of the century the main achievements consisted in the abolition of the aristocratic property qualifications for the exercise of the suffrage, the termination of imprisonment for debt, and the popularization of the concepts and practices of democracy as a result of the Jacksonian system.

The political theories of men like Jefferson still had a strong Aristotelian flavor and they laid great emphasis upon special training, high intelligence, and expert direction of government. With the advent of the Jacksonians in 1829, the "dangers" of special preparation for office were emphasized and supreme faith was placed in "pure" democracy. Rotation in office and the "spoils system" became characteristic of administrative procedure. Whatever the excesses of the Jacksonians, this period deserves credit for the institution of political democracy in the United States. The Jacksonian democrats also believed in the equality of man, and they wiped away what had hitherto been powerful vestiges of social aristocracy. By 1840, the United States had become a political democracy, before any other major state in the world.

The scandals of the "spoils system" were curbed by the civil-service reform begun in the administrations of Grant, Hayes, and Arthur and supported by Cleveland, particularly in his second term. Though it was weakened somewhat by McKinley, it was revived with renewed vigor by Theodore Roosevelt and Taft and has been extended since the first World War.

A powerful impulse to democracy in the latter part of the nineteenth century came as a result of the various radical movements which sprang up mainly in the West among the depressed and embattled farmers. Such were the Greenback, Granger, and Populist movements, and the Bryan democracy, which was strongly supported by the workers in the East. In these movements began the tendency to subject private corporations, especially railroads, to public control. More liberal taxation and currency policies also arose. With the end of the frontier, in 1890, rural

western radicalism began to decline, but it left a heritage that remained for a generation or more. It gave vigorous support to Senator La Follette as late as his presidential campaign of 1924. The Eastern workers have developed several proletarian political movements of a radically democratic character. Such are the Socialist party, the Socialist-Labor party, and the Communist party. Of these the Socialist party, led by Eugene Victor Debs, and Norman Thomas, was for long the most important. As we noted in the preceding chapter, these third-party movements left their main permanent impress upon American political life by forcing the major parties to adopt some of their radical ideals and policies. We have already mentioned some of the more radical democratic devices, such as the initiative, referendum, and direct primaries in dealing with attempted reforms of party government.

One great obstacle to social democracy in America—Negro slavery—was removed in part as a result of the Civil War. But because of race prejudice, final solution of the Negro question is not likely to be reached for another century. The strength of the Progressive party in 1912 and the victory of the Democratic party in 1912, 1916, 1932 and later may be regarded as gains for social democracy. They were symptoms of popular protest against the domination of American politics and legislation by the conservative wing of the capitalistic class that arose after the retirement of President Theodore Roosevelt, and again after the liberalism of President Wilson had collapsed.

Unfortunately, the decline of morale and intellectual alertness in the United States after the first World War led to a reign of the corrupt plutocratic interests quite unprecedented in our national history, if not in the whole history of representative government. The effort of the late Senator La Follette to lead the people in a crusade against this national disgrace in 1924 proved a humiliating and portentous failure. The great economic depression beginning in 1929 stimulated a revival of idealism and progressivism.

The notable achievements all too briefly enumerated above have constituted great strides in the direction of political democracy. But they have left still unsolved many grave problems that must be met and conquered before democracy can be finally achieved. Universal suffrage and representative government have made political democracy possible but have not by any means assured its existence. As Lord Bryce and Robert Michels have well pointed out, the political boss is as much an obstacle to democracy as was the feudal lord to democratic tendencies in the medieval period. Attempts have been made, which are as yet only partially successful, to eliminate his sinister influence through such devices as the direct primary and the civil-service laws. Archaic forms of political institutions are often found unsuited to achieve the desires and needs of the people. Such machinery as the initiative, the referendum, and the recall has been introduced in the hope of making government more sensitive and more responsive to the public will.

Many of the problems related to the operation of representative insti-

tutions are yet to be solved. To meet this need such schemes as minority and proportional representation and representation of occupational groups have been proposed. Then, Sumner, Hobhouse, and other more recent publicists, like Norman Angell and Frederick Schuman, have reminded the world that most difficult and perplexing problems are involved in reconciling political democracy at home with the repression of subject peoples in imperial dominions.

Finally, no one can seriously maintain that social and economic democracy exists when we have to face such economic and social inequalities as are revealed in the sober and reliable statistics gathered by every great modern nation. It is not desirable that society should permanently adopt any method of determining social and economic reward, other than that based upon services rendered to society. However, the prevailing methods of deciding the value of services are sadly in need of revision, particularly in the direction of preventing rewards from being inherited instead of earned. Further, we have yet to make sure that all members of society, in proportion to their innate ability, shall obtain equal opportunity and reward for rendering services to society.

Real and practical obstacles to democracy are the rise of Fascism and Communism, and the growing popularity of government by dictatorship. Whether in Germany, in Italy, or in Russia, dictatorship has appeared more immediately efficient than democracy. The strains and stresses of the world in the economic depression have made many persons more impatient of the relatively inefficient and easy-going ways of democracy. The whole social set-up today, at least superficially, seems to encourage the propaganda in favor of Fascism and dictatorial government.

The second World War was bound to deliver a heavy blow to democracy. The small European democracies were brought within totalitarian dominion. Unoccupied France rapidly put off her democracy in favor of totalitarianism. England adopted wartime totalitarianism, in order to defend herself efficiently. It became quite obvious that the restoration of democracy as it was in 1938 would be difficult, if at all possible. Even for the United States, the prospect was not too bright. As William Henry Chamberlin in *The American Mercury*, December, 1940, put it:

> It is a familiar teaching of history that men learn nothing from the observation of the past. Yet America's experience in the World War is surely recent enough to afford some useful guidance. The Dead Sea fruits of America's first crusade to make the world safe for democracy were communism and fascism. A second crusade, which would have to be on a much larger scale because America would have fewer allies, could have, I think, only one certain result: the definite and perhaps permanent disappearance of liberalism in America.

Some Major Assumptions of Democracy in the Light of Their Historical Background

The assumptions of the democratic movement must be considered in the light of the political institutions and scientific knowledge between fifty and a hundred years ago, as well as in terms of the political experience

and scientific data available today. Certain premises now discredited might, at an earlier period, have been legitimately entertained by those not in possession of our present political experience or our contemporary scientific knowledge concerning man and society.

The early protagonists of democracy assumed the essential permanence of a simple agrarian type of society. Jefferson himself, scarcely a defender of any extreme type of democracy, believed that even republican government could coexist only with a society founded on an agricultural basis: "I think our governments will remain virtuous for many centuries . . . as long as there shall be vacant lands in any part of America. When they get piled upon one another in large cities, as in Europe, they will become as corrupt as in Europe." [2]

Hence we can scarcely condemn the original sponsors of democracy if the system which they promulgated has failed to prove adequate to problems forced upon it by the complex urban and industrial civilization of the present day. To be sure, this qualification does not necessarily prove that democracy would have been fully successful, even if society had remained agricultural in character.

Another assumption was the *laissez-faire* theory of government. Most of the earlier exponents of democracy, including Godwin, Jefferson, Cobden, and the German liberals of 1848, held that the best government is the one that governs least. One exception, however, was the socialistic drive for democracy and universal suffrage under such leaders as Ferdinand Lassalle, who frankly repudiated the *laissez-faire* ideal. There also were exceptions to Jefferson's individualism, as there were to his strict constructionism in constitutional theory, but he certainly believed that there should be no more governmental intervention than absolutely necessary. He once went so far as to say that a free press is worth more than any government.

There were differences of opinion among Jacksonians, but the Jacksonian era, as a whole, witnessed a retrenchment of the public activities sponsored by the Whigs—especially the support of internal improvements. The tariff was progressively lowered. The United States Bank was brought to an end. Federal aid to public improvements was withdrawn, and federal loans to the states became less lavish. It was the Jacksonians who prevented public control or ownership of transportation facilities, such as developed widely in Europe. In its germinal period, democracy was closely intertwined with political individualism. It will be conceded by most historians that a form of government that was successful under a Spencerian brand of individualism would be far less efficient in a society dominated by ideals of extensive state interference.

A central thesis of the supporters of political democracy was the firm belief in the essential equality of all men, the observed existing differences being assigned to inequalities of opportunity. The earlier American

---

[2] Thomas Jefferson, *Writings*, ed. by Paul Leicester Ford, Putnam, 1892–1899, 10 vols., Vol. IV., pp. 479–480.

friends of a more liberal or republican political system did not believe in the equality of man, however much they may have subscribed to the formal equality of all before the law or the theological equality before God. Jefferson, for example, actually accepted with minor qualifications the Aristotelian dogma that some are born to rule and others to serve. He only believed that the people could be trusted to choose the wisest men to lead them. His own experience seemed to vindicate his judgment, for the people turned out his aristocratic opponents, the Federalists, and elected him, and then his disciples Madison and Monroe for two terms each. The Sage of Monticello joined his "fathers" just after Monroe had been succeeded by the son of Jefferson's old Federalist rival. Jefferson's conception of the natural aristocracy that should rule society is well stated in the following passage from a letter to John Adams, written in 1813:

> For I agree with you that there is a natural aristocracy among men. The grounds of this are virtue and talents. Formerly bodily powers gave place among the *aristoi*. But since the invention of gunpowder has armed the weak as well as the strong with missile death, bodily strength, like beauty, good humor, politeness and other accomplishments, has become but an auxiliary ground for distinction. There is also an artificial aristocracy, founded on wealth and birth, without either virtue or talents; for with these it would belong to the first class. The natural aristocracy I consider as the most precious gift of nature, for the instruction, the trusts, and government of society. And indeed it would have been inconsistent in creation to have formed man for the social state, and not to have provided virtue and wisdom enough to manage the concerns of society. May we not even say, that that form of government is the best, which provides the most effectually for a pure selection of these natural *aristoi* into the offices of government? The artificial aristocracy is a mischievous ingredient in government, and provision should be made to prevent its ascendency.[3]

The "honest-to-God" democrats of the Jacksonian and post-Jacksonian period, however, believed, or pretended to believe, that all men are essentially equal in ability, and hence are uniformly and equally fitted to cast their votes. It was also held that no special training or experience is essential to the successful execution of the functions of any political office. Indeed, some of the Jacksonians even declared that a long and successful career in office is a serious disqualification for political life, on account of the potential development of the bureaucratic spirit. It was held that a general system of education, open to all, would produce almost complete cultural and intellectual uniformity in society. Hence the democratic movement was associated with a strong impetus to popular education.

The theory of human equality and the equal fitness of all to hold office was not then so absurd as it has now become, as a result of our differential psychology and the complicated nature of governmental problems. Particularly in the frontier society of Jackson's day, there was a much closer approximation to equality than in most modern societies. Severe selective processes made the surviving frontier settlers relatively uniform

---

[3] Jefferson, *op. cit.*, Vol. IX, p. 425.

in ability. A man who could weather the dangers and hardships of westward migration, and contend successfully against Indians and wild beasts after settling on the frontier, was likely to be able to shoulder the relatively simple responsibilities of government that prevailed in these areas.

The exponents of democratic theory also believed that the mass of the people would take a very ardent interest in all phases of political life, once the right to vote was extended to them. It was believed and hoped that the people would veritably mob the polls at daybreak on each election morning, in order to exercise the God-given privilege of casting their ballots. This assumption was not so absurd a century ago, when most of the functions of government were related to local needs and the daily life of the people.

Associated with this premise of universal interest in using the ballot was the crucial hypothesis that the people would carefully examine both candidates and policies, size up all political situations, and then register a choice based upon careful reflection on all the salient facts available. Political campaigns, in short, were expected to be periods of intensive adult education in the field of public affairs.

The democratic dogmas were formulated when the popular type of psychology was the so-called Benthamite "felicific calculus." This assumed that man is a cool and eminently deliberative animal who bases every act upon the relative amount of pleasure to be secured and the pain to be avoided. He would support the candidate and party which he believed would bring him the greatest benefits. This rationalistic psychology dominated political thinking from Bentham to Bryce, and was not thoroughly laid at rest until the appearance of Graham Wallas's *Human Nature in Politics* in 1908. This view was not so ridiculous before scientific psychology proved the fundamentally nonrational nature of human and group behavior.

Some appeared to mistrust the administrative efficiency of democracy and the rational qualities of the masses, but believed that, even if the people are incapable of analytical reasoning, at least they are sensitive to moral issues; that they can be trusted far more than the educated and capable minority to sense injustice and promote idealistic causes. As evidence were cited the popular support of the Abolitionist movement against slavery and, more recently, the alleged democratic basis of the Prohibition movement.

The democratic theory was formulated, for the most part, with the exception of the work of the socialists, in an age that held to the theory of political determinism in history. It was believed that political institutions are of basic importance in social causation and that a political system could determine the whole character of civilization. Majority rule would produce a completely democratic society.

Madison, Calhoun, and a few others held that government is merely the umpire of conflicting social and economic interests. Jeffersonians and the agrarians also implied that politics depends upon economics, when they held that an agricultural society was essential to the success

of republican government. But the general tendency of the age was to put complete trust in the political structure of society. The crusade for universal suffrage and democracy was based mainly upon that notion. The ideas and program of the English Chartists are a good illustration of this attitude.

The democratic theory was also worked out in harmony with the philosophy of unmitigated nationalism, with little consideration for political tendencies abroad or the state of international relations. Democratic dogma was not unique in this respect, for the nationalistic obsession dominated the outlook of monarchs and aristocrats as well at this time.

Democracy Put to the Test

Striking and extensive have been the changes in the social setting of political institutions since the days of the quasi-bucolic New England township of John Quincy Adams and the crude frontier society of Jackson. We have now our urban industrial world civilization, which presents an ever increasing variety of conditions that must be regulated in some degree by political action. The whole set-up of life conditions that lay back of the democratic movement has all but disappeared. In the words of Will Durant:

> All those conditions are gone. National isolation has gone, because of trade, communication, and the invention of destructive mechanisms that facilitate invasion. Personal isolation is gone, because of the growing interdependence of producer, distributor, and consumer. Skilled labor is the exception now that machines are made to operate machines, and scientific management reduces skill to the inhuman stupidity of routine. Free land is gone, and tenancy increases. Free competition decays; it may survive for a time in new fields like the automobile industry, but everywhere it gravitates towards monopoly. The once independent shopkeeper is in the toils of the big distributor; he yields to chain drug stores, chain cigar stores, chain groceries, chain candy stores, chain restaurants, chain theaters—everything is in chains. Even the editor who owns his own paper and molds his own mendacity is a vestigial remnant now, when a thousand sheets across the country tell the same lie in the same way every day better and better. An ever decreasing proportion of business executives (and among them an ever decreasing number of bankers and directors) controls the lives and labors of an ever increasing proportion of men A new aristocracy is forming out of the once rebellious bourgeoisie; equality and liberty and brotherhood are no longer the darlings of the financiers. Economic freedom, even in the middle classes, becomes rarer and narrower every year. In a world from which freedom of competition, equality of opportunity, and social fraternity have disappeared, political equality is worthless, and democracy becomes a sham.[4]

The *laissez-faire* theory of political inactivity has given way before differing degrees of state intervention, extending all the way to overt state socialism. Even in the United States, with its theoretical individualistic philosophy, a degree of state activity was accepted that would have filled Jefferson with greatest alarm. Modern life has created a host of issues

---

[4] "Is Democracy a Failure?" *Harper's*, October, 1926, p. 557.

that not even a plutocratic and individualistic political organization can ignore.

Modern biology and psychology have revealed the presence of marked individual differences of ability on the part of those inhabiting the same community. The army mental tests given in 1917–1918, which covered the unusually large and representative sample of 1,700,000 recruits,[5] showed that only about 13 per cent of the population can be described as superior types capable of distinguished leadership. The majority range from intellectual mediocrity to relative incompetence. Forty-five per cent have a mental age of twelve or under, once regarded as sure proof of feeble-mindedness. To be sure, the leaders still, on occasion, guide the masses, even in a democracy; but we cannot expect to secure sagacity or wisdom merely by counting noses.

Many writers, like the late Charles Horton Cooley, contend that the masses possess great innate shrewdness in selecting their leaders. This thesis is hardly borne out by the selection of presidents of the United States since the Jacksonian period. The outstanding ones—Lincoln, Cleveland, the two Roosevelts, and Wilson—were all chosen as the result of an accident, a political fluke, or a special economic crisis. Herbert Agar has stressed this point in his book *The People's Choice.*

Differential biology and psychology have shown that, to cope with the difficult problems of today, we must install in government the superior types equipped with expert knowledge, and not trust the judgments of the common people. The available data seem to justify restriction of the suffrage to those above the moron level or a weighted system in which additional voting power would be assigned to those with superior intelligence quotients. Men of high intelligence are not necessarily always equipped with superior social morality or civil idealism; but neither are the less intelligent any more endowed with these qualities than with intellectual talent. Stupidity and integrity are certainly not inseparable. Certainly, the control of politics must be associated with intelligence and cogent information. The solution lies in socializing the élite, not in defying or denouncing intelligence.

Most political posts today require of the incumbent a technical knowledge as great as that possessed by a distinguished economist, technician, physican, or law professor. Yet, as Durant has well said, we require much more technical preparation for a physician or druggist than we insist upon for a Congressman, a governor, or even a President:

> The evil of modern democracy is in the politician and at the point of nomination. Let us eliminate the politicians and the nomination.
>
> Originally, no doubt, every man was his own physician, and every household prescribed its own drugs. But as medical knowledge accumulated and the *corpus prescriptionum* grew, it became impossible for the average individual, even for solicitous spinsters, to keep pace with the *pharmocopoeia.* A special class of persons arose who gave all their serious hours to the study of *materia*

[5] *Cf.* E. G. Boring, "Intelligence as the Tests Test It," *New Republic,* June 6, 1923.

medica, and became professional physicians. To protect the people from untrained practitioners, and from those sedulous neighbors who have an interne's passion for experiment, a distinguished title and a reassuring degree were given to those who had completed this preparation. The process has now reached the point where it is illegal to prescribe medicines unless one has received such training, and such a degree, from a recognized institution. We no longer permit unprepared individuals to deal with our individual ailments or to risk our individual lives. We demand a lifetime's devotion as a preliminary to the prescription of pills.

But of those who deal with our incorporated ills, and risk our hundred million lives in peace and war, and have at their beck and call all our possessions and all our liberties, no specific preparation is required; it is sufficient if they are friends of the Chief, loyal to the Organization, handsome or suave, hand-shakers, shoulder-slappers, or baby-kissers, taking orders quietly, and as rich in promises as a weather bureau. For the rest, they may have been butchers or barbers, rural lawyers or editors, pork-packers or saloon-keepers—it makes no difference. If they have had the good sense to be born in log cabins it is conceded that they have a divine right to be President.[6]

We can provide expert guidance for ignorant legislators and administrators, but some modicum of education is essential in order to utilize expert advice with any competence when it is offered. If a governmental official becomes merely a rubber stamp in the hands of his expert advisers, we have bureaucracy instead of democracy. The average Congressman or state legislator can decide whether or not a new plank should be added to a bridge or whether a common pound should be repaired; but it is impossible for an untrained man to exercise expert judgment with respect to international financial problems, the tariff, government control of railroads, state ownership of coal mines, public health, monopoly, or the regulation of radios and airplane traffic. The day is over when government can be conducted by rule of thumb, the rhetorical canons of Isocrates or Quintilian, or the spicy parliamentary repartee of seasoned politicians. Democracy cannot be "wisecracked" out of its current difficulties.

While the problems requiring government control or supervision have become more numerous and complex, the quality of our public officials has declined. Without sharing in a conventional and unthinking eulogy of the "Fathers," no informed person could well suggest that the caliber of our public servants today matches that of officials in the period from 1790 to 1828. In the last half-century an important transformation took place in American political practice, as a result of which we seemingly no longer desire or expect real leadership in government. The great economic interests, for all practical purposes, took over the government. Men of great personal ability, real dignity, wide learning, and independence of character—even if conservative—were no longer wanted in political offices, for such persons do not invariably take and carry out orders with complete servility.

These considerations may explain why the business interests were long highly suspicious of an able conservative like Herbert Hoover; and why

---

[6] Durant, *loc. cit.*, p. 563.

a conservative if occasionally independent and outspoken scholar like Nicholas Murray Butler was not looked upon with favor by the business interests as presidential material.

Yet, government by the interests is not so simple as some seem to believe. There is highly divided counsel in the orders given to their political servants, owing to the diversification and conflict of economic policies among the capitalists. For example, international bankers want free trade, so that their foreign debtors can pay in goods, while industrialists favor high tariffs to protect them against foreign competition. Industrialists may desire moderate inflation to stimulate business; the main powers in speculative finance usually want "sound money" to insure full payment of debts due them.

Perhaps the chief service of the democratic illusion, at present, is that it enables countries such as the United States to operate this "bellhop" system of government successfully and yet keep the people reasonably well satisfied, by means of the agreeable fiction that they themselves are running matters through their elected representatives. However, this artifice does not constitute any permanent solution of the problems of contemporary political control. Cunningly contrived plutocracy is no suitable substitute for democracy.

The old assumption that the masses would evince an all-absorbing interest in public matters the moment that they received the vote has been dissipated by political experience since 1828. Studies of nonvoting in the United States by Merriam, Gosnell, Schlesinger, Eriksson, and others show that, even in presidential elections which evoke the most widespread interest, only about half of the qualified voters cast ballots. The following statistics illustrate what Professors Schlesinger and Eriksson well designate as "the vanishing voter":

UNITED STATES ELECTION DATA

Year	*Actual Vote*	*Eligible Vote*	*Percentage Voting*
1856	4,194,088	5,021,956	83.51
1860	4,676,853	5,555,004	84.19
1864	4,024,792	4,743,249	84.85
1868	5,724,686	7,208,164	79.42
1872	6,466,165	8,633,058	74.90
1876	8,412,733	9,799,450	85.84
1880	9,209,406	11,024,900	83.53
1884	10,044,985	12,412,538	80.92
1888	11,380,860	13,800,176	82.46
1892	12,059,351	15,488,748	77 85
1896	13,923,102	17,241,642	80.75
1900	13,959,653	18,272,264	76.39
1904	13,510,648	19,864,495	68.00
1908	14,888,442	21,598,493	68.93
1912	15,036,542	24,276,236	61.95
1916	18,544,579	28,484,046	65.10
1920	26,786,758	51,156,684	52.36
1924	29,091,492	54,421,832	53.46
1928	36,876,419	57,276,321	63.86
1932	39,734,351	60,389,827	65.13
1936	45,646,817		
1940	49,569,165		

Even the excitement of the first opportunity to vote did not bring the expected number of women to the polls in 1920, their record apparently being even worse than that of the men. The intense economic stake of the masses in the New Deal did, however, lead to a marked increase in the turn-out of the voters to re-elect Franklin D. Roosevelt in 1936 and 1940. The vote in state and local elections and in congressional elections in "off years" is far smaller than in presidential contests. The popular vote in direct primaries, which select the candidates for election, has proved so small as often to make the whole scheme of primaries, once a favorite reform hope, a travesty. Those plebiscites in which important issues are submitted to the people in the form of the referendum seem to evoke less enthusiastic response than the election of officials.

The distant, large-scale, and complicated nature of contemporary politics has destroyed that sense of immediate local interest and that personal curiosity about candidates which were characteristic of the earlier type of neighborhood politics. A sense of political vagueness and futility has today superseded the once keen personal interest in policies that directly and visibly concerned the everyday life of the individual, and in candidates who were personal acquaintances of most of the voters. Political indifference is also due to the cynicism generated by the unreality of modern partisan politics and the accompanying graft and incompetence. Sophisticated voters feel that it makes little or no difference which party or policy prevails. The seeming absence of vital differences between major party methods and policies has become essentially the fact in American political life today. This state of affairs refutes the thesis that representative government is always bound to create parties with marked differences as to policy and procedure.

A disconcerting aspect of the democratic debâcle is the popular indifference to the so-called remedies for democratic failures. It has often been held that "the remedy for democracy is more democracy"; namely, direct primaries, the initiative and the referendum, and the recall of officials and judicial decisions. The unfortunate fact is that if the people could develop the interest and intelligence essential to any effective use of such mechanisms as the initiative and the referendum, they would be able to govern without them. The experience with these devices of radical democracy in the last generation has shown that they fail as often as democracy of a more moderate type, and for the same reasons.

We in this country are accustomed to the unreality of political life and to the general lethargy of the public thereunto. But we assume that this is the exception rather than the rule. Particularly do exponents of democracy point to the popular enthusiasm and intelligence manifested in politics in Great Britain. However, William G. Peck, an English publicist, shows that this is a pious illusion in his article, "The Decline of British Politics."[7] While English politics were both exciting and

---

[7] *Virginia Quarterly Review*, winter, 1937–38.

popular at the turn of the century, they had the air of the morgue and the intelligence of senile dementia from 1919 until the second World War:

> Such scenes [of popular excitement] were common in those days [of the Boer War]. They no longer happen. Our politicians have no magic. The quality of political debate has sadly declined. Pure politics is no longer news as it once was. The newspapers do not report the Parliamentary proceedings as a sacred duty—most of them give but a tabloid summary of what occurred at Westminster on the previous day. At any time between my seventeenth and thirty-fifth birthdays, I could have given you at a moment's notice the names of all the cabinet ministers in office at the time. Most of my friends could have done the same. Today I could not name more than three or four off-hand, and I think there is none of my friends who could do much better.
>
> In the old days a constituency at election time was positively ablaze with the rival colours. Nowadays, it is quite possible to walk through an English town a few days before an election and to find few visible signs that the inhabitants are aware of what is going on. Crowds of people no longer listen quietly to long expositions of policy. The platform is more suspect than the pulpit.

Down to the close of the first World War, there was a realistic economic basis for English political activity. From the Napoleonic wars through the struggle over the Reform Bill of 1832, there was a good battle on between vested agrarian privilege and the new bourgeois element which formed the Liberal party. After 1832, however, capitalism was accepted by both Conservatives and Liberals. From 1832 to the World War, these parties fought over the handling of capitalism and democracy, Liberalism demanding greater rights for the common man and Conservatism defending imperialism and a big navy.

After 1918, the only real economic problem was the drastic reconstruction of capitalism and the creation of a new economic and social order. The Liberal party was killed by the war, and the Conservative party was moribund and stupid: "There fell upon English politics a sense of unreality. The very ground of the long party controversy had disappeared. The past battles took on the appearance of a sham fight." The Labor party had something of a chance to step into the breach, but it lacked decisive leadership. "It was their misfortune to arrive at the moment when genius and resolution of the highest order were required to make decisions at one of the supreme turning points of history; and their leader was the verbose, well-meaning, and totally indecisive Ramsay MacDonald." The Labor party fell down notoriously in the case of the general strike of 1926 and in the crisis which preceded the formation of the Coalition "National Government." As a result, England has passed into the twilight zone of politics: "We linger in this twilight. There is no voice of national authority pointing a path to the new morning. The only thing we can do is to build a mighty navy and prepare our youth for the storm and terror that hover the not-distant horizons." The events of 1938–39 offered a tragic confirmation of Mr. Peck's dire forebodings.

No less mythical in practice has been the democratic thesis that the people have high capacity for calm deliberation in choosing candidates

and for sober scrutiny of public policies. In the first place, only about half of the electorate, on the average, shows enough interest in either candidates or policies to turn out at the polls. The nonvoters presumably neither deliberate nor scrutinize and, if they do so, it is of no practical significance. It can hardly be held that the actual voters do much deliberating. The methods of modern political parties during campaigns are not designed to promote calm reflection and penetrating insight into the real facts, issues, and personalities involved, but are calculated to stimulate emotion and to paralyze thought. The successful party is usually the one that develops the best technique for stirring the emotions of the masses rather than the one which presents the most intelligent candidates or platform.

Further, modern social psychology has amply proved that man is not a cool, calculating being, invariably choosing that line of conduct which he believes is sure to bring him a maximum of benefit and a minimum of discomfort. He is, rather, a creature dominated by such irrational factors as tradition, custom, convention, habit, and the passions of the mob. These irrational influences are particularly present and potent in political campaigns. One's political preferences are determined chiefly by the circumstances of birth and upbringing, which usually lead the child to adopt the politics of his parents. Most of us are "biological" Democrats or Republicans. To this hereditary background are added the emotion-provoking antics of those who plan and execute campaigns, at the psychic level of the mob. There is, therefore, little opportunity for any calm deliberation or careful scrutiny, or for the exercise of that shrewd insight into the qualities of candidates which was long believed to be the particular attribute of the common people.

The argument that democracy is vindicated, if on no other grounds, by the special capacity of the masses for moral judgments and support of great idealistic causes, is easily seen to be mainly specious. In the first place, we now realize that there can be nothing really "moral" that is not scientifically sound.[8] The populace has neither the information nor the intelligence to ascertain what is actually valid in regard to moral situations. The only way in which the public can be useful in moral questions is through the development of popular confidence in the judgment of trained and informed leaders. Most of the great moral crusades have not had a popular origin, but have been the result of arousing popular support for movements begun by some educated and intellectually superior reformer. The two great moral reforms which come nearest to reflecting mass pressure in the United States have been Abolition and Prohibition. These have been widely regarded as ill-conceived and disastrous in their ultimate social results, though the desirability of freeing the slaves and arriving at a more rational control of the consumption of alcoholic liquor has been readily conceded.

Progress in political science and economics has shown that the old

---

[8] See below, pp. 714 ff

theory of political determinism is hopelessly superficial and inadequate. The laws of social causation, which have now been established, have proved that political institutions are derivative and not primary. A political system cannot create a social order. A given pattern of economic and social conditions produces, in time, a compatible type of political structure, making due allowance for divergences in detail caused by differences of historical background and variations in culture. Hence democracy alone cannot be relied upon to mold a social system satisfactory to its needs. It can only thrive where social conditions are suitable to encourage democratic institutions.

Another obstacle to the success of democracy in practical experience has been the rise of a permanent bureaucracy in the official civil service. In the United States, democracy has been weakened by the inefficiency and corruption growing out of our lack—at least, until recently—of a well-trained and public-spirited civil service. England has been praised for having one. But, while British administrative efficiency has gained as a result, democracy has suffered. So powerful has the permanent bureaucracy become that the initiative and authority of the ministry and the Parliament have become severely curtailed. The elected representatives in Great Britain cannot seriously alter the policies and procedure of the permanent civil service. It would require a political revolution to do so. Ramsay MacDonald and the Labor government were criticized by radicals for not going further with the reconstruction of England. They were held back, not only by their failure to have a clear majority in the House of Commons, but also by the fact that they did not dare to challenge the civil-service bureaucracy. The Foreign Minister is usually a puppet of the permanent Under-secretary of Foreign Affairs. In short, where we have no bureaucracy we have inefficiency; and where we have bureaucracy we usually cease to have real democracy.

The reasons outlined above show that the older "nose-counting" democracy is hardly suited to the exacting requirements of our complicated industrial civilization. Indeed, some of our best writers on contemporary society doubt the adequacy of political institutions as a mode of social control. They are demanding a new form of social control, based upon and conforming to, the economic and social realities of the present age. Technocracy is the most advanced proposal of this sort. W. K. Wallace's *The Passing of Politics*[9] is a representative example of the advocacy of the abandonment of political institutions by a conservative thinker. Syndicalism is based upon the assumption of the archaic and antiquated character of political institutions. It recommends a simple and direct process of government through the economic groups that exist today.

The nationalistic obsession has proved a dangerous doctrine for democracy in a world-society. Democracy cannot ignore international conditions. A great war in an age of "international anarchy" can

[9] Macmillan, 1924.

destroy the political institutions that have been evolving and approaching perfection for many years. The system of government and reform in England at the outbreak of the first World War was probably the highest pinnacle that democracy has attained—or may ever attain—in a major state. Yet, the system was devastatingly shocked, if not permanently wrecked, by the impact of the first World War.

Democracy was proved an inadequate defense against going to war in the crisis of 1914, when bellicose political leaders of England and France could plunge their fundamentally pacific populations into the abyss. Georges Demartial's *The War of 1914: How Consciences Were Mobilized,* Caroline E. Playne's *Society at War,* Irene Cooper Willis' *England's Holy War,* C. H. Grattan's *Why We Fought,* Walter Millis' *Road to War,* and Porter Sargent's *Getting U. S. into War* present magnificent clinical pictures of the futility of democracy as a safeguard against war.

The first World War was probably the greatest blow to democracy since the dismal failure of the Revolutions of 1848. There has been, at one time or another since 1918, what amounted to a practical dictatorship by a single person or a committee in Germany, Italy, Hungary, Austria, Russia, Spain, Portugal, Poland, Yugoslavia, Greece, Rumania, Bulgaria, and Turkey. In other European states emergency governments have ruled with quasidictatorial methods. The fate of Czechoslovakia, Denmark, Norway, Belgium, Holland, and France in the second World War further demonstrates the fatal impact of war on democracy. William Henry Chamberlin is probably correct in declaring that war is the most certain "shortcut to Fascism."

The protagonists of autocracy now have at their disposal ample evidence that when democracy threatens to become virile and efficient it can be easily checked by launching another war. One may safely say that though democracy may be equal to the requirements of a peaceful society, there is no doubt of its incapacity to endure in the face of the strains of war. To point to the efficiency of the United States during the first World War is no refutation of this statement. This efficiency was purchased by disproportionately greater sacrifices of democratic institutions and intellectual freedom.

Lord Bryce, the outstanding student of the rise and character of modern democracy, was compelled to admit, at the end of his studies, that democracy had failed to achieve the main results that had been hoped from it:

> It has brought no nearer friendly feeling and the sense of human brotherhood among peoples of the world towards one another. Neither has it created goodwill and a sense of unity and civic fellowship within each of these peoples. . . . It has not purified or dignified politics . . . and has not induced that satisfaction and contentment with itself as the best form of government which was expected.[10]

---

[10] James Bryce, *Modern Democracies,* new ed., Macmillan, 1921, 2 vols., Vol. II, p. 533. *Cf.* Wallace, *op. cit.,* pp. 190 ff., and C. L. Becker, "Lord Bryce on Modern Democracies," in *Political Science Quarterly,* December, 1921.

There is, perhaps, no other summary estimate of the contributions and failings of democratic government so authoritative or inclusive as that presented by Bryce:

I. It has maintained public order while securing the liberty of the individual citizen.
II. It has given a civil administration as efficient as other forms of government have provided.
III. Its legislation has been more generally directed to the welfare of the poorer classes than has been that of other Governments.
IV. It has not been inconstant or ungrateful.
V. It has not weakened patriotism or courage.
VI. It has often been wasteful and usually extravagant.
VII. It has not produced general contentment in each nation.
VIII. It has done little to improve international relations and ensure peace, has not diminished class selfishness (witness Australia and New Zealand), has not fostered a cosmopolitan humanitarianism nor mitigated the dislike of men of a different colour.
IX. It has not extinguished corruption and the malign influences wealth can exert upon government.
X. It has not removed the fear of revolutions.
XI. It has not enlisted in the service of the State a sufficient number of the most honest and capable citizens.
XII. Nevertheless, it has, taken all in all, given better practical results than either the Rule of One Man or the Rule of a Class, for it has at least extinguished many of the evils by which they were effaced [11]

However, democracy has hardly, as Bryce implies, obliterated class rule. While democracy originated in an agrarian age, the growing dominion of the capitalist class has coincided remarkably with the progress of political democracy. Many authorities, such as Calvin B. Hoover, believe that capitalism can survive only in association with a democratic government.

Democracy and the Political Future

One of the most frequent apologies for democracy is that it is unfair to say that democracy is a failure, since it has really never been tried. Though we have long enjoyed universal suffrage in the United States, it is pointed out that the real power in government is concentrated in the hands of a few very wealthy individuals—that we have plutocracy and not democracy. James W. Gerard stated that 59 men rule America. Much attention was given to Ferdinand Lundberg's book *America's Sixty Families*, which, he said, rule our country.

There could be no more effective proof of the futility of conventional democracy than the fact that we have enjoyed universal suffrage in the United States for a hundred years without realizing true democracy. If we have not been able to establish democracy in this country in the past

[11] Bryce, *op. cit.*, Vol. II, p. 562.

century, when general social conditions were far better adapted to democracy than they are today or probably will be tomorrow, what hope is there that we shall be any closer to real democracy a hundred years hence?

Several hundred years hence the historians of political theory and institutions may describe conventional democracy as the most interesting and attractive political fiction of the nineteenth century. It may be shown to be something that, as originally understood, never did and never could exist on a large scale. For the conditions that promoted conventional democracy and in conjunction with which it might have existed—a simple agrarian society and a stable civilization—were already passing away when the democratic dogmas were first being fashioned. Before popular government was realized in practice those social conditions which were compatible with it had all but disappeared. Likewise, the theoretical assumptions upon which conventional democracy was launched—the equality of man, high potential interest in public affairs on the part of the masses, and penetrating rationality of the populace in political matters—have been disproved by the development of social science and the test of political experience. Hence the political problem of the future is not to vindicate conventional democracy, but seek some form of social control more tenable in theory and more adapted in practice to the requirements of the contemporary age.

There is, then, no inherent reason why one should view with despair the debacle of the older democratic dogmas and practices. We are today often amused when we read of the dismay with which the autocrats of previous centuries viewed the declining strength and prestige of absolutism and special privilege. We should learn by their example and recognize that it is just as foolish to be staggered by the current breakdown of conventional democracy. There is no reason to believe that we may not find future forms of government that are far superior to conventional democracy in efficiency and service to mankind.

Some of the disillusioned friends of democracy, contending that it is manifestly impossible to find a more successful form of government, seek comfort in the thought that all other forms of government have proved to be worse. This implies, however, a retrospective attitude. The "worse" forms of government are those of the past. We have no means of knowing how greatly we may advance beyond those earlier methods and devices, all of which were worked out in a crude manner, on the basis of limited political experience and very little scientific knowledge. There is no reason why we should not exhibit in the political field the same originality and inventive ability that we have displayed in the technological field.

The problem is really one of getting efficient and social-minded leaders into positions of authority and responsibility. We must have the efficiency, training, and professional political spirit, say, of the old Prussian bureaucracy, divested of its class spirit, its arrogance, and its oppressive-

ness. Intelligence tests, information tests, special professional training, and successful experience for office-holding; the establishment of well-equipped government schools for the training of officials in every branch of the government service, both domestic and foreign; and some combination of vocational and proportional representation to give justice and rationale to representative government—these would seem to be suggestions that are surely worthy of consideration and might be woven into the structure of the new democratic state. More power and vitality in local government units would doubtless help a good deal. The elimination of sumptuary legislation and unnecessary state interference would relieve the strains upon administration and decrease the burdens of political control. Many argue, however, that the fundamental changes in the economic and social structure in the last century render such reforms as these superficial, inadequate, and about as futile as the old fashioned democratic ideals and practices.

It is too often taken for granted that we must today choose between traditional democracy and totalitarianism—that there is no alternative between the old nose-counting system and brutal dictatorships. This is unfortunate. By representing the political future as one which involves the espousal of either traditional democracy or totalitarian dictatorship, we limit our vision and paralyze our efforts. Those who feel sure that they must choose between a corrupt and inefficient democracy and a Nazi regime, for example, naturally prefer even the archaic democracy and determine to stick to it at all costs. If we could keep clearly in mind the fact that we might readily find new types of democratic government which avoid both the inefficiency of the older democracy and the tyrannical cruelty of dictatorships, we would be likely to devote more energy to political invention and have greater hope for the political future.

Almost invariably, totalitarianism has succeeded democracy because of the inefficiency of the latter. If we simply hang on to an outmoded democracy in blind desperation and make no serious effort to improve it or to find a better substitute, we are bound, sooner or later, to wind up in totalitarianism, with all its evils. We should face the political future with sceptical enthusiasm and not imagine that we must accept either those past forms of government which have proved inadequate or undesirable, or those more novel types which are repugnant to all liberty-loving men.

Among the most interesting suggestions which have been made in recent years are those related to the growing interest in the program of Technocracy and in "The Managerial Revolution."[12] We have already noted that the problems with which democracy has to deal in our complicated economic age are far beyond the capacity of the average

---

[12] Harold Loeb, *Life in a Technocracy*, Viking Press, 1933; James Burnham, *The Managerial Revolution*, Day, 1941; and Carl Dreher, *The Coming Showdown*, Little, Brown, 1942.

administrator or legislator, when they have to be handled through the machinery of politics. But, viewed as an engineering problem, and divorced from considerations of property, profits, and politics, they are relatively direct and simple. A corps of competent industrial engineers could easily determine the material needs of the American population and lay out an effective plan for producing the goods and services needed. A thorough economic regimentation would be required, but it would affect most people for only a few hours each day. Outside of the economic realm, unbounded liberty might be enjoyed for participation in education, discussion, recreation, leisure, and the arts. It may be that the future solution of our political problems will involve economic regimentation under experts in the material realm, and thorough-going democracy in the "things of the spirit"—the realm in which the virtues and values of democracy chiefly reside.

The most frequently proposed plan for a new type of social control, divorced from the political or territorial state is the functional state, governed directly by the natural vocational groups which exist in modern industrial society. We presented Professor Overstreet's program for *such a type of reform in the preceding chapter, wherein a political system* would not be injected between society and its administration of public affairs. The various vocations, professions, and trades would govern directly through their representatives. The Syndicalists once proposed this form of government, but they called for social control through labor organizations alone—a proletarian form of functionalism. But there is no reason why a capitalistic democracy could not operate a functional state without accepting any proletarian revolution.

Some, who have not been willing to go this far, would retain the political state for general legislation, dealing with broad measures of social welfare, and then leave the execution of such measures to specialized administrative organizations, who would possess the technical information and equipment to apply these general measures in detail. We may note a trend in this direction in the United States, in the form of the increasing number and importance of administrative commissions.

The deficiencies of democracy in our complicated urban industrial world-civilization have led to a sweeping repudiation of democratic practices in the last twenty years. For this deplorable development the friends of democracy have been in part to blame by claiming traditional democracy to be perfect and eternal. Had they candidly admitted its defects and made a strenuous effort to remedy them before it was too late, the recent and menacing development of dictatorship might not have taken place.

The Struggle for Civil Liberties

The Nature of Civil Liberties. Democracy and civil liberties are closely associated. Indeed, democracy has been defended against totalitarianism primarily because it is likely to cherish and defend liberty. Liberalism is the chief asset of the democratic system. As convenient

a panorama of the whole field of civil liberties as is likely to be provided. has been gathered together by Leon Whipple:

I. THE RIGHTS—PERSONAL LIBERTY

1. The Right to Security—life, limb, health.

2. The Right to Liberty—freedom of the body, and freedom of movement, with the privilege of emigration or immigration.

3. The Right to Equality—protection against slavery, involuntary servitude, and imprisonment for debt; against discriminations on account of color or sex, and (in general) race; and against special or hereditary privileges. These are the Civil Rights, or rights of the citizen.

4. The Right to Reputation.

5. The Right to Bear Arms and to Organize the Militia.

6. The Right to Law:
   a. Before Trial:
      Justice shall be free;
      The accused shall have the right to the common law;
      No unreasonable search or seizure;
      The right to the writ of habeas corpus shall not be denied;
      The accused shall hear the accusation;
      Bail shall not be excessive;
      Trial shall be on indictment after investigation by a grand jury;
      Witnesses shall be protected in their rights;
      The accused shall be protected against "lynch law."
   b. During Trial.
      The accused shall have "due process of law, law of the land, and judgment by his peers;"
      He shall have a trial by a jury of the vicinage; defined as to size, and the need for unanimity;
      He shall have counsel;
      He may summon witnesses;
      No inquisitorial methods shall be used;
      He shall not be put twice in jeopardy for one offense;
      The crime of treason shall be defined;
      There shall be no attainder.
   c. After Trial:
      No excessive fines, or cruel or unusual punishments;
      No *ex post facto* law shall be passed;
      Provision for pardoning is usually made;
      There shall be no corruption of blood.

II. THE FREEDOMS—SOCIAL LIBERTY

1. Freedom of Conscience—especially religious liberty, including no state support, or enforced individual support of an established church; and no religious tests for participation in the government.

2. Freedom of Speech and Assemblage, including petition.

3. Freedom of the Press—with legal provisions against tyrannical coercion by libel proceedings or for contempt of court.[13]

---

[13] *Our Ancient Liberties*, H. W. Wilson Company, 1927, pp. 13–14. Reprinted by permission of the publisher. For a comprehensive bibliography, dealing with every phase of civil liberties, see George Seldes, *You Can't Do That*, Modern Age, 1938, pp. 254–301.

Most of these rights and liberties first appeared as a theory in the sixteenth and seventeenth centuries. They were the subject of much discussion as the "natural rights of man," rights which were not regarded as man-made, or a product of human institutions, but as inherent in the cosmic scheme—a part of the natural and divine order. According to this theory, man had enjoyed these rights when he lived in a hypothetical state of nature prior to formal social control. When man placed himself voluntarily under a government, the continuation of his rights was to be guaranteed by the state. This whole doctrine is absurd when taken in any literal historical sense, however valuable a purpose it may have served as propaganda for a truly noble cause. There is no such thing as a "natural right" to anything—even life itself. So far as nature is concerned, we have only the rights of a wild animal—the right of the strong or the crafty to get all they can or wish.

In the course of time, classes and individuals have wrested from society as a whole—the herd—certain rights and privileges. These remained valid so long as the said classes and individuals, or their descendants, could defend them. There is no certainty that these rights have always been wise concessions. The point we are making is that persons or groups, which wanted them and were powerful enough to get them, succeeded in establishing certain rights and immunities. In other words, human prerogatives were always secured in the give-and-take process between society, classes, and individuals. They are not natural rights. They are conferred by society, willingly or not. No man has any natural right, even to keeping his jugular vein intact

The Historical Origins of Civil Liberties. In primitive society there were no formal guaranties of individual right or immunities. Custom and usage, however, created certain personal rights which were usually observed within the group. In the ancient Orient, while many rights of property and contract were protected, there was little personal freedom. The philosopher of history, Hegel, is said once to have remarked that in this Oriental era only two were free—God in heaven and the king on earth. Certainly, there was no freedom of religion, conscience, the press, speech, or assemblage. Even semidivine kings found it impossible to alter the religious system radically.

Among the Attic Greeks and the Romans, a large degree of personal liberty was enjoyed by the artistocracy. The doctrine of criticism and free thought arose among the Greeks and continued to exist in Rome until the establishment of an Oriental despotism. There were limitations in practice, to be sure, but its legitimate place in the social system was well established. The Greeks introduced the custom of trial by jury. The Romans first permitted the individual to emerge as a recognized entity. According to law, he had certain rights, which the government was bound to respect. This was the origin of the legalistic aspect of our civil liberties, for in the eyes of the law these legal rights are our civil liberties. The state, acting through the constitution, announces that there are certain rights and immunities which the individual may enjoy

and which the government cannot take away. Only a change in the constitution can deprive the individual of these rights and immunities.

In the Middle Ages, there was a marked reversion to a cruder type of civilization, politically controlled by semibarbarous kings and dominated by a church absolute in its power over religion and conscience—and even over life. This was not a healthy atmosphere for the growth of human liberties. Extensive freedom during the medieval period existed only in some of the towns. But even town liberty was corporate rather than personal. A man possessed rights as a member of a class or a group, like the gilds. The practice of setting down rights in charters like the Magna Carta and town charters laid the basis for the later demand for constitutions to safeguard and perpetuate liberties.

The age of Humanism during the Renaissance promoted the sense of individuality, of the worth of man as man, thus providing a moral foundation for the later struggle for the legal rights of individuals. The Protestant revolution carried the emancipation further by proclaiming the individual basis of worship and religious conscience. To be sure, individual conscience had to be harmonized with the beliefs of the majority in any Protestant sect and with the approved doctrines of the religion supported by the state. But the theory was promulgated in the Protestant revolution that the individual could go directly to God, according to the dictates of his own conscience.

The circumstances which gave rise to our civil liberties were, however, primarily associated with the Commercial Revolution, the rise of capitalism, the growth of the bourgeoisie and its desire to protect private property and business rights. During the Middle Ages, the feudal lords were ruthless enemies of the merchants, robbing and exploiting them shamefully. Hence when the kings turned against the barons in early modern times, they found willing allies in the merchant class. It was not long, however, before the merchant class discovered that the kings were as arbitrary and avaricious as the barons had been. They levied excessive and arbitrary taxes, threw men into prison without trial, confiscated property, and quartered soldiers in the merchants' homes.

Therefore, the bourgeoisie set about to overthrow arbitrary royal rule. They had to have the right to carry on a campaign of propaganda in order to promote their cause and gain followers. Thus, they became ardent supporters of free speech, a free press, and the right of assemblage. The sanctity of property rights furnished an argument against the practice of royal confiscation. Trial by jury would help to avert arbitrary imprisonment, and the right of *habeas corpus* would save them from rotting in jail at the pleasure of some king or autocrat. Freedom from the quartering of soldiers in homes would remove one particularly obnoxious manifestation of royal arrogance and oppression. Since most of the middle class were Protestants, often dissenting Protestants, they were in danger of persecution by Catholics and Anglicans. Hence, they laid much stress upon the virtues of religious liberty. Along with these specific goals went the more generalized ambition to create representative

government, so that arbitrary royal rule could be ended and the sovereignty of the people made supreme.

Our civil liberties, then, were created on the basis of a set of class interests and aspirations. Between the age of Elizabeth and the reign of William and Mary—approximately a century—our fundamental civil liberties were won in England.

The English middle class embodied their precious civil liberties in the Bill of Rights of 1689, but the foundations of this "bill" rested upon a number of English charters. First in point of time was the Magna Carta of 1215, a reactionary feudal document which was, fortunately, never completely enforced. Misinterpreted in the seventeenth century by the opponents of Stuart absolutism, it was elevated to the position of a major shibboleth in the campaign for English civil liberties. Though the Magna Carta had originally been wrested from the king by and for the feudal lords, it was exploited by the seventeenth-century bourgeoisie as a manifesto of the middle classes against the king and his lords.

More literally in harmony with later democracy was the legislation of Edward I which confirmed the rights of Parliament in 1295–1297 and made that body representative of the nobility, clergy, and burghers. Henceforth, Parliament had a real right to voice the wishes of the realm.

A milestone in the struggle for civil liberties was the Petition of Right, exacted from Charles I in 1628. It secured the promise that there would be no further arbitrary taxation or confiscation of property, that no freeman would be imprisoned without show of cause, that soldiers would not be billeted in private homes, and that martial law would not be used in time of peace. The famous Bushel case of 1670 and the Fox Libel Act of 1792 strengthened the right of trial by jury. The Habeas Corpus Act, passed in 1679, directed speedy trial and made it impossible to hold a prisoner for more than twenty days without trial or bail. After the "Glorious Revolution" of 1688, most of the contents of earlier charters of English liberties were, as we noted, collected in the famous Bill of Rights of 1689. This Bill included the following important articles:

1. That the pretended power of suspending laws, or of execution of laws, by regal authority without consent of parliament, is illegal.

2. That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal.

3. That the commission for erecting the late court of commissioners for ecclesiastical causes, and all other commissions and courts of like nature, are illegal and pernicious.

4. That levying money for or to the use of the crown by pretense of prerogative, without grant of parliament, for longer time or in other manner than the same is or shall be granted, is illegal.

5. That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal.

6. That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of parliament, is against law.

7. That the subjects which are Protestants may have arms for their defense suitable to their conditions, and as allowed by law.

8. That election of members of parliament ought to be free.

9. That the freedom of speech, and debates or proceedings in parliament, ought not to be impeached or questioned in any court or place out of parliament.

10. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

11. That jurors ought to be duly impaneled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders.

12. That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void.

13. And that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, parliament ought to be held frequently.

The Bill of Rights was supplemented by the Toleration Act of 1689, which extended civil and religious liberties to all save Catholics and Unitarians; and by the Mutiny Act of the same year, which gave Parliament control over appropriations for the army. Finally, in 1701, the Act of Settlement gave Parliament power to dispose of the crown and to determine the line of succession.

The essentials of the English Bill of Rights were embodied in the state constitutions of 11 of the 13 American commonwealths after the proclamation of the Declaration of Independence in 1776. Then, at the insistence of the Jeffersonian liberals, the same general list of liberties was incorporated in our Federal Constitution, in the form of the first ten amendments.

France adopted these English and American liberties in the Declaration of the Rights of Man of 1789, and in the revolutionary charters and constitutions which followed. In the nineteenth century, the heritage of civil liberties was claimed by most European countries. Russia was a notable exception.

Thus the bourgeoisie won those rights which at least hypothetically deliver citizens of democratic countries from arbitrary imprisonment, censorship and religious discrimination, and guarantee free speech, press, and assemblage. In due time, the proletariat invoked the same civil liberties in order to protect itself from the mercantile and industrial classes and secure such rights as collective bargaining. Since, however, employers usually controlled the governments of industrialized nations, the proletariat has met with much difficulty in attaining equality with the bourgeoisie in the enjoyment of the conventional civil liberties. As Arthur W. Calhoun points out, the Supreme Court would not intervene to save the lives of Sacco and Vanzetti but it would eagerly have intervened to protect a utility company in a small Massachusetts town from what it regarded as a stringent state or municipal rate regulation.[14] Indeed,

---

[14] See above, p. 184.

the bourgeois civil liberties have frequently been utilized as a defense against legislation designed to give the workers liberty and security. It is a strange irony of history that the liberties established by seventeenth-century merchants in England were invoked in twentieth-century America to outlaw such things as child labor laws, minimum wage legislation, and the right of labor to organize.

The fact that our conventional civil liberties were a bourgeois product, designed primarily to protect private property and capitalistic enterprise, helps to explain the attitude of Soviet Russia towards them. Americans frequently wonder how Russians can submit to the extinction of these liberties. The fact is that the Russians never enjoyed them and hardly know what they mean. Under the tsars, the Russians had few civil liberties. In spite of the revolution of 1905, the bourgeois movement in Russia was not strong enough and did not endure long enough to promote civil liberties. When the Marxian Bolsheviks came into power, in 1917, they had no interest in establishing typically bourgeois legal devices and safeguards. Russia thus skipped almost entirely the bourgeois stage of civilization through its precipitous progress from quasi-feudalism to collectivized industrialism in one generation. There is as little likelihood that the Soviet rulers will ultimately establish all the bourgeois civil liberties of the seventeenth and eighteenth centuries as that they will introduce other basic elements of bourgeois culture.

The mercantile classes were not content to have civil rights and guaranties of liberty enacted into statute law; they also wished to have them written into constitutional law, since it is far more difficult for a government to modify a constitution than to alter ordinary laws. This explains the inordinate enthusiasm of the bourgeoisie for written constitutions in the seventeenth, eighteenth and nineteenth centuries. The latter were not the product of mass clamor for freedom and democracy, but the result of bourgeois demands for an extreme form of protection of the liberties which put their property rights, business practices, and religious beliefs beyond the reach of the law.[15]

In time, the proletariat learned the same trick. Hence, in the first proletarian constitution, that of Soviet Russia, we find the tables turned. The Russian constitution, which outlaws capitalist ideals and practices, is surrounded by the same halo of sanctity that envelops capitalistic constitutions in other countries.

Contemporary Crisis of Civil Liberties. Mussolini has cynically remarked that liberty is a wasteful luxury. Hitler has made it an extremely dangerous luxury in Germany. But Americans must not be too arrogant or contemptuous of totalitarian countries. If Italy and Germany had a Supreme Court, which could set aside laws distasteful to reactionary interests, they would not need to suppress legislatures. The firm belief of Americans that the Federal Constitution protects them

---

[15] See above, pp. 221 ff.

comprehensively in all of their classic civil rights—freedom of speech, religion, assembly, and so on—and guarantees them immunity from search and seizure, summary justice, and discrimination before the law is but one of their great illusions. The first ten amendments relate almost wholly to prohibitions on the federal government. They do not, for the most part, protect one against invasion of his rights by state legislation and state officers. It is the Fourteenth Amendment which affords American citizens their main federal protection against arbitrary state action.

The value of this amendment to personal liberties has, however, been exaggerated. The Supreme Court has been far more solicitous about state encroachments upon property rights than over state violations of personal liberties.

When the Court does take an interest, under the Fourteenth Amendment, in intervening to protect personal liberties against violations by the states, it can act only when these violations are executed by state officials or embodied in state legislation. The history of the violations of civil liberties shows, however, that the most frequent and serious violations of civil liberties are not official acts at all. They are violations carried out by private forces and groups which the state will not act to check. The Supreme Court holds itself and Congress to be powerless in such cases. As stated by a lawyer, Osmond K. Fraenkel, in a comprehensive pamphlet "The Supreme Court and Civil Liberties," prepared for the American Civil Liberties Union:

> So long as the Court adheres to the principle of the Civil Rights Cases, Congress can prohibit only official, not individual action; and its help to the cause of civil liberties will therefore be correspondingly limited. The greatest infringements of personal rights come not from direct state action but from private forces which the state is unwilling to check

The Supreme Court has come out boldly and dramatically in behalf of civil liberties only once in our history. That was in the case of the suspension of civil justice during the Civil War. But it did so a year after the War was over and after the damage had been done. But its pronouncement in the famous case of *Ex Parte Milligan* is worth repeating:

> The Constitution of the United States is a law for rulers and people, equally in war and peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government.

Yet, when the World War came along, when the Red scare followed the War, and when Prohibition was highly popular, the Court forgot both letter and spirit of the Milligan decision. The following summary of characteristic violations of civil liberties in the United States since the World War, prepared a few years ago by Lowell Mellett, Ludwell Denny,

and Ruth Finney will show that there is ample reason for American friends of civil liberties to arouse themselves:

LAWS AND COURT DECISIONS DESTROYING CIVIL LIBERTIES

By U. S. Supreme Court:
Sustaining right of Congress to penalize expressions of opinions.
Sustaining right of Post Office to bar publications from mail.
Sustaining state syndicalism laws making mere opinions crimes.
Denying citizenship to alien pacifists.
Limiting labor's right to picket.
Sustaining "yellow dog contract."
Permitting tapping of telephones to secure evidence.
Holding unconstitutional state laws abolishing anti-labor injunction.

By Labor Department, with authority of Congress:
Forbidding entry of aliens holding unorthodox moral or political views.
Deporting aliens holding unorthodox moral or political views.

By Post Office Department, with authority of Congress:
Barring from mails matter "held to be" obscene or defamatory.
Prohibiting dissemination of birth-control information
Barring under a section of the war-time Espionage Act still in force, during peace time, all matter "held to be" seditious.

By Customs officials:
Power to seize imported literature which they hold to be obscene or seditious.

By Radio Commission:
Controlling establishment and conduct of radio stations.

By Federal Courts:
Power to issue injunctions violating the rights of labor to strike and picket.
Power to imprison for contempt of court those who publish criticisms of a judge's action on pending issues.

By State Department:
Refusal of visas to aliens whose political views are held objectionable.
Refusal of passports for travel to American citizens whose views or activities are objectionable.

State Governments:
Defining sedition, criminal syndicalism and criminal anarchy—32 states.
Punishing display of red flag—28 states.
Old laws of reconstruction days in the South punishing incitements to insurrection and rebellion (used recently against strikers and communists).
Power of governors to send militia into strike areas and without martial law to suspend civil rights.
State police systems in 20 states, frequently used to curtail labor's rights.
Power of state courts to issue injunctions suspending civil liberties of labor, and to jail for contempt for published criticisms of issues pending before a court.
Teaching evolution—prohibited in three states.
Requiring or permitting reading of the Bible in public schools in 17 states.
Prohibiting atheists from testifying in court or holding office, six states.
Preventing Negroes from voting, in 10 states.
Laws punishing "enticement" of Negroes from their employment, passed in southern states to obstruct migration to the North.
Segregating Negroes in schools or in public conveyances, 17 states.
Censorship of movies, six states.

Defining the crime of obscenity—all states.
Making a crime of giving information on birth control, 13 states.
Violating the traditional rights of defendants in criminal cases—among them, for example, by laws permitting juries to return verdicts on three-quarter vote, compelling defendants to testify, and denying jury trials even in serious cases carrying long sentences in prison.

Unique in a few states are:
Coal and iron police.
Private employment of publicly deputized sheriffs.
Power of sheriffs to issue proclamations suspending civil liberties in "emergencies."
Power given to judges to enjoin publication of newspapers held to be "scurrilous or defamatory."

Municipal Legislation:
Police exercise wide discretion in denying freedom of speech, press and meetings; controlling picketing
Requiring permits for meetings in private halls.

In addition to the above-mentioned specific provisions of the law interefering with civil liberties are:

Decisions of many courts denying to aliens the same civil liberties as citizens;
Unequal civil rights of women with men in most states;
Denial of civil rights to Indians, despite their admission to citizenship;
Various devices by which Negroes are kept off juries, held in practical peonage for debt;
Denial of civil liberties by various devices in the American colonies (Philippines, Porto Rico, Virgin Islands).

Some of these abuses have since been corrected in part and new forms of intolerance have appeared since this summary was prepared, but the general picture remains essentially as outlined. We may illustrate a little more completely the invasions, and attempted invasions, of American civil liberties in the twentieth century.

Our country was founded on a two-fold revolution—the Revolutionary War and the legal revolution carried through by the members of the Constitutional Convention of 1787 who exceeded their instructions. Our leaders, down through the time of Abraham Lincoln, prided themselves upon our revolutionary tradition. Even so conservative a person as John Adams once stated that no people should regard themselves at fit for self-government unless they had carried through at least one successful revolution. Jefferson held that we should have very frequent revolutions, in order to clear the political atmosphere and fertilize the tree of liberty by the blood of tyrants. Today, there is a different attitude. At the close of the first World War, Benjamin Gitlow was convicted in New York state for uttering Jeffersonian doctrines and his conviction was upheld by the Supreme Court. As we have seen, some 32 states have passed criminal syndicalism laws outlawing revolution. Even so liberal a federal judge as John Munro Woolsey, noted for his broadmindedness in censorship cases, upheld the Post Office ban on the radical periodical, *The Revolutionary Age*, on the ground that it advocated revolution. The Daughters of the American Revolution placed the famous preacher, Harry

Emerson Fosdick, on their blacklist because he used the word "revolution" in one of his sermons. Some of the Southern states have revived old slavery statutes which impose the death penalty for revolutionary doctrines.

Nor were we especially afraid of economic radicalism in former days. Patrick Henry and his associates frequently denounced "the rich and the well-born," and declared that the Constitution represented an attempt to deprive the people of their liberties. Abraham Lincoln stated that the economic bond joining together the working-class of the world is the strongest and most sacred sentiment to be found in human life, with the sole exception of family relationships. This is a thoroughly Marxian sentiment. But we have been greatly worried about economic radicals since the first World War. Injunctions against labor have been extremely frequent and sweeping. Even peaceful picketing has been outlawed by many injunctions. The Supreme Court long upheld "yellow dog" contracts. Contempt procedure in injunction cases denies labor the right of trial by jury.

We have already referred to the many criminal syndicalism laws which outlaw Communists and other radical revolutionaries, such as the I.W.W., and the fact that it is a felony in 28 states to fly a red flag. In other states it is a crime to possess radical literature. Such cases as those of Angelo Herndon and Marcus Graham turned about this point. Repeated efforts have been made to put a ban on the Communist party and keep it off the ballot. Employers have been permitted to keep private police, which have defied the law and intimidated laborers in wholesale fashion. This abuse was particularly notable in Pennsylvania, where industrial and mining districts were dominated by the notorious Coal and Iron Police.[16] Some of these abuses have been mitigated by the Wagner Labor Relations act, the Norris-La Guardia act, restricting the freedom of federal judges in granting restrictions against labor, and in certain liberal Supreme Court decisions relative to convictions under the criminal syndicalism and red flag laws. But an ominous precedent has already been set, which could be easily revived by a reactionary administration.

In President Roosevelt's administration the persecution of Communists has eased off but local violence against labor unionism has been revived. This form of local vigilantism was well illustrated by the procedure in the Little Steel Strike of 1937, and particularly by the Chicago massacre in May, 1937. This showed that, even under a federal administration sympathetic with the program of equal rights for labor, local authorities can develop a most menacing campaign of opposition and violence. A senatorial committee, headed by Senator Robert M. LaFollette, carried on extensive investigations, beginning in 1936, and revealed that a large amount of industrial espionage was being carried on among union workers by employers, who paid large sums of money to private detective agencies to spy on unionists, foment violence, and in other ways discredit the

[16] See J. P. Shalloo. *Private Police*. Annals of the American Academy, 1933.

labor movement. The exposure had at least a temporarily beneficial effect in discouraging wholesale industrial espionage.

The United States once prided itself upon the right of asylum. George Washington, as President, protected "Citizen" Genet against his enemies in France, though Genet had flagrantly defied Washington's neutrality proclamation and other presidential policies. Since the World War, however, we have shown apprehensiveness lest we be harmed or contaminated by admitting to our shores persons with too progressive ideas. The height of this absurdity was reached in the case of Count Michael Karolyi, a distinguished Austro-Hungarian nobleman, who was for years denied entry to the United States because he held mildly socialistic doctrines and had favored legislation breaking up the great Hungarian estates. English labor leaders have been prevented from landing here because they entertained a friendly regard for Soviet Russia. Even in President Roosevelt's administration, the distinguished English publicist, John Strachey, was compelled to cut short his lecture trip and return to England because of radical views. Emma Goldman, the anarchist, was allowed to return to the country only temporarily to visit friends and relatives, with the stipulation that she make no public address. In the days of President Jefferson, if we may judge by well-known instances of his procedure, such persons as Count Karolyi, John Strachey and Emma Goldman, would not only have been admitted freely to the country but would have been promptly invited to the White House for conference and a discussion on the state of the world. It is worthy of note that, prior to the second World War no person had been even momentarily delayed in entering the United States because he entertained extremely reactionary opinions. Anti-republican views have been no bar to entry to this republic.

Pacifism was at one time extremely respectable. Jefferson expressed such convictions with great vigor. The famous Massachusetts Senator, Charles Sumner, once stated that there had never been a good war or a bad peace. But the federal Congress and courts have taken a different attitude in our day. Citizenship has been denied to highly intelligent persons, including some who showed great bravery on the Allied front during the World War, because they would not agree to bear arms under any and all conditions in the event of another war. This reached its *reductio ad absurdum* in the case of Madame Rosika Schwimmer, an elderly and cultured lady, utterly incapable of bearing arms in any military situation. Other notorious instances of this sort were the MacIntosh and Bland cases. Justice Oliver Wendell Holmes rebuked his conservative brethren on the Supreme Court by contending that they presumed to deny citizenship to those who take the Sermon on the Mount seriously. But the Court remained adamant, and pacifists are not regarded as suitable material for American citizenship.

Despite the fact that we had no legislation suppressing freedom in regard to sex candor until after the Civil War, there has since been a remarkable development of repressive legislation and procedure in this field. The Comstock laws outlawed birth-control information, and state

legislation of a similar sort has been widespread. There has been much extreme state legislation condemning what has been regarded as lewd and lascivious books, pictures, plays and the like. Books have been suppressed by the Post Office authorities and the Customs officials. Theatres have been padlocked, in violation of the right of a jury trial. Vice squads have freely defied the legislation and court procedure regulating the right of visit and search. A rigorous sex censorship is exerted over moving-pictures. The Countess Cathcart and others have been denied entry to the country because their moral code did not square with that of Anthony Comstock, John S. Sumner, and the New York Society for the Suppression of Vice. Liberal court decisions have recently relieved somewhat this situation in the field of sex censorship and obscurantism. But in states like Massachusetts, where there is a strong Catholic influence, a persistent attempt has been made to invoke existing obscenity statutes and to pass new obscenity legislation directed against radical literature, which may have no relation whatsoever to sex and moral subjects. Communist literature would be classed with pornography in such laws.

Academic freedom is still frequently violated,[17] two notable cases being those of Professor Ralph Turner of the University of Pittsburgh and Jerome Davis of Yale University, very able teachers who were turned out because of mildly progressive economic and social views. There is no instance on record of a college professor being dismissed for ultra-reactionary opinions. The latter are more likely to win a promotion for the professor, even to the presidency of his institution.

Perhaps the most ominous case of the violation of academic freedom in American academic history was that of Bertrand Russell.[18] The distinguished British baron and philosopher was appointed to a professorship of philosophy in the College of the City of New York in 1940. Immediately, an impassioned protest was made by Bishop Manning of the Cathedral of St. John the Divine. After much acrimonious discussion, a woman taxpayer brought suit to prevent Professor Russell from taking his post. Her motion was granted and Russell was barred, though he was supported by a majority of the Board of Higher Eduation. The Court of Appeals of New York State denied Russell's appeal. The menacing character of this procedure was emphasized by Chancellor Harry Woodburn Chase of New York University in a letter to *The New York Times:*

> However much one may disagree with the Russell appointment, however repugnant one may find his opinions, the basic fact remains that, if the jurisdiction of the court is upheld, a blow has been struck at the security and intellectual independence of every faculty member in every public college and university in the United States. Its potential consequences are incalculable.
>
> Remember we are dealing with opinions. If a southern court on a taxpayer's suit can dismiss a state university professor because of his opinions on racial matters; if a midwestern judge can declare a university chair vacant because of its occupant's heretical opinions on agriculture; or a western court can take

[17] See below, pp. 784 ff.

[18] See John Dewey and H. M. Kallen, *The Bertrand Russell Case*, Day, 1941.

cognizance of faculty attitude toward the Townsend plan—then indeed we have taken a long step toward the regimentation of our public institutions.[19]

We have already noted that revolutionary publications are frequently put under the ban of either legislation or Post Office regulations. In order to protect the freedom of the press, the Chicago *Tribune* waged an expensive battle to prevent the suppression of a scandal sheet in Minneapolis, but no paper of comparable repute has ever raised its finger against wholesale suppression of radical papers.

The most impressive challenge to American civil liberties before the outbreak of the second World War was probably the creation of a Congressional Committee under Congressman Martin Dies of Texas to investigate "un-American activities." The threat to American liberty contained in the activities of this Committee has been presented by the distinguished educator, William H. Kilpatrick, in an article "The Dies Committee and True Americanism," in *Frontiers of Democracy* for January 15, 1940.

In the first place, the Dies Committee has failed to remember that it was appointed to investigate un-American activities and not "un-American opinions." This is a distinction of capital importance. The right to hold any opinion, however conservative or radical, is the essence of Americanism. Congressman Dies has as much right to his opinions as Earl Browder, and vice versa. Any person or group of persons is "free to propose and advocate any change in our government or other institutions, however radical or sweeping." To oppose this freedom of opinion is obviously un-American, and it has been so recognized from Jefferson and Lincoln to Theodore Roosevelt and Woodrow Wilson. Jefferson was a passionate republican, but he advocated complete freedom of speech and opinion for those who wished to set up a monarchy here.

It is always essential to keep clearly in mind the fact that the American doctrine of free thought and speech means freedom of expression for those whom we dislike and with whom we disagree. The Holy Inquisition, Ivan the Terrible, Louis XIV, Napoleon, Bismarck, Mussolini, Hitler, Stalin, Diaz, and the Mikado have all permitted freedom of expression for those who agreed with them. As the late Justice Oliver Wendell Holmes put it: "If there is any principle of the Constitution that more imperatively calls for attachment than any other, it is the principle of free thought—not free thought for those who agree with us but freedom for the thought we hate."

Dr. Kilpatrick finds that truly un-American activities are those which interfere with orderly discussion and voting and direct allegiance to powers outside the United States. He lists five groups which engage in distinctly un-American activities: (1) those which sow hatred of group against group upon the basis of race, religion, economic status, and the like; (2) groups that practice deceit and dishonesty in their relations with

[19] *The New York Times*, April 20, 1940. "From *The Bertrand Russell Case* edited by John Dewey and Horace M. Kallen. Copyright 1941. By permission of The Viking Press, Inc. of New York."

others; (3) groups which acknowledge allegiance to authorities outside the United States (these are not limited to Communists); (4) groups which deliberately sow dissension in social organizations to exploit them for their own benefit; and (5) groups—vested interests—so firmly wedded to things as they are that they resist, by force if necessary, the study and discussion of existing social institutions. It is interesting that, while the totalitarian revolutions have sprung from the stupid reactionary resistance of the last group to orderly and gradual change, the Dies Committee has never summoned to Washington any leading representative of such reactionaries for examination and exposure.

According to Kilpatrick, certain items in Mr. Dies' activities require special criticism: (1) the "smearing" of the public reputation of public men and movements without adequate evidence and without opportunity for rebuttal; (2) the outrageous implication that those on the Washington mailing list of the League for Peace and Democracy were Communists; (3) Mr. Thomas' comparable charge of Communism against prominent Washington officials; and (4) giving to J. B. Matthews, an ex-radical, a public aura in which to give vent to his private grouches against certain consumer organizations.

It is well to remember, Dr. Kilpatrick concludes, that "most of these so-called un-American practices [of radicals] have their root in economic distress and inequalities. We shall never have true Americanism, in any full sense, until we can remedy the unjust inequalities of an outmoded economic system." Dr. Kilpatrick does not object to a Congressional committee to investigate un-American activities, provided it sticks to activities. But he does not think Mr. Dies is the man for the job. "If the work is to be continued it should be under other management. If there is more work to be done, Mr. Dies is not the one to do it." [20]

It was one of the colossal ironies of democratic politics that the same Congress which voted billions in 1942 to help us spread the Four Freedoms throughout the world also made a large appropriation to enable Mr. Dies to continue his reactionary inquisition. Mr. Dies' effort to "smear" 35 members of the Board of Economic Warfare as "Reds" and "fellow travelers" in the spring of 1942 led to a sharp rebuke by Vice President Wallace, as reported in *Time* of April 6, 1942:

> If Mr. Dies were genuinely interested in helping our war effort he would have discussed this matter with me as soon as it came to his attention. He did not; rather, he is seeking to inflame the public mind by a malicious distortion of facts which he did not want to check with me. If we were at peace, these tactics might be overlooked as the product of a witchcraft mind. . . . The doubts and anger which this and similar statements of Mr. Dies tend to arouse in the public mind might as well come from Goebbels himself so far as their practical effect is concerned. . . . The effect on our morale would be less damaging if Mr. Dies were on the Hitler payroll.

[20] For another excellent analysis of the work of the Dies Committee, see the Institute for Propaganda Analysis *Bulletin*, "Mr. Dies Goes to Town," January 15, 1940; and "Help Stop the Dies Committee," American Civil Liberties Union, January, 1941.

It is an interesting commentary upon our regard for civil liberties in the United States that a self-constituted and self-supporting organization, the American Civil Liberties Union, had to be brought into existence to prevent Americans from depriving themselves of the very liberties for which our revolutionary forefathers fought and bled. It was created by Roger Baldwin at the close of the first World War, when an unprecedented wave of intolerance and official lawlessness swept the country. It has even had to labor strenuously to save the "principles of '76" from the Daughters of the American Revolution. American citizens have been notoriously lax and indifferent with respect to their historic rights. Had it not been for the activities of the American Civil Liberties Union, we would be far closer to the conditions which prevail in Germany and Italy than we now are. The occurrences since the first World War have served to emphasize more strikingly than ever before that the price of liberty is, veritably, eternal vigilance.

The capitalist crisis and the challenge offered to capitalism by the industrial proletariat have thus brought liberty into jeopardy throughout the western world as in no previous time in the present century. This fact is presented in eloquent and authoritative fashion by Harold J. Laski in his article "Liberty in an Insecure World" in the *Survey Graphic*. He points out in colorful fashion the alarming developments of the last decade or so.

> What H G Wells has termed the "raucous voices" seem able, over vast areas of mankind, to dragoon men to their will. They dismiss freedom of thought as worthless. They forbid freedom of association. The normal rule of law is bent to the service of their arbitrary discretion. They refuse respect to international obligation They impose restrictions, unthinkable a generation ago, upon freedom of movement They abandon ideals of social reform and individual happiness in the search, at any cost, for power. They have revived the law of hostages They have been guilty of cruelties so gross, of infamies so unspeakable, that ordinary men have bowed their heads in shame at the very mention of their crimes In a sense, far more profound than any to which Louis XIV or Napoleon could venture to claim, they have exacted an admission that they are the state; and they have compelled a worship of, and a service to, its compulsions unknown in western civilization since the Dark Ages." [21]

This was the condition even before 1939 in Germany, Italy, and other fascist states, which occupy a considerable portion of continental Europe outside of Russia. And even in Russia, democracy and liberty fared little better than in fascist states. In the major democratic states before 1939—France, Great Britain and the United States—there were ominous signs of the impending suppression of freedom. The social reforms of the Popular Front under Léon Blum, together with the financial and international crises, placed liberty in jeopardy through the incitement furnished to reactionary forces. In England, in the fifteen years before the second World War, there was the most alarming symptoms of reaction to occur there in a century—the solidification of Tory political power,

[21] Laski, *loc. cit.*, October, November, 1937.

the 1927 legislation hostile to labor, the Incitement to Disaffection Act of 1934, the militarization of the police, the savage sentences imposed upon striking miners, and the imprisonment of Tom Mann. In the United States, the very moderate efforts of the Roosevelt administration to reform and preserve capitalism raised even the leading beneficiaries of the Roosevelt program to a pitch of fury against their benefactor. What may happen, if really sweeping reforms are proposed, is, as Professor Laski observes, appalling to consider:

> Anyone who reads the record of the American labor spy, of the activities of hired armies of thugs employed by business men in industrial disputes, of the gigantic scale upon which tax evasion is practiced by eminent financial leaders, of the opposition of college presidents and Cardinals to such elementary decencies as the prohibition of child labor, will wonder exactly what habits American capitalism will display if and when its authority is seriously challenged.[22]

The major cause of this tidal wave of reaction against freedom and democracy is the threat to capitalism involved in social reforms which democracy makes possible. The capitalists were willing to make some concessions in the way of reform in a period of capitalistic expansion and growth. In an age of capitalistic maturity and contraction, reforms have placed unrepentant capitalism in greater jeopardy, and its defense-mechanism is the current war on liberty and the suppression of democracy. While we need to watch the rabble-rousers, it is the Economic Royalists who constitute the major enemies of the American system of freedom and democracy.

Much more menacing, however, than any prewar capitalistic alarm and reaction is the outbreak of the second World War. This has meant totalitarian expansion, the inauguration of totalitarianism in France, the establishment of wartime censorship everywhere, the threat of the ultimate extinction of civil liberty in the Old World, and extensive limitations on liberty in the New World.

The Crisis in Liberty. To those who consider historical facts and have a sound historical perspective there is little cause for surprise that liberty may be going into eclipse. Only the middle class, or bourgeoisie, have ever had any great regard for liberty, and this middle class is now losing its dominant position in society. The laboring classes have had little interest in liberty, except insofar as it meant freedom to unionize. The individualism of the pioneer farmer is disappearing in the face of the farm crisis and the craving for government subsidies. There is no liberty-loving background in the cultural tradition of those who are fashioning our totalitarian states. Unless the middle-class love of liberty is espoused by those groups and classes in whose hands the future resides, our civil liberties, as we have known them in the past, are certainly doomed. The destruction of our middle classes by the economic strains of warfare will leave us without even that tottering bulwark of liberty which we possess today.

---

[22] Laski, *loc. cit.*

Many thoughtful persons contend that, since the United States has entered the second World War, we shall set up wartime totalitarianism, which is likely to be continued long after peace is made. But it is usually taken for granted that our fascism will be of a nice kindly type—and exercise a benevolent authority.

We have been warned against any such "pipe dreams" by E. B. Ashton and Sinclair Lewis, both of whom have suggested that the American totalitarianism will be more cruel and brutal than any European brand thus far known. This timely warning is emphasized by Stewart H. Holbrook in an article on "Our Tradition of Violence" in *The American Mercury*:[23]

> For some years we Americans have been reveling in a rather superior smugness. Viewing the various species of savagery in Europe and Asia, we speak complacently about the foreign barbarians slipping back to medievalism; about the Dark Ages again settling down over the world—except, of course, in these United States. What has been going on beyond our borders is enough to make anyone shudder, it is true. But it need scarcely evoke feelings of superiority in a country which has had KKK's, Molly Maguires, Black Legions, Ludlow massacres, Palmer raids, and countless mobs of vigilantes in its history, if not on its conscience. In sober fact, no race of people on earth has gone in so joyfully and efficiently for violence as the residents of these United States of America. Ours is an amazing record.

Most of our land was taken by conquest: "To begin with, most of our land was got in the manner of the Huns, Italians, Japanese, British, and French; that is, we took it forcibly and with a maximum of bloodshed from a weaker people." After we had seized the land on which we lived, we developed the habit of taking the law into our own hands: "Once we had the land, we went into an era of mob-law The habit stuck: we are still inclined to take the 'law' into our own hands."

For generations we warred against the Indians. Then, for other generations, the frontier was ruled all too commonly by mobsters and vigilantes. The spirit was well expressed in the old slogan that "there is more law in a six-shooter than in all the law books." This sort of mob rule reached its extreme in the various gold rushes—to California, Montana, and Alaska.

During the Civil War occurred the most systematic and widespread rioting in our history, most striking being the draft riots in New York City. Over 1,500 were killed, many more wounded, and a vast amount of property destroyed. After the Civil War, the violence continued in the Reconstruction era. Southern Negroes and northern carpetbaggers led a reign of terror in the South, which was answered by the defensive violence of the Ku Klux Klan.

When this epoch of violence was ended, the war between capital and labor began. We had the terrorism of the "Molly Maguires" in Pennsylvania; the railroad riots of the late '70's; the Homestead battle in the steel area of Pittsburgh; the riots in the western mining regions; the

[23] November, 1939.

bombing of the *Los Angeles Times;* the great strikes at Lawrence and Patterson; the use of detective armies and coal and iron police; and the war on the I.W.W. that lasted into the first World War, to mention only a few of the striking examples of this form of warfare and violence. The first World War stimulated mob action on a vast scale. At its close, Attorney General A. Mitchell Palmer launched a reign of terror which made peacetime Germany under the Kaiser seem "a sweet land of liberty."

After the war was over, Prohibition encouraged lawlessness, both in enforcing and in evading the law. It also launched upon their careers the racketeers and gangsters who have created a new era of lawlessness and violence. In the last twenty-five years police strikes, strikes in coal and steel, race riots, lynchings, strike-breaking, the revival of the Klan, and the golden age of racketeers have amply proved that American violence did not end with the termination of the frontier. All this—and a great deal more could be listed of like character—emphasizes the desirability of solving our domestic problems by democratic methods. If and when American Fascism does come, it is likely to write a new chapter in American lawlessness which will make the antics of the frontier vigilantes seem like peaceful picnics. Mr. Holbrook concludes:

> In short, Americans have no reason to be smug about the foreign barbarians. God help Uncle Sam and those cool, calm whiskers of his if a sizeable American mob ever finds its Man on Horseback! We have a long and lusty tradition of violence. The paranoiac supermen in our midst, those who would inflame hatreds and shatter the structure of civilized legality, are the more dangerous for that reason. If the dreaded moment comes, the doings of the sissy French in '89, the Russians in 1917, and the Nazi Germans in 1933, will look like kindergarten brawls by comparison. We Americans have got what it takes.[24]

---

[24] For a brilliant statement of the probable stimulation of American Fascism by the second World War, see W. H. Chamberlin, "War—Shortcut to Fascism," in *The American Mercury*, December, 1940

CHAPTER X

War as a Social Institution

How War Complicates National Problems

By 1941 the nations of the world were locked in the most desperate war of all human history. Our own country entered the conflict, fighting a "war against war" and "a war to end war." It was plain that we could not battle with complete understanding and enthusiasm unless we comprehended the extent to which war menaces orderly civilization and decency. We must fight a war, but we would fail in our purpose if we gradually come to believe that war is a good in itself. Such a philosophy is the ideal of the aggressor nations that attacked us. For us to espouse it would mean that they had really conquered us, even though we might overcome them on the battlefield.

When we fully understand how great a challenge war is to human culture and security, we shall be the more willing to make the sacrifices needed to root it out of human experience and the less likely to capitulate to the enemy dogma that war is a noble pursuit that brings out all the best qualities of mankind. We shall then be able to understand the nobility of a crusade to end war and be better able to keep the present World War devoted to this goal.

The lag between our machines and our domestic social institutions constitutes enough of a problem for man to solve in our generation without having the situation further complicated by war. Our social thinking is slow enough even when not handicapped by the mob mentality that dominates public attitudes in war time, and our democracy and party government are already inadequate. However, man might have muddled through his present difficulties and secured a fairly efficient utilization of his technological equipment if the second World War had been averted.

In many ways, war and preparation for war complicate the social scene and obstruct social progress. As we have already seen, even in normal times, from half to three-quarters of the budgets of modern states are absorbed in some direct or indirect form of military expense. In 1938, the nations of the world spent over $17,000,000,000 in armaments, getting ready for the second World War. The United States appropriated billions more for defense in 1941 than was involved in the total outlay for relief of all forms between 1933 and 1940. These expenditures for war activities leave little in the treasury for social insurance, public works,

education, and so on. And war finances threaten the credit and financial integrity of any state.

Further, war upsets social reforms and can destroy the results of years of patient and constructive statesmanship. A good example is what the first World War did to the program of the Liberal party and to the remarkable achievements of England in the way of orderly social progress and efficient democracy from 1905 to 1914. An equally good example is the memory of what happened to Woodrow Wilson's "New Freedom" when Wilson was beguiled into entering the World War in 1917. Domestic reform stopped forthwith. Leading plutocrats who had been deliberately excluded from the White House prior to 1917 were thereafter called into frequent consultation and were given key positions in the wartime government. What had been an ultra-liberal administration ended in the reactionary and oppressive orgy conducted by Attorney General A. Mitchell Palmer, which made the Alien and Sedition laws of John Adams' time seem almost like a venture in civil liberties.

Many competent observers believed that a second World War would mean the end of private capitalism and democratic government throughout the civilized world. To them it seemed possible that our system of society would be followed by a more just and efficient regime of production for use and of social democracy. But this was no more than wishful thinking. In any event, such a happy result would be gained only with much loss of life and money. The second World War might well be followed by a peace settlement even more stupid and short-sighted than that of Versailles, thus heading the world for a third World War. Or the second World War might be followed by rather interminable chaos and the extinction of civilization, as we now know it. The elaborate machines which are our main claim to a superior civilization will not save us unless they can be made to serve rather than to destroy mankind. When the second World War began, mankind faced a future more unpredictable and more ominous than at any other time in the experience of humanity.

The demands of war on the United States are appalling. At the outset of our national government, in 1789, our annual expenditures for defense were $632,000. Even in 1810, when we were in danger of war with both France and England, we spent only $4,000,000 annually. In the middle of the nineteenth century, our annual defense appropriation was less than $20,000,000. By 1880, it had increased to $51,000,000. A new high level was reached in 1900 when the defense budget mounted to $190,000,000. On the eve of the World War, in 1913, it had jumped to $335,000,000. By 1930, the figure was $702,000,000, and in 1938 it was well in excess of $1,000,000,000. We were then spending more than any other country except Soviet Russia and Germany. Between June, 1940, and April, 1942, Congress appropriated over 160 billion dollars for armaments.

Those groups who were most critical of the modest New Deal expenditures for humanitarian purposes had nothing but praise for our war budget in 1941 and 1942, and some spokesmen of reactionary groups held that it should be far larger.

Outstanding Phases of the Evolution of Warfare

Changing Methods and Techniques of Warfare. Man came upon the scene of recorded history already well experienced in warfare and armed with flint-pointed javelins, bows and arrows, stone axes, and other fairly formidable weapons. The early Egyptians, Sumerians, and Babylonians gave us our first metallic weapons, of copper and bronze. Making use of organized governments, they brought mass warfare into existence. Greater mobility in war came when the Kassites brought in the horse, about 2000 B.C., from the grassy plateau to the east of Mesopotamia. This occasioned the first appearance of cavalry in warfare. When the horse was attached to the chariot, this brought into existence what constituted the "artillery" until the invention of gunpowder in early modern times. The cavalry and chariots made possible the conquests that led to the establishment of the impressive Egyptian and Babylonian empires.

A great forward step in military history of the ancient Orient was the invention of iron weapons, probably by the Hittites of Anatolia in the fourteenth century B.C. The Hittites built up an impressive temporary empire, but even more important were the Assyrian conquests, which were due as much to iron weapons as to the military prowess of Assyrian soldiers. Their army was made up of heavy and light infantry, cavalry, and an engineer corps. Armor was fairly well developed. The chariots charged in line as a sort of movable fort, and in certain ways were the forerunners of our tanks. In fact, the Assyrians actually worked out the principles of the modern tank, or armored battle car. The Assyrian military engineers contributed much to the science of sieges. Their battering-rams crumbled the brick walls which surrounded the cities of the ancient East. The fierce, efficient warfare of the Assyrians became a tradition which has lasted to our time. The brutality of the Assyrians, in battle and in their treatment of captives, has rarely been equaled. More than any other people down to their time, the Assyrians developed mass warfare by conscripting a considerable portion of the vigorous and warlike peasants who formed the backbone of the Assyrian state.

In ancient Greece the Spartans developed the military psychology and the military cult more thoroughly than any other people known before the Greek age. The whole culture of Sparta was subordinated to the production of brave, well-trained soldiers. Valor in warfare was the supreme personal virtue and social achievement. Perhaps it was only their limited number that kept the Spartans from developing a vast empire. As it was, the great contribution to conquering warfare during the Greek age was made by two kings of Macedonia, a Balkan state lying to the north of Thessaly. This region was inhabited by a hardy and warlike people much given to horsemanship.

The triumph of Philip and Alexander over the Greeks and then that of Alexander over the armies of the Orient were due to military methods

introduced by Philip. Having plenty of horses and warriors, he made the cavalry an important unit in his plan of battle. He curbed their former undisciplined fighting and drilled them thoroughly to advance in a close mass upon the enemy. Even more important was the creation of the famous Macedonian phalanx—a dense mass of infantry armed with eighteen-foot spears which moved irresistibly forward against the enemy. Ranks were eight men deep. The pikes carried by the last line extended even with the front line, thus making an ideal offensive presentation for shock tactics. Philip worked out a military scheme that placed his massed cavalry on each wing of the phalanx, so that cavalry and infantry operated as a single impressive unit. With this military machine Philip crushed the Greeks and Alexander defeated the forces of the oriental monarchs, in spite of great numerical odds against him. The Macedonian army was the finest fighting organization from the days of the great Assyrian warrior-kings until the armies of the conquering Romans.

Rome, with consistently effective military methods, conquered most of the known world. The basic unit in the Roman army was the legion, of approximately 3,000 men. Increased to about 6,000 men by the cavalry and light-armed auxiliaries, it formed a brigade. The brigade was divided into thirty companies, each made up of two "centuries" of 100 men each.

At first the Roman infantry operated in phalanx formation, much as the Macedonian had done. The defects of this formation were revealed in the wars against Pyrrhus of Epirus and his fighting elephants in the third century B.C. The Roman army then was gradually adapted to fighting in open formation, and with this plan of battle the legions conquered the world. In battle, the Roman army advanced in three lines, in each of which the ranks were eight deep. The third line was usually held in reserve. When a small force of Romans was attacked by superior numbers, the Roman soldiers were usually arranged in a semicircle or a full circle, so they could face the enemy on all sides. The very flexible open formation could be shifted to meet special circumstances; for example, it could be moved apart to allow fighting elephants to pass through with little damage. Against a close-formed phalanx, elephants were very deadly.

The main weapon of the Roman infantry was the two-edged sword, used for cutting and thrusting. Javelins and often slings were also widely used. The front ranks hurled javelins at the enemy and then closed in with their swords. Then the rear ranks threw javelins into the enemy ranks over the heads of the front Roman lines, who were engaged in sword fighting. The infantry was protected by metal and leather armor, which covered the body and part of the legs. Infantrymen wore sturdy helmets and carried metal and leather shields. The cavalry was armed with long lances, javelins, and long swords. After Marius's time the Roman cavalry was recruited mainly from foreign mercenaries.

Most Roman warfare was aggressive, for an enemy commander could rarely be induced to attack a fortified Roman camp. Heavy loss was

inevitable if a Roman camp was assaulted, and the Romans never stopped even for a single night without fortifying their camp. The layout of their camps was derived from the early pile villages of the Terremare peoples of northern Italy. The Romans were also very effective in siege warfare. They would build a covered terrace up to the walls of the beleaguered city and then move in the battering-rams. They also built towers against the walls from which javelins, stones, and other missiles could be hurled into the city, and often used catapults to hurl larger stones against the walls.

The two major drawbacks to Roman warfare, especially in early days, came from politics and religion. The commanders under the Republic owed their position to political rank rather than military ability, and armies were sometimes led in battle by grossly incompetent men. Moreover, religion often proved a handicap. Campaigns were delayed and strategic moments were lost because the auguries were not right, and it was believed that the gods did not favor an advance at the moment. When the auguries were favorable, however, the troops had an added confidence in victory, since they felt that the gods were on their side. The Roman armies proved all but invincible. Only Hannibal was able to outgeneral the Romans for any long period of time.

The Roman world-conquest and pacification of many peoples by sheer force of arms had far-reaching consequences for the Roman age and for the subsequent history of mankind. It was the chief source of that tradition of the prestige and glory of warfare which has cursed society since Roman days. Oriental monarchs had their great military triumphs, but Rome symbolized, far better than any other ancient state, the glorious achievements of armies and generals and the subjection of civilizations to the rule of an alien conqueror. David S. Muzzey has brilliantly summarized the effects of the Roman military tradition upon subsequent generations:

> The Roman spirit was bequeathed to Europe. Beneath all the art and letters, all the industry and commerce, all the advance in humanity throughout European history, that Roman ideal remains. When the old nations speak of patriotism they mean the memory of their glorious wars. War has been their constant occupation and pre-occupation. Not a generation that has passed since Virgil . . . but has paid its terrible toll on the field of carnage to the ideal of pacifying the world by arms.
>
> It is not alone Germany, with the celebration of its men of blood and iron from Otto the Great to Otto von Bismarck. The French, too, rejoice in the Napoleonic legend. They have their glorious wars of the *Grand Monarque*. They bow before the white plume of Henry of Navarre, and thrill to the echo of Roland's horn at Roncevalles. The English have their proud memories of Agincourt and Blenheim and Crecy and Waterloo, and celebrate their Napiers and Nelsons, and "Little Bobs."
>
> All these nations of old Europe have their glorious traditions of war, and each one can find enough victories in the uninterrupted course of slaughter through the Christian ages to justify its belief in its own invincible prowess—nay, even in its divine mission to rule the rest. The Roman ideal still lives in them all. Great Caesar's ghost still walks as at Philippi. He stalks, gaunt and terrifying, before

the chancelleries at London, St. Petersburg, and Berlin, at Vienna, Paris and Rome.[1]

One of the most important contributions to military science in the Middle Ages came from the Greek or Byzantine Empire, centered in Constantinople. The Byzantines greatly improved upon the methods of fortifying castles and cities. From their contact with the Byzantine realms, the feudal lords gained the knowledge which led to the remarkable advances in the fortifications of feudal castles in the later Middle Ages. It is believed by many authorities that feudal warfare represented a regression from the level of Roman military achievements, and that the Roman legions could readily have defeated any army of comparable size in the age of chivalry. Without entering this controversial question, we shall describe briefly the character of feudal warfare

Down to the thirteenth century, the core of the feudal armies was the assemblage of mounted knights, aided by crude infantry, which might be armed with knives, spears, or even clubs and flails. Mounted knights were protected by armor, which from about 1000 to 1200 was mainly the so-called coat of mail or hauberk, made of interlaced iron rings or chain-work. It was introduced, in part, by the Northmen and, in part, by contact with the Eastern Empire, where it was in use at an earlier period than in western Europe.

The coat of mail weighed heavily on the shoulders and arms and made it difficult to use weapons with full force, especially the sword or ax, which required a good deal of arm motion. Moreover, a blow from a weapon drove the rings into the flesh of the wearer even though they did not cut through. Cumbersome pads were used to overcome this defect, but these further impeded the use of the arms. The superior metal working of the Muslims produced a lighter and more effective coat of mail. The helmet used in this period was usually a conical metal cap with iron rings protecting the face and neck. The disadvantages of the coat of mail led to the general introduction, after 1200, of elaborate plate and jointed armor and intricate helmets with effective visors.

The horse also was protected by armor, which changed as did that worn by the rider. Archers wore less armor but still were fairly well protected. The rabble of peasantry, which occasionally fought in the wars, were able to provide little or no protection of their persons—only crude quilted garments.

The weapons of the mounted knight were the long lance, a heavy sword, the ax, and the mace. Foot soldiers other than archers were armed with heavy swords for cutting, short spears, the ax, and the mace. The mounted force was far more important than the foot soldiers until the fourteenth century. By that time, the Swiss pike and halberd had been introduced. The halberd was a combination of lance, ax, and hook on a long handle. After these had been introduced, the foot soldiers fought

---

[1] D. S. Muzzey, *The Menace of Patriotism*, Ethical Culture Society, 1915, pp. 4–5.

as massed infantry, flanked by archers, and the late medieval infantry became far more important than it had been. A rudimentary tank appeared in the Bohemian armored wagon of the early fifteenth century, but it was never widely used.

The archers became more and more important as the Middle Ages wore along, especially in the English armies. The brilliant victories of the English armies over the larger French forces in the later Middle Ages were due chiefly to the superiority of the English bowmen. The ordinary bow was in use fairly early, but the crossbow first became popular in the twelfth century, when it was introduced by the Genoese archers. The Church opposed it, but its first extended use was against the infidel in the Crusades. While it became very popular outside of England, the crossbow had many disadvantages. It had to be set or "cocked" before each discharge of the missile, thus losing a good bit of time in which a longbowman could be discharging several arrows. Further, it had to be carried all strung up, which made it useless in wet weather. The longbowman could unstring his bow and keep the bowstring dry until he wished to use it. Later the crossbow was strung with a chain instead of gut. English archery excelled, in part, because it relied chiefly upon the longbow in the later Middle Ages.

At the height of the medieval period, the mounted force was the backbone of the feudal armies, aided by the foot soldiers and archers. The feudal horsemen, about whom so much romance has collected, were actually an extremely cumbersome and ineffective fighting force, except in massed attacks on other armies similarly equipped. Assembled from all over the realm, they had little training, discipline, or unity. They advanced on the enemy in mass formation, so close that, as the old saying went, "an apple thrown into their midst would not have fallen to the ground." This made it difficult to move rapidly or execute brilliant maneuvers. Moreover, as archery became more highly developed, great confusion was introduced into the massed knights as their horses were shot down or were rendered frantic and uncontrollable by arrow wounds. The undermining of the preëminence of the armored and mounted knight in warfare, as a result of the increased importance of the foot soldiers, armed with pikes and halberds, and of the archers, was not only a military change of great importance. It was also one of the more decisive factors in the destruction of feudalism. The kings could hire their own infantry and were no longer so dependent upon the feudal nobility for their military retinue.

Because of the universality of fortified castles and towns in the medieval period, siege warfare was very important. There was little improvement here over the siege equipment of the Roman armies—or of the Assyrians, for that matter. In some respects, the medieval siege engineering was inferior to that of the Romans. The usual crude wooden tower, testudines, scaling ladders, mangonels, battering-rams, and catapults, were the main offensive weapons before the age of gunpowder. Archers would also discharge showers of arrows over the walls of be-

leaguered cities. The lack of sanitation in the camps of the besieging armies made the medievals far inferior to the Romans. Epidemics frequently broke out and either greatly weakened the attacking army or actually compelled the raising of the siege.

The use of gunpowder came more slowly than is usually imagined. We hear of cannon being used at the battle of Agincourt in 1415, but any cannon used in the fifteenth century were quasi-harmless curiosities. Not until the sixteenth century were there any cannon effective against feudal fortifications. The matchlock was the first effective small arm using gunpowder. Next came the flintlock. On this was placed the bayonet, thus combining the old pike with the newer musket. But the medieval weapons were slowly abandoned. Bows and arrows were used by some of the infantry in the battle of Leipzig in 1813. In the wars in central Europe in the middle of the last century not a few soldiers were armed with pikes, spears, and axes.

The invention of gunpowder restored the infantry, for a time, to the position of predominant importance it had among the Romans. This development in warfare gave a special source of strength, all other things being equal, to those states which had a large population and could provide an impressive army of infantry. In the French Revolutionary wars and the wars of Napoleon, a new stress was laid upon artillery fire, though the infantry remained the backbone of the army.

We usually associate the rise of conscription with the absolutistic governments, but to do so is historically inaccurate. The old monarchies relied upon small armies of hired soldiers. The French Republic first introduced conscription on a national scale in 1793. It was imitated later by the Prussian monarchy. Democracy introduced mass armies, restored the ascendency of the infantry, and promoted mass murder in warfare.[2]

In the first half of the nineteenth century, the most important advance in the art of warfare was the rifling of muskets and cannon, increasing their range and making them more accurate than the crude firearms of the Napoleonic period. Percussion caps replaced flints in the firing mechanism. Revolvers became popular after 1850, particularly among the cowboys of the West. Most of the rifles used in the Mexican War and the Civil War were muzzle-loaders fired by percussion caps. Very few breech-loaders were then in use. The Austro-Prussian War of 1866 was the first conflict in which they played an important part. The Prussians were armed with the so-called "needle gun." Mortars, canister and shrapnel came into use in this period. Repeating rifles were not generally used until the Spanish-American War, when smokeless powder was also introduced. Machine guns came in at the close of the century.

From the time of the Anglo-Dutch wars in the seventeenth century to the first World War, the command of the seas and naval power played a large, perhaps a predominant, rôle in deciding the outcome of international conflicts. This fact was rationalized in the vastly influential

[2] See Hoffman Nickerson, *Can We Limit War?* Stokes, 1934, chap vii; also his later book, *The Armed Horde*, Putnam, 1940.

writings of an American naval officer, Captain Alfred T. Mahan,[3] whose works, incidentally, were most faithfully followed in Japan. The long-range air-bomber nosed out the naval vessel in the second World War as the key to ascendency in warfare. But, so deep was the hold of the doctrines of Mahan and others, that England and other countries placed a fatal trust in their naval superiority until it was too late to readjust their pattern of warfare without sustaining frightful losses. Even bright newspapermen were able to write, after more than two years of the second World War, as though air power had not outmoded Mahan's doctrines, sound as they have been, even as late as 1900.[4]

The first World War produced the most striking changes in warfare since the invention of gunpowder. Because of the great technical advances that had made machine guns and artillery efficiently deadly, open fighting was abandoned, except for brief attacks. Long and elaborate series of trenches were constructed. These formed linked zigzag lines, and had subterranean rooms for the storage of war supplies and for the resting-quarters of the soldiers. Some of these trench lines were durably built—notably the famous Hindenburg Line.

Separating the opposing trenches was "No Man's Land," a mass of barbed wire and artificial banks of earth and stone. The impasse reached in trench warfare during the first World War should have proved to the experts that the ascendancy of the infantry was at an end. But the generals were too stupid or too much victimized by their stereotypes to recognize this fact. Hence we had horrible mass murder, which reached its height in the ill-fated German attack upon Verdun and in the massacre of the Russian soldiers by the armies of Hindenburg and Ludendorff in 1914.

Artillery was developed with scientific acumen. The "barrage"—a terrific wall of coördinated artillery fire—was used for the protection of troops advancing behind it. Large numbers of machine guns, the most effective single instrument of the war, were used by both sides. Huge cannon placed behind the trenches destroyed the enemy's towns and fortifications. Explosives, both grenades and mines, were added to the shrapnel and shot. Poison gas, a deadly innovation, was first used by the Germans, but shortly by the Allies as well. Camouflage—the art of concealing vulnerable objects both at sea and on land—became a widespread practice.

Gasoline engines played a significant rôle in this conflict as driving power for tanks, automobiles, and airplanes. The tank, first used by the British and probably the most remarkable of the many new instruments of warfare improvised during the struggle, was a huge caterpillar affair protected by an iron covering, crawling over the battlefield unstopped by ditches, barbed wire, or mounds, spewing forth bullets, and bringing death and havoc in its path.

---

[3] W. D. Puleston, *Mahan*, Yale University Press, 1939.
[4] *E.g.* Forrest Davis, *The Atlantic System*, Reynal and Hitchcock, 1942.

The air fighting caught the interest of all peoples. One-man airplanes were used in the first year of the war as a means of discovering the position of the enemy and as a guide for the artillery. Later, two-seaters having an unprecedented swiftness were employed for bombing purposes, and for the use of the photographers, spies, and scouts. Hydroplanes developed by the British assailed German submarines, and by 1916 squads and formations of airships were organized and the battles of the air were regarded as extraordinary feats of courage and valor. The emergence of air "aces," survivors of a succession of air duels, furnished much of the heroics of a war that was otherwise characterized by a lack of romantic color.

The sea operations during the World War were less decisive in the form of battles than they were in their bearing upon the control of the commerce of the world. Great Britain's naval superiority never proved of more critical importance. German commerce was swept from the sea and, very quickly also, the German warships outside of the North Sea were captured or sunk, and their raids upon British commerce terminated. A water-tight blockade was imposed on Germany, which did more than British arms ultimately to bring that country to its knees. Admiral von Spee destroyed a small British squadron off the coast of Chile on November 1, 1914, but his fleet was soon wiped out by the British in a battle off the Falkland Islands.

There was only one major naval conflict during the war, the Battle of Jutland, on May 31, 1916. While the Germans were ultimately compelled to retreat before overwhelming odds to their fortified cover, they inflicted heavy losses upon the British. Not since the rise of the British navy in the seventeenth century had the British come off so badly in a major naval battle. It is possible that Admiral Jellicoe might have repeated the feat of Nelson at Trafalgar had he been less timid or cautious. So the Germans had one brilliant exploit to their credit on the sea during the World War, but it proved only a futile show of superior bravery and strategy. The German fleet never again risked its fate.

The two outstanding innovations in the second World War were the airplanes and the tanks. These had been introduced during the first World War but were used so slightly as to be more dramatic than effective. In the second World War, they became the most important arm of the offensive.

The appalling losses of the Polish and Dutch armies in a few days of warfare showed that the best infantry, lacking mechanized equipment, was hopelessly ineffective. "Mass armies merely meant mass cemeteries."

The outstanding strategic change in the second World War was the so-called *Blitzkrieg*, or lightning war. In this, the airplanes led off, terrorizing and bombing the enemy. They prepared the way for the mechanized forces, equipped with tanks and motorized divisions. Behind these came the infantry, to occupy the penetrated territory and consolidate the gains. In two weeks, the German *Blitzkrieg* overcame

a Polish army which might have stood ground for many months against the German army which conquered the Russians in 1914. We may now briefly describe the organization and operation of these mechanized troops, recognizing that they varied somewhat as the war went on and opened up new contacts and enemies.

A German mechanized division is known as a *Panzer* division. It is made up, usually, of two regiments of break-through tanks and two regiments of assault tanks, along with the supporting motorized infantry. There are normally around four hundred tanks in such divisions. In the first World War, the artillery laid down the barrage that preceded an attack. In the second World War, the barrage was supplied by German dive bombers. They blasted the enemy troops with machine gun fire, dropped bombs on cities and fortifications, and laid down smoke screens to hide the advancing break-through tanks. The latter were usually twenty-ton tanks, carrying 8 to 16 men and armed with machine guns and small cannon. Moving along with these tanks were giant amphibian tanks, which were watertight and could go through any river.

Behind the break-through tanks came the assault tanks, which were smaller tanks of 6 to 10 tons, also carrying machine guns and small cannon. The assault tanks fanned out in the wake of the big break-through tanks to attack and demoralize troops in trenches, machine-gun nests, and pill boxes. They could also shoot flames out to a distance of 70 yards.

The third wave of mechanized assault was provided by the motorized infantry carried in armored trucks, followed by motorized field artillery. The motorized infantry and artillery widened the breach made by the tanks and held it until the ordinary infantry could come up and consolidate the gains. The big break-through tanks could make a speed of 18 miles an hour and the assault tanks were much faster. For clean-up work and special assaults, each *Panzer* division included a number of high-speed Diesel tanks, which could go as fast as 85 miles per hour on the road and 50 miles an hour across country. A few big eighty-ton tanks were also included. These were literally moving fortresses, carrying field guns and howitzers, to be used against especially stubborn obstructions.

While the French army was considered the best in Europe for participation in ordinary infantry operations, it was almost helpless before the German mechanized divisions. Fire from rifles, machine guns, and light anti-tank guns rattled off the German tanks like so many peas. And while the French 75's were effective against the tanks, there were too few of them to accomplish much against the seemingly limitless replenishment of the German mechanized units. In the Riom trials of 1942, former Premier Daladier contended that the French had more tanks than the Germans on the western front in 1940, but the French generals were too stupid and stubborn to make use of them. If this be true, it is a sad indictment of the French military mind.

The German invasion of Russia proved, however, that the *Blitzkrieg*

methods and the *Panzer* divisions were not invincible. Over short distances, where the blow could be struck with lightning speed, and against poorly mechanized forces, these new methods were indeed overpowering. But in the Russian campaign the element of surprise could not be long sustained over a great front; vast distances prevented any speedy knockout; and the extensive mechanization of the Russian forces provided a worthy foe. The novel and appalling character of war between fairly well matched mechanized forces is thus summarized by W. H. Chamberlin, in describing a battle between thousands of Russian and German tanks:

> It was like some battle of the gods and giants in Norse mythology. Houses were overturned like ninepins. Trees were uprooted, hills torn up in such a way that the entire contour of the battlefield was completely changed. New heights and new valleys appeared. And the crash of fifty-ton tanks ramming each other head-on sounded like the crash of doom [5]

In addition to their use in the *Blitzkrieg*, airplanes were extensively employed in bombing cities and industrial centers. Most notable after the summer of 1940 was the German bombardment of British cities. Serious damage was done in single nights, as in the case of the bombardment of Coventry in December, 1940. The British retaliated by bombing German cities, but they were relatively unsuccessful, because their bases were further removed from the area to be bombed, and their bombers could not be adequately protected by fighter-planes. Airplanes also did much damage to shipping, and were able to sink the largest warships and airplane carriers. The torpedo plane proved especially deadly to the heaviest warships, as was dramatically shown when the Japanese sank the giant British battle cruisers *Prince of Wales* and *Repulse* in December, 1941.

A most impressive use of artillery was the Russian bombardment of the Mannerheim Line in the war against Finland in February, 1940. Here the bombardment equaled in intensity and volume that of any of the major engagements on the western front in the first World War.

The submarines were most successful in aggressive naval action, while light cruisers and destroyers were most efficient in protecting merchantmen against submarines. British sea power still remained important in enabling Britain to maintain her blockade of Germany. The fall of France and German economic relations with Russia served, however, to make the British blockade less effective than in the first World War. But such things as the speedy collapse of the British and Dutch holdings in Malaya and the East Indies in 1941–42 showed that the day of sea power, as the key to world power, was at an end. Sea power has come to mean little unless supplemented by air power. Perhaps the airplane carrier will provide an effective union of sea and air power for a far-flung offensive.

---

[5] *New York Times Book Review*, March 1, 1942, p. 3.

Mechanized and total warfare has become a far more brutal affair than even the first World War. As Gregory Zilboorg points out, the realities of the second World War are as bad as the fanciful "atrocities" of the first World War:

> We were almost "chivalrous" in those days [the first World War]; guerrillas and franc-tireurs were considered illegal, illegitimate. Today, the guerrillas are a worthy part of our "totality." The sinking of the *Lusitania* aroused the world; the torpedoing of the *Zam-Zam* raised but an infinitesimal diplomatic ripple, for the sinking of tankers and passenger boats and the bombardment of peaceful cities have become a part of our totality war effort. We need no Lord Bryce to investigate and make a report on atrocities. We read about them every day, for they are an integral part of the atrocity propaganda made by modern warfare and life itself.[6]

Leading Aspects of the Evolution of War as a Social Institution. As civilization has developed, war has played an ever more important rôle. However it may have started originally, it has become a vested social interest. The use of modern technology and economic organization has made warfare more destructive of life and property than ever before. The German-Russian campaign of 1941 proved that mechanized warfare takes a tremendous toll of human life.

Another important fact about war is that, in general, the large countries are much more given to fighting than the smaller countries:

> Countries differ greatly in the frequency with which they have been at war. Since the beginning of the Seventeenth Century, there have been about 2,300 battles among European states. In these 2,300 battles, France participated in 49 per cent; Austria-Hungary in 35 per cent, Prussia in 26 per cent; Great Britain and Russia each in 23 per cent; Turkey in 15 per cent; Spain and The Netherlands each in 11 per cent, Sweden in 4 per cent and Denmark in 1 per cent. These percentages are for the whole period of three centuries. If we tabulate by 50 year periods, it appears that the percentage of participation by France, Austria, Great Britain and Turkey has been constant, that by Prussia and Russia has tended to increase, and that by Spain, The Netherlands, Sweden and Denmark has decreased to almost nothing in the last century. Clearly the great powers are great fighters.[7]

Out of 950 years of French history, the French were at war in over 80 per cent of these years, and only one quarter-century was free of an important war. Out of 875 years in English history, 72 per cent were war years and only one quarter-century was free from war. Of 275 years of German history, 29 per cent were war years, but no quarter-century was free from war.[8]

Warfare seems to concentrate in periods about fifty years apart, though in the nineteenth and twentieth centuries a hundred-year period

---

[6] *Saturday Review of Literature*, March 7, 1942, p. 7

[7] Quincy Wright, *The Causes of War and the Conditions of Peace*, Longmans, Green, 1935, p. 29. Much of the material in this section is drawn from Professor Wright's important book.

[8] P. A. Sorikin, *Social and Cultural Dynamics*, 3 vols., American Book Company, 1937. Vol. III, Part II.

for major wars seemed noticeable, at least, before the second World War broke out. If warfare predominates at fifty-year intervals, the usual duration of a war has been four or five years. In modern times, the increasing intensity of warfare has made it ever more difficult to prolong a war beyond five years. The fifty-year period for the concentration of warfare is explained by the fact that it takes about that long to get over a major war and get ready for another. Further, it requires about this length of time for people to forget the horrors of war and accept another. The fact that our generation was toughened by the first World War and that new machines hasten war preparations may account for the world's being willing to take on a second world war in less than 25 years after the end of the first one.

A typical technique of warfare used to last for about 250 years. In the centuries before Charlemagne, wars in western Europe were fought mainly by armed champions supported by the rabble. From the era of Charlemagne to that of William the Conqueror, wars were fought by royal knights and footsoldiers, who were able to maneuver rather freely. From the days of William the Conqueror to the Battle of Crecy, in 1346, wars were fought mainly by heavily armored feudal knights, who charged on horses in mass formation. From the Battle of Crecy to the introduction of firearms, about 1600, wars were fought chiefly by the infantry, armed with missile weapons, particularly the longbow and the crossbow. From 1600 through the Napoleonic wars, highly mobile forces, organized as national armies, dominated the scene. The infantry was most important, but the artillery came to be of great significance. From the American Civil war through the first World War the infantry predominated, the army making use of ever improved firearms, such as breech-loading rifles, machine guns, rapid fire artillery and long range cannons. The rapid development of modern technology has now shortened the period of dominant war-techniques. In the second World War airplanes and mechanized forces had come into their own. The Polish army, well equipped in 1939 to fight the war of 1914, was obsolete and helpless before the German mechanized forces. A change in technique, requiring 250 years in earlier days, had been brought about in twenty-five.

Leaving aside ancient Rome, there has been a great increase in the size of standing armies. In the seventeenth century, the larger armies had only fifty or sixty thousand men. In the Napoleonic period, France had armies as large as 500,000 men. Before the second World War broke out, the major countries each had over a million men in their standing armies, and Russia had an army of several millions.[9] In the 1930's the standing armies of the major European states were twice as large, in proportion to population, as the Roman army under Augustus.

Another historical trend in warfare has been the decline in the duration of wars and in the proportion of war years to peace years. In the seventeenth century the major European states were at war about 75

[9] England, relying on her sea power, was an exception.

per cent of the time, in the eighteenth century about 50 per cent of the time, and in the nineteenth century about 25 per cent of the time. The twentieth century may reverse this trend and increase the percentage of time the nations were at war.

One can also note a new trend in the increased duration of battles and an increase in the number of battles in a war year. In the seventeenth century, there were about four battles in a war year, in the eighteenth about 15, in the nineteenth about 28, and in the twentieth over 50.

Before the first World War, campaigns usually lasted one season, and since the Middle Ages over 80 per cent of all campaigns have taken place in summer months. The normal battle period was one day. Trench warfare in the first World War, however, introduced almost constant battles periodically increasing to a pitch of major fury.

Another noticeable trend has been the increasing economic cost of war, even in proportion to the population. In Caesar's time it cost 75 cents to kill a soldier; in Napoleon's time, about $3,000; in the first World War, $21,000; and in the second World War, about $50,000.[10] The number of killed has, however, mounted with the use of more expensive and deadly war equipment.

There had been a tendency for the ravages on the civilian population to decline, but the second World War reversed the process. Air bombardment wrought vast damage on civilians and the *Blitzkrieg* produced millions of refugees.

An important change in war is the decreased rôle of battles in determining the outcome of wars. Economic resources and organization, and propaganda activities, have become relatively more important in winning wars than activities on the battle field, though the latter are still of primary significance. In final analysis, wars still have to be won by fighting rather than talking, though good propaganda may reduce the amount of fighting needed for victory.

Finally, at least until the rise of totalitarianism, wars seemed to be getting less important as an instrument in controlling world politics. With the increasing cost of war in human life and economic equipment, the nations became more reluctant to start wars and more given to reliance upon diplomacy and bluffing in promoting their policies and ambitions.

The Development of the Military System. The origins of militarism go back to ancient history. The Assyrians used to conscript an army, mainly from farmers and herdsmen, for the war season. Sparta first developed a thorough-going military system, in which all the adult male Spartans were compelled to be perpetually liable for military service. Sparta was veritably an armed camp. In the early Republic, the Romans conscripted their farmers. By the late Republic and during the imperial

---

[10] J. H. S. Bossard, "War and the Family," *American Sociological Review*, June, 1941, p. 339.

period, Rome had a large standing army of about three soldiers to each thousand of the population. From the decline of the Roman Empire to the rise of feudalism, there was no real military system. This faded out along with other ancient institutions.

In the period of feudalism there was a permanent warrior class but no national standing army. The feudal lords and knights were summoned to war and then returned to their castles when it was over. At first the townsmen of the Middle Ages fought their own wars, but they soon hired mercenaries to fight their battles.

The first standing army arose at the close of the Hundred Years War, when King Charles VII of France hired a small standing army to help demobilize the host of warriors at the end of the war. From the fifteenth century to the French Revolution, the royal standing army dominated the military scene. But the king did not usually assemble or control his army directly. He contracted with private individuals, chiefly the lesser nobility, to collect, train, and feed the army. Very frequently, the latter was made up, in considerable part, of foreigners, mercenaries and vagabonds. The officers were drawn mainly from the nobility, and this prevalence of a caste system among the officers lessened the efficiency of the army. Later on, especially in Prussia, military schools were provided for officers and a more direct and rigorous state control was established over the army.

The next important development in the military system was the rise of a popular army and the introduction of conscription. The example of the American Revolutionary army, an army of embattled farmers and militia, entirely devoid of military caste, had a considerable effect upon European military thought and practice. The marked success of the armies of Frederick the Great also led to serious criticism of mercenary armies led by incompetent noblemen.

As early as 1770, the Count de Guibert, in his *General Essay on Tactics,* emphasized the virtues of a popular army, raised from the citizens, and imbued with a spirit of patriotism. In February, 1790, a law was passed by the French revolutionists directing the technical training of officers and their promotion according to a system of merit. In February and August, 1793, conscription was ordered, to provide a strong national army and repel the invasion of France by the reactionary powers. The old noble officers were thrown out and revolutionary generals were installed. The result was the first national army on a mass scale:

> Given mass armies inspired to frenzy by the passions and ideas of the Revolution, warfare took on novel aspects. Within and around the regular troops of the old style were large numbers of men, more individualized and more ruthless in combat than any soldiers of a standing army, drilled and commanded by noble officers accustomed to the conceptions and customs of feudal honor. Recruiting under the February Law brought 180,000; the *levée en masse* some 250,000 men. By January 1, 1794, some 770,000 men belonged to the diverse armies and 500,000 of them stood along the exterior front.[11]

[11] Alfred Vagts, *A History of Militarism,* Norton, 1937, p. 116.

Napoleon improved and extended this system of national armies. He developed the notion of the "total war," as the business of the whole people. Mr. Hoffman Nickerson, in his essay on "Democracy and Mass Massacre" [12] and his more recent book, *The Armed Horde*,[13] has shown the great significance of this change. The losses of life in the French Revolutionary and the Napoleonic wars vastly exceeded those of any earlier war. Only 5,000 men had been killed in 1704, the year of the Battle of Blenheim. With so many men at his disposal, Napoleon was prodigal of men in battle. He lost about 40,000 men in the Battle of Borodino in 1812. This waste of manpower was one reason for his ultimate defeat. Finally, disease in these mass armies, without scientific provision for sanitation and medical treatment, killed even more than gunfire. There is no doubt that conscription and the national army enormously increased the deadliness and ferocity of war. Another effect of conscription was to make armies revolutionary and devoted to extending the new system of society by force of arms. This fact was not realized by American conservatives, when they so enthusiastically recommended peacetime conscription for the United States in 1940.

Conscription and universal military service, even in peace time, are frequently confused. We may conscript a large number of persons for a given war, but have no system of universal military service, in which all the able-bodied male population have to submit to military training for one or more years, in peace time as well as war. Soldiers conscripted for a war may be allowed to return home as soon as the war is over. It was Prussia which introduced universal military service in modern times. After Napoleon had conquered the Prussians at Jena, in 1806, he ordered the Prussian army reduced to 42,000 men. But the Prussians got around his restrictions by subterfuge. They trained 42,000 men, then returned them to private life and trained another 42,000, thus building up a large well-trained army. Scharnhorst, Boyen, and other Prussian military reformers recommended drawing all able-bodied Prussians into army service. Preliminary laws were passed in 1812–1813 and finally, in September, 1814, universal military service was established. It was extended to the German Empire after 1870.

After the Franco-Prussian War, the Third French Republic succumbed to the system of universal military service and created a national mass army with the law of 1872. Since France had a smaller population than Germany, but wished to have just as strong an army, she had to have a larger proportion of her population under arms. The majority of other Continental states had either established a system of universal military service before the Franco-Prussian War or followed in the wake of France after 1872. Great Britain held out against conscription until the first World War. During this conflict all the major powers involved, including the United States, resorted to conscription.

---

[12] Originally published in *The American Mercury*, and reprinted as chap. vii of his *Can We Limit War?*

[13] Putnam, 1940.

In the 1930's the Nazis, in Germany, set up a military system more thoroughgoing and efficient than anything ever envisaged by Scharnhorst, Bismarck, Moltke, or the Kaiser. They not only provided for universal service but essentially conscripted the whole civilian population in "total war" preparations:

> Both Fascism and Communism, depending more than democracies for their daily existence on their armies, attempt a greater penetration of their peoples by military ideas; the masses are organized in a quasi-military way in uniformed formations under leaders whom the rank and file recognize as permanent, not merely temporary, superiors. Military metaphors abound in directions and exhortations, such as "victories on the harvest front," the "butter battle," the "March on Rome." But there is some difference in aim between them: the Bolshevist state indeed offers the theoretical promise that the military bondage of the present is only a transition period on the way to a millennium in which all force will be ended; it does not exalt military exertion and expenditure as good in themselves. By contrast, the militarism of the Third Reich is expected even theoretically to endure one or two thousand years, for it is the essence of that Empire; there, as Sieburg says, "the population sees in the carrier of arms a symbol of itself."[14]

Another interesting aspect of totalitarian militarism is that, like the military situation in the French Revolution, the conscript mass armies have once again become revolutionary armies, spreading revolution by military force. They will spread revolution, even though they may be defeated, just as Napoleon's armies promoted the rise of nationalism and other revolutionary changes in the countries which he overran.

The Underlying Causes of War in Contemporary Society

Biological Causes of War. There can be no hope of ending war unless we thoroughly understand the complex forces which lead mankind to continue this savage and archaic method of handling the relations among states. War can be disposed of only through an understanding of, and a consistent attack upon, those material conditions and those attitudes of mind which make them possible in contemporary society. Any limited conception of the causes of war or any tendency to overemphasize one set of causes must be guarded against:

> The motives which have led to aggression by human populations are too numerous to mention. Leaders have sought wealth, revenge, prestige, dynastic expansion, the deflation of internal revolt, adventure and the propaganda of religions; and the masses have supported them with the expectation of adventure, plunder, sadistic orgies, relief from boredom, better lands, higher wages, loyalty to the leader, religious enthusiasm, feminine approval.[15]

The biological causes of war include those that represent biological realities and those which rest upon a mistaken application of biological

---

[14] Vagts, *op. cit.*, p. 442.
[15] Wright, *The Causes of War and the Conditions of Peace*, p. 108.

and pseudo-biological principles to social processes. The most important potential biological cause of war is that tendency of the human species to increase more rapidly than the means of subsistence, a fact perceived by Malthus more than a century ago. This tendency makes it necessary for the surplus population to look elsewhere for new homes. There was, however, down to the first World War, a large amount of relatively unoccupied space, to which the surplus populations of the more congested districts of the world might freely migrate. Hence there was no direct biological cause of war inherent in population increases down to 1914.

Yet population pressure was a contributing cause in producing the world catastrophe of 1914, because that popular biological doctrine had become inseparably linked with a dangerous political dogma. It was commonly believed to be disastrous both to the mother country and to the emigrants for any large number of people to take up residence under the political authority of another country. It was held that migrating citizens should retain their citizenship and carry the glories of their native land overseas.

Such an aspiration was possible only in conjunction with the development of colonies. While much of the earth's surface was still available for occupation by individuals, relatively little remained open for the colonial dominion of any state at the close of the nineteenth century. England, Russia, France and Holland had appropriated the larger portion of the earth's surface not already under the dominion of independent sovereign states.

The desire to obtain colonies for population outlet, particularly on the part of Germany, Italy, and Japan, and the hard fact that potential colonial areas were constantly diminishing, precipitated many of the international crises which constituted the diplomatic background of the wars between 1900 and 1920. Had not the patriotic and colonial psychosis existed, however, the population increases would not have been an important factor in producing international problems and promoting war.

Though population increase may not, in the past, have constituted a vital cause of conflict, it may be an important cause of war in the future. There are actually some areas which are now becoming overpopulated, when taken in conjunction with their limited resources or technological lag. Writers like W. S. Thompson have referred to these areas as "danger spots in world population." It has been held that the recent tendency for the rate of population growth to slow down in western countries removes this cause of war and war sentiment. This is not true, so long as the population is growing rapidly elsewhere and pressing on the means of subsistence, and so long as western states have colonial, imperialistic, and diplomatic interests in eastern regions which are directly affected by rapid population growth. Only a universal slowing down would remove this biological impulse to war.

Another important biological fact in the war pattern is that man has developed to his present state of ascendancy in part by operating as a

fighting animal. War and physical struggles have unquestionably played an important rôle in the biological history of man, and have left their impress upon him in his instinctive tendencies, physiological processes, and traditional values:

> Men like war. They often fight for the love of excitement or the mere lust of fighting. While it is true, as someone has said, that anyone will fight when he is mad enough, it is also a fact that men will fight when they are not aroused, but just for the fun of it. War offers diversion and relief from *ennui*. It provides a mode of escape from the monotony of a dull existence. Primitive life seems to afford scanty amusements and means of recreation; the savage is so engrossed in a severe struggle for existence that his life leaves little room for diversion. Hence men like to fight. The most exciting things they know are hunting, herding, and warfare. These are the occupations they enjoy, and their pursuit affords a considerable measure of satisfaction and pleasure.
>
> War also furnishes a ready means of bringing distinction to one's self, for the military virtues have ever been honored and extolled. The women, as we have seen, prefer men who have given proof of their prowess, they receive the returning warrior with songs of praise, they feast him and crowd around to listen to his exploits. All this appeals to man's vanity and gives him additional motives for fighting.[16]

It would be nonsense to contend, as some have done, that man is preeminently a fighting animal, but it is equally absurd to maintain that he is wholly pacific and characterized chiefly by a sweet-tempered spirit of brotherly love. The sane procedure for the friends of peace is to provide an educational system which will promote the pacific and coöperative tendencies of man and sublimate or divert his warlike proclivities. Any scheme for peace which ignores the inherent human capacity for blind rage toward citizens of other states is likely to be wrecked. This fact was well driven home by the example of the international Socialists of the various European countries who, before the first World War, had sworn to an eternal brotherhood based on the international solidarity of the working classes, but who rallied to the standards of their several fatherlands in the summer of 1914 with a gusto which, in many cases, exceeded that evidenced by the monarchists and capitalists. It was also demonstrated amply by the American liberals and radicals, who had been the backbone of the peace movement from 1920 to 1939. They took the lead in stirring up war sentiment in the United States from 1939 to 1942.

Among the erroneous dogmas about war is the doctrine that war, in human society, is the social analogue of the biological struggle for existence in the realm of organic evolution. This is the doctrine which is sometimes known as "social Darwinism." It is incorrect to hold Darwin responsible for any such dogma, as he frankly admitted that he did not know how far the processes of biological evolution could be applied in explaining the problems of social development. But a number of biologists and sociologists have warmly espoused the view that the chief factor in social and cultural progress has been the wars between human groups, from the days of tribal society to the world wars of the present age.

---

[16] M. R. Davie, *The Evolution of War*, Yale University Press, 1929, p. 147.

The fallacies underlying this view have been relentlessly exposed by such writers as Jacques Novicow, G. M. Nicolai, and D. S. Jordan. In the first place, the theory is not valid in a strictly biological sense, since the active struggle for existence in the biological world is rarely a battle within the same species. The selective process that goes on within any single species is normally one which leads the weaker members of the species to succumb more quickly than their more vigorous associates in the joint struggle for food and protection. In fact, the human animal is almost the only animal that preys upon his own species. This he has come to do, not because of any inherent biological necessity, but primarily because of perverted mental attitudes and cultural traditions, which have made him look upon war as the only honorable method of solving some of his problems.

War has provided a sort of institutional cannibalism, which, in higher cultures, has been substituted for the bald physical cannibalism of savages. But the slaughter in modern warfare is far more revolting and indefensible than primitive cannibalism. Savages killed sparingly and made good use of those whom they killed. Modern warfare is far more purposeless, imbecilic, and wasteful than primitive cannibalism. Indeed, cannibals have contempt for our "civilized" wars. An old cannibal chief in New Guinea once observed to the eminent anthropologist, Bronislaw Malinowski: "You tell me that thousands of people are killed in one day and left rotting and uneaten on the fields. We never did such a dastardly thing to our enemies. We ate them honorably, and thus satisfied our hunger, and then paid our respects to their souls."

Even if the theory of nature "red in tooth and claw" were valid in a biological sense, it would not by any means follow that this doctrine is sociologically sound. Biological processes are not usually directly transferable to the social realm, but must be modified in the light of the widely different factors and situations which distinguish society from the biological organism.

Hence, while war in primitive society may have been an integrating and disciplinary factor making possible the origins of orderly political society, war at the present time is both an institutional anachronism and an unmitigated menace to culture and social welfare. In our day, an efficient technology and the mechanization of warfare have made war a test of technical genius and capacity for organization rather than of biological superiority. As Nicolai and Jordan have shown, war is today biologically counter-selective, the better physical types being drained off and decimated as "cannon-fodder," while the task of future procreation is passed on to the inferior types which remain safely preserved at home. Added to this are the biological ravages of disease, suffering, starvation, and mutilation which war inevitably brings in its train.

Among the socio-biological causes of war are the various race dogmas which have prevailed in the last half-century or so. For a long time, we labored under the menace of the "white man's burden" doctrine, namely, that the white races are superior and must bring the blessings of higher

civilization to the inferior races, by force if necessary. This dogma lent support to imperialism and imperialistic wars and to the slaughter of natives not capable of grasping and voluntarily accepting the higher logic of the white man's burden. More recently, especially in Nazi Germany, the notion of the superiority of the so-called "Aryan" branch of the white race has been growing in popularity. This has been made a foundation of Nazi anti-Semitism and of plans for conquering and ruling "non-Aryan" peoples. But the father of this doctrine was Joseph Arthur de Gobineau, a Frenchman; Hitler derived his social notions mainly from Houston Stewart Chamberlain, a Scotchman; Madison Grant popularized such dogmas in the United States nearly twenty years before Hitler came to power in Germany; and Grant's aberrations received the pontifical blessings of the eminent American naturalist, Henry Fairfield Osborn.

The exponents of world peace must recognize both the realities and the fallacies in these biological factors involved in war. A fallacious dogma may be quite as potent in causing war as a biological reality. Education must be designed to eliminate, so far as possible, both the actually biological and the pseudo-biological causes of conflict.

Psychological Causes of War. The second main type of fundamental causes of war, as we shall classify them here, is the psychological. One psycho-cultural cause of war closely related to social Darwinism is the "cult of war," which represents military and naval achievement as the most noble activity to which a people may devote itself, and elevates the military classes to a position of social ascendancy. It is held that war brings forth the noblest and most unselfish of human sentiments, as well as the most heroic manifestations of devotion to the group. Those who have done the most to bring glorious victories in time of war are looked upon as the great heroes in the country's past.

Inseparably related to this war cult is pride in territorial aggression. It emerges in what has been called the "mapitis psychosis." Maps of the national states and of the world are so drawn as to indicate in impressive coloration territory wrested from neighboring or enemy states.

The main propaganda technique exploited by exponents of the war cult in securing popular support is the alarmist "bogey," and the allegation, whether well-founded or not, that we must "prepare" against supposed threats of aggression. This was a basic apology for the great armaments of the decade before the first World War, which were alleged to be merely preparations for peace. But Professor W. G. Sumner correctly prophesied that they would inevitably lead to war. Yet the illusion was used just as effectively in the propaganda that led to the second World War.

Since readers are familiar enough with the first World War, it will not be necessary to refute the fundamental contentions of the exponents of the war cult. War, instead of promoting the noblest of our emotions, evokes, for the most part, the most base and brutal traits in human behavior. Lust, cruelty, pillage, corruption, profiteering, and intolerance are among the attitudes invariably generated by military activity. As

Elmer Davis has done well to point out, the first World War struck a blow at western civilization from which we may never recover:

> Spiritually and morally, civilization collapsed on August 1, 1914—the civilization in which people now middle-aged grew up, a culture which with all its shortcomings did give more satisfaction to more people than any other yet evolved. Young people cannot realize how the world has been coarsened and barbarized since 1914; they may feel the loss of the security into which their parents were born but they cannot appreciate how much else has been lost; even we who once had it cannot recall it now without an effort. But the collapse of a great culture is a long process; it took the Roman world four or five centuries to hit bottom. Since 1914 we have slipped back as far perhaps as the Romans slipped between the Antonine age and the days of Alexander Severus.[17]

Yet, fallacious as the theory of the war cult may be, it is still powerful and constitutes one of the chief obstacles to any sane discussion of war or much practical achievement in the cause of peace. There is no intention in this book to criticize or disparage existing military and naval establishments which are essential to national protection while the war system continues. We are merely attacking the philosophy which defends and perpetuates the war system and renders armies and navies necessary. At the same time, military and naval authorities have no legitimate right to interefere unduly in the affairs of the civil government or to dominate educational policy.

Akin to the cult of war is the sentiment which is usually christened "patriotism." In discussing this matter we must distinguish between two altogether different concepts. One is that noble ideal of devotion to the social community, which was first extensively developed by the ancient Greek philosophers and expounded more thoroughly by the modern German and English Idealists. This is, perhaps, the highest of human socio-psychological achievements and is one of the things which most distinctly separates us from the animal kingdom.

On the other hand, we have that quasi-savage sentiment of group aggression and selfishness, known as "Hundred-Percentism." This is a projection into modern civilization of the psychology of the animal hunting-pack and the savagery of primitive tribesmen. It is certainly one of the lowest, most brutal, and most dangerous of psychic attitudes and behavior patterns. The scientific and industrial revolutions have given it a technological basis for nation-wide expression and made it a world menace.

Down to the outset of the nineteenth century there could be little national patriotism, because the majority of mankind knew little beyond the neighborhood or local group. Suddenly, the telephone, the telegraph, the cable, the railroad, the printing press, the cheap daily newspaper, free city and rural delivery of mail, the movies, and the radio spread neighborhood superstitution, narrow-mindedness, provincialism, and savagery

---

[17] Elmer Davis, "We Lose the Next War," *Harper's Magazine*, March, 1938, p. 342.

throughout the entire limits of a great national state.[18] Thus we may all simultaneously pick up our morning papers at the breakfast table and have our group pride inflated by the record of the doings of the American marines in Australia or Eritrea, or have our passions aroused by an alleged insult to our national honor in Persia or Timbuktu. The citizens of an entire state may now be stirred as rapidly and completely by the press, radio, and newsreels as a neighborhood was a century ago by a visit of a messenger from the battle-front. The potentialities of the movies and the radio in the service of patriotic fanaticism almost transcend imagination. Until we are able to deflate and suppress a narrow patriotism and to substitute for it the constructive sentiment of civic pride and international good-will, there can be little hope of developing those coöperative attitudes and agencies upon which the program of world peace depends.

A powerful stimulant to savage patriotism has been national history and literature. In the first place, our histories have been filled primarily with records of battles and the doings of military and naval heroes. A country's importance and prestige have been held to depend primarily upon its warlike achievements. The activities of scientists, inventors, or artists, who have been the real architects of civilization, receive scant notice. Hence it is not surprising that, as children, we develop the opinion that war is the most significant and important of all human activities.

Even worse, the record of wars and diplomatic intrigues, has been notoriously distorted in school textbooks. The country of the writer is usually represented as having been invariably right in all instances of international dispute, and all wars are represented as gloriously fought defensive conflicts. In this way, fear, hatred, and intolerance of neighboring states are generated in the minds of school children, to be continued later through the biased and prejudiced presentation of international news in the press and on the air and screen. Little training is afforded in the development of a judicious and reflective consideration of international issues, though a few textbook writers have, of late, attempted to improve both the subject-matter and the tone of our school textbooks. Their salutary efforts have, however, been savagely attacked by innumerable patriotic and hyphenated societies which endeavor to stir up international hatreds and prejudices. Such attention as is given to the questions of national culture in many textbooks is usually devoted to a demonstration of the superiority of the culture of the author's country to that of any adjoining political group.

In recent years, writers have called our attention to the dangers in the super-patriotic teachings in the history textbooks in the United States. But, as J. F. Scott has amply demonstrated, the school textbooks in most European states have been far more chauvinistic and bigoted than the worst of the school texts in this country even a generation ago. When

[18] See above, pp. 219–221.

the minds of children are thus poisoned with suspicion, fear, arrogance, bigotry, and intolerance, there is little hope that they will develop a sense of calmness and justice in their scrutiny of international affairs. The foregoing psychological causes of war are regarded by the author as of transcendent importance, because all other factors—biological, social, economic, or political—become active only through their psychological expression.

In practice, nearly all the psychological causes of war emerge in direct relation to, or as some mode of manifestation of, nationalism.[19] Therefore, nationalism is, unquestionably, one of the most dangerous menaces to world peace, and the attacks upon nationalism by Carlton J. H. Hayes and others is a most promising way to undermine the war system. We do not ignore or minimize the economic factors underlying international rivalry and war, but we do contend that contemporary economic processes produce or threaten war, in part, because they are interwoven with the "nationalism" complex.

Finally, one of the most dangerous and stubborn psychological causes of war is the semi-fatalistic assumption that war is "inevitable," and that it must be resorted to frequently, as a means of solving both domestic and international problems. This attitude is well-expressed in Colonel Robert Stockton's big book, *Inevitable War*,[20] and more learnedly and moderately in Hoffman Nickerson's *Can We Limit War?*[21] So long as mankind goes on assuming that war is inevitable, it surely will be such.

Sociological Causes of War. Of the alleged sociological causes of war, the most important rests upon the tendency of groups to develop conflicting interests and to struggle for their realization, by physical force if necessary. It is alleged that this inevitable conflict of interests can scarcely be eliminated by any degree of social progress.

Gustav Ratzenhofer, A. W. Small, A. F. Bentley, and others have convincingly shown that the struggle of conflicting interest-groups is even more prominent within each state than between different states. Yet this struggle of groups within the state does not take the form of physical conflict, but rather tends toward adjustment, and compromise. If we developed the same degree of legal control in world society that prevails within the boundaries of each state, there would no longer be any need for national groups to resort to war to obtain their legitimate desires. The constructive forms of social conflict must become economic, cultural, and intellectual. This sort of competition may prove a stimulant to progress, but physical combat will inevitably throw mankind back toward primitive barbarism and misery.

Economic Causes of War. The Industrial Revolution produced an enormous increase in the volume of commodities available for sale. The older home markets proved inadequate for the increasing flood of goods.

---

[19] See above, pp. 219 ff.
[20] Perth, 1932.
[21] Stokes, 1934.

It seemed necessary to find new markets overseas. In part, these markets might be discovered among highly civilized peoples in distant lands, but the industrialized countries also endeavored to develop or exploit colonies as potential customers for goods manufactured in the mother country.

Next to the quest for markets, probably the most dynamic incentive to imperialism, particularly in the last generation, has been the struggle for control over the sources of raw materials. The zeal exhibited in the effort to get command of oil and rubber supplies was but the most conspicuous contemporary manifestation of this struggle. As a result, most of the areas which were not already under the dominion of independent modern states by 1870 have been parceled out among the British, French, Russians, Dutch, and Americans. This revived scramble for overseas territory was one of the most potent causes of international disputes in the fifty years before 1914.

The Industrial Revolution, in due time, created an extensive supply of surplus capital that sought investment in overseas dominions. This, in itself, was legitimate enough. But the investors demanded special protection and unique rights, independent of the laws and customs of the country in which the investments were made. Extra-territorial rights were established, which made the resident investors and their agents free from the laws and courts of the exploited country. Each imperialistic state, in administering its laws abroad, is, naturally, biased in favor of its own nationals.

In many cases, when the exploited state was weak enough in a political or military sense to facilitate such oppression, foreign investors have even induced their home governments to impose severe economic handicaps upon the country undergoing economic penetration. A notorious example of such procedure was the limitation of the customs duties which might be imposed on imports by the Chinese government. Chinese merchants, shipping goods into foreign countries, were compelled to pay the often extortionately high customs duties imposed on Chinese exports, while the Chinese were themselves limited to notoriously low customs rates on goods shipped into China. The Boxer Rebellion of 1900 and other uprisings in China were very largely caused by the oppressive activities of foreign investors, supported by the armed forces of their home governments.

Even more serious has been the psychic intimidation and the military or naval occupation of weaker states at the behest of investors. A man who invests capital in some weak state may believe that his interests are not adequately protected by the laws and institutions of the state in which he is carrying on business, or he may find it difficult to collect his debts in that country. He then hastens to the State Department or Foreign Office of his home government and demands that his economic and financial interests be protected by the army or marines of the mother country. This procedure is a direct repudiation of the long established practice in regard to domestic debts within any state. An investor at home would never for a moment dream of requesting so preposterous

a thing as the use of the standing army to enable him to collect a debt. The forceful occupation of weaker or dependent states in order to protect investments or to collect the debts due to private citizens has produced a large number of irritating and oppressive incidents in modern international relations. Perhaps the most notorious have been our own relations with various weak Latin-American countries, where our foreign policy has been extensively dictated by the interests of our investors. But our behavior is only a representative illustration of a nearly universal practice on the part of the more powerful states of the modern world and their financial moguls.

The economic causes of war will never be eliminated so long as the archaic principle of the protective tariff remains an unabated nuisance. In the late eighteenth and early nineteenth centuries there was a steady movement toward free trade, but the rise of modern industrialism, nationalism, and imperialism produced a strong reaction after 1870 in favor of economic nationalism. However, even the most extreme exponents of the protective tariff then contended that it was desirable only when it might help a developing industrial state to establish itself in a condition of relative economic equality with more advanced states. As Friedrich List himself admitted, there is no valid justification for protective tariffs among well-developed industrial states. Yet modern politicians and special economic interests have secured a nearly universal adoption of the protective tariff system, which is nothing less than a form of economic warfare. Particularly has this been true of the discriminatory tariff arrangements which were common in Europe before the first World War and which, in most cases, were continued in an even more irritating form after that conflict officially terminated. The effort of Secretary of State Cordell Hull to negotiate for agreements providing for a mutual lowering of tariff rates has been highly commendable. But, so far, it is a mere idealistic bubble on the surface of the vast ocean of protectionism.

The basest of all the economic causes of war are those related to the propaganda of munitions manufacturers—the "merchants of death." Such organizations subsidize militaristic propaganda, support patriotic societies, and contribute enthusiastically to the maintenance of speakers and periodicals that are devoted to keeping the military cult forcefully before the people. It has not been uncommon for munitions manufacturers to bribe foreign newspapers to print highly alarmist news in order to stir up fear in their own country. This makes possible a larger appropriation for armament and munitions and thus increases government orders.

Then there are the economic vultures who see in war an opportunity for unique pecuniary profit, and are willing to urge a policy which leads to enormous loss of life and an increase of general misery. Such persons were particularly active in urging the United States to enter the first World War and in demanding the continuance of the War until the Allied troops stood in Berlin. A generation later they enthusiastically sup-

ported the program for a great armament and urged our entry into the second World War long before the attack on Pearl Harbor.

It has long been apparent to intelligent economists that modern methods of communication and transportation have tended to make the world ever more an economic unit, characterized by interdependence and a necessity for coöperation. But the archaic economic practices and dogmas and the bellicose attitudes which have come down from an earlier era prevent us from thinking and acting sanely in the field of world economic relations.

Further, as Norman Angell warned before the first World War and fully proved upon the basis of its results, a great war can no longer be a profitable one, even for the victors. The main hope for the mitigation of the economic forces making for war is, on the one hand, the development of an educational program designed to reveal the menace of economic imperialism and the high protective tariff system and, on the other hand, the gradual recognition on the part of the more intelligent and farsighted bankers and businessmen that the old system is wrong-headed in its notions and must be modified, if ultimate disaster is to be averted.

Economic maladjustment, poverty, misery and personal insecurity contribute in various ways to the danger of war. These conditions encourage discontent, rioting, and threats of rebellion. Rulers are prone to resort to war to distract attention from domestic discontent and to galvanize the populace in patriotic support of a foreign war. Further, a sense of insecurity, oppression, and desperation makes the underprivileged willing to accept or gamble on the outcome of a war. They reason that nothing could be worse than the present, while a war may bring better times at its end. While it lasts, it provides excitement and some kind of living. Hence, wars are likely to be most frequent when a socio-economic system is disintegrating and misery is most rampant. This cause of war also suggests that the elimination of war is intimately linked up with the provision of social and economic justice.

Political Causes of War. Among the most important of the political causes of war is the modern national-state system, the psychological results of which were mentioned above in connection with the military cult and conventional patriotism. Largely as a result of the rise of modern capitalism and the Protestant Reformation, the benign medieval ecclesiastical dream of a great international organization, uniting most of Europe, was replaced by the actuality of the modern national state. The national state was first thoroughly legalized in European public law in the Treaty of Westphalia in 1648. The sovereign independence of nationalities, in a political sense, was at first confined primarily to the greater European states. The aspiration to attain independence soon spread to the lesser peoples, and the nineteenth century was, in part, taken up with their struggles for emancipation.

Because subject nationalities were frequently oppressed by the greater states, political independence became regarded by these oppressed peoples as necessary for the expression of the purely cultural fact of nationality.

The acceptance of this view promoted the creation of a large number of small national states, which constitute just so much greater invitation to war, unless brought within some world organization or some European federation. The Treaty of Versailles carried to the logical extreme this recognition of political nationalism—"international anarchy"—without safeguarding the process by creating a strong international organization. It is possible that nationalism may be adjusted to world organization, but it must be a nationalism more temperate and conciliatory than that which motivated and conditioned European psychology in the century before the first World War and headed us toward the present conflict.

Next to its psychological expression in fanatical patriotism, the chief reason why the national state has menaced peace and world order is the fact that nationalism has been linked up with the conception of absolute political sovereignty.[22] This was a notion derived vaguely from Roman law,[23] but primarily developed by political philosophers from Bodin in the sixteenth century, through Hobbes, Blackstone, Bentham, and Austin to J. W. Burgess in our own day. In the words of Burgess, it means the "original, absolute, unlimited, universal power of the state over the individual subject and all associations of subjects." Such a political concept, held to be the bulwark of the modern political order, has naturally proved a nasty theoretical stumbling-block to any movement for world organization. It has been maintained that any such plan would involve some sacrifice of sovereignty and independence, and would, therefore, pull down the whole edifice of modern political society in its wake. Added to this metaphysical fetish has been the even more dubious notion of "national honor"—a phrase normally used to cover supposedly non-judicable topics and disputes

This view of absolute political sovereignty is a purely metaphysical fiction, the power of the state being, in both theory and practice, limited by every treaty and international arrangement, as well as by the social power exerted by various groups within the state. The concepts and practices of political pluralism are already severely challenging the theory of the omnipotent sovereign state.[24] We may safely hold that there is nothing in sound political science of the present time which constitutes any obstacle to plans for an effective society of states. Yet the fetish of the absolutely sovereign state still persists, to give pathological sensitivity to many contemporary statesmen, when any program of world unity is brought up for discussion.

The view that there are disputes which a state cannot submit to adjudication without a lesion of "national honor" is as misleading as it is to contend that there are matters which a private individual should not submit to the courts of law. The concept of "national honor" is not an

[22] *Cf.* P. W. Ward, *Sovereignty: A Study of a Contemporary Notion*, Routledge, 1928.

[23] See M. P. Gilmore, *Argument from Roman Law in Political Thought, 1200–1600*, Howard University Press, 1941.

[24] See C. E. Merriam and H. E. Barnes, *History of Political Theories: Recent Times*, Macmillan, 1924, chap. iii.

asset to national dignity or world order, but an evidence of international lawlessness, comparable to duelling and lynch-law within the state.

From a more dynamic point of view, Quincy Wright finds that there are three main political causes of war: (1) an unjust or archaic legal system, which fails to promote or protect the basic social and economic interests within a state, thus giving rise to class or group resentment, and producing a state of opinion hostile to the given situation and eager to remedy it, by war if necessary; (2) an unstable equilibrium among the states with a division of countries into "haves" and "have-nots"; and (3) the lack of an adequate international organization to deal with conflicts by legal rather than warlike methods.

An excellent schematic outline of the causes of war has been presented by Carl V. Herron. It does not differ markedly from that of the foregoing discussion of the so-called war system:

ECONOMIC
1. The "profit motive" (munitions manufacturing, commercial discrimination, high tariffs, etc.)
2. Unequal distribution of wealth, international envy and greed, natural or artificial disasters such as famines, etc.

POLITICAL
1. Imperialism
2. Nationalism
3. Dictatorship
4. Tyranny

RELIGIOUS
1. Prejudice, intolerance, etc.
2. Paganism

RACIAL
1. Prejudice
2. Minority problems

SOCIAL
1. Anti-social acts or ideologies
2. Treaty-breaking (or the imposition of unfair treaties)
3. Over-population

INTELLECTUAL
1. Ignorance
2. False propaganda
3. Mental slavery
4. The war cult.

The foregoing discussion of the more obvious fundamental causes of war should show how broad any adequate program for securing world peace must be.[25] The pacifist has normally been a single-track reformer, putting his trust in some one panacea, such as disarmament, outlawry of war, international arbitration, international conferences, international discussion clubs, religious unity, leagues of nations, free trade, non-resistance, and so on. While every one interested in the cause of peace

[25] See Quincy Wright, "The Causation and Control of War," in *American Sociological Review*, August, 1938, pp. 461–474.

should be allowed to affiliate himself with whatever branch of the general peace movement arouses his most enthusiastic support, he should understand that his particular scheme will be helpful only as a part of a larger whole. The more effectively we reduce the causes of war, the more likely is outlawry or renunciation to succeed.

The Impact of War upon Society and Culture

The Axis powers have glorified war as a noble human enterprise. It is held to purify our minds, to buck up our moral fiber and resolution, to strengthen our bodies, to improve the quality of the race, and to bring economic benefits which far outweigh the costs of war.

There is no denying the fact that war did bring certain important benefits to mankind in the early days of social evolution. War put an end to small primitive groups and was a powerful influence in creating great states, which could introduce order on a large scale and secure coöperative enterprise from extensive populations. No doubt war contributed a good deal to the improvement of social discipline in early historic society. In certain cases, war also paved the way for a greater degree of peace than normally prevailed. This is illustrated by the widespread peace brought to the realms within the Persian and Roman empires. War also helped to put an end to feudalism and to create national states in early modern times, thus making possible more orderly existence and better protection of life and property.

War has also done something to stimulate the growth of science and invention, from the days of stone weapons to those of the modern air-bombers and submarines. Some examples are the Bessemer process of making steel, to find a cheaper metal for cannon and other firearms, the discovery of latent heat from boring out cannon, the origins of mass-production in Eli Whitney's use of standardized parts in the manufacture of muskets, the search for new alloys in recent times, and the progress in antisepsis and surgery stimulated by the urgency of war. But probably all these contributions of war to scientific and technological progress have been far more than offset by the destruction which war has wrought through improved weapons.

Moreover, it may fairly be said that such benefits as war has brought to society, outside of science and invention, were made mainly in centuries prior to our own. Even then, it is probable that the advantages conferred by war were outweighed by the damage to life, property, and human happiness. War today is surely an almost unmitigated liability to contemporary civilization. If in the following pages we may present an almost unrelieved picture of the disasters accompanying war, it is only because we cannot discover any benefits which war brings to twentieth-century society and culture.

War affects society in a profound and diversified fashion. It shifts notably the relative prestige and power of leading social institutions. The state and the army are elevated to a supreme position of reputation

and authority. Those institutions which are most important in peace time, such as the family, community, church, school, and property, are subordinated. Elevation of the state and the army to a position of supremacy carries with it the necessity of unreasoning obedience to the dictates of government. In extreme cases, the military establishment may actually take over and dominate the government.

The institutions subordinated by war are also disrupted in various ways. The family is especially hard hit through the withdrawal of males into the army, the death of wage earners on the battlefield, privation and poverty among those who remain at home, and an all too frequent demoralization within the family. Prewar families are undermined or broken up, and a large number of unstable war marriages are contracted, which are often followed by divorce, desertion, and misery in the postwar period.

The first World War demoralized the school system in a number of ways. Interest was diverted to war-time activities. Sceptical tendencies were suppressed by war propaganda. Academic freedom was lost, teachers were taken into war service, and excessive expenditures for war purposes led to severe curtailment of appropriations for education.

The church is also perverted and degraded by war. In the first World War, ministers of the gospel contributed their part to war propaganda and brought the sanction of Christ to blood-letting. Preachers who insisted on remaining true to their prewar convictions and continuing to advocate pacific and tolerant notions got into serious difficulties. Warmongering on the part of the church undermined its standing with thoughtful persons when peace returned. There was a feeling that the church had forfeited its claim to respect and trust.

Community attitudes and activities change notably during war. Interest in education, relief, music, and other community projects declines, while various forms of war activities absorb the community. It devotes itself to supporting the Red Cross, making bandages, promoting the sale of government bonds, and carrying on war propaganda.

In peace time, property is the most sacred of all human institutions in capitalistic states. But war can even lessen the sanctity of property. In war time, the state controls industry much more thoroughly than in peace. The government determines the armament program and demands that industry shall conform to it, even to the extent of ceasing the production of peace-time commodities. Capital and labor may both be regimented. The plants of stubborn employers are taken over, while striking laborers may be threatened with prison terms. While it is rare that a war produces outright confiscation of property, property rights and holdings may be threatened by crushing taxation, limitation of profits, and inflation.

Wars produce a tremendous waste of natural resources and productive effort. The amount of the economic losses during the first World War, about 350 billion dollars, was enough to have furnished: (1) every family in England, France, Belgium, Germany, Russia, the United States,

Canada, and Australia with a $2,500 house on a $500 one-acre lot, with $1,000 worth of furniture; (2) a $5,000,000 library for every community of 200,000 inhabitants in these countries; (3) a $10,000,000 university for every such community; (4) a fund that at 5 per cent interest would yield enough to pay indefinitely $1,000 a year to an army of 125,000 teachers and 125,000 nurses, and (5) enough left over to buy every piece of property and all wealth in France and Belgium at a fair market price.

Where the business classes are strong enough to maintain their control over the government, even in war time, we are likely to have orgies of profiteering at the expense of the government, the public, and the army. Most of the great wars in the last century have produced war millionaires, and the first World War created thousands of them.

Unfortunately, even the staggering initial cost of war is only the start. Pensions, war-risk insurance, veterans' bonuses, and other economic charges often far exceed the original cost of war. We paid out much more in pensions to Civil War veterans and their dependents than the war cost us from 1861 to 1865. The same is proving true of the financial aftermath of the first World War. To June 30, 1941, the United States Veterans' Administration had disbursed over 25 billion dollars.

Another serious economic result of war is the industrial dislocation it produces. When wars are over, there is always great difficulty in shifting from war-time activities to peace-time production, and in transforming soldiers from a military to an industrial army. War may bring about a sweeping economic revolution, as in Russia during the first World War. Most other countries in western Europe narrowly escaped a similar post-war revolution in 1918–1919; the revolution in Italy, in 1922, and in Germany, in 1933, may be attributed to the impact of the first World War.

War conditions stimulate the major social evils. The moral breakdown in war time, the growth of a war-time morality, and the disruption of family relations increase the extent of prostitution and unconventional sex relations. Crime is increased as a result of the breakdown of normal social control, the disorganization of family life, the increase of poverty, and the demoralizing associations of war time. The loss of breadwinners and the rise in the price of the necessities increase human misery and swell the ranks of dependents. Their condition is rendered still more deplorable by the fact that relief agencies are crippled during war time, through the concentration of public interest and community expenditures upon war projects. Wars leave in their wake a great mass of miserable and maladjusted persons who create new and challenging problems for social workers in the period of readjustment.

During war time the army tends to develop a morality all its own. When sex relations within the family are disrupted, the soldiers substitute loose sexual relations with "charity girls" and prostitutes. Even normally virtuous girls frequently consort with soldiers, under the illusion that they are rendering a patriotic service to their country. The new laxity is often justified on the ground that it is contributing to the defeat of the enemy. But perhaps the intolerance, cruelty, and brutality of

war psychology and war conduct may be regarded as greater breaches of morality than sexual laxity.

Perhaps the most disastrous effect of war on human society is the brutalization of the human race, as a result of ruthless massacres on the battlefield, the starvation of women and children through blockades, the irresponsible lying involved in war propaganda, and so forth. The brutalizing effect of war has been impressively described by André Maurois in an article on "The Tragic Decline of the Humane Ideal" in the *New York Times Magazine*, June 19, 1938:

> These completely useless massacres [of Chinese civilians] shock us, but we feel powerless to stop them. We have lost not only our courage but our desire to act. The humane ideal, whose noble aims were generally respected before the World War, has declined during the last ten years to a condition of primitive violence and cruelty. We are again becoming accustomed to the ferocity of which several centuries of civilization had seemed to cure the human race; and this new barbarity is far more dangerous than that of the savages because it is armed by science.
>
> Picture a European couple who got married in 1913. In the present year, 1938, they are celebrating their silver wedding. Compare the world as it appeared to this couple at the time of their marriage with the world that they now live in, and you will realize what a terrifying decline has taken place. At nearly every point the forces of civilization seem to be sounding a retreat. In 1913, physical security for Europeans was assured. The idea that a town could be half destroyed in a single night without declaration of war, that thousands of women and children could be killed by bombs, nuns massacred by rioters, non-belligerent ships torpedoed in the Mediterranean by pirates would have seemed mad.
>
> Civil and religious liberty, at least in western Europe, seemed to be safe from attack. In no civilized country at that time would a man have been persecuted for his beliefs. Only his actions, if they were against the law, would have exposed him to punishment. Between country and country the movements of persons and goods were free, trade was regular and profitable and currencies maintained a more or less stable purchasing power.
>
> A man who had saved during his working life could be confident that he would be secure against poverty in his old age; fathers took steps to safeguard the future of their children; in every class of society reasonable people made plans, looked forward to their realization and believed in man's power over material things and events. At the same time, moral influences were strong; even those who did not practice goodness and tolerance would not have dared to say in public that these virtues were crimes; the growing wealth of society made social reforms fairly easy; violence was praised only by a few fanatics and a few theorists. The peace of Europe protected a great civilization. . . .
>
> During the war of 1914, humanity once more served a gruesome apprenticeship to violence. The tiger which has tasted blood no longer hesitates to attack man; men who have learned to kill no longer have the same respect for human life. To bombard an open town would have been criminal lunacy in 1913. But to us, in 1938, who have become familiar with the idea through war itself and through photographs and films of warfare, it has become no more than an "unavoidable necessity."[26]

Wars can bring about profound changes in the mentality of populations. War propaganda stirs up emotions and arouses passions, some-

[26] *The New York Times Magazine*, June 19, 1938.

times to such a degree that whole nations are turned into veritable mobs, so that people become absorbed in war issues and are savagely intolerant even of slight deviations of opinion. In the first World War, the most ruthless and conscienceless lying was indulged in by those who directed war propaganda; and the censorship in war time prevented any counter-propaganda and eliminated any opportunity for truth to make itself felt. Many civil liberties are suspended in war time and repressive laws are passed, often contrary to the most fundamental principles of the country in peace time. Conscientious objectors to war are often harshly dealt with and in some instances have been slain.

War has disastrous effects on culture. The mind is distracted from literature, music, and art and is directed to killing enemies and to supporting the morale of those devoted to killing. Even such artistic effort as continues is primarily devoted to arousing and sustaining hatred and to bolstering army morale. Matters in point here are war music, war posters, war drama, movies and the like. The war pictures and posters of George Bellows in the first World War and of Thomas Hart Benton in the second World War are good examples of the exploitation of art in war time. Many cathedrals, libraries, and other great architectural monuments may be ruthlessly bombed and burned, and art museums may be destroyed or rifled. Scholarship tends to be debased. Even the ablest scholars may descend to lying and misrepresentation in war propaganda. Scholarly endeavor is devoted to the discovery of more efficient methods of destruction, such as laboratory research into the potentialities of "germ warfare" and the like.

It is often contended that, whatever the disastrous effects of war, at least it has a beneficial biological influence upon the human race; that it intensifies the struggle for existence and thus insures the survival of the fittest. Such a contention might have been true of the wars among savages, where physical strength and bravery played a major rôle in the outcome of battle. Today, however, our mechanized war is no biological struggle; it is a conflict of technology and psychology. A battalion of dwarfs, with armored tanks, could put to flight tens of thousands of brave giants armed only with rifles or cutlasses. In fact, war tends to reduce the physical quality of the population by drawing off the best types among the males of the population, to be murdered in mass by our contemporary instruments for dealing out death.

Wars also increase the frequency and deadliness of disease. The congregation of soldiers from various parts of the world starts epidemics. Typhus is essentially a war epidemic. Some say the influenza epidemic of 1918 killed more persons than the Black Death of the late Middle Ages. Venereal disease and dysentery become more frequent in war time. In the first World War some 7 million days of service were lost by American soldiers as a result of venereal disease. Some 339,000 soldiers, the equivalent of 23 divisions, were treated for venereal disease. The reduction of vitality, through impoverishment and through starvation due to blockades and the like, tends to make disease more deadly. Many doctors are

drawn away for army service and medical care becomes inadequate for civilians.

Mental disorders also become more numerous in war time. What was called "shell-shock" in the first World War is a mental disease caused by tense war-time conditions. Nearly a quarter of a million soldiers were discharged from the British army alone during the first World War because of mental disease. Many of the shell-shocked and deranged soldiers failed to recover and became chronically insane. Thousands of such cases are segregated in veterans' hospitals and other institutions for the mentally ill.

Battlefield mortality and disease enormously increase the death rate. At the same time, the birth rate is usually lowered because the more vigorous males in the procreative ages are taken away from home for long periods. Other males are wounded, maimed, and reduced in vitality. In northern and western Europe, the birth rate dropped from 24.2 for the years 1911–1914 to 17.0 for the years 1915–1919, a falling off of about 30 per cent. The effect is continued as the younger and more vigorous males are killed off. In the first World War, 72 per cent of German military deaths and 55 per cent of the French were of men under 30 years of age. Malnutrition and poverty decrease the fertility of women and increase infant mortality. One of the reasons for the marked slowing-up of population growth after 1920 was the impact of the first World War upon population trends.

War hastens social change and promotes social revolutions. Wars ended tribal society and hastened the decline of the Roman Empire. They ended Feudalism and set up the national state. They spread the principles of the French Revolution. They brought Communism to Russia and Fascism to Italy and Germany. The second World War may bring about the destruction of many of our modern institutions. While social change is not always to be deplored, it is certainly far better to have it brought about, if possible, by orderly and civilized reforms instead of the violence and hysteria of war time. Social change produced by war is not only cruel and wasteful but it may also promote reaction and counter-revolutions that place in jeopardy whatever gains have been made.

One of the worst results of war is its effect upon peace. The state of mind produced by war makes it almost impossible to negotiate a just and constructive peace treaty at the war's end. Hatreds are so intense that the victors are impelled to impose a vindictive peace upon the vanquished, producing resentment and a desire for revenge. In this way, the peace which follows one war becomes a cause of the next war. This was notably the case with the first World War, though Woodrow Wilson had sought to avoid any such result. While many other factors contributed to the coming of the second World War, no informed and fair-minded person can very well doubt that the fundamental cause of the second World War was the postwar treaties of 1919. Thus wars tend to breed wars, in endless succession and confusion.

Prelude to the Second World War

The threat of war, which hung over the world between the the two world wars, was by far the most ominous single aspect of the world-crisis. If peace could be preserved, there was some chance that we might bridge the gulf between machines and institutions and preserve civilization. But another devastating world war intervened.

The war threat of the last decade rested on many stubborn foundations. There was the old war system, compounded of nationalism, imperialism, secret diplomacy, and the like, which brought about the World War of 1914. This system was not modified in any important way after 1919. Its spirit permeated the peace settlement at Paris and postwar diplomacy.

The basis for a new war was laid by the Treaty of Versailles in 1919. Never was a greater opportunity presented to man to use generosity and statesmanship in the interest of permanent peace, and never was an opportunity for good turned down more completely and ruthlessly. All the war ideals of the Entente were brazenly betrayed. The defeated nations were shamefully treated, both morally and materially. In the end, the handicaps placed by the victorious Allies upon the German Republic destroyed it. The resentment over the Versailles settlement encouraged the German people to rally to Hitler when he promised to destroy the Versailles system—a promise which he kept, only to replace it by something which soon appeared to be far worse for both Germany and the world.

We had been promised that the War would end great armaments, terminate secret diplomacy, curb nationalism, create a world-state, outlaw war, and make the world safe for democracy.

The armament race after the first World War was more feverish and extensive than before 1914. In 1938, the world spent about sevenfold more on armaments than in 1913, the last prewar year. In 1913 the armament expenditures were about $2,500,000,000. By 1932 they stood at $4,000,000,000; in 1936, at $11,000,000,000; in 1938 at $17,000,000,000; and in 1939 at about $20,000,000,000. But the armament expenditures during the second World War made those of 1939 seem almost a disarmament budget. The United States, alone, appropriated $160,000,000,000 between June, 1940, and March, 1942.

A number of conferences on disarmament, such as that in Washington in 1921–1922, the Geneva conference of 1927, the London conferences of 1929–1930 and 1935–1936, and the Geneva conference of 1932–1934, all proved completely futile. As we just pointed out, the world was in 1939 spending nearly ten times as much on armaments as in 1913. Never before did the world spend as much in getting ready for mass murder.

In the period after the first World War, much attention was devoted to the armament industries and to their propaganda against disarmament and world peace. These industries included the manufacturers of powder, high explosives, bullets, shells, cannon, rifles, and other materials, used directly in battle, and also shipbuilding firms, steel companies, and the like, that build war vessels and similar instruments of combat.

Public interest was aroused by the senatorial investigation of the activities of one W. B. Shearer at the Geneva Arms Conference of 1927.[27] It was revealed that Mr. Shearer had been engaged in propaganda for steel and shipbuilding interests that were pushing the "big navy" campaign. He wrote articles and made speeches in behalf of naval expansion, conducted a lobby at Geneva against disarmament and in support of a large American navy, attempted to manipulate American politics in favor of armament expansion, and organized a comprehensive campaign of propaganda against the League of Nations, the World Court, and other pacific agencies. Shearer actually boasted that he was largely responsible for breaking up the Geneva Disarmament Conference.

Even more excitement was produced in the summer of 1934 when Senator Gerald P. Nye's investigating committee revealed the activities, among others, of the international "mystery man," Sir Basil Zaharoff, who was shown to have received large sums for his multifarious and devious doings in promoting the sale of various munitions of war, especially submarines. Much popular interest was also promoted during the same year by the publication of two forceful books on the armament industry, *Merchants of Death* [28] by H. C. Engelbrecht and F. C. Hanighen, and *Iron, Blood and Profits* [29] by George Seldes.

There is little doubt about the extensive character of the armament industry, its powerful propaganda, its insidious lobby, and its utter unscrupulousness in search of profits, not stopping short of selling munitions that were obviously destined to deal out death to fellow citizens. Yet, as Engelbrecht and Hanighen make clear, it is a mistake to blame the armament manufacturers alone for keeping alive the war system or to imagine that the closing of every armament factory in the world would end war. It is deeper forces, such as patriotism, imperialism, nationalistic education, and capitalistic competition, that really cause wars.

Nor is the greed of armament manufacturers at all unique. They simply follow the universal principles of finance capitalism, the theory of business enterprise, and the profit system. If British tank-makers hastened to sell Soviet Russia tanks when the British government was about to break off relations with Russia, so did leading moguls of finance capitalism sell short the stock of their own banks. If British airplane companies were ready to sell airplanes to Hitler, so did certain American corporation presidents make vast profits at the expense of their own stockholders. The armament propaganda and its serpentine manipulations should be relentlessly exposed, but friends of disarmament will have to go further afield if they wish to achieve success in ending war.

Secret diplomacy and international duplicity went on as before, despite the formal requirement that treaties must be registered with the League of Nations. There were thirty national states in Europe in 1939, as

---

[27] See C. A. Beard, *Navy: Defense or Portent?* Harper, 1932, chap. v.
[28] Dodd, Mead, 1934.
[29] Harper, 1934.

against eighteen in 1914. And each of these was as blatantly patriotic as were the fewer countries existent in 1914. Not only had psychological nationalism been intensified; economic nationalism had grown apace. The League of Nations was only a weak preliminary step toward a world-state, and it is today completely discredited by its failure to stand steadfastly against the aggression of Japan, of Italy, and of Germany. War was not outlawed, and the Kellogg Pact turned out to be colossal international hypocrisy. The reservations to the Pact made its terms inapplicable to any probable type of war. Democracy was in greater eclipse, both in theory and in practice, before the second World War started than at any time since the collapse of the Revolutions of 1848.

Economic factors since 1918 played their part in drawing Europe nearer to war. Tariff walls became ever higher and more numerous. Certain countries, such as Britain, France, and the United States, had large colonial empires or many areas of "special interest." This gave them markets and raw materials. Other great states—Japan, Italy, and Germany—had no comparable outlets and resources. After 1930, Japan and Italy, by bluffing their antagonists, carved out for themselves more extensive colonial possessions. Then Germany moved in 1938, and her attempt to expand supplied the spark which set off the long-threatened war. Certainly, as Simonds and Emeny have done well to emphasize, so long as the great powers were divided relatively into the "haves" and the "have-nots," there could be little hope of permanent peace. And it seems that the situation could not be remedied without war.

The Spanish civil war showed how preliminary wars could be fought without formally involving all of Europe. The Spanish rebel campaign would have amounted to little without the aid of Germany and Italy. Since the Loyalist forces received some assistance from Russia and France, there is some justification for calling the Spanish civil war the "little world war." It was a "try out" for what came after September, 1939.

In the light of these developments, it would have required almost a miracle to have prevented war. Powerful forces made for war, while almost none of any consequence worked against it. The usual argument against the prospect of war was based on the belief that the great powers would not fight, for fear of the frightful consequences of the new war machinery. But this was a futile argument—one which has been vainly advanced ever since the invention of gunpowder.

It is probable that a firm alliance of Britain, France, Russia, and the United States at any time before 1939 could have preserved peace. Hitler and Mussolini could scarcely have been so foolish as to risk war against such a formidable coalition of powers. But not even the threat of a fatal war could drive these great liberal and radical powers into effective alliance. Indeed, the British government and ruling classes deliberately strengthened and encouraged Hitler, so that he would be a bulwark against Soviet Russia.

The second World War came in 1939, and so incalculable appeared

its potential consequences, that no dependable prediction could be made regarding man's future, except that it was likely to be far different from the present.

The Social Revolution Behind the Second World War

If we want to understand what caused the second World War and where it is leading us we must dig deeper than the diplomatic stupidity of the democracies or the bellicosity of the dictators. The war came in 1939 because of the failure to bring our institutional life up to date through applying to it the same degree of intelligence that we have made use of in the scientific laboratory and in the realm of mechanical invention.

The gulf between our machines and institutions had suggested the need of readjustment even before the close of the nineteenth century. The first notable effort to accomplish something along this line took place in the German Empire under Otto von Bismarck. Bismarck introduced a comprehensive program of social legislation—social insurance, labor laws, and the like—which was designed to adjust German society to the Industrial Revolution and reduce the appeal of Socialism. His program was continued and extended under William II. The growth of the Social Democrats held some promise of a trend towards democracy in imperial Germany.

In England, a Liberal-Labor coalition carried through comparable reforms under democratic auspices between 1905 and 1914. English government during this decade may well be held to represent the most successful attempt of democracy in bridging the gulf between machinery and society. In France, stimulated by a great socialist, Jean Jaurès, there was also a considerable effort to bring institutions up to date through progressive social legislation. In the United States, there was a reverberation of this same trend in the so-called "Square Deal" program of Theodore Roosevelt. In the Australasian colonies of Great Britain there were advanced experiments in progressive social legislation. Considerable progress was also being made in approaching war in a rational fashion. Civilized persons were coming to understand that war is the most dangerous anachronism among all our institutional vestiges, and that a better method of adjusting world affairs must be provided. The Hague Court encouraged arbitration. Norman Angell was telling us, in his *The Great Illusion,* that wars are too expensive to fight. Andrew Carnegie was giving away his millions to promote the cause of peace. Nicholas Murray Butler was carrying on peace propaganda. William Jennings Bryan was negotiating arbitration treaties.

It is possible that then the gulf between machines and institutions might have been bridged by gradual and civilized reforms. But the war of 1914 rudely put an end to peaceful domestic reforms, brought about the most deadly conflict of all time, and set the stage for social revolutions of unprecedented scope and violence.

In Great Britain, the Liberal party was destroyed as a major political

force. The Labor party did not have the strength or experience to take over England. Britain lapsed into ineptitude and stagnation under a smug and blind Tory domination. Jaurès was assassinated in France just before the war broke out and no other great French leader stepped into his shoes. France became more nationalistic and reactionary. It was devoted primarily to holding the ill-gotten gains of Versailles rather than to solving the problems of the French economy. Even the well-intentioned Popular Front under Léon Blum came too late to accomplish anything significant and it lacked both courage and realism. The old monarchial government in Germany was overthrown, and the new Republic was too severely handicapped by the penalties of defeat to carry on effectively. In the United States we passed from the promising "New Freedom" of Woodrow Wilson into the shockingly inefficient and corrupt "normalcy" of Warren Harding and the Ohio Gang, and the even more dangerous "sleeping sickness" of the Coolidge era.

The economic cost of the first World War, amounting to the astronomical figure of $350,000,000,000, piled up great war debts. Crushing taxation to pay these off left little money for reform measures. The reactionaries in control of European states became more fearful of change and more adamant in their stupid resistance to reform. The Tories in England and the Conservatives in France became hysterical in their fear of Russia, and actually supported Hitler in the hope that he would present a formidable bulwark against Bolshevism. The victors in the first World War decided to hold their gains, even of they had to fight a second world war to do so. They spent more money than ever on armament, even though they had disarmed Germany and were not faced with any immediate danger.

It is in this frustration of reform and orderly progress by the first World War that we must seek the fundamental causes of the second World War. Since the Industrial Revolution, whenever any country has been reduced to desperation and crisis, it must resort to rapid and violent efforts to bridge the gulf between machines and institutions. Since the first World War, the result has been what we know as Totalitarianism—the crisis form of government and economy. As Lindsay Rogers pointed out long ago, totalitarianism is the natural and all-but-inevitable response to social desperation in our day.[30]

The impact of the first World War upon the rotten imperialism and feudalism of Tsarist Russia brought this archaic system down in ruins in 1917. The Bolsheviks took advantage of the crisis and set up a thoroughgoing Totalitarianism of the Left. After 1917, the Bolsheviks made a terrific effort rapidly to bridge the gulf between machines and institutions under Marxian guidance.

Italy was impoverished and disillusioned by the first World War, and its government after the war lacked the courage, resolution and vision to take matters in hand under socialist auspices. The response there to

[30] Lindsay Rogers, *Crisis Government*, Norton, 1934.

desperation and disintegration was the Fascist program of Mussolini and his Black Shirts. They set up the first Totalitarianism of the Right and sought earnestly to bridge the gulf according to Fascist patterns.

The German Republic was broken mainly by the vindictive penalties imposed upon it at Versailles in 1919. But the inefficiency and waste of the government itself must share the responsibility for the failure. When it was reduced to economic desperation by 1932, the natural response was Hitler, with his brown shirts and Swastikas. The Nazis have bridged the gulf between machines and institutions with a speed and ruthlessness unmatched elsewhere. But they also revived and extolled the war system to a degree unequaled since early modern times. Thus, their achievement in bridging the gulf has been an expensive failure, since war is the institutional antiquity most disastrous to existing society.

The first World War thus produced three ruthless totalitarian experiments which forcefully challenged what we regard as the fundamental modern institutions of nationalism, democracy, and capitalism. To meet the challenge, there was only an unrivaled collection of dry rot and dead wood, the natural outcome of frustrated progress.

In the great democracies of England and France, there was a disheartening spectacle of economic decline, the lack of a united front in facing public problems, stupid resistance to reform, and internal corruption. Diplomatic ineptitude and feebleness predominated. Foreign policies were dictated by the desire to protect the financial interests of a wealthy and effete minority rather than by a determination to render the country immune to military attack. Reckless gambling in world affairs took the place of rational diplomacy.

Orderly progress, following the prewar pattern, was to be observed only in the small Scandinavian states and in Finland and Czechoslovakia. The achievements of these states along the so-called "Middle-Way" patterns of social change were impressive indeed, but these countries were too small to count in determining the trend of world affairs in Europe.

In its most fundamental sense, the second World War represents the inevitable clash of totalitarian desperation with democratic dry rot. The democracies were too stupid and fearful either to get on living terms with the totalitarians and make reasonable concessions to them, or to crush them by military force while it was still possible.

Had Europe been able to avoid the second World War, the bridging of the gulf between machines and institutions might have proceeded more slowly and the violence attendant thereupon might have been greatly reduced. As it is, the second World War has not only brought on the crisis far more quickly, but it has greatly accelerated the tempo of social change. It seems likely that the decade following 1939 will bring about or set in motion social transformations more vital and far-reaching than those which have taken place in any previous century. It required two centuries to bring about the change from medievalism to modern society in England, where the transformation was the most rapid. It may turn

out that the transition from modern society to whatever new era lies ahead will be effected in a very few years, perhaps less than a decade.

So far as Europe and the Old Word are concerned, it already appears that the new era will be fashioned according to totalitarian patterns, no matter which side wins the second World War. France, in defeat, has already taken long strides towards totalitarianism. In order to conduct the war efficiently, Britain has gone over to an extreme form of state control in all phases of life. Win or lose, there is not much prospect of Britain's return to the type of democratic and capitalistic form of social organization that existed in 1939.

As we entered the war, we adopted a totalitarian way of life in order to wage war more effectively, with only slight probability that we could put off the totalitarian coat at the war's end. Thus, whatever the outcome of the current conflict in Europe, we face a new world pattern. The society and civilization of the future is likely to differ as greatly from that of Jeffersonian democracy or Gladstonian liberalism as these did from the society and culture of Louis XIV.

It would require a reckless man to dogmatize on what will emerge when the war is over and the world-revolution of our day is relatively complete. Had Britain won a fairly rapid victory with our aid, it would have been possible to revamp democracy and capitalism on a just and efficient pattern, an achievement already made by Sweden. It would also have been possible to create a federation of Europe which might assure world peace for generations.

A quick victory by the Nazis would have brought a ruthless but efficient consolidation of the Old World, with spheres of interest assigned to the main Axis powers. The military socialism of the Nazis would probably have been replaced by a "bread-and-circus" regime unparalleled in human history. This would probably raise living standards, but at the price of eliminating the blessings of liberty and free government.

A long war and a stalemate might lead to a virtual triumph for Soviet Russia and state socialism, unless Russia were exhausted. If the war is long drawn out and it ends in a stalemate, with no power or group of powers strong enough to make and execute a constructive peace settlement, then only chaos could be the immediate result.

If chaos is averted, the war is likely to bring about a far greater degree of state control over economic life, more expert but more bureaucratic government, the extinction of the full independence of small states, international consolidation, and a hard-boiled public psychology which will retard the restoration of the finer humane values for many years to come.[81]

---

[81] For the most competent forecast of the probable results of the second World War, see W. H. Chamberlin, "The Coming Peace," in *The American Mercury*, November, 1940; and by the same author, "War—Shortcut to Fascism," *ibid.*, December, 1940.

We may well conclude this chapter on war in our time by quoting the ringing denunciation of war as a system by Mrs. Franklin D. Roosevelt in the spring of 1942:

It is still difficult for me to see any reason for a war among peoples in this twentieth century, when human beings are supposed to have progressed in intelligence and civilization. The ramifications of war are so enormous many innocent people will suffer and we will all pay the price in one way or another. It chills me to my soul to think of the best of our young men going off to die or to return crippled in mind and body.

Out of this terrific waste of human life must come a realization and a determination on the part of people all over the world that no one really wins a war, and that today's territorial gains provide the fertile field for a future war. No peoples want war. It is the governments who precipitate them, and for future peace the peoples must govern themselves. We must all work for universal understanding.[82]

[82] Quoted in *The Arbitrator*, May, 1942. p. 3.

CHAPTER XI

Law and Justice as a Social Problem

Our Lawyer-Made Civilization

IN THIS and the following chapter we shall deal with some of the more important social problems which arise out of law and its administration in the United States in our day.* The most pressing social problems related to law and the administration of justice are, of course, the outgrowth of weaknesses and deficiencies in our legal and judicial system. Hence, we shall be primarily concerned with defects in law and current legal procedure. Good laws and their efficient execution do not usually create serious problems. We take for granted the important social services rendered by law and the courts, and freely concede the indispensable social functions of wise legislation and the fair and competent administration of justice. The surest way to secure better laws and more equable and certain justice is to expose fearlessly the prevalence of foolish and unjust laws and the arbitrary, incompetent, and unfair administration of law by our courts.

As in treating public health we have to deal chiefly with the problem of disease and the defects in medical service, so here we must treat mainly the grievous deficiencies of our system of laws and their execution. We do not propose to terminate medicine because disease still persists; we do, however, criticize inadequacies in medical service which make possible a far greater volume of disease and death than is at all necessary in our day. Likewise, we recognize the indispensable character of law and legal institutions. But society cannot profit to the maximum by their services so long as the present weaknesses and corruption in legal procedure continue. We are not at all concerned with sensational muck-raking or scandal-mongering. We are only interested in exposing the usual and commonplace defects in the administration of law which are well-known to all competent students of the problem and are universally recognized and condemned by upright lawyers. Unusual cases of legal incompetence and corruption make good reading, but they cannot be fairly regarded as prevalent and extremely significant examples of legal deficiencies.

This discussion is merely a restrained description of the legal process as it goes on in our day. Having had an unusual opportunity to enjoy the friendship and confidence of lawyers, from some of the most eminent law school deans, jurists and judges of the day to others who are frankly associated with racketeers and ambulance-chasing, the writer has had

* This chapter has been read and criticized by an eminent student of legal procedure, two distinguished professors of law, and a brilliant law school student.

special advantages in obtaining an account of the present state of the law from those who are in the best possible position to know about it. But the material in these pages is chiefly derived from printed sources, readily accessible and set forth by legal scholars of the highest reputation.

Law and lawyers are today the most important directive element in our civilization. Our technique of production, transportation, and communication may be determined and controlled by science and machinery, but our institutional life is dominated by law and lawyers. We hear much talk about "our scientific age," "our industrial society," "our mechanical civilization," and "our empire of machines." Nevertheless, ours is still a lawyer-made civilization, and one made by jurisprudence which reached its present character by 1825, before most of the great scientific and mechanical advances had taken place. But lawyers today stand in awe and reverence before these laws that reflect an earlier civilization, one which resembled that of Rameses II and Sargon more than it does our urban-industrial world culture. In other words, we are bound down, in the second third of the twentieth century, by legal theories and practices that accumulated in the vast reach of time between the Swiss Lake-dwellers and Andrew Jackson. There have been many new laws passed since 1825, but "The Law," as Fred Rodell calls it, has not changed. A good lawyer of 1825 could appear effectively in any ordinary court today without any additional legal education. A surgeon of 1825 would hardly qualify for admission to one of our better butcher-shops, to say nothing of a first-class city hospital.

Ours is as much a lawyer-made civilization, on its institutional side, as the civilization of Assyria and Rome was a military one, and that of the Middle Ages a religious one. The lawyers of today are the political priests who control our civilization as thoroughly as the Catholic priests dominated medieval institutional life. The United States Supreme Court in 1930 could fairly be compared with the medieval papacy under Innocent III. That it is now headed towards the declining status of the papacy under Boniface VIII is not so certain, though it seems probable.

Lawyers made our government in 1787 and they have run it ever since. Most of our presidents and legislators, and nearly all judges, have been lawyers. Lawyers not only administer and interpret our laws after they are made, but they take the lead in making them. These lawyer-made laws control our institutions and conduct, from corporations to divorce and from real property to prohibition and gambling. The utilization of the machines in our factories is controlled as much by constitutional and statutory law as by the laws of mechanics. Laws have organized and directed capitalism and thus supplied the pattern of our economic life. The basic economic problems of our age, which we discussed at the outset of Chapter V, arise mainly because our potential mechanical economy of abundance is transformed by archaic laws into an actual economy of scarcity. Many of the problems of property which we analyzed earlier grow out of law and lawyers, though we need not ignore the social and economic issues involved. Our moral values and personal behavior are mainly determined and executed by means of law.

Since legal education and court practice are based on the theory of, and adherence to, precedents, the tendency is to keep the law fixed and rigid and to encourage lawyers to exert their influence to prevent our civilization from changing. Yet, to keep pace with new social concepts and scientific discoveries, we have to alter our laws and adapt them to new conditions. If we are to avoid revolution, we must achieve orderly reform through adequate laws. Law will need to be transformed from a priesthood of stagnation and privilege into a science of social and economic engineering. This view and function of law is urged by progressive jurists like Dean Roscoe Pound and Jerome Frank. Ferdinand Lundberg clearly emphasizes the preëminent rôle exerted by law and lawyers in shaping our life today:

> The small body of approximately 175,000 practitioners, active and inactive, that constitutes the legal profession in the United States probably plays, in its softly insinuating fashion, a much more weighty social rôle than do editors or publishers, physicians or surgeons, educators or labor leaders, and perhaps even financiers or politicians. Lawyers may not in many cases make the final decisions that are of great moment to society; but they do give the final decisions of financiers, industrialists, labor leaders and politicians intellectual implementation to the end that they shall be accepted by a public conditioned to react favorably to the legalistic vocabulary.[1]

He quotes approvingly the opinion of Edward S. Robinson to the effect that "the lawyers, whether judges, counsellors or scholars, represent the dominant social philosophy of our day."[2]

Leading Stages in the Evolution of Law

Primitive Law. There are innumerable definitions of law, but probably as clear and serviceable a one as we could find would regard law as the publicly enforceable rules of human conduct and social behavior which prevail in any country at any given time. Certain of the folkways and mores governing conduct may be enforced merely by the pressure of public opinion. Others have behind them the power of the state. The latter are what we customarily regard as law. There are many theories as to the source of law, some regarding it as the product of divine wisdom, others as a universal expression of natural norms, and still others as the outgrowth of legislation and judicial opinions. The latter is the only practical definition which need concern us, though we recognize that legislation is invariably the outgrowth of social customs and public opinion.[3]

Primitive peoples, properly speaking, possessed no written law.[4] Primitive law existed in the form of customary usages transmitted orally and

---

[1] "The Legal Profession," *Harper's*, December, 1938, p. 2.

[2] *Ibid.* For more details on this matter, see E. S. Robinson, *Law and the Lawyers*, Macmillan, 1935.

[3] For good introductory accounts of the history of law, see J. M. Zane, *The Story of Law* Ives Washburn, 1927; and W. A. Robson, *Civilization and the Growth of Law*, Macmillan, 1935. Somewhat more scholarly is William Seagle, *The Quest for Law*, Knopf, 1941.

[4] Cf. Robson, *op. cit.*, Chaps. VIII–XI.

rigorously enforced by the pressure of the groups. Primitive law was any social rule or usage that imposed a penalty for any infringement of group rules. It was the general assumption by primitives that their customary usages were revealed by the gods. These customs were, thus, believed to represent the divine will with respect to all the details of human conduct. Since primitive man regarded his gods as the dispensers of all the "luck" and good fortune which he experienced, he could not very well afford to ignore any infractions of the social codes of the group. Such infractions were insults to the benevolent masters of the spiritual world.

Thus the unwritten primitive codes of usages were usually obeyed far more literally and meticulously than are our modern legal codes; primitives punished crimes with expedition and ferocity; and many interesting ceremonies were connected with the punishment of violations of group rules. Penalties were designed to show the gods that the group in no sense tolerated criminal acts which evoked divine displeasure and thus threatened the safety and security of the group.

In primitive times criminal law was more important than civil law. The crimes in primitive society fell into three main classes: (1) those which violated the taboos or usages of the local community or the gentile group as a whole; (2) the crimes which primarily concerned the smaller family group; and (3) injuries wrought by one group upon another.

Among crimes of the first class were the violation of exogamy (incest), witchcraft, treason, and cowardice. Parricide and adultery illustrate the second class of crimes. The third class of crimes included any form of injury done by a member of an adjoining clan or gens. It comprised, besides the normal crimes of contemporary society, some relatively slight modern offenses. Slander, for example, was a very serious offense in primitive times. An injury to members of an adjoining clan was not regarded as a crime by the group to which the perpetrator of the crime belonged. The punishment for such an act was inflicted by the members of the group of the injured person, according to the principles of blood feud.

Among primitive peoples, the systems of evidence with which we are familiar today were lacking. Only among certain African tribes do there seem to be traces of a practice resembling the modern jury trial for ascertaining guilt or innocence. Even among the ruder primitive peoples, however, definite methods of ascertaining the truth of an accusation or the merits of a dispute were in evidence. Such methods usually bore a heavy magico-religious coloring. Guilt or innocence was usually determined by oaths, the ordeal, or trial by battle.

Always the problem of guilt was indirectly referred to the gods. Oaths did not involve direct testimony, but simply a declaration on the part of the oath-taker of the innocence or guilt of the accused. It was widely believed that a perjurer would be punished by the gods. The ordeal was carried out in various ways. A man might be required to carry a heated stone in his bare hand. If the burns healed rapidly, the gods were sup-

posed to have intervened to prove his innocence. If the wounds healed slowly, the gods were regarded as having indicated the guilt of the accused. Likewise, in trial by battle, victory was awarded by the gods to the innocent party, irrespective of his personal strength or skill.

We may be contemptuous of such crude institutions as the ordeal, but the modern jury is hardly more likely to bring accurate conclusions as to guilt or innocence in important criminal cases. The present jury system rests on psychological and logical fallacies as glaring as any religious superstitions which earlier supported the primitive ordeal.

Primitive punishments were, for the most part, either exile or some form of corporal punishment. They were designed to deter others from subsequent commission of crimes, and also to show to the gods the group's disapproval of the violation of its customary usages. Exile was extremely terrifying to the one dismissed from the group, for he was at the mercy of human enemies as well as of the spiritual world. Corporal punishments were usually based upon the *lex talionis* principle of "an eye for an eye and a tooth for a tooth." Often, when the penalty was imposed through a method identical with that employed in the execution of the crime, the practice went to ludicrous extremes. L. T. Hobhouse tells of a case where a man was killed by another who jumped out of a tree upon his victim. As punishment for the crime, the culprit was taken beneath the same tree. A representative of the kin of the deceased mounted the tree and, to his own imminent peril, repeatedly jumped down upon the murderer until the latter was killed.

Where the practice of blood feud existed, crimes committed by a member of one clan against a member of another might lead to prolonged disastrous consequences. For example, if an offense was committed by a member of clan A against a member of clan B, the latter clan was entitled to avenge itself against any member of clan A. In turn, clan A would then avenge itself in the same manner upon clan B. As a consequence of one initial crime, whole groups might be wiped out. The blood feud was, to say the least, a wasteful process. It was an epoch-making step when the practice of blood feud came to be averted by composition—that is, the payment of a definite fine in compensation for the injury suffered. This fine was called, among the primitive Germans, *wergeld*. Many primitive societies had a fully worked-out schedule, imposing a definite *wergeld* for any and all possible injuries done to every class in society from nobles to slaves. It was also applied to injuries within the group.

With the development of writing and the rise of political society, inevitable and sweeping changes followed in the nature of the law. Public justice gradually supplanted private justice, and codes of oral custom were transformed into imposing bodies of written law.

Let us not be too contemptuous of primitive law. A large element of chance exists in our present administration of justice. In fact, we have largely lost a praiseworthy element of primitive law, namely, restitution

to the party injured by a crime. In modern society this can be secured only by the institution of a civil suit against the criminal—a rather rare procedure, though it is becoming increasingly prevalent.

The Code of Hammurabi. The next important stage in the evolution of law is found in the legal ideals and practices in the ancient Near Orient. Here the great monument to legal history is the Code of Hammurabi, the leading king of early Babylonia.[5] His code was found at Susa in 1901 by the French scholar Jacques de Morgan. Hammurabi and his scribes were not its authors. Their work was that of compilers. This oldest preserved code of ancient law was basically a compilation of Sumerian (and perhaps Semitic) laws of previous ages. Many old strains are recognizable in the code, some of them dating back thousands of years before Hammurabi's compilation (2000 B.C.).

The laws are grouped systematically, and we find a differentiation between laws dealing with things—such as those concerning real estate, personal property, trade and business relations—and those dealing with persons. Though the code is in many respects a harsh one and reflects some primitive elements, there is in it a radical departure from clan and tribal law. For example, blood feud and marriage by capture were no longer recognized in the code. Punishment was withdrawn from the hands of the injured party or his kin and placed in the control of the king and the judges. The king's law supplanted clan law. As yet, however, no regular notaries or public prosecutors existed. In general, it may be said that the code did not admit the oath and the ordeal unless witnesses and documentary evidence were lacking.

The "eye for an eye" principle was applied to injuries and torts, and also to the mistakes of a laborer or of a professional man, such as a physician. Death was a common punishment; offenders were also punished by burning, impaling, and the amputation of limbs. A distinction was often made between premeditated, accidental, and unintentional injuries, and the penalties varied accordingly. There seems to have existed a tolerably competent court system, and the procedure in the courts, it appears, was not entirely different from that of today. The whole code gives testimony to the intimate tie between religion and the law. The laws were assumed to be of divine derivation; the temples were also the law courts; and, although they were appointed by the king, the priests were the judges.

Despite the claim that its purpose was to prevent the strong from oppressing the weak, the code of Hammurabi was unmistakably partial to the strong and the rich—to the "vested interests" of the day. However, it did offer to the poor and the weak some measure of protection—an advance over the total lack of redress common in many other areas.

Roman Law. The greatest legal product of the ancient world was the famous system of Roman Law.[6] A Frenchman has said that "Rome's

---

[5] Zane, *op. cit.*, Chap. IV.

[6] Joseph Declareuil, *Rome the Law-giver*, Knopf, 1926; and Zane, *op. cit.*, Chap. IX.

mission was war and her vocation law." It was in the field of legal theory and practice that Rome made some of its most enduring contributions to the civilization of western Europe. Rome succeeded in creating both a science and an art of law in the course of the thousand years of its legal development. The body of Roman legal theory and practice has been the basis for the regulations by which a considerable part of the human race has governed itself. It was the basis of the law in all Romanic lands throughout the Middle Ages. It influenced canon law—the law of the Roman Catholic Church. It was of extreme importance towards the close of the Middle Ages throughout western Europe. Its influence is seen in the legal codes of modern European countries since the close of the eighteenth century, and in English law, especially the law merchant.

Broadly speaking, there were no *a priori* principles upon which the whole body of Roman law was erected. Roman law, having slowly developed from practical needs and considerations, was distinctly not a product of theoretical legalistic conceptions. Roman private law rescued the individual from the associations of one kind or another in which he had been obscured, and recognized him as a distinct entity. Secular law became the form of social control par excellence in Rome, and the Roman jurists insisted upon the subordination of all citizens and their activities to the reign of law. The Roman lawyers later derived from imperialistic experiences and international contacts the theory of the universality of fundamental legal principles, which they believed to be common to all rational men.

A most important source of Roman law was primitive custom. Since the earliest regulation of custom was intrusted to the priests, for many generations law was not distinguished from religion. It was at first entirely a matter of ritual. The religious law—*jus divinum*—was for some centuries about the only law the Romans knew. The chief aim was to keep the peace with their gods, and a violation of taboos was the chief crime. The law was in the hands of the priests and this gave the priestly class great power. The impact of the Etruscans seems to have been the vital influence in breaking down this priestly monopoly, secularizing Roman law, and opening the way for its evolution.

Religious custom, however, is only one of the sources from which the body of Roman law grew. The jurists themselves recognized that statutes, plebiscites, decisions of the Senate, decisions and edicts of magistrates, imperial decrees, and the interpretations of jurists entered into its composition. The sources that gave Roman law its most original characteristics, and explain at the same time its fertility and flexibility, were the edicts of the magistrates and the interpretations of the lawyers. These influences did not always operate at the same time, nor did they all persist throughout the thousand years of Roman legal development. They made themselves felt at different times and in varying degrees.

The Laws of the Twelve Tables were the first step in the development of written law. The civil law—*jus civile*—which first appeared in the Twelve Tables was suited to a relatively simple society not far advanced economically. It contained many primitive religious elements;

nevertheless, it remained the written private law which regulated the life of the Romans until the last quarter of the second century B.C. This was made possible by the fact that the provisions of the Laws of the Twelve Tables were not at all rigid, but were constantly being modified and expanded by the interpretations of trained jurists who adapted them to new conditions. Before a lawsuit was tried, both parties to the case consulted students of the law, who rendered advice to the litigants which was supposed to be wholly impartial in nature. Some of these men kept records of the cases, and thus there developed a body of legal literature. Having received advice, the parties to the suit appeared before the praetor. This magistrate did one of two things: he settled the case then and there by handing down his final interpretation of the law involved, or he passed the case on with instructions to a trial judge (*judex*), usually a Senator, who then determined its outcome. In a broad way, it may be said that the praetor ruled on matters of law and the judge on the facts in the case.

As Rome expanded by conquest and became a cosmopolitan city, necessity demanded the creation of a new magistracy. The office of *praetor peregrinus* was instituted (242 B.C.) to take care of cases in which a foreigner was a participant. The *praetor peregrinus*, unlike the older *praetor urbanus*, was free from the restraints of the Laws of the Twelve Tables, and he was able to introduce new principles in the settlement of lawsuits. In time, it became customary for the praetor to issue an edict when he assumed office. In this he enunciated the working rules which were to guide him in settling disputes. These edicts were sometimes modified by the succeeding praetor and sometimes reissued without change. They made up, in time, a considerable body of legal theory and practice. The governors in the provinces reproduced the legal functions and procedure of the *praetor peregrinus* in Rome.

In the new legal procedure that developed and was applied in cases involving foreigners, the magistrates were not averse to adopting legal practices of non-Roman origin, especially when the latter were better suited to problems arising from more advanced economic conditions than were the provisions of the Twelve Tables. In many ways, the legal practice covering cases that involved foreigners was, thus, far in advance of that which obtained in disputes between Roman citizens. Toward the close of the second century B.C., the mode of procedure of the peregrin praetors was transferred to the urban praetors—an existing remedy was adopted to meet changing conditions—and many dogmas and methods of the Twelve Tables were thus given their deathblow. As a result of this praetorian legal theory and practice and of contacts with the many cultures of the Empire, there developed what is known as the *jus gentium*—the composite law of the nations in the Empire—which was distinguished from the *jus civile*, the law of Rome and its citizens. In time, the more advanced *jus gentium* was even accepted by citizens in their dealings among themselves and became an integral part of the whole body of Roman law. From it there developed the notion of the *jus naturale*, those

basic legal principles believed to be common to all mankind. In this process of assimilating foreign laws to Roman usage, the contribution of Greece was, as Vinogradoff has suggested, very important.

A most important rôle in the development of Roman law was played by the jurists with their close reasoning and their examination and interpretation of legal problems. The most outstanding early jurist was Sextus Aelius Paetus, who was consul in 197 B.C. The really great names in Roman law, however, date from a later time. Papinian, Paulus, Gaius, Ulpian, and Modestinus all lived under the Empire. The later jurists incorporated into their legal thought the Stoic conception of a natural law governing all mankind. The particular function of the jurists, as well as the fundamental achievement of Rome in the field of law, is set forth in the following sentences:

> No people have drawn a clearer distinction than the Romans between the absolute and the relative, or better understood that every legal solution belongs to the sphere of contingency. Their endeavour was to make apparent in each particular case what appeared to them to be Law, and then, better still, what with greater moral refinement they called Equity.[7]

Just as the transition from city-state to Empire is reflected in the development of Roman law, so the appearance of an absolute Emperor resulted in the tendency towards codification. Two compilations of imperial legislation were undertaken at the close of the third century A.D. Then, in 439 A.D., the first portion of the code of Theodosius II showed the influence of Christianity. The most important and complete codification of both ancient and imperial law was the product of extensive labors initiated by the Byzantine emperor Justinian. This enterprise resulted in: (1) the Code, in 529 (a revised edition appeared five years later), in which the earlier codes were recast and brought together; (2) the Digest, in 533, consisting of cogent excerpts from the same year. The name Novels is given to the laws of Justinian which were promulgated after the Code was completed. The codification by Justinian, while it put an end to the further development of Roman law, at the same time served as one of the most important agencies in its preservation for subsequent ages.

Roman law, as we have noted, was the basis for the canon law of the Roman Catholic Church. At the height of the Middle Ages, Roman law was revived and exploited by the secular monarchs in their struggle against the Church. Roman law laid great stress upon the supremacy of the royal and imperial authority over all contending groups and classes. Hence, it buttressed the claim of the monarchs to dominion over the Church when the two came into conflict. Roman lawyers flocked to the courts and were patronized by the monarchs whom they served. Law schools, of which the most famous was the one at Bologna, developed to give adequate training in Roman and canon law. Even the Christian

---

[7] Declareuil, *op. cit.*, p. 25.

Church was rent by a great dispute (the Conciliar Movement) which turned about the application of Roman law to the principles and problems of ecclesiastical administration. Finally, Roman law became a powerful bulwark of secular absolutism when the latter came into being along with the rise of the national state in early modern times.

Early Medieval Law Among the Franks. Early medieval civilization represented a reversion from classical civilization to more primitive types of culture. This was reflected in law. The best example of early medieval law is afforded by the laws of the Franks in the Age of Merovingians.[8]

A striking feature of Frankish law was the multiplicity of laws actually in force. The Gallo-Romans retained the Roman law; the various conquered Germanic peoples kept the laws of their own groups; and the Franks had both the Salic and the Ripuarian law. In a conflict between a Frank and a person of some other group, the legal systems of both received consideration. This respect of the Franks for the laws and customs of those they had conquered resulted in a situation where no system of law had precedence over any other, and where the party to a case usually defended himself by the law of his birth. Thus law was essentially personal in its application, and not territorial. Foreigners and Jews had to purchase protection from the king.

The laws, as a rule, enumerated and described the offenses against persons, the family, and the tribe; listed the punishments for such crimes; provided for judicial procedure; and covered a great many other questions nonpolitical in nature. The Franks, like the other German peoples, regarded most crimes not as public but as personal offenses, and the punishment was in the hands of the kin group. Even after kinship relations were abolished by law at the close of the sixth century, the blood feud persisted for a time.

The sections of the Salic law dealing with *wergeld* reveal both the new social relations that had come about since the time of Clovis and the frequency of violence in Merovingian society. For all injuries there existed a carefully worked-out scale of "prices."

> If any one have wished to kill another person, and the blow have missed, he on whom it was proved shall be sentenced to 2500 denars, which make 63 shillings. . . . If any person have wished to strike another with a poisoned arrow, and the arrow have glanced aside, and it shall be proved on him, he shall be sentenced to 2500 denars, which make 63 shillings. . . . If any person strike another on the head so that the brain appears, and the three bones which lie above the brain shall project, he shall be sentenced to 1200 denars, which make 30 shillings.

Evidently, it was cheaper actually to assault someone than to premeditate murder. The distinction between Roman and Frank appears in the table of *wergeld*. It cost a Roman 63 shillings to plunder a Frank: "but if a Frank have plundered a Roman, he shall be sentenced to 35 shil-

[8] See Munroe Smith, *The Development of European Law*, Columbia University Press, 1928, pp. 115 ff.

lings." The *wergeld* for the killing of the average freeman amounted to 200 solidi or 8,000 denars, the payment of which often ruined the poor. The higher clergy possessed their own scale of *wergeld*. The *wergeld* of the old German nobility was double that of the freeman. But the *wergeld* of the new nobility was even higher, tripling that of the freeman: ". . . if any one has slain a man who is in the service of the king, he shall be sentenced to 24,000 denars, which makes 600 shillings."

During the Merovingian and Carolingian periods, forces tending to unify Frankish law were at work. Among the most important were: (1) the dominant political position of the Franks; (2) the reciprocal imitation that went on among the Frankish tribes; (3) the influence of Roman law; (4) the relative uniformity of the ecclesiastical decrees; and (5) the decisions of the royal courts. Roughly speaking, under the Merovingians the Salic law was upheld, and under the Carolingians, the Ripuarian law. But both types of Frankish law were in process of modification and fusion during the period because of the semifeudal tendencies of the age. The growth of the royal prerogative in jurisprudence hastened the changes.

It was natural that royal law should develop at the expense of the old tribal law. Royal officials had the right to enforce new regulations or rules without first declaring them. Once they did so, the new laws superseded all other conflicting ones. A good deal of royal legislation took the form of ordinances or decrees promulgated by the kings. Sometimes the ordinances were first placed before a meeting of great nobles for approval. While the royal ordinances or capitularies did not necessarily change the tribal law, they might override it.

In the decisions of the royal courts there lay the most important single source of the growth of royal law. A delegate of the king, aided by a body of wise men or "judgment-finders," normally the chief royal officials, presided over the king's court. Usually the count of the palace served as chairman. There seems to have been no sharp distinction between the king's court and his council. In almost all the Teutonic kingdoms it was a rule that cases could be drawn out of the county court into the king's court. Among the Franks it was customary to do this when justice was denied or delayed in the county court. The king's court assumed the right to deviate from strict tribal law and to decide questions on the basis of equity. The king also had the right to send out a representative to any part of the realm to inquire into legal or administrative matters. In many cases these representatives had to deal with purely legal decisions. Under Charlemagne, the Frankish Empire was divided into circuits, and to each circuit were sent two such royal representatives—called *missi dominici*—to oversee the counts within the circuit and to administer justice in those cases where the local authorities were delinquent.

Even before Charlemagne's reign, when *missi* were dispatched on special occasions to deal with specific problems, they first proceeded to gather together a number of the leading landowners in the community. To

learn all the circumstances concerning a particular case, the *missi* questioned these men. In controversies in which the king was a party, involving a question of boundaries, for example, the *missi* would collect a number of men and ask them to render an opinion based on their knowledge of conditions in the past. This process, known as the *Jurata* or sworn inquest, was the starting-point of the Anglo-Saxon jury. A unanimous decision was called a *veredictum* (whence our modern "verdict"). In time, questions of land and personal status were generally settled in this way. The inquest held by the *missi* was unpopular, and it died out, except in Normandy. In that region, the inquest was further developed, and from there carried over into England, where it greatly influenced the development of jury trial.

The Franks did not develop any advanced conceptions of legal evidence, and the defendant always had to assume the burden of proof of innocence. Some changes were made in the system of proofs, among which the ordeal, trial by battle, and compurgation were most important. The oath-takers were no longer limited to the kinship group and Christian forms replaced the heathen ones. No longer were the pagan gods called upon to bear witness; now one swore an oath to Jehovah on the Gospels or on some holy relic. So too did the ordeal and trial by battle receive a strong Christian coloring. At the same time the royal courts, as they gained in power, markedly curtailed the personal administration of the law (the blood feud), and forced a greater number of cases into the courts.

It has been suggested that but for the disastrous break-up of the Frankish Empire, a Germanic common law might have developed similar to the English common law. Apart from such speculation, it is apparent that the Frankish Empire served as a period of germination for two important legal systems—ecclesiastical law and feudal law.

Feudal Law. Feudalism was the prevailing political system of the Middle Ages, and feudal law played an important rôle in medieval legal life.[9] With the disruption of Charlemagne's empire, most written law of the earlier barbarian period went out of use. The feudal courts, for both the vassals and the peasants, developed the new feudal law. Feudal law was essentially customary and personal and differed greatly from one region to another. Nevertheless certain collections of feudal law gave it a degree of uniformity, so that the feudal law administered by the feudal courts may be called a historical system of European law. During the eleventh, twelfth, and thirteenth centuries the lawyers made a special effort to reduce the bewildering complexities and differences of feudalism to a logical system.

Among the most important of these uniform works on feudal law are the *Libri feudorum* and the *Assizes of Jerusalem and Antioch.* The *Libri feudorum,* which set forth the feudal laws of Lombardy, included municipal and imperial law and the glosses (comments) of the compilers. Probably produced by a Milan judge some time between 1055 and 1136,

[9] Smith, *op. cit.*, pp 166–175; see above, pp. 208 ff.

it was studied in the famous law school at Bologna and was frequently appended to medieval editions of Justinian.

In the thirteenth century there appeared certain north-French statements of feudal law. These dealt, however, with the feudal law of Jerusalem and Antioch when the two cities were incorporated in the Latin states created in the Near East during the Crusades. In the Near East the Crusades introduced a more completely developed and precisely applied feudalism than was to be found anywhere in Europe. The feudal laws of the two cities, representing the legal theories and practices developed by their kings, were called the *Assizes of Jerusalem and Antioch.* According to some authorities, they constitute an approximately systematic statement of the old French feudal law as it existed in France itself. Because the lawyers relied so much upon the excellent systematic statements of feudal law in these special codifications, the writings of medieval lawyers tended to confer on feudal institutions in medieval Europe a degree of precision, universality, and uniformity that did not exist in practice.

In Spain, while there existed, strictly speaking, no complete compilation of feudal law, something approaching such a collection was made at the close of the third decade of the twelfth century. From thirteenth-century Germany we have any number of *Landrechte*—collections of the laws that were applied in what may be called county courts, to distinguish them from the feudal courts. In addition, there were many collections of feudal law regulating the relations of fief-holders to their lords, which are called *Lehnrechte.* We described the political and legal institutions of feudalism in Chapter VII and need not repeat that material here.

The Law Merchant. Feudal law controlled agrarian life and political relations in the Middle Ages, but a special type of law, known as "The Law Merchant," was gradually created to control trading relations during the medieval period. It was derived mainly from Roman law, governing trading customs, from German law, with its solicitude for the rights of the customer, and from ethical strains in Canon Law of the Catholic Church. It was also nourished by decisions made in the special courts which presided over cases involving trading relations. The Italian cities were most influential in creating and shaping the Law Merchant, but the towns of the Hanseatic League in northern Europe later exerted no little influence upon this law of traders. The chief compilations of the Law Merchant were the Spanish work, *Costumes de la Mar,* the French codification, *Jugemens de la Mar,* and the German book, the *Waterrecht* of Wisby.[9a]

Catholic Canon Law in the Middle Ages. Since law was necessary to the maintenance of order in human society, the Church sanctioned secular legislation and its enforcement. But in the same way that it insisted upon the superiority of Church over State, so it maintained the supremacy of God's law over the legislation of any monarch or popular assembly. Also, the law of God was held prior in authority to the law of nature,

[9a] Smith, *op. cit.,* pp. 217 ff.

though the churchmen tried to show that the latter was a logical and inevitable outgrowth of the former. Human law was excellent and tolerable, in the degree to which it harmonized with divine law. The Church exercised a considerable influence upon the shaping and administration of feudal law. The moral ideas of the Catholic Church in the economic field controlled the legislation and practices governing the exchange of commodities at the medieval fairs and in other markets. In some of its phases medieval mercantile law was little more than the explicit adoption of the dictates of the Church or canon law in regard to such matters.

The so-called Canon Law[10] was essentially the basic principles and precedents of the old Roman civil law applied to Church problems and procedure. It embodied both the leading tenets of Church jurisprudence and the legal cases to which these principles had been applied in the course of the long and complex development of the Church. Several collections of Canon Law were made before the twelfth century. Among them were the collections of Dionysius in the sixth century, of Isidore of Seville in the seventh century, and of Burchard of Worms and Ivo of Chartres in the eleventh century. In the middle of the twelfth century, this work was done over thoroughly in the most influential codification of the Canon Law in medieval times. This collection was the so-called *Decretum,* published in 1142, edited by the great legal scholar Gratian. It summarized the statutory and case law of the Catholic Church to that date. About a century later, in 1234, Gregory IX ordered a supplementary compilation. It was prepared under the supervision of Raymond of Pennaforte, the foremost canonist of his age. In 1582 Pope Gregory XIII published a supplementary compilation and also a revised edition of Gratian. This compilation of the late sixteenth century is what is usually known today as the "Body of the Canon Law."

If the Church was important in the jurisprudence of the Middle Ages, it was even more important in the practical administration of medieval justice. It insisted that all churchmen of whatever rank and for whatever offense should be tried only in Church courts under the famous principle of "benefit of clergy." The first important statement of this principle occurs in the Theodosian collection, under the date of 412 A.D.: "It is right that clerics, whether they be bishops, priests, deacons, or those of lower rank, ministers of the Christian law, should be accused only before a bishop—unless there is some reason why the case should be considered elsewhere." This obviously gave ecclesiastics a great advantage; otherwise they would have been compelled to stand shoulder to shoulder with laymen in secular courts when being tried for crimes of other than a religious character.

No other medieval court, not even that of the lord of the manor, dealt with so wide a variety of cases as the bishop's court in the Middle Ages. Further, almost any kind of law case in the Middle Ages could be appealed

[10] Smith, *op. cit.*, pp. 191 ff.; and Zane, *op. cit.*, pp. 218 ff.

to a high ecclesiastical court for final judgment. James Harvey Robinson has concisely summarized the broad scope and various issues handled by the Church courts of the medieval period:

> One may get some idea of the business of the ecclesiastical courts from the fact that the Church claimed the right to try all cases in which a clergyman was involved, or anyone connected with the Church or under its special protection, such as monks, students, crusaders, widows, orphans, and the helpless. Then all cases in which the sanctions of the Church or its prohibitions were involved came ordinarily before the Church courts; for example, those concerning marriage, wills, sworn contracts, usury, blasphemy, sorcery, heresy, and so forth.[11]

The intrusion of the Church into the administration of justice in primarily secular cases and its insistence that churchmen be tried only in ecclesiastical courts undoubtedly introduced much confusion, delay, and favoritism into medieval court procedure. Nevertheless, the Church did make certain special contributions to the maintenance of secular law and order, particularly in its efforts to curb the ever prevalent brigandage of the medieval period. It did use its awful threat of excommunication against the lawless class, whose depredations were as characteristic of medieval travel and rural life as racketeering and gangdom are of metropolitan life in America today.

The Rise of National Law, and the Growth of English Common Law. Feudalism was weakened by the rise of national states. We may illustrate the rise of national law by the developments under Henry II (1154–1189) of England.[12] Henry made war upon the feudal barons, destroyed many of their castles, and restored order under royal authority. But he saw that this stability could not be permanent unless feudal law was supplanted by royal law. He applied the grand jury, already described, an institution that was apparently brought into England as a result of Norman influence. He ordered the sheriff in each English county to select representative citizens from each hundred and township and to require them to reveal under oath any violations of law in the neighborhood. The persons so selected were known as the grand jury, because of the large size of the group to which the questions were put. Their answer was called a *veredictum* or verdict. Henry proceeded to bring the administration of criminal justice into the royal courts. He ordered his judges to make regular trips throughout England and to try accused persons in their own neighborhoods at least once each year. To handle other cases he established the centralized Court of the King's Bench. Henry also permitted his subjects to bring civil cases before the king's courts instead of having them handled in the feudal or manorial courts. Since royal justice was more uniform and certain than feudal justice, civil as well as criminal cases were gradually brought under complete royal control.

Two other important legal changes in the reign of Henry were the

---

[11] *History of Western Europe*, New Edition, 2 vols., Ginn, 1934, Vol. I, p. 227.
[12] Zane, *op. cit.*, Chaps. XII–XIII.

encouragement of trial by jury and the development of the famous English common law. Besides instituting the grand jury in England for the purpose of accusation of crime, Henry also supported the use of the petit or trial jury for ascertaining the guilt of those indicted by the grand jury. In this way he gradually uprooted the ancient practices of the ordeal and trial by battle.

The origins of the common law are not difficult to understand. As the circuit judges traveled about England, they attempted to draw up uniform principles of law and justice. To do so, they made use of the great diversity of local customs that they found in the various counties of England. They sought to derive from these diverse local usages general legal principles that would be uniformly applicable to the whole country. As these common usages and customs altered, the law might be changed accordingly. The great body of the English common law, which has dominated English and American procedure, thus grew up naturally out of the national sorting and consolidation of local legal usages.

The three fundamental characteristics of the common law system have been held to be: (1) the building up of law on the basis of judicial precedent; (2) trial by jury; and (3) the doctrine of the supremacy of law; namely, the idea that the agencies of government must not act arbitrarily but according to accepted legal principles.

English common law was systematized in the writings of Sir Edward Coke, a distinguished but unscrupulous English jurist at the time of Elizabeth and James I.[13] It was mainly through Coke's writings that the common law was transmitted to the American colonies. It was further elaborated and systematized in the famous *Commentaries on the Laws of England* by Sir William Blackstone in the middle of the eighteenth century. Blackstone's work had a tremendous influence upon legal thought and practice in both England and the United States.

Law in Early Modern Times. The evolution of jurisprudence and legal philosophy during the early modern period was as notable as that in political thought, and it was conditioned by much the same developments that affected the course of political theory. The dominant note throughout all phases of legal growth in this age was that of secularism—divorcement from revelation and a grounding of law in the experience of mankind.[14]

One conspicuous aspect of legal evolution was the triumph of Roman law and the sway of secular absolutism in law and politics. The revival of Roman law in the Middle Ages promoted royal power and the prestige of the State at the expense of the Church and other rivals of the secular arm. This movement reached its culmination in early modern times, when secular absolutism gained undisputed dominion in political affairs, helped along by the Protestant revolt, which favored the power of the

[13] *Cf.* Zane, *op. cit.*, pp. 320 ff.

[14] On early modern law, see Robson, *op. cit.*, Part II; and Fritz Berolzheimer, *The World's Legal Philosophies*, Macmillan, 1924, Chap. V.

prince at the expense of the Church. The dominant note in the political theory of Protestantism was that he who controls the politics of an area should also determine its religion. Roman law influenced all western European states—and, by imitation, Russia as well. But it gained its main foothold in the Latin countries, where it still forms the foundation of the dominant legal principles. Another effective secularizing influence was derived from the common law of England, which we have already discussed. In France, Guy Coquille (1523-1603) tried to work out a similar doctrine of a French common law.

Perhaps the most influential type of legal development during this period was the doctrine of natural law.[15] The notion of a law of nature is an old one: it goes back to Socrates and the Stoics. But in this period the conception was clarified and related more closely to specific political and legal applications. The law of nature was regarded as the body of rules and principles that governed men in prepolitical days. Natural law was the norm by which to test the soundness of civil laws that were drawn up by the government after the state had been established. The state should not terminate the law of nature, but rather should provide for the enforcement of its benign principles. The state should not restrict our natural freedom It should only free us from the terrors and anarchy of unorganized prepolitical society.

Althusius, Hobbes, Pufendorf, Spinoza, and others, contributed to the development of the doctrine of natural law, but it was John Locke who gave it the particular "slant" that has made it of such great significance in legal history and business operations. He found that the major tenets of the law of nature were the sanctity of personal liberty and of private property. The state was doing its supreme duty when it assured their protection and perpetuity. This notion was seized upon by the rising capitalistic class, embodied in the constitutions that it wrote, and introduced into the jurisprudence that it fostered. Here we find the legalistic basis of the contemporary reverence for property and the impregnable defenses that have been erected about it. Linked up with the power of the Supreme Court of the United States to declare laws unconstitutional under the broad concept of "due process of law," it all but removed private property from social control. As we shall point out later, it has also done much to block the road to orderly progress through legislation and to invite revolution.

Rationalism had a decisive, but by no means uniform, influence upon legal evolution. John Locke tended towards Rationalism, though he laid special stress upon the law of nature. Many later Rationalists departed widely from this precedent. They were prone to stress the artificial—*i.e.* man-made—character of sound law and to regard it as the product of the dictates of reason applied to specific social problems. With this school, human legislation was thought to be the only valid source of law. There was also a tendency to lay special stress upon the

[15] See below, pp. 406 ff.

responsibility of law to insure to every man equality in his right to enjoy life, liberty, and property. It was natural that this group should be in favor of the codification of law, while the later historical school was opposed to such a notion. The latter held that an artificial product of reason might be codified, but a living, growing achievement, such as a national system of law, could not be.

It was but a short step from the Rationalistic school of law to the Utilitarian. Both relied primarily upon human reason. Both were interested in reform. Utilitarian jurisprudence was merely a further development and refinement of the Rationalistic doctrine. What its chief exponent, Jeremy Bentham, did was to hold that rational jurisprudence must be a science of social reform, designed in every part to increase the happiness of the largest possible number of men. There was still in it, however, a strong strain of individualism. Bentham believed that every man was the best judge of his own happiness. Hence, there should be no restrictions on the acts of anyone except those necessary to secure equal freedom for others. Bentham especially eulogized the importance of freedom of contract. He came closer than others of his day, however, to the present-day doctrine of law as an adjunct to, or even an instrument of, social engineering.

The most important practical product of the legal cogitation during this age was the codification of French law that began in 1793 as a result of revolutionary enthusiasm and ended in the magnificent *Code Napoléon*. Legal codifications in other European countries followed in the nineteenth century. Perhaps the most notable of these codifications was the great German Imperial code, completed at the opening of the twentieth century.

Most of the foregoing strains in modern European thinking have been appropriated by the United States. But they all came from a cultural era prior to modern science and industry. This has made it difficult to adapt them to the realties of our age. This fact has been emphasized by Dean Roscoe Pound:

> Five elements have contributed to make difficult the application of American judicial and professional thinking to the industrial and social problems of the time. In chronological order these are Puritanism, the idea of law as standing between the abstract individual and society and protecting the former from the latter, the philosophical theory of natural rights, pioneer ideas, and the abstract individualist philosophy of law of the last century.[16]

Modern Theories and Schools of Law

Having rapidly reviewed the history of law, we may now consider briefly some of the outstanding modern theories of law and schools of jurisprudence.[16a] Perhaps the earliest theory of law, aside from the primitive and early historic notion of law as a divine revelation, was what we know as the theory of natural law, which we have already described.

---

[16] Roscoe Pound, *Interpretations of Legal History*, Macmillan, 1923.
[16a] *Cf. ibid.*

This metaphysical theory of law played a large rôle in the political and legal philosophy of the seventeenth and eighteenth centuries, and still flourishes in a somewhat mitigated fashion in many courtrooms and in the minds of many jurists at the present time.

An outstanding theory of law is the so-called analytical jurisprudence, which took form in the hands of Hobbes, Bentham, and John Austin, and is concerned with the specific content of law as the command of a determinate superior, the state. It does not normally deal with such problems as the genesis of the state or law, or changes in the form of either. Nor does it assign any great importance to those social forces which create, color, and support law and legal administration. It rests satisfied with a knowledge of what the law actually is at a given time and of the authoritative agents which enforce it. It is obvious that this is a convenient theory of law for the judge and attorney, and that it furnishes an admirable orientation for the purely legalistic type of constitutional historian. It has had distinguished modern exponents, among them the well-known jurist, Thomas Erksine Holland. Yet analytical jurisprudence, whatever its advantages as a working philosophy of law, furnishes no clue to an intelligent understanding of the origins and nature of various legal codes, and no substantial suggestions as to the necessity or methods of legal change and juristic reform.

The weaknesses of the analytical school of jurists in regard to explaining legal origins and development were largely overcome through the efforts of the historical and comparative schools. The historical school had its origin in such writers as Edmund Burke and Friedrich von Savigny, and has been developed, among others, by Sir Henry Sumner Maine, F. W. Maitland, Heinrich Brunner, J. C. Carter, and Sir Frederick Pollock. It looks upon law as the product of the diverse cultural forces inherent in the historical development of the nation. In modern times, law has, more and more, come to be legislative enactment and hence the literal command of the state. But the nature of the legal system as a whole and the content of much contemporary legislation are determined primarily by the past history of the nation, and by the peculiar institutions which have grown out of that past.

The comparative school is simply an extension of the historical method in space. Its exponents contend that the "wisdom of a nation" has rarely been accumulated solely within its own borders. Cultural contacts and borrowing are as characteristic of legal as of other institutions. Hence one must study, from a comparative and historical point of view, the great legal systems of the world, from the Code of Hammurabi to that of the German Empire completed early in the present century. The method was, in large part, suggested by the anthropologists of the comparative school in the last century, such as Lubbock, Tylor, Post, Morgan, and Letourneau. Perhaps its chief exponents have been Joseph Kohler and Sir Paul Vinogradoff. It is evident that no sharp line divides the contemporary historical and comparative jurists; men like Pollock and Maitland have done real service in the field of comparative jurisprudence,

while Vinogradoff has been one of the most productive contributors to historical jurisprudence.

The labors of the historical and comparative schools did much to clear up the problems connected with the origin of law, but they contributed far less to the problem of the functions of law, and of the relation of law to social progress and social reform. This service was reserved for the sociological school, which has been mainly a product of broader and more comprehensive study of institutions and social processes. It is not without its significance that the founder of modern sociological jurisprudence, Ludwig Gumplowicz, was also one of the more distinguished of sociologists. The leading members of the sociological school of jurists have been Gumplowicz in Austria; Gierke, Kantorwicz, and Berolzheimer in Germany; Duguit in France; and O. W. Holmes and Roscoe Pound in the United States. Had Maitland lived longer, the later trend of his legal interests indicate that he would have become primarily interested in the sociological approach to legal problems.

While possessing a healthy and vivid interest in legal origins, as the only avenue to understanding the genesis, social basis, and institutional effects of legislation, the sociological school is far more interested in the present status, applications, and results of law. It completely divorces law from any of the supernatural, mystical, transcendental, or immutable characteristics with which it was endowed by earlier schools. It looks upon law as a secular social product, and is concerned chiefly with its current effectiveness as an agent of social control and public guidance. It has a lively interest in all possible means of improving the assumptions, content, and efficient enforcement of law. With this school, law assumes a pragmatic and telic significance. It is viewed as a dynamic agent in the task of securing intelligently directed social change, as well as a leading factor in producing social order and stability. Vitally concerned with the actual effects of contemporary legislation, the sociological school emphasizes the necessity of statistical surveys of the legislative product and of the administration of law, civil and criminal.

Current Criticisms of Our Legal Institutions and Practices

Law, in practical operation, represents the exploitation of legislation and the technique of legal practice for three major purposes: (1) to make our complicated society a running affair by enforcing uniform rules of conduct; (2) to protect property, business interests, and the vested institutions of society; and (3) to provide something between a sheer existence and wealth for those who make their living by the practice of law.

It is inevitable that, when law is reduced to actual every-day routine, a wide discrepancy exists between legal theories and legal practices. We imagine that law is concerned primarily with the administration of justice. But, in practice, law is much more concerned with protecting interests and with winning cases. As Newman Levy, a distinguished

New York attorney, puts it: "We hear much talk about justice. In the abstract it is a beautiful and desirable concept. But justice *per se* plays a small part in the daily activities of the busy practitioner." As Ferdinand Lundberg says:

> Technical incompetence aside, it may be said that the entire legal profession is fundamentally incompetent, its experts along with its fakers, in so far as it fails to attain for society the general end towards which it is avowedly working and which gives it social sanction: justice. In this respect the legal profession in the democratic countries is the most incompetent of all the professions. It will not, for instance, bear comparison with the medical and teaching professions. The incidence of ill health and disease has been clearly on the decline in an era of great population growth. The percentage of illiteracy is falling steadily and the level of technical competence in all fields of specialization (except the law) is rising. But justice gets forward no faster.[17]

It is probably no exaggeration to say that the law, as actually practiced in the United States, produces more injustice than it frustrates. Norman Thomas, a former minister, suggests that there is an even greater gap between legal theories and practices than there is between theory and practice in the Christian religion: "I do not know any profession, not excepting the Christian ministry, in which the gap between its ethical canons and the practice of its members is so wide and hypocrisy so great."

A comparison of legal practice with the ideals and conduct of the much criticized medical profession was once made by Dr. Alice Hamilton.[18] Dr. Hamilton's reputation for professional ability and unselfish public service lends weight to her words and dismisses any suspicion of mean professional bias. Dr. Hamilton does not deny defects in her own profession, but she holds that it is high-minded and scientific, when compared, for example, to the attitudes and methods which prevail in the law: "I firmly believe that the worst that can be said about medical practice is too good to be said about legal practice." She does not rest content with any blanket attack, but sets forth a bill of particulars.

Take, for example, the waste, expense, and injustice involved in the fact that our courts cannot tell us before a law is passed whether it is constitutional or not. Suppose that, in the case of the installation of a new city water supply, the doctors should say: "We cannot tell you if your new water supply is free from typhoid infection. Put in your reservoir and your pipes, and then if people fall ill we will tell you if it is typhoid, and if it is you can put in another water supply." How often can a physician, however inconspicuous, be induced by political influence to make a wrong diagnosis? Or, consider the matter of interminable legal delays: "Imagine a surgeon letting his patient be all prepared for an operation, the family assembled to await the outcome, and then decide to put it off for a week because the anaesthetist had not arrived and nobody could find the artery forceps."

Compare, further, the methods and assumptions of legal evidence with

[17] "The Priesthood of the Law," *Harper's*, April, 1939, p. 517.
[18] "What About the Lawyers?" *Harper's*, October, 1931, pp. 542–549.

the scientific method of making a medical diagnosis: "The laws of evidence require that the simplest story be interrupted, chopped into bits, and messed up until both witness and jury are confused." This situation is due primarily to the fact that these laws of legal evidence were fashioned to protect men when torture was still common in legal procedure. Think of a council of doctors making an examination according to medical concepts dating from the Middle Ages—when bleeding was common, when barbers were surgeons, when even the circulation of the blood was unknown, and the heart was held to be the seat of thought. But the lawyers today defend this archaic procedure, which is financially profitable. What a howl would go up if doctors insisted upon clinging to Hippocrates and Galen to increase or perpetuate their practice.

Judges and lawyers are chiefly interested in playing the game according to hard and fast rules and in clinging to precedent. Few doctors would take pride in following the example of other doctors whose methods had proved fatal to patients. Further, if doctors slavishly followed precedent, we would still be treated, when sick, with the brutality and incompetence which dominated medicine five hundred years ago. This reference to the cultural lag in law may be further emphasized by the statement of an able lawyer, Henry A. Shinn: "If any great barrister of two centuries ago were to awaken in the modern courtroom, he could address the judge and proceed with the trial. Could a Rip Van Winkle in any other profession or business do as well? Lethargy, not encroachment, is the bar's problem; reform, not opposition, its solution." The greatest physician or surgeon may be freely criticized by the public, but not so with judges—a sacrosanct class even in democratic America.[18a]

Medicine may have been slow to appropriate even the rudiments of psychology, but at last we have medical psychology or psychiatry. Our courts—outside some advanced juvenile courts—still deal with testimony and with insanity as though there was no such thing as psychology. The legal theory of insanity rests upon an archaic metaphysical and moralistic doctrine, namely, that a man is insane if he cannot tell right from wrong. The medical test of insanity is directly related to the facts relative to mental and nervous diseases and recognizes the existence of compulsions and other irresistible impulses to crime on the part of persons who, in other respects, may seem to be sane and normal. In numerous murder cases, doctors have been put in the ridiculous position of declaring that a person is obviously insane, from a medical point of view, but perhaps sane according to superficial and antiquated legal criteria of insanity. Fancy a doctor proposing a legal theory of gallstones and admitting it to be wholly different from the medical facts. Dr. Hamilton concludes with the following contention: "And so I submit that medicine, no matter how imperfect, is a silvery pot when compared with the black kettle law." It would seem that she has proved her case.

[18a] A recent Supreme Court decision in the *Los Angeles Times* contempt case has at least temporarily modified this absolute immunity of judges to criticism during the progress of a case in court.

In the last decade or so, several important books have been published severely criticizing the current practice of law in the United States. These support in detail Dr. Hamilton's brief indictment. The first of these books was *A Lawyer Tells the Truth,* by Morris Gisnet of the New York bar.[19] Mr. Gisnet calls attention to the serious criticism of the law and legal practice among informed laymen; stresses the difficulty met in trying to handle the problems of our complex mechanical age by means of legal concepts drawn from ancient and medieval culture; shows how the corporate practice of law has crowded out much private legal practice; makes it clear how this development and the increasing number of practicing lawyers have led to a frantic search on the part of rank-and-file lawyers for enough business to enable them to live; reveals how this search for a sheer livelihood forces lawyers into numerous shady practices, such as negligence cases, ambulance-chasing, and fake-claims cases; draws attention to the fact that these commonly stressed legal abuses are not nearly as disastrous to society as the great corporate frauds made possible by the luminaries of the legal profession; reveals the high cost of legal services and its serious impact upon the poor man seeking justice; throws light upon the paradoxical ethics of bar and bench; reveals the degradation and incompetence of the lower courts; and suggests practical reforms which might facilitate the achievement of justice for all men.

More thorough and devastating is a later book by the distinguished lawyer, Percival E. Jackson, *Look at the Law.*[20] This is probably the most fair, competent, and cogent critique of the current American legal system and legal practice ever written. Jackson shows us that we are swamped with a multitude of laws, obsolete or imbecilic in too many cases, and that our law is not only legislature-made but judge-made. Despite this mountain of laws nobody really knows what the law actually is at any time on any subject. Laws are loosely drawn, legal language is ambiguous, judges shift their interpretation of the law, sometimes weekly or daily, and new legislation may at any time upset the most logical and closely-reasoned decisions. The law is held in leash by archaic concepts and mossy precedents. It is so rigid and inflexible in many respects that it cannot be adapted to a changing society. Pinhead technicalities govern legal thought and procedure. A nice regard for petty legal precedent is deemed far more important than swift and sure administration of justice. The law is full of hypocrisy, especially in pretending that rich and poor, alike, can get justice. The law permits intolerable delays which defeat justice and operate distinctly to the advantage of wealthy clients. The expense of legal procedure makes it hard for poor men to get justice or even to get a good lawyer. It makes law and the courts a racket for the rich.

The commercialization of legal practice and the bitter struggle of the mass of the lawyers to get a living leads to a debasing of legal ethics. A

---

[19] Concord Press, 1931.
[20] Dutton, 1940, Foreword by Arthur Garfield Hays.

common and defensive sense of guilt in the legal profession and among the judiciary makes it all but impossible to disbar a shyster or to impeach a judge, save for an occasional petty ambulance-chasing lawyer, who is made a scapegoat to ease the consciences of the respectable legal circles. Judges are all too often corrupt and venal, but judicial tyranny intimidates lawyers and prevents them from taking action to oust unfit judges. Further, such judges render important services as stooges of political leaders, and the latter see to it that the judges are protected from reformers. It is taken for granted that most witnesses in negligence, criminal, and divorce cases lie when on the stand. Judges and lawyers, alike, blandly overlook all but universal perjury, unless they wish to persecute a witness for his opinions. Then, they show a hypocritical savagery in prosecuting perjury. Mr. Jackson utters the cogent warning that, if the evils of our legal system destroy democracy and bring revolution and dictatorship, this will result in the wiping out of both the law and the lawyers. He ends by offering modest and constructive suggestions as to legal reform.

Ferdinand Lundberg in *Harper's* [21] suggests that the legal profession of our day is a sort of antique and medieval priesthood projected into our twentieth-century mechanical age. This makes lawyers incompetent to provide justice in terms of modern realities. Indeed, a lawyer takes his life in his hands when he presumes to forward justice by defending unpopular causes or groups, in the effort to see that justice is done. Despite the archaic character of law, our civilization today, especially on its institutional side, is chiefly lawyer-made. Lawyers make our laws and control our economic system and moral code. And they are the shock troops which resist reform and prevent salutary changes in both law and society. In our large cities, the practice of law has taken over the factory system, mass-production, and the speed-up method (though the latter has not affected our courts). Many of our most eminent lawyers are not only the legal representatives of great corporations; they are directors and officers thereof and thus have a double interest in preventing economic reform and social justice.

Far more challenging than the critiques of Messrs. Gisnet, Jackson, and Lundberg is the frontal attack on our whole legal system by Fred Rodell of the Yale Law School, in his *Woe Unto You, Lawyers.*[22] This book does not rest content with revealing the details of legal defects and suggesting particular reforms. It slashingly attacks the whole system of law and legal practice, as we know it, and recommends the utter abolition of The Law, as it exists today, and the substitution of scientific procedure and common-sense rules in dealing with human relations and social institutions. Professor Rodell holds that our system of law and legal practice is a gigantic professional and verbal racket which frustrates justice and quite needlessly saddles a vast financial burden upon society.

---

[21] December, 1938, and April and July, 1939.
[22] Reynal and Hitchcock, 1940.

The law is a collection of outworn jargon and mummery, which is at once as absurd and as potent as primitive incantations and medieval theological disputations. Not "reform" here and there, but a resolute throwing off of this antique incubus of The Law is necessary. Then the substitution of reason and science can be made, as we have already done in most non-legal aspects of our life. Professor Rodell's book is no mere blanket attack on The Law. He amply documents all of his charges and supports them by brilliant logic, as well.

We are frequently told that, however bad American law may be, English law is logical, clear, and effective, and that English legal practice brings a sure and swift administration of justice. This illusion is urbanely but ruthlessly shattered by a well-informed English publicist, A. P. Herbert, in his *Uncommon Law*.[23] While English legal practice is less corrupt and venal than American, The Law in England is essentially the same sort of antique racket as The Law in the United States. Professor Rodell's criticisms of American law are almost equally valid when directed against English law and court procedure. The pomposity, pedantry, and verbosity of even English law and judicial opinions are well illustrated by the following excerpt from the opinion of Lord Chancellor Brougham, in the case of *Thornhill* vs. *Hall:*

I hold it to be a rule that admits of no exception in the construction of written instruments, that where one interest is given, where one estate is conveyed,—where one benefit is bestowed in one part of an instrument by terms clear, unambiguous, liable to no doubt, clouded by no obscurity, by terms upon which, if they stood alone, no man breathing, be he lawyer or be he layman could entertain a doubt,—in order to reverse that opinion, to which the terms would of themselves and standing alone have led, it is not sufficient that you should raise a mist; it is not sufficient that you should create a doubt; it is not sufficient that you should deal in probabilities, but you must show something in another part of that instrument which is as decisive in one way as the other terms were decisive the other way; and that the interest first given cannot be taken away either by tacitum or dubium, or by possible, or even by probable, but that it must be taken away, and can only be taken away, by expressum and certum [23a]

Defects in the Current System of Law

Many students of law believe that, whatever the defects in current laws and in the administration of justice, the most serious legal problem lies in the very nature of the law itself. As Mr. Lundberg says, the lawyers have replaced the Scholastic theologians of the Middle Ages but have not yet entered into our scientific and critical perspective:

The historical pattern of evolution within the professions seems to have been marked by (1) the transfer of attention from a remote heaven to an accessible earth; (2) a change from metaphysical to empirical standards of judgment, as in medicine and the physical sciences; and (3) de-politicalization in favor of greater socialization. Of these three stages of development the lawyer has negotiated

[23] Doubleday Doran, 1936.

[23a] *The New Yorker* frequently publishes good examples of current legal jargon and verbiage.

only the first, a fact which singles him out as belonging to the most backward of all the secular professions.[24]

Our legal system is based upon intellectual, social, and legal ideals which have been accumulating since primitive times and were systematized at the end of the eighteenth century. As Dean Pound once said:

> Our judicial organization and the great body of our American common law are the work of the last quarter of the eighteenth century and the first half of the nineteenth century. On the other hand our great cities and the legal and social problems to which they give rise are of the last half of the nineteenth century, and indeed the pressing problems did not become acute until the last quarter of that century.[25]

Certain parts of our law may not be unfairly compared to the incantations of primitive medicine men. Even some of our most august legal arguments have no closer relation to reality than magical practices. This startling fact has been well expressed by Professor Rodell:

> It is necessary to realize that the Law not only stands still but is proud and determined to stand still. If a British barrister of two hundred years ago were suddenly to come alive in an American court-room, he would feel intellectually at home. The clothes would astonish him, the electric lights would astonish him, the architecture would astonish him. But as soon as the lawyers started talking legal talk, he would know that he was among friends. And given a couple of days with law books, he could take the place of any lawyer present—or of the judge—and perform the whole legal mumbo-jumbo as well as they. Imagine by contrast a British surgeon of two hundred years ago plopped into a modern hospital operating room. He would literally understand less of what was going on than would any passer-by brought in from the street at random.[26]

Mr. Jackson points out how the law is the victim of verbiage—vague, uncertain, awkward and obscure—often downright unintelligible. Professor Rodell goes much further and accuses the law of being quite literally a professional racket, based upon the exploitation of this antiquated and obscure verbiage. We ordinarily assume that legal language, however technical and obscure, is necessary and promotes justice. Professor Rodell claims that such verbiage may be necessary for law but that it is not necessary for justice; in fact, it obstructs justice:

> The legal trade, in short, is nothing but a high-class racket. It is a racket far more lucrative and more powerful and hence more dangerous than any of those minor and much-publicized rackets, such as ambulance-chasing or the regular defense of known criminals, which make up only a tiny part of the law business and against which the respectable members of the bar are always making speeches and taking action. A John W. Davis, when he exhorts a court in the name of God and Justice and the Constitution—and, incidentally, for a fee—not to let the federal government regulate holding companies, is playing the racket for all it is worth. So is a Justice Sutherland when he solemnly forbids a state to impose

[24] "The Priesthood of the Law," *Harper's*, April, 1939, p. 516.
[25] Cited in R. H. Smith, *Justice and the Poor*, Carnegie Foundation for the Advancement of Teaching, Bulletin 13, 1919, p. 7.
[26] Reprinted by permission from *Woe Unto You, Lawyers*, by Fred Rodell, published by Reynal and Hitchcock, Inc., pp. 36-37.

an inheritance tax on the ground that the transfer—an abstraction—of the right to get dividends—another abstraction—did not take place *geographically* inside the taxing state. And so, for that matter are all the Corcorans and Cohens and Thurman Arnolds and the rest, whose chief value to the New Deal lies not in their political views nor even in their administrative ability but rather in their adeptness at manipulating the words of The Law so as to make things sound perfectly proper which other lawyers, by manipulating different words in a different way, maintain are terribly improper. The legal racket knows no political or social limitations.

Furthermore, the lawyers—or at least 99 and 44/100 per cent of them—are not even aware that they are indulging in a racket, and would be shocked at the very mention of the idea. Once bitten by the legal bug, they lose all sense of perspective about what they are doing and how they are doing it. Like the medicine men of tribal times and the priests of the Middle Ages they actually believe in their own nonsense. This fact, of course, makes their racket all the more insidious. Consecrated fanatics are always more dangerous than conscious villains. And lawyers are fanatics indeed about the sacredness of the word-magic they call The Law.

Yet the saddest and most insidious fact about the legal racket is that the general public doesn't realize it's a racket either. Scared, befuddled, impressed and ignorant, they take what is fed them, or rather what is sold them. Only once an age do the non-lawyers get, not wise, but disgusted, and rebel. As Harold Laski is fond of putting it, in every revolution the lawyers lead the way to the guillotine or the firing squad. . . .

The Law, as you may have heard before, is entirely made up of abstract general principles. None of those principles has any real or necessary relation to the solid substance of human affairs. All of them are so ambiguous and many of them are so contradictory that it is literally impossible to find a definite and sure solution (regardless of whether it might be a good solution or a bad solution) to the simplest, smallest practical problem anywhere in the mass of principles that compose The Law. And the sole reason why that fact is not generally appreciated by either lawyers or non-lawyers is that the principles are phrased in a language which is not only bafflingly incomprehensible in its own right but which is composed of words that have no real or necessary relation to the solid substance of human affairs either. . . .

No matter which way you slice it, the result remains the same. Legal language, wherever it happens to be used, is a hodge-podge of outlandish words and phrases because those words and phrases are what the principles of The Law are made of. The principles of The Law are made of those outlandish words and phrases because they are not really reasons for decisions but obscure and thoroughly unconvincing rationalizations of decisions—and if they were written in ordinary English, everybody could see how silly, how irrelevant and inconclusive, they are. If everybody could see how silly legal principles are, The Law would lose its dignity and then its power—and so would the lawyers. So legal language, by obstructing instead of assisting the communication of ideas, is very useful—to the lawyers. It enables them to keep on saying nothing with an air of great importance—and getting away with it. . . .

Thus legal language works as a double protection of the mighty fraud of The Law. On the one side it keeps the non-lawyers from finding out that legal logic is so full of holes that it is practically one vast void. On the other side, the glib use of legal language is so universally accepted by the lawyers as the merit badge of their profession—the hallmark of the lawyers' lawyer—that they never stop to question the ideas that are said to lie behind the words, being kept busy enough and contented enough trying to manipulate the words in imitation of their heroes. The truth is that legal language makes almost as little common sense to the lawyers as it does to the laymen. But how can any lawyer afford to admit that fact, even to himself, when his position in the community, his

prestige among his fellow craftsmen, and his own sense of self-respect all hang on the assumption that he does know what he is talking about?[27]

Professor Rodell further emphasizes the manner in which the tyranny of words facilitates and perpetuates the legal racket:

Dealing with words is a dangerous business, and it cannot be too often stressed that what The Law deals in is words. Dealing in long, vague, fuzzy-meaning words is even more dangerous business, and most of the words The Law deals in are long and vague and fuzzy. Making a habit of applying long, vague, fuzzy, general words to specific things and facts is perhaps the most dangerous of all, and The Law does that, too. You can call a cow a quadruped manimal if you want to; you can also call a cat a quadruped mammal. But if you get into the habit of calling both cows and cats quadruped mammals, it becomes all too easy to slip into a line of reasoning whereby, since cats are quadruped mammals and cats have kittens and cows are also quadruped mammals, therefore cows have kittens too. The Law, you may remember, calls both cigarettes and sealing wax Consideration. . . .

Almost all legal sentences, whether they appear in judges' opinions, written statutes, or ordinary bills of sale, have a way of reading as though they had been translated from the German by someone with a rather meager knowledge of English. Invariably they are long. Invariably they are awkward. Invariably and inevitably they make plentiful use of the abstract, fuzzy, clumsy words which are so essential to the solemn hocus-pocus of The Law. . . .

The chief function which legal language performs is not to convey ideas clearly but rather to so conceal the confusion and vagueness and emptiness of legal thinking that the difficulties which beset any non-lawyer who tries to make sense out of The Law seem to stem from the language itself instead of from the ideas—or lack of ideas—behind it. It is the big unfamiliar words and the long looping sentences that turn the trick. Spoken or written with a straight face, as they always are, they give an appearance of deep and serious thought regardless of the fact that they may be, in essence, utterly meaningless.

Moreover, as has been mentioned previously, the lawyers themselves, almost without exception, are just as thoroughly taken in by the ponderous pomposity of legal language as are the laymen. They actually believe and will stoutly maintain that those great big wonderful words they are forever using convey great big wonderful ideas—to the initiated.[28]

To illustrate the truth of Professor Rodell's characterization of legal language we may quote a brief paragraph from The Texas Revised Civil Statutes, defining the so-called Endless Chain Scheme:

Sec. 1. That for the purpose of this Act the term "Endless Chain" shall be construed to mean and include any plan or scheme wherein any person, firm or corporation sells, transfers, assigns, or issues to any person any right, property, ticket, coupon, certificate, contract, or other token, and wherein the purchaser, transferee or assignee thereof or the person to whom the same is issued undertakes or is required or is permitted to undertake for himself, or as the agent, representative, or attorney of any person, firm or corporation, to sell, transfer, assign, or issue to another any right, property, ticket, coupon, certificate, contract or other token which may under certain conditions entitle the purchaser or recipient thereof to any right, property, ticket, coupon, certificate, contract, or other token and wherein the purchasers, transferees or assignees thereof from

[27] Rodell, *op. cit.*, pp. 15–16, 191, 192–193, 197–198. Reprinted by permission.
[28] *Ibid.*, pp. 59–60, 185, 189. Reprinted by permission.

the original purchasers, assignees, or transferees, or from subsequent purchasers, assignees, or transferees, are also given as a consideration for their entry into or participation in such plan or scheme and their purchase or receipt of such right, property, ticket, coupon, certificate, contract or other token, the right, privilege or obligation of making further sales, assignments, or transfers of any right, property, ticket, coupon, certificate, contract or other token.

Professor Rodell points out that the truly great lawyers, like the late Justice Holmes, clearly understand the hocus-pocus of legal verbiage and do not hesitate to expose it:

Every once in a while, however, a lawyer comes along who has the stubborn skepticism necessary to see through the whole solemn sleight-of-mind that is The Law and who has the temerity to say so. The greatest of these was the late Justice Holmes, especially where Constitutional Law was concerned. Time and again he would demolish a fifty-page Court opinion—written in sonorous legal sentences that piled abstract principle upon abstract principle—with a few words of dissent, spoken in plain English. "The Law as you lay it down," he would say in effect, "sounds impressive and impeccable. But of course it really has nothing to do with the facts of the case." And the lawyers, though they had come to regard Holmes as the grand old man of their profession and though they respected the Legal writing he had done in his youth, were always bothered and bewildered when he dismissed a finespun skein of legal logic with a snap of his fingers.[29]

Problems Arising Out of Law-Making

The social problems which grow out of the making of laws and our attitude towards them present a paradoxical contrast when we examine the two major types of law, constitutional law and statutory law. When we turn to constitutional law, we find that an amazing attitude of sanctity, rigidity, and reluctance to change prevails. On the other hand, in the field of statutory law, we have an astonishing fecundity in the production of laws and a deplorable levity with respect to their nature and enforcement. Let us first look at the situation in the field of constitutions and constitutional law.

When we come to consider the popular attitude towards constitutions and constitutional law we encounter many naive and primitive vestiges which represent a hangover from the preconstitutional age. The conception of the divine right of kings has come down to us in the form of the divine status of constitutions. We have already described the absurdities of constitution-worship and the social malady of "constitutionalism" in a earlier chapter of this book, and need not repeat the material here.[30]

From the time of its origins, our Constitution has been a legal instrument for control of the country by the propertied classes. Our Constitution was preceded by the several state constitutions drawn up after 1776, which faithfully imitated and embodied the dicta assembled by the English middle class to protect their property and class rights. The

[29] Rodell, *op. cit.*, pp. 194–195. Reprinted by permission.
[30] See above, pp. 221 ff.

Federal Constitution was not made by timid moss-backs. It was the achievement of a revolutionary generation—a generation which had revolted to protect their property and commercial rights.[30a] The action of the Constitutional Convention in 1787 was, technically, illegal. It had been commissioned only to revise the Articles of Confederation. This fact should give pause to our present-day constitution-mongers who are such sticklers for strict and formal legality. Indeed, Alexander Hamilton, one of the chief lawyers in the Constitutional Convention, clearly stated that he had little regard for legality, in the face of a social crisis:

> You, sir, triumph in the supposed *illegality* of this body: but granting your supposition were true, it would be a matter of no real importance. When the first principles of civil society are violated, and the rights of a whole people are invaded, the common forms of municipal law are not to be regarded.

Moreover, the Constitution was a compromise between large and small states, between slaveowners and non-slaveholders, between exponents of centralization and of states-rights, between aristocrats and democrats. It satisfied no party to the compromise. It was accepted as the best that could be had for the moment. Hamilton, perhaps the most stalwart worker for its ratification, would say no more than that it was far better than the Articles of Confederation and the best that could be secured for the time being. Its opponents were bitter against it, contending that it flagrantly betrayed the principles of the American Revolution. Patrick Henry, whom Senator Glass once carted out to oppose the New Deal, was vitriolic in his assault upon the Constitution.

Further, the Constitution was an experiment, designed to be modified or replaced entirely, as soon as experience and greater knowledge seemed to indicate the desirability of so doing. Jefferson thought that it should be overhauled or supplanted by a new one every nineteen and a half years. Nobody would be more surprised and appalled than Hamilton and Madison, if they were to come to life and find that we are still operating under the document which they drew up over a hundred and fifty years ago for some 4,000,000 merchants, fishermen, artisans and farmers, huddled along the Atlantic coast and living in a preindustrial age. The matter is of more than academic interest, since misconceptions about constitutions constitute one of the major obstacles to social progress.

It is difficult for us to comprehend what absurd ideas may be held in regard to constitutions. We can ridicule the attitude of people and courtiers towards Louis XIV, or view with amused distress the reverent antics of crowds in the presence of Mussolini and Hitler. But we are unable to recognize that the attitude of the mass of the people towards a constitution is often as absurd as that of the courtiers who contended avidly for the honor of handing Louis XIV his stockings. A good ex-

[30a] The fact that many of the men who made the Constitution were more conservative than Jefferson does not affect the fact that most of them had taken a leading part in the Revolution.

ample of this reverential attitude towards constitutions is that set forth by Harry F. Atwood, in his popular little work, *Keep God in American History*. He thus appraises our Constitution and the men who made it: "In our Constitutional Convention were assembled the greatest body of men, from the standpoint of physical vigor, mental acumen and moral courage, that ever met together for human achievement. . . . The writing and adoption of our Constitution was unquestionably the greatest and most important human achievement since the Creation, and as an event it ranks in history second only to the Birth of Christ."

A constitution is, quite literally, only a "scrap of paper"—a document—which describes the framework of any particular government. It tells us whether it will be a monarchy, aristocracy, or democracy; whether there shall be executive or legislative leadership; what the powers of the government and the rights of the citizens shall be; and the like. If a constitution creates a good form of government it is a good constitution; if it produces a bad government it is a bad constitution, no matter how much it may be revered by a people. Even the terms good and bad government are relative. What may be a good government for one people, at one time or place, may be unsuitable for another people, at some other time and differently located. Further, all constitutions are man made. There is no active participation by the Deity in their formulation. Indeed, the Constitutional Convention, which made our Federal Constitution, deliberately excluded the mention of the Deity and any particular religion from the document. No constitution can be better than the men who made it and those who later interpret it. If a later generation is better equipped by knowledge and experience, there is every reason to believe that it could draw up a better constitution.

There is a prevalent illusion that a constitution, like brandy, gets better as it gets older—as it ages in the wood of popular reverence and superstition. The reverse is obviously the truth in almost every case. Even if a constitution created a perfect form of government at the time when it was drafted, such a government would be bound to become less suitable and appropriate as times change and new social conditions arise. A government is good only in proportion to its adaptability to any given set of social conditions which it seeks to guide and control. When social conditions alter greatly, with the passage of time and with impressive material and economic innovations, it is rare that any amendment of a constitution, however frequent and sweeping, will suffice. Amendments are not unlike attaching a carburetor and landing wheels on an oxcart. We do not build an automobile or an airplane about the framework of an oxcart or stage coach. We design and build a new vehicle.

It follows that the generation which draws up a constitution is likely to be less well fitted for the task than a later generation. Those who follow have all the knowledge possessed by the original framers and also the advantage of observing the operation of the new government and the new knowledge concerning political and legal affairs which inevitably accumulates under normal conditions. A Charles Austin Beard may not

be any abler intrinsically than a James Madison, but Beard is far better equipped to suggest the kind of government the United States needs in our day than James Madison could have been away back in 1787.

The reverential attitude toward constitutional law and the assumption by the Supreme Court of the United States of the right to set statutory laws aside as unconstitutional create a serious social problem. It makes it very difficult to adjust constitutional law to social realities. There are two possible ways of moving ahead, one by orderly legal progress and the other by violence and revolution. If the awe and majesty of the Constitution and the arbitrary action of the Supreme Court block the path to orderly change, such action tends to make revolution likely or inevitable.

Our experience with the Federal Constitution illustrates the difficulty of altering constitutional law to keep pace with change. From the days of Thomas Jefferson to the close of the Civil War, the Constitution was not amended. Then, after the Reconstruction amendments, there was no new amendment until the Sixteenth Amendment, legalizing the income tax, which was ratified in 1913. A child labor amendment has been before the country for nearly twenty years without ratification. This deals with a subject on which public opinion is relatively well known and is favorable to the passing of the amendment. One can well imagine the difficulties and delays which would attend an amendment involving such a highly controversial subject as the alteration of the composition and powers of the Supreme Court. The battle over the reform of the Supreme Court in 1937 is evidence enough of this contention.

It is difficult to estimate the social damage which has been done by our failure to keep the Constitution and court decisions up-to-date. It may ultimately prove to have been the major factor in wrecking American democracy.[31] It is frequently asserted that we do not need to amend the Constitution because the courts can so interpret it as to harmonize with social progress. But it is equally true that the courts can also interpret it to block progressive social legislation, even when the words of the Constitution are not clearly opposed to such legislation. Indeed, the Supreme Court has more frequently interpreted the Constitution in a reactionary manner than it has in a progressive fashion. The constitutional framework of social progress cannot be left to the arbitrary whims of any body, however august. The fact that we now have a progressive Supreme Court is no indefinite guarantee of continued constitutional flexibility or of orderly social progress.

When we turn to statutory law, we find a different attitude. There is no antipathy to change. There is the utmost lightheartedness in passing legislation. There is, moreover, no such popular respect bestowed upon those entrusted with legislation as there is upon the Supreme Court, which is supposed to interpret this legislation. The Senate of the United States still possesses some dignity and public respect, but the House of Representatives all too often presents a spectacle of confusion and triviality.

---

[31] See below, pp. 407 ff.

Statecraft, if it exists therein, finds it difficult to secure adequate expression. We do not have to follow the authors of the *Washington Merry-go-round* to recognize this deplorable situation.

Theoretically, it is probably true that in a democracy the law-making department, which most directly represents the popular will, should be the strongest and most effective branch of the government. But, in practice, this has rarely or never proved to be the case. Congress has seized decisive leadership in our national history only three times, namely, just before the War of 1812, and right after the Civil War and the first World War. In all three instances this congressional autocracy proved unmitigatedly disastrous.

If this legislative ineptitude is true of the national government, it is even more decidedly the case with our state legislatures. In a cogent and diverting article on "The Clown as Lawmaker," in *The American Mercury*,[32] William Seagle describes the character and methods of our lawmaking bodies in the several states of the Union. Mr. Seagle is a learned scholar, a well-trained lawyer, and as well informed on state legislative methods as any living American.

Our solons derive their political prestige quite as much from their talent as entertainers as from their legislative acumen. The Texas legislature was long proud of its fat man. California boasted of a member who had once been a full-fledged circus performer. Idaho proudly exhibited a formidable poker bloc. "The halls are full of Mutts and Jeffs, Gold Dust Twins, Wild Bulls of the Pampas, Potashes and Perlmutters, and Andy Gumps." The most novel stunts are carried out in the solemn legislative halls. In Idaho, a fake Fascist revolution was staged. The gunmen entered the legislature and shot it up with blank cartridges while in formal session. In Tennessee, the chairs of lawmakers were wired for electricity and connected with a button at the Speaker's desk. The latter was able to press the button and send the unsuspecting solons leaping into the air. In Utah, fifteen beautiful girls walked down the aisles in costumes representing fifteen leading measures before the legislature. Two lawmakers thereupon arose and ostensibly shot each other dead in a fake duel, being carried out amidst loud cheers. A lady legislator was addressing the New Jersey Assembly on the crime menace. To strengthen her arguments she arranged that the assemblymen should be confronted with machine guns and automatic rifles pointed menacingly at them. When a South Dakota legislator spoke in favor of capital punishment, his opponents hung a dummy by the neck from a balcony rail. Monkeys are frequently sent to legislators introducing anti-evolution laws.

Special amusement is had by ordering investigations of every subject under the sun. In California, the lawmakers discovered that each of the legislative reporters had a private spittoon, whereas only one was allotted to two legislators. They solemnly ordered an investigation of this outrageous extravagance.

---

[32] March, 1933, pp. 330–337.

All this legislative levity and horseplay, of which I have noted only a few instances cited by Mr. Seagle, might be merely diverting and not harmful, were it not for the fact that it is used to ridicule or kill serious and important legislation. No matter how important a measure may be, it has little chance of passing if anything connected with its sponsor, its content, or its mode of presentation, offers any occasion for banal humor. A favorite way of killing a bill through burlesque is to refer it to the wrong committee; for example, referring a bill on the regulation of dance halls to the Committee on Fish, Oysters, and Game. Or, absurd amendments may be tacked onto the bill to kill it. An important bill in North Carolina to prohibit the employment of women and children for more than 55 hours a week inspired an amendment to regulate eating between meals. A bill in Michigan requiring the registration of lobbyists suggested the amendment that "the Secretary of State pay a bounty for their scalps, that they be subjected to mental and physical examinations, that they be required to wear tin stars, and that there be a roll call of lobbyists after roll calls of the House to make sure they were on the job." The bill was then referred to the Committee on Insane Asylums.

The triviality of much of the legislation passed by these state legislatures is highly compatible with the character of the legislators and their behavior. Mr. Seagle has dealt with this matter in an interesting little book, *There Ought to be a Law*.[33] In our limited space we can only cull a few samples from Mr. Seagle's collection. But they will suffice to indicate both the flavor of the work and the character of the absurd laws turned out by our solons.[34]

Massachusetts preserves its sentimental regard for the Mayflower by the following enactment: "Any person who pulls up or digs up the flower of the Mayflower or any part thereof or injures such plant or any part thereof shall be punished by a fine of not more than fifty dollars, but if a person does any of the aforesaid acts while in disguise or secretly in the nighttime he shall be punished by a fine of not more than a hundred dollars." Indiana has a rigorous law "to prohibit any person from going upon the enclosed or unenclosed land of another with intent then and there to peep." In Kentucky, all persons are forbidden to appear upon the streets in bathing suits unless there are police available to run them in: "It shall be unlawful for any person or persons to appear upon any highway or upon the streets of any town or village having no police protection when such person or persons are clothed only in ordinary bathing garb." Over-zealous and violent passion is thus restrained by an Indiana law: "Any person who being over sixteen years of age commits or attempts to commit . . . the crime of rape . . . while armed with pistol, revolver, rifle, shotgun, machine-gun, or any other firearm shall be guilty of a separate felony."

Not even doctors or dentists are trusted in West Virginia according to

---

[33] Lee Furman, Inc., 1933.

[34] For further data on legislative levity and absurd laws, see Jackson, *op. cit.*, pp. 40 ff., 49 ff.

the implications of the law that: "It shall be unlawful for any physician, dentist, or other person to administer chloroform, ether or any anaesthetic whatsoever, whereby sleep or total loss of sensation may be produced, to any female person, unless in the presence of some third person." The economic ethics and professional dignity of the clergy are protected by the Maryland law which provides that: "It shall be unlawful for any minister of the Gospel . . . to give either directly or indirectly, or offer to give any money, present or reward, to any hotel or railroad porter, or other person or persons, to bring, take or direct any person or persons, contemplating matrimony to said minister of the Gospel."

The recreational ideals of Arkansas and Kansas are not in complete accord. In the former, it is illegal for any circus to fail to deliver on any advertised act, while in the latter a law provides that: "It shall be unlawful for any person to exhibit in a public place, within the State of Kansas, any sort of an exhibition that consists of the eating or pretending to eat of snakes, lizards, scorpions, centipedes, tarantulas, or other reptiles." Oregon remains faithful to the tradition that in the West "men are men" by providing by law that "all beds in hotels and lodging houses shall be provided with sheets not less than nine feet in length." An attempt to keep them men is evident in a law of Iowa to the effect that: "No person shall have, erect, or use while fishing on or through the ice, any house, shed or other protection against the weather, or have or use any stove for creating artificial heat." While we have far too many laws in the country, the low quality of our legislation is even more of a threat to our national integrity. As Mr. Seagle observes: "What we suffer from is the quality, not the quantity of our legislation. It is the haphazard and extemporary character that is at the base of our ills. Now and then there is produced quite lunatic legislation."

It has been observed that "America has more law and more lawlessness than any other nation in the world." The fact that we have so many laws is an illustration of the profuseness and levity with which statutory law is enacted. We have over 2½ million federal, state, and municipal statutes on the law books. It is not unusual for 20,000 bills to be introduced in a single session of Congress, though only a small proportion of these will be actually enacted. The 74th Congress passed 1,722 new laws. Over 1,000 public laws are passed by Congress each session, on the average. More than 30,000 state laws are passed every two years. This makes about 300 laws each year per state. In 1937, 43 out of the 48 states passed 18,484 laws. In 1924, 15 typical cities passed 4,833 laws.

Many of the laws passed by the several states at any given time embrace essentially the same principles, thus duplicating the legislation. There are relatively few new criminal statutes passed in any year. Many laws deal with appropriations, the powers and jurisdiction of the various departments of government, charters of private and public corporations, administrative law, health codes, building codes, and the like. Hence it is apparent that much of the legislation passed has little bearing upon personal behavior.

Yet there remains an absurdly large number of statutes which do

affect the individual. This has the disastrous effect of making many laws simply dead letters. And, once a person disregards a foolish law, it becomes that much easier to have less respect for good laws. This fact is emphasized by Chancellor Robert M. Jones of Tennessee:

> There are more than 100,000 statute laws in the United States restricting the conduct of the individual. Each one is an infringement on man's personal liberty. Some, of course, are necessary, but the great majority are foolish.
>
> In a neighboring state it is against the law to ride a jackass more than six miles an hour, and a few years ago in the Tennessee Legislature a Senator introduced a bill against calling any female a "flapper." In another state a child cannot pass from the eighth grade to high school unless he has learned the first verse of "The Star Spangled Banner." There is a law to that effect.
>
> Ordinarily, law should follow only where there is a crystallized public opinion in favor of it. Where people are not in favor of it they will not heed it, and the law is no good. Now there are so many laws that people of good mind and high ideals can never expect to obey them all. As a result a law is not looked upon as sacred, as it was when the statute books were only five inches thick instead of being five volumes fifteen inches thick.
>
> Every good law will be obeyed, and there will be a hearty public opinion in favor of enforcing it. The poor laws will not be obeyed and they ought to be repealed.

The same sentiments are expressed by Brand Whitlock: "Men do not fear the penalties of the law half so much as they fear public opinion, which for them is the opinion of their neighbors, the statute indeed may disapprove their conduct, but unless their neighbors disapprove it, then, so far as that community is concerned, it is a dead letter." The travesty and absurdity of all this was well brought out by L. M. Hussey, in an article on "Twenty-four Hours of a Law Breaker," in *Harper's*.[35] This described the average day of a typical "law-abiding" citizen of the City of Philadelphia. Quite unconsciously, within 24 hours, this man committed crimes and misdemeanors for which he might have paid an aggregate penalty of approximately $3,000 in fines and have served five years in a penal institution. At the same rate, he would accumulate in a year penalties amounting to over a million dollars in fines and prison terms totaling 1,825 years. This is more serious than it appears on the surface. If the average well-to-do citizen should happen to be picked up for one of these nominal infractions of the law, he can usually get out of it with very little inconvenience. But if some poor, helpless, and friendless person should be apprehended, he might be thrown into jail to associate with criminals and degenerates, then convicted and sent to a prison or reformatory, from which he would very likely emerge a real criminal. Not a few of our criminals have been "manufactured" in just this way.

Not only are we plagued with new laws, but there are many archaic laws which have held over from an earlier period of civilization. This is especially evident in laws reflecting the theology of an ancient period. Most of the early legislation in this country was directly based upon the Mosaic code. Most of the criminal codes of American states still

---

[35] March, 1930.

contain laws punishing apostasy, heresy, blasphemy, swearing and cursing, Sabbath-breaking and the like. It is a common legal practice to discard testimony unless accompanied by an oath. A New York State court, in the case of Jackson *vs.* Gridley, held that "no testimony is entitled to credit, unless delivered under the solemnity of an oath, which comes home to the conscience of the witness, and will create a tie arising from the belief that false swearing would expose him to punishment in the life to come." An atheist cannot logically take an oath, and the testimony of an atheist was actually disregarded by the North Carolina court in the Gastonia murder cases in 1929.

Under ordinary conditions, the dying declaration of a murdered or injured person is treated as testimony and has the same standing as though he had made the statement as a witness in a trial. But the dying declaration of an atheist possesses no validity, and this position has been upheld by the Supreme Court of the United States. There have been a number of cases in which a murderer has been freed, even though identified by the dying man, on the ground that the victim was an infidel. Some states disqualify the dying declarations not only of atheists but of any others, such as Unitarians and Universalists, who do not accept the orthodox views of the Trinity or future punishment. This would have applied, for example, to ex-President and ex-Chief Justice Taft. As one legal expert pointed out, "It is a rule inviting the assassination of any person who has discarded Hell in his religious equipment." In some states even a faithful believer's dying declarations are disqualified if he happens to slip and indulge in profanity under the stress of his last pain or excitement. Criticizing this state of affairs, Mr. Frank Swancara predicts that: "the time will eventually arrive when the dying victim of a brutal murder, in naming his assailants, will not be stigmatized and have his dying declaration discredited in court merely because he disbelieved in Hell as described by orthodox Christians in the seventeenth century." The whole subject of archaic religious laws and their effect upon litigation is surveyed by Mr. Swancara in his *Obstruction of Justice by Religion.*[35a]

The preceding pages will give some idea of the levity of lawmakers, of the mass-production of new laws, and of the accumulation of mountains of archaic and obsolete laws, but they do not give us an adequate picture of the real extent and complex character of the law which lawyers and judges have to reckon with—of The Law, as Professor Rodell describes it.[36]

In the first place, the lawyers have to master the Federal Constitution, which is itself a brief and clear document. But that is only the start of constitutional law. A bare digest of the more important judicial decisions relating to the Federal Constitution fills three volumes and some 2,200 pages. There is an almost equally voluminous body of con-

[35a] Courtright, 1936.

[36] For an admirable treatment of the extent, complexity and uncertainty of law in the United States, see Jackson, *op. cit.*, Chaps. II-III.

stitutional law and constitutional decisions for each of the 48 states of the Union.

Next, we have the laws passed by Congress. Those passed, down to 1925, require 60 volumes and 30,000 pages, and over 8,000 pages have been taken up with laws passed since that time. The number of state laws and the pages required to print them baffles the imagination. The index, alone, to New York State laws fills four volumes of 3,000 pages. It required 80 volumes to print the New York statutes in force in 1909, before law-making became a mass-production industry. Municipal legislation is also extensive. The New York City Building Code alone fills 1,200 pages.

In addition to statutory law, there is the appalling body of judge-made law, in the form of judicial decisions or opinions on constitutional and statutory law. It is estimated that there are nearly 2 million reported judicial decisions. A digest prepared in 1896 filled 50 volumes of about 2,500 pages each. Some 55 volumes have been required to print the digest of decisions made since 1896. When it comes to collections of the whole opinions much more space is required. One New York judge, in a relatively simple case involving the validity of a common-law marriage, gave out an opinion of 267 pages and over 120,000 words—a good-sized book. The decisions of the federal courts (federal judicial opinions) fill over 800 volumes and 800,000 pages. The judicial opinions in our more populous states are nearly as voluminous. The decisions of the New York State Court of Appeals between January, 1919, and October, 1921, fills seven volumes. The opinions of judges in New York State courts to date occupy over 700 volumes and over 500 million words.

The prodigality of verbiage in judicial opinions is well illustrated by a single sentence from the opinion of Federal Judge Marcus B. Campbell, in the case of *Petterson Lighterage and Towing Corp.* vs. *Tug New York Central #32:*

As I have hereinbefore stated, no experiment was needed to show that when the #32 backed out of the slip between piers 34 and 35 with the two carfloats in tow, the sterns of the carfloats were carried down by the tide close to the outer end of pier 33 perhaps to a point 25 to 30 feet off as estimated by the stern lookout on carfloat #52, but as the #32 with her tow straightened up, and as she was swinging the tug and her tow were carried down and out in the stream toward Brooklyn by the ebb tide, and no expert testimony is needed to show this, nor can any expert testimony convince me to the contrary, not as common knowledge, but as it is clearly shown by the testimony in the instant suit, because with the stern of the #52 but 25 to 30 feet off pier 33 when the #32 stopped backing out, if the #32 and her tow swung on a pivot the stern of the #52 would of necessity have struck the pier end, which everybody agrees it did not, therefore, while swinging the #32 and her tow must have gone out in the stream toward Brooklyn and I am further convinced that the stern of the carfloats must at the time of the collision have been much further off the pier ends than the original distance of 25 or 30 feet estimated by the stern lookout, who had left the stern of the #52 and gone on the stern of the #32, and who estimated that the stern of the tug was about 50 feet forward of the sterns of the carfloats and that the pier end was 70 or 80 feet from the stern of the tug.

Finally, there is the growing body of administrative law handed down by administrative commissions of a judicial or quasi-judicial character. One single report of the National Labor Relations Board, that on the Republic Steel case, ran to over 100,000 words—another book.

The above brief review will make it clear that nobody can know all extant law, even of the federal government and his own state. In legal practice, this vast volume of law puts the great law firm—the law factory [37]—at a distinct advantage, compared with the single practitioner or small firm, however able. The law factory can afford to turn a score of active and alert young lawyers loose to search for relevant laws and decisions, while the lone attorney or the small firm can only scratch the surface, and nothing but sheer luck in stumbling upon cogent cases can enable him to cope with the law factory, even in a single case. Perhaps the most depressing thought in connection with it all is Professor Rodell's observation that all this mass of law has little relation to facts, issues or logic in connection with the millions of cases covered—it is mainly verbal "bunk." And the administration of the law does little to promote actual justice. It is the sense of futility, as well as complexity, which overwhelms the critical student of the law.

[37] See below, pp. 417 ff.

CHAPTER XII

Law in Action and Problems of Legal Procedure

Law in the Courtroom

IN THE preceding chapter we have examined some of the leading social issues involved in the nature of law, the process of law-making, and the extensive and complex character of the law itself. In this chapter we shall look into some of the problems involved in law in action—in legal procedure as it exists today.

One of the basic premises of legal procedure is that justice must be fair and prompt—"sure and swift." Yet in actual practice we find conspicuous evidence of a clogging of court calendars and an appalling congestion of litigation. This is partly due to the fact that, in some instances, there are too few judges provided for the number of cases. But it is also due to the fact that judges are often indolent, careless, and indifferent. They are usually beyond the reach of public opinion and there is no person or group who can compel them to work any harder than they please. As Morris Gisnet puts it:

> There is no doubt that a great deal of the calendar congestion in all of the courts is due mainly and primarily to the fact that most of the judges do not work as they should; and this is due to the fact that, under the system under which these judges are elected or appointed, there is no authority anywhere to compel them to do the work which they are elected and appointed to do.[1]

But there are other reasons for legal delays. The courts are flooded with bogus negligence cases, built up on perjury. The courts are saddled with much work that should be handled by executive and administrative agencies. And at least a third of the time of the courts is occupied with technicalities and procedural details. As Percival Jackson observes:

> Our civil courts are deluged with damage suits praying judgment for thousands of dollars, based on trifling causes and feigned mental suffering. Every physical hurt is claimed to be permanent in an effort to enhance the amount of judgment; accidents are framed and injuries trumped up, not only by individuals but ofttimes by concerted cooperation of rings of doctors, litigants and witnesses. The result is an impenetrable congestion that delays legitimate suits and honest suitors.
>
> Besides, we rely on our courts too heavily. We charge them not only with

[1] *A Lawyer Tells the Truth*, Concord Press, 1931, pp. 103–104.

judicial functions but with a wealth of duties that more properly belong to the executive and administrative branches of the government. And we leave to law-suits many matters that might more properly be determined by other means. . . .

Because of lawyer-practices of making technical procedural moves in every case, it has been estimated that mere technical matters of practice and procedure occupy one-third of the time of the courts.[2]

Many more cases are disposed of through mere legal motions by attorneys than come to trial. In New York and Bronx counties, in 1935, supreme court judges decided 196,996 legal motions, while only 3,408 cases were disposed of by trial. As Mr. Jackson remarks: "Almost three out of every four cases brought in this court are disposed of without consideration of the merits." Another and related abuse is pleading guilty to a lesser crime than that charged—what has been called "bargain-counter justice"—a matter which we shall discuss later on.

There are frequent delays in cases, and interminable postponements. Some of these are necessary, as a result of court congestion, but others are produced through arrangements made with the judge by powerful and favored attorneys. What these delays involve is well described in a case brought to public attention by *The New York Times:*

In the middle of April, 1921, an insurance solicitor entered into a contract with a firm of insurance agents. He left their employ less than four months later, and claimed that he was entitled to commissions on renewal of business obtained. On May 18, 1925, he started a suit. After various motions, examinations before trial, and so forth, the case finally came on in the Supreme Court toward the end of November, 1927. It was adjourned from time to time and appeared on the calendar every month thereafter until October, 1928.

At all these times somebody from the lawyer's office had to be in court to ask for adjournments, and they were granted. Three full days were required in court during the trial, but the actual trial took less than one day. The reason three days were required was because the trial was held in a calendar part, where other cases were being called. Witnesses were in court from New York, Boston and Philadelphia. In preparation for this trial more than sixty hours were spent by the lawyers in interviewing witnesses and making trips out of town, and besides this four or five days were spent in looking up the law!

After hearing the evidence the court dismissed the complaint from the bench. The trial was held in October, 1928, and the witnesses were testifying to things which occurred in August, 1921, more than seven years before the trial. There were certain formalities after the trial, and the litigation was finally concluded and a judgment entered against the plaintiff in February, 1929. The successful defendant paid to the lawyers more than $2,000 for fees and disbursements, and it is impossible to give an estimate as to the additional expenses incurred by the defendant and his witnesses as to lost time, or of the time and money it cost the State and the lower court to settle that difference.[3]

This case is no isolated instance.[4] In New York, a suit against the city for $106,000, begun in 1908, was finally settled in 1937 for $325.

---

[2] *Look at the Law,* Dutton, 1940, pp. 117, 203.

[3] March 9, 1930.

[4] For more detail on legal delays and postponements, see Jackson, *op. cit.,* Chap. VII; and Smith, *Justice and the Poor,* Chap. IV.

In 1936, W. R. Hearst finally settled for claims due to the explosion of fireworks in Madison Square Garden in 1902.

Law is supposed to have due and proper regard for the facts. But the courts are hampered by the paralyzing influence of legal technicalities. Some regard must obviously be had for precision of form, continuity of method, and uniformity of procedure. But our legal technique and court operations have more regard for form and precedent than they do for fact and reality. The rules regarding the nature and admission of legal evidence are based upon a long body of precedents, most of them coming down from the prescientific era. Legal evidence should have a primary concern with getting at the truth, in the most expeditious manner compatible with accuracy, such as is displayed in obtaining evidence in scientific research. But the vast mosaic of legal technicalities very frequently produces almost the opposite result. The rules of legal evidence can be manipulated by a clever lawyer or a biased judge in such a fashion as to exclude most of the revelant facts from any legal bearing upon the case. If a man were deliberately to plan a system for effectively excluding or obscuring relevant facts, it would be difficult for him to produce anything more efficient for this purpose than our court-room procedure.[5]

A lawyer would, perhaps, retort that we retain our rules of evidence to enable cross-examination to test the truth of any statement—for example, the hearsay rule. At least, the rules bespeak a lack of confidence in the jury's intelligence, its ability to reject immaterialities, and its power to avoid being swayed by emotions, sympathy, passion, and the like. In civil cases, the lawyers have, in a sense, overdone the matter of technicalities, to their own detriment. By making the result of trials uncertain because of excessive technicalities, lawyers have driven businessmen to resort to arbitration and the settlement of disputes out of court. This is one reason for the economic plight of the legal profession today.

The courts are guided in their procedure, to a large extent, by following previous court decisions upon the points involved. This makes it difficult to introduce any new knowledge or line of reasoning into the judicial handling of legal problems. The resulting ossification of law and judicial decisions was well pointed out by Dean Young B. Smith of Columbia University:

> The habit of lawyers in looking to reported opinions for the answer to legal questions has tended to deprive the law of the benefit of new ideas in testing the validity of rules of law. Even when courts are inclined to formulate new rules of policy, their decisions too often rest on little more than the limited experience of the particular judges who make the pronouncements. Seldom do the courts utilize the knowledge of the economist, the historian, the psychologist or the philosopher in determining social policy. The profession has developed no technique by which such knowledge is made available. As a result, legal standards are often inconsistent with actual experience.

---

[5] For more details, see Jackson, *op. cit.*, pp. 105 ff.

Formal propriety and technical exactness in legal jargon are frequently viewed as far more important than the actual facts of guilt or innocence. This is best illustrated by the tendency to throw out of court cases which may clearly demonstrate guilt but which, at the same time, involve some trivial error in statement or procedure. Mark O. Prentiss once brought together an interesting anthology of cases illustrating what has been called "pinhead jurisprudence":

A defendant was convicted under an indictment charging the theft of $100, "lawful money." The conviction was set aside because the indictment did not say "lawful money of the United States." The court gave as the reason for granting the defendant a new trial that the victim might have been carrying around Mexican money.

A defendant was convicted of stealing a pistol under an indictment which described the pistol as a "Smith & Weston" revolver. A new trial was granted because the proof showed that the defendant stole a "Smith & Wesson" revolver.

In Chicago, a notorious criminal known as "Eddie the Immune" was convicted of stealing $59. There was never the shadow of a doubt as to his guilt. The verdict was set aside on appeal because the jury did not find [*i.e.* state] the exact amount stolen.

In Georgia a defendant was convicted under an indictment which charged that he stole a hog that had a slit out of its right ear and a clip out of the left. The appellate court granted the defendant a new trial because, while it was proved that the defendant stole the hog, the evidence disclosed that it was a hog with a slit out of its left ear and a clip out of its right ear.

In another case where a defendant was convicted of a serious crime the conviction was set aside by the higher court because the word "the" was left out of the concluding phrase of the indictment, "against the peace and dignity of the State."

In another case a defendant was convicted of stealing a pair of boots. The judgment of the trial court was set aside by the higher court, because it appeared that while the defendant had stolen two boots, he had stolen two rights.

In yet another case a conviction for larceny was set aside because the indictment averred that it occurred in a "storehouse" when it should have used the word "storeroom."

In a Montana case a verdict of guilty of larceny was set aside on appeal because the trial judge instructed the jury that it must find intent to steal instead of a criminal intent.

Under another absurd ruling a conviction for stealing was set aside because there was no proof that 800 pounds of cotton was a thing of value.

In yet another case involving some offense along a public road the conviction was set aside because, while the proof showed that the road had been used for thirty years as a public road, it did not show that the road had ever been formally dedicated to the public.

There is an Alabama case which held that the omission of the letter "i" from the word "malice" in an indictment for assault with intent to murder rendered the indictment bad, and the conviction of a defendant under that indictment was set aside.

In another Alabama case it was held that an indictment charging that murder had been committed "with malice aforethou" did not allege "malice aforethought,"

and that the indictment was legally insufficient. The court noted in that case: "Great precision should be observed in matters which vitally affect the life and liberty of the citizen." In England the judge would simply have corrected the indictment with his pen and gone on with the case.

In another Alabama case a defendant was charged in the indictment with stealing a cow. The evidence proved him guilty of stealing a bull In either event the defendant was guilty of grand larceny. The higher court, however, set aside the judgment of conviction.

In another case the defendant was charged with stealing eleven cow hides. The higher court said: "There was a total absence of evidence that the hides stolen were cow hides. *Non constat*, they were horse hides, or hides of some other animal than that of the cow kind." The sentence of the lower court in that case was set aside, although the evidence showed that the defendant in that case was guilty of grand larceny.[6]

Probably the most spectacular example of the distortion of justice by adherence to pinhead technicalities was the granting of a mistrial by Judge Ferdinand Pecora in the trial of the political boss, James J. Hines, in New York City. After over a month of an expensive and elaborate trial a mistrial was granted over what Mr. Jackson rightly describes as "the merest technicality." The prosecutor, Mr. Dewey, had merely asked a witness whether Hines had been mentioned before a former grand jury as having some connections with the poultry racket. This action of Judge Pecora aroused bitter newspaper criticism and is not likely to be repeated for some time.[7]

The same excessive regard for technical correctness controls the matter of appeal. Gross injustice may be clearly evident from any thorough study of the case. But, if the procedure is entirely correct from the standpoint of legal etiquette, the defendant will be regarded as having had an entirely fair trial, and the demand for a new trial will be unceremoniously denied. In some states, the judge who tried the case will be permitted to decide upon the matter of appeal. This was the case when the notoriously biased Judge Webster Thayer passed upon the petitions for appeal from the conviction of Sacco and Vanzetti. The success of the magician among primitive peoples depended very largely upon the exactness of his technique in following the prescribed magic formulas. The contemporary judge and lawyer run him a close second. No other profession, not even that of the Fundamentalist theologian, has such regard for jargon, phraseology, and procedural niceties.[8]

To make matters worse, a considerable portion of the testimony actually admitted in cases is perjured. An exposition of the appalling prevalence of perjury in the courts of the United States was set forth by Dorothy Dunbar Bromley in an article "Perjury Rampant."[9] The situation which she describes is almost incredible to the layman. John M. F.

---

[6] *The New York Times Current History Magazine*, October, 1925. For more material on technicalities in court procedure, see Jackson, *op. cit.*, pp. 126 ff., 147 ff.
[7] *Cf.* Jackson, *op. cit.*, pp. 17 ff.
[8] *Cf. Ibid.*, Chap. IV.
[9] *Harper's*, June, 1931.

Gibbons, one of the most eminent lawyers of our generation, states that in over twenty years' experience in the courts of the United States he was aware of only two cases in which perjury had not figured. And he stated that "in reaching this shocking conclusion, I have been most careful to distinguish between malignant false swearing and benign inaccuracy." A Supreme Court Justice of the State of New York told Mrs. Bromley that the courts of the State took perjury for granted, and said that "we have reached the point where we are merely trying to find out which side is lying the least." Perjured evidence is particularly common in connection with the so-called negligence cases. These are the accident and similar cases which lawyers take on a contingent basis, namely, the agreement that they will collect a fee only if they succeed in getting damages awarded to the plaintiff. During Prohibition, one of our most distinguished attorneys, I. Maurice Wormser, remarked that "a negligence lawsuit without perjury is almost as rare today as a glass of good Pilsner." [10]

One reason why perjury is so frequent, that, in the words of Samuel Untermeyer, "it has become so general as to taint and well-nigh paralyze the administration of justice," is that it is rarely prosecuted. As former United States attorney, Charles H. Tuttle, observed, "the practice of perjury has come to be surrounded with a practical immunity." In 1923, there were 109,000 persons confined in state and federal prisons, but only 171 were there for perjury. From the statements of distinguished lawyers, it would seem reasonable that there must have been at least one instance of perjured testimony for each person convicted and imprisoned. Indeed, in the average important case there may be a dozen or more examples of perjured testimony. In New York City, where it is very rare for a case to be tried without perjured evidence, there were in the three years, 1925, 1926, 1927, only 103 arrests for perjury and 15 convictions. In Chicago, where perjury is presumably more common than in New York, only three persons were sentenced for perjury in the five years 1926 to 1930, inclusive. An interesting perjury case on record is that of Edith St. Clair. We shall let Mrs. Bromley tell the story:

The difficulty of getting a conviction for perjury on the basis of a witness's contradictory sworn statements may be illustrated by the following story. Miss Edith St. Clair, an actress, a number of years ago sued Mr Abraham Erlanger, the former theatrical producer, for having failed to fulfill the terms of a contract under which he had agreed to pay her, "for services unspecified," twenty-five thousand dollars in ten yearly installments. She was able to convince the judge and jury of the authenticity of her claim and accordingly won a judgment in the Supreme Court of New York, which ordered Mr. Erlanger to make the yearly payments. Subsequently, however, she appeared at the office of Mr. Erlanger's attorney and for some unknown reason confessed that she had lied about the contract, and that her attorney, Mr. Max D. Steuer, a New York lawyer whose name is now much in the public print, had put her up to the story. Her statement was reduced to an affidavit, and the judgment which she had obtained was accordingly set aside. As a result of Miss St. Clair's revelations, disbarment

[10] For a comprehensive survey of the prevalence of perjury among witnesses, see Jackson, *op. cit.*, Chap. XI.

proceedings were instituted against Mr. Steuer by the Appellate Division of the New York Supreme Court at the instance of the New York City Bar Association. But when she was called as a witness she once again recanted and said that she had told the truth the first time and that Mr. Steuer had not been responsible for her claim against Mr. Erlanger. The charge against Mr. Steuer was accordingly dismissed, and the State's next move was to try Miss St. Clair for perjury. But the prosecution suffered from the disadvantage of not being able to prove at which time she had sworn falsely, and so the jury failed to convict. Here was a case where the courts were shamelessly exploited and yet no one was punished.[11]

Mr. Jackson confirms in detail this picture of the prevalence of perjury:

> Deep down in his heart the average witness believes that his job is to outtrick the other side and that he is put on the witness stand not to tell the truth, but to help win the case. He undertakes to do so even if he has to lie in the process. . . .
>
> Under our present system, perjury is viewed as an ineradicable evil—and it probably is. Like Jupiter who laughs at lover's lies, we applaud the success of legal liars. Perjury has come to be accepted as one of the counters inevitably found in the legal game of the courtroom. It took over twenty years to free Mooney, although the perjury that convicted him was proven beyond doubt.
>
> There is little protection against perjury. We are all too tolerant of it. We not only view it as an ineradicable evil but we come to expect it. In criminal and divorce cases, everybody expects lying. A man who is fighting for his life or his liberty is not expected to sacrifice either one for an undue sense of honor respecting a mere oath. A defendant in a divorce suit is never expected to confess fault; a corespondent is considered a cad if he fails to lie like a gentleman in defense of his paramour's honor. In such case, the lesser legal crime of perjury yields to the greater demands of the so-called moral code.[12]

Not only witnesses but lawyers in court cases may lie shamelessly. The clever lawyer will rarely take the stand and swear to his lie, and thus render himself liable to prosecution for perjury. Rather, he will include the false statements in his address to the jury and thus escape any legal liability for his lying.[13]

Whereas perjury is usually overlooked in normal court practice, it is eagerly seized upon to persecute representatives of unpopular causes. The classic case was the conviction of Earl Browder of technical perjury in the course of an application for a passport. Another notorious example was the conviction of Morris Schappes, a former-Communist instructor at the College of the City of New York, in the spring of 1941. The prosecutor did not produce reasonable proof that Schappes committed perjury. It was sufficient for the case that he admitted former membership in the Communist party. Perjury prosecution and conviction were also imposed on George Hill, secretary of the isolationist Congressman, Hamilton Fish.

The office of judge is truly a noble public position and eminently deserving of the respect of citizens. The term "judicious" has come to

---

[11] Bromley, *loc. cit.*, pp. 41–42. See also Harry Hibschman, "That Perjury Problem," *American Journal of Criminal Law and Criminology*, January, February, 1934.

[12] Jackson, *op. cit.*, pp. 316, 323.

[13] For a good example of such lying by an attorney, see *Ibid.*, p. 268.

connote the essence of wisdom, combined with fairness. We frequently extol the "judicial mind" as a type of mentality which is not swayed by favoritism, partisanship, or a desire for personal gain. It is the sort of mentality which weighs the facts and comes to decision on the basis of these facts without fear or favor. This idealized conception of the judge and the judicial mind cannot be too highly regarded or accorded too much respect. Unfortunately, the human material which occupies judges' shoes all too frequently does not measure up to the stature of ability, integrity, and wisdom which is associated in the popular mind with the judicial rôle. Perhaps the two eminent judges of our generation who have possessed to the full the imaginary—or legendary—"judicial mind" have been Oliver Wendell Holmes and Benjamin Cardozo. It may not be remiss to suggest that this is why they were regarded as such unusual judges.

We have no special training for judges and no particular qualifications designed to bring about a situation where the incumbents of the judicial office will qualify for the responsibilities imposed upon them. The majority of judges are practicing lawyers before they are elevated to the bench, and, more often than not, are political lawyers who have played fast and loose in the sordid game of politics. They usually owe their nomination, election, or appointment to the bench to prominent politicians. They have to pay their political debts. Moreover, judges are human beings, with their personal likes and dislikes and their convictions and prejudices in regard to political, economic, and social matters. They are no more able to divest themselves of such attitudes than is a minister, or a college professor. But their professional indulgence of prejudices, and of likes and dislikes, carries with it more disastrous consequences than is the case with any other profession. A minister may condemn a parishioner to hell, but the execution of the penalty is not certain and, in any event, is a long way off. A college professor may flunk an over-sceptical student, but he cannot ruin him. Only the most irresponsible physician would think of poisoning his patient. But a judge can handle a law case in such a fashion as to jail an innocent person for many years or send him to the death house. The case of Judge Webster Thayer and the judicial assassination of Sacco and Vanzetti immediately come to mind in this connection. Or, the judge may so conduct a trial as to let loose upon society a vicious and guilty criminal if, for some reason or another, the judge wishes this to be done. The life and liberty of almost any citizen in the community may, at some time or another, hang upon the economic prejudices, the personal eccentricities, or the current state of the digestive tract of some judge. For this reason it is particularly unfortunate that the theoretical qualifications of our judges are so rarely equaled by the actual attainments of incumbents of this high and noble office.

It is difficult for some to understand how a judge can markedly affect the conduct of the case. True, courtroom procedure is pretty rigorously prescribed and, in many cases, the law which applies is fairly precise and reasonably well known. Admittedly, the judge has no such leeway for

personal eccentricity and doctrinal interpretations as a college professor. But he constantly has to interpret the law and its application, to rule on innumerable objections in the courtroom, to maintain order, and to control the behavior of the lawyers. While the judge may be overruled in superior courts upon appeal, he is, for the time being, the absolute monarch of the courtroom. No one save an army or an armed mob can challenge his dominion. His rulings are frequently unrestrained by specific legal or procedural enactments. He can readily favor one side or another, though some care has to be exercised in this matter, lest he run into the danger of a rebuke from the courts of review.

Lawyers frankly admit the difficulty of winning a case, even though the evidence is wholly favorable to their side, if they have to deal with a hostile judge. On such an occasion, their only chance is to get a reversal in the upper courts. This is sometimes rendered difficult because the court record may give the impression of impartiality and legal propriety. The judge's words may be formally correct, but the tone of his voice, his inflections, and the like, may most effectively convey the impressions he desires to register on the jury. Only a phonographic recording of the judge's rulings and charges and a moving-picture film of the courtroom during the trial would enable a reviewing court to form an accurate impression of the actual conduct of a judge in any particular case. Such recordings may be demanded in the future, but they have not thus far figured in courtroom procedure, though some administrative agencies in Washington, notably the Interstate Commerce Commission, often do make such recordings.

The judge's charge to the jury is of extreme importance. Only an exceptionally clever attorney can offset the effect upon a jury which is made by the judge's charge. The judge gets the last opportunity to address the jury, which naturally holds him in greater awe than it does the average attorney. Only a Clarence Darrow may impress a jury more than a judge. It is so rare as to be almost revolutionary for a jury to ignore entirely the tone or import of a judge's charge. But the judge may frequently ignore the more cogent evidence and attempt to influence the jury by general considerations arising out of his particular prejudices. The judge's offense in this regard must be particularly obvious in order to be met with a reversal in an upper court on the ground of an improper charge to the jury.

When a verdict is returned contrary to the wishes of the judge, it is not unknown for the latter to telephone the attorney who has won the case and ask him to let the judgment drop. This cannot, of course, be done in any criminal case. But it can readily be done in the instance of a judgment in a civil case. Two cases have come to the attention of the writer within a brief period of time in which the same judge requested lawyers to "forget" a judgment just rendered by the jury. And it hardly need be added that the lawyers took the hint and urged their clients to let the judgment drop. This the clients had to do because they could find no other lawyer who would risk the wrath of the trial

judge by picking up the case. This form of tyranny is most usual in smaller cities where only one or two judges preside throughout the court terms of the year. Attorneys are dependent, literally, for their bread and butter upon keeping on good terms with the judge before whom they have to appear constantly.

We have referred above only to instances in which the judges have exercised arbitrary authority in interpreting the law, stretching the law, or conducting court procedure in such a fashion as to favor one party in the legal contest before them. But it is not uncommon for judges to ignore inconvenient laws, to usurp undue power, and to interpret laws in such a fashion as to destroy the intent of the makers. In their important book, *Lawless Judges*, Louis P. Goldberg and Eleanore Levenson have summarized some of the more common deviations of judges from the high ideal set for judicial procedure:

1. Judges, in the decision of cases, have deliberately applied their economic principles and prejudices, rather than the existing laws.
2. Not only have judges failed to apply the constitutional provisions for the protection of civil rights of individuals and minority groups but they have construed such provisions so as to deprive large masses of workers and non-conforming minorities of their constitutional privileges
3. Judges have changed existing law by judicial decision, thereby usurping the legislative function
4. Judges have used their power to interpret laws so as to emasculate statutes and prevent the intent of the legislatures from being applied.
5. Judges have declared unconstitutional, laws intended to protect the people against economic exploitation.
6. The judiciary has to all intents and purposes established itself as dictator over the American people.

From previous experience it is clearly inimical to the best interests of the people to permit judges to continue to exercise the powers they have in the past assumed to possess.[14]

The chief reason why the abuse of judicial powers has persisted is that no practical method exists whereby judges can be disciplined or controlled. Nothing short of the commission of a gross crime can get a judge removed from the bench. No one can effectively protest against judicial tyranny and impropriety without rendering himself liable to prosecution on the grounds of contempt of court. Judges enjoy an immunity for their actions matched only by oriental potentates or major league baseball umpires. But one can criticize the latter without suffering the serious penalties which a judge can impose. As Alice Hamilton puts it: "One may revile the President of the United States with impunity, one may utter blasphemies against the Most High without even attracting attention, but if one is bold enough to protest against an abusive tirade by an ill-bred or drunken judge one may have to expiate it in prison."[15]

It is all but impossible to bring charges against a judge for incompetence or arbitrary disregard of the law and elementary principles of

[14] Rand School Press, 1935, pp. 231-232.
[15] *Harper's Magazine*, October, 1931.

fairness. Only the lawyers who practice before the judge are likely to be familiar with his deficiencies and offenses, and they take their professional lives in their hands the moment they incur the displeasure of the judge. It is literally impossible to get practicing lawyers to band together and prefer charges against even the most notoriously incompetent or arbitrary judge. The reasons for this have been well set forth by the eminent jurist, Dean John H. Wigmore:

> The public does not fully understand the position of the judge in respect to his immunity from exposure by the bar. His iniquities or incompetence, if any, are so committed as to become directly known only to a few persons in any given instance; and these few persons are the attorneys in charge of the case. To bear open testimony against him now is to risk professional ruin at his hands in the near future. Moreover, this ruin can be perpetrated by him without fear of the detection of his malice, because a judge's decision can be openly placed upon plausible grounds, while secretly based on the resolve to disfavor the attorney in the case. Hence lawyers dread, most of all things, to give personal offense to a judge.[16]

In the light of the mode of selecting our judges, and of their almost complete immunity from the consequences of any conduct short of the grossest criminality attended by conspicuous publicity, the wonder is that we do not suffer more than we do from judicial tyranny and oppression. It is probably no exaggeration to say that the conduct of the typical Fascist bureaucrat and Soviet commissar in Europe today is no more arbitrary or thoroughly removed from democratic control than is the behavior of the average American judge.

In the Municipal Courts of large cities is found, perhaps, the lowest order of what is somewhat humorously termed the "administration of justice" in this country. This situation is due in part to the overcrowding of the courts. For example, in 1930, there were no less than 645,451 proceedings in the Municipal Court of New York City. Not even a Charles Evans Hughes could administer justice in adequate fashion amidst the congestion and confusion that prevail. When we find on the bench of these courts third- and fourth-rate lawyers, without high ethical standards, and often with the most sordid political affiliations, it is not surprising that the state of affairs in the lower courts throughout the country is a blot upon American civilization. It is merely a lucky accident if a case is decided in a magistrate's court in harmony with fact and justice. Mr. Gisnet thus describes the character of our magistrates' courts:

> The conduct of some of the magistrates who preside in the police courts of the big cities the country over, and particularly in those of New York City, is disgraceful. Some of them have absolutely no regard whatever for the fundamental rights of the average poor person who is brought before them sometimes on the flimsiest charge. Others display woeful ignorance and vile tempers fit for barrooms and sink so low as to threaten defendants with physical violence in the name of real Americanism. While still others are so much in love with publicity that they are on the alert for opportunities to create news-items that will get

[16] Cited in Goldberg and Levenson, *op. cit.*, pp. 230–231.

their names into the press, like imposing on a defendant the stupid penalty of kissing his mother-in-law in open court as a condition of regaining his freedom, and similar stunts.

The experienced observer can't help noticing very quickly that the game of "fixing" and "wire pulling" is played in these courts by low ward politicians and shyster lawyers. Persons with money and political influence escape the rigors of the law while the poor and the friendless are made to suffer even if innocent.[17]

Another abuse associated with the magistrates' courts is the frequency with which innocent persons are at least temporarily jailed because of inability to furnish bail. The poor and friendless types who frequently appear in magistrates' courts are particularly subject to this handicap and humiliation. In the light of the generally low estate of justice in magistrates' courts, one may pay a special tribute to the few magistrates who exhibit a high-minded devotion to justice, and display commendable industry and a degree of judicial enlightenment all too frequently absent from the bench on the highest courts of the land. In what is literally the judicial and legal cellar are the night courts. These courts frequently maintain an intellectual and moral level not much above that of the brothel, dive, saloon, and gambling joints which furnish the night courts with most of their cases.

In the preceding pages, we have been dealing mainly with judicial arbitrariness and incompetence. Much more serious is overt judicial corruption.[18] Most judges, even those who are appointed, owe their position to political leaders. Elective judges rarely receive the nomination unless they are satisfactory to political leaders. In return they are expected to make many appointments as political favors and even dispense "justice" in such a manner as to serve the political organization. At times, judges hear cases involving companies in which they are financially interested. While most judges do not descend to such a level, there are all too many who are linked with organized criminals and racketeers. A distinguished criminologist has made the statement that it is rare to find any powerful criminal ring without a corrupt judge at its center.

While honest judges and lawyers deplore judicial corruption, it is hard to get them to act. Many fear that they are not qualified "to cast the first stone." It is significant that Federal Judge Martin T. Manton, convicted of venality and sale of "justice," was not exposed by lawyers, judges, or bar associations, but by a newspaper sleuth.[19] The bar could not have been ignorant of Manton's doings, for Nicholas Murray Butler, in his autobiography, mentions that the leaders of the New York bar were all but prostrated with amazement and alarm when President Harding proposed to appoint Manton to the Supreme Court of the United States. Yet, these same leaders of the bar did nothing for nearly twenty years, and stood by while Manton became the ranking Federal judge, next to the members of the Supreme Court. It may be noted that the sentence

---

[17] Gisnet, *op. cit.*, pp. 113–114.

[18] For a good discussion of this subject, see Jackson, *op. cit.*, Chap. X.

[19] *Ibid.*, pp. 289 ff., and S. B. Heath, *Yankee Reporter*, Funk, 1940.

imposed on Judge Manton was only half as severe as that given to Earl Browder for a technical violation of the law in applying for a passport.

The poor man is handicapped in a number of ways in getting equality of treatment with the rich in the courtroom. It is more difficult for the former to meet the ordinary costs of litigation, such as getting bail, ordinary court fees, the hiring of a competent lawyer, and other inevitable expenses of courtroom procedure.[20] These difficulties have been summarized by a capable and experienced lawyer, John MacArthur McGuire of Massachusetts:

> In more than one of the United States such a plaintiff [a poor person] may be cast out of court and barred from testing the merits of his cause if he cannot produce security or a bondsman. Nor is this by any means the whole story. Poverty, often through the application of some rule of law which otherwise seems eminently reasonable, blocks a civil litigant's path at every stage of the proceedings. A penniless suitor may lose his day in court because he has no ready money to pay the fees for his writ, for serving process, for entering suit and for other similar official acts. He may get into court but be helpless because he cannot pay for a lawyer; or he may become helpless in the midst of a case because he lacks funds to bring his witnesses, to pay a stenographer or to pay a printer. He must, in short, surmount four financial barriers: costs, fees, expense of legal service, and sundry miscellaneous expenses incidental to litigation.[21]

It is obvious that the poor are at a definite disadvantage in obtaining lawyers to serve them. A wealthy client can almost invariably procure the ablest attorneys and can get the latter to devote their best talents to the handling of the case. The poor man has to get the best lawyer he can afford and has to run the chance that the latter will give the case only the superficial attention which the small fee is thought to justify. Moreover, the poor man stands at a disadvantage with respect to the judge. Most judges are naturally and inevitably sympathetic with the well-to-do, and are much more likely to be prejudiced against, and impatient with, the poor man.

As Chief Justice Taft once pointed out, a wealthy person can frequently either win a case or get a favorable compromise simply by arranging for indefinite postponements:

> It may be asserted as a general proposition, to which many legislatures seem to be oblivious, that everything which tends to prolong or delay litigation between individuals or between individuals and corporations is a great advantage for that litigant who has the longer purse. The man whose all is involved in the decision of the lawsuit is much prejudiced in a fight through the courts, if his opponent is able, by reason of his means to prolong the litigation and keep him for years out of what really belongs to him. The wealthy defendant can almost always secure a compromise of yielding of lawful rights because of the necessities of the poor plaintiff.[22]

If the poor man is lucky enough to win his case in court, he then has to face the prospect of appeal by a wealthy opponent. Appeals involve

---

[20] For details, see Smith, *Justice and the Poor*, Chaps. V, VI.

[21] Gisnet, *op. cit.*, pp. 95–96 For more details on this, see Jackson, *op. cit.*, pp. 155 ff.

[22] Gisnet, *op. cit.*, pp. 94–95.

further delays and expenses. Often, the poor man's funds have been exhausted in the original trial and he has no reserve for financing the case during the appeal period. It is, thus, obvious that a poor man faces special handicaps if a wealthy opponent appeals a defeat in the trial court. He is likely to have to remain content with licking his wounds.

A thoroughgoing study of the handicaps of the poor litigant in an American court was made a number of years ago under the auspices of the Carnegie Foundation for the Advancement of Teaching by Reginald Heber Smith of the Boston bar. His comprehensive and highly capable report, entitled *Justice and the Poor*, presented a staggering picture of the difficulties a poor man faces in getting justice in the United States. But it was approved as a substantially accurate picture of the true situation by no less eminent lawyers than Elihu Root and Charles Evans Hughes. Mr. Smith thus expresses some of his major conclusions:

> The administration of American justice is not impartial, the rich and the poor do not stand on an equality before the law, the traditional method of providing justice has operated to close the doors of the courts to the poor, and has caused a gross denial of justice in all parts of the country to millions of persons. Sweeping as this indictment may appear, it is substantiated by ample authority. . . .
>
> Because law is all-embracing, the denial of its protection means the destruction of homes through illegal foreclosures, the loss through trick or chicanery of a lifetime's savings, the taking away of children from their parents by fraudulent guardianship proceedings. Hundreds of thousands of men, many of them immigrants, have been unable to collect their wages honestly earned.
>
> Denial of justice is not merely negative in effect; it actively encourages fraud and dishonesty. Unscrupulous employers, seeing the inability of wage-earners to enforce payments, have deliberately hired men without the slightest intention of paying them. Some of these employers are themselves poor men, who strive in this way to gain an advantage. The evil is not one of class in the sense that it gives the poor over to the mercies of only the rich. It enables the poor to rob one another; it permits the shrewd immigrant of a few years' residence to defraud his more recently arrived countrymen. The line of cleavage which it follows and accentuates is that between the dishonest and the honest. Everywhere it abets the unscrupulous, the crafty, and the vicious in their ceaseless plans for exploiting their less intelligent and less fortunate fellows. The system not only robs the poor of their only protection, but it places in the hands of their oppressors the most powerful and ruthless weapon ever invented. . . .
>
> The effects of this denial of justice are far reaching. Nothing rankles more in the human heart than the feeling of injustice. It produces a sense of helplessness, then bitterness. It is brooded over. It leads directly to contempt for law, disloyalty to the government, and plants the seeds of anarchy. The conviction grows that law is not justice and challenges the belief that justice is best secured when administered according to law. The poor come to think of American justice as containing only laws that punish and never laws that help. They are against the law because they consider the law against them. A persuasion spreads that there is one law for the rich and another for the poor.[24]

The material presented in this section constitutes only a few of the outstanding illustrations of the deficiencies in American law, as it is

---

[23] *Cf.* Jackson, *op. cit.*, pp. 237 ff.

[24] Smith, *op. cit.*, pp. 8-10.

actually practiced before our courts, but it is sufficient to illustrate the variety and seriousness of the defects of American law in operation. We shall also touch upon these problems incidentally in later sections of the chapter.

Natural Law, Constitutional Law, and the Protection of Property

The New Testament set up a famous triad of virtues—faith, hope, and charity—and Paul explicitly stated that the greatest of these is charity. The theory of natural law, lying back of our Declaration of Independence and Federal Constitution, created an equally historic triad in the form of the natural rights of man—life, liberty, and property—and the subsequent interpretation of these rights in our courts has elevated property to as preëminent a place as charity occupied in the Pauline scale of values.

In a notable book, *The Revival of Natural Law Concepts*, Charles Grove Haines has made it clear that the conservative jurisprudence of the United States Supreme Court, especially in the twentieth century, has been based primarily upon the concepts of seventeenth-century natural law.[25] There is the same tendency to seek a foundation for law in sources "external to man and his law-making and law-enforcing agencies." When the rule of reason was introduced in 1911, in dealing with anti-trust cases, we had a literal revival of the very essence of natural law theory in interpreting and applying the laws of the United States to business. The Supreme Court has thus been able to hold over American lawmakers the extremely vague but highly potent club of the rule of reason. As Professor Haines says, "the United States is practically alone in placing super-censors over its legislative chambers with often nothing more than the elusive rule of reason as a standard." In fact, the older and broader concept of "due process of law" is little more than another name for natural law and the dominion of reason.

Professor Haines well observes that our judges have found a "haven in due process of law, which is little else than a natural law given constitutional sanction—with the same vagueness and uncertainty inherent in the standard phrases." Using these antiquated but extremely convenient legal notions, the Supreme Court has wrought havoc with progressive legislation in the United States and has been very effective in protecting private property and corporate rights against effective social control.

Perhaps as good a statement as was ever made of the philosophy of property rights accepted by the Supreme Court was that set forth by the corporation lawyer Joseph H. Choate when he argued in 1895 against the constitutionality of the income-tax law, in the famous Pollock case:

> I believe that there are rights of property here to be protected; that we have a right to come to this Court and ask for this protection, and that this Court has a right, without asking leave of the Attorney General or of any counsel, to hear our plea. The Act of Congress [the income tax law] we are impugning before

[25] See above, p. 369.

you is communistic in its purposes and tendencies, and is defended here upon principles as communistic, socialist—what shall I call them?—populistic as ever have been addressed to any political assembly in the world. . . . I have thought that one of the fundamental objects of all civilized government was the preservation of the rights of private property. I have thought that it was the very keystone of the arch upon which all civilized government rests. . . . If it be true . . . that the passions of the people are aroused on this subject, if it be true that a mighty army of 60,000,000 citizens is likely to be incensed by this decision, it is the more vital to the future welfare of this country that this Court again resolutely and courageously declare, as Marshall did, that it *has* the power to set aside an Act of Congress violative of the Constitution, and that it will not hesitate in executing that power, no matter what the threatened consequences of popular or populistic wrath may be.[26]

One scarcely needs to be reminded that the Court accepted Mr. Choate's reasoning and set the law aside as unconstitutional. It required a constitutional amendment, many years later, to put the income-tax legislation beyond the reach of the Supreme Court. Whatever attitude the Court may take on property in the future, certainly it is fair and accurate to say that the majority of its members subscribed to Mr. Choate's philosophy *from the close of the Civil War to the court reform proposals of* Franklin D. Roosevelt in 1937.

Far more illuminating than any broad generalizations or blanket attacks on the Court is a calm factual statement of: (1) how it has stood, for the most part, like a stone wall in the path of progressive legislation; (2) the processes it makes use of; and (3) the decisions through which it has frustrated liberal and humane legislation.

The foundation of the activities of the Court in obstructing progress is its assertion of the right to set aside federal and state legislation as unconstitutional. This right, of dubious legal validity, it first claimed in 1803, in the case of *Marbury* vs. *Madison*, and in 1810, in the case of *Fletcher* vs. *Peck*.[27] For a hundred and thirty years it has used this power, with ever-increasing frequency since 1886. This means that, whenever the Court believes that a law does not square with the Constitution, as interpreted at the time by five out of the nine judges on the bench, the law is declared invalid and of no account. Until 1886, however, the Court was relatively cautious and restrained in declaring laws unconstitutional. It had to be shown that the law in question clearly violated some explicit provision of the Constitution. There were only two major cases of setting aside a federal statute before the Civil War. Shortly after the Civil War, a judicial perversion of one of the Reconstruction amendments gave the Court much greater leeway.

In order to protect the Negro against a return to servility, the Fourteenth Amendment had been added to the Constitution. It directed that no state should deprive any person of life, liberty, or property without

---

[26] Cited in Maurice Finkelstein, *The Dilemma of the Supreme Court: Is the N.R.A. Constitutional?* Day, 1933, p. 24.

[27] In *Marbury* vs *Madison*, the Court set aside federal legislation; in *Fletcher* vs. *Peck*, it voided a state statute.

due process of law. A drive was made at once to get corporations admitted as "persons," under the meaning of the Fourteenth Amendment. Success came in 1886, in the Santa Clara County case in California, when the Court unanimously decided to include corporations in its interpretation of the Fourteenth Amendment and "due process of law." This let down the bars. As "due process of law" is, quite literally, anything the Supreme Court decides it to be at any moment, there is no limit whatever to its power to invalidate legislation. Whatever runs counter to the economic, social, or political philosophy of five judges can be set aside quite casually, no matter what the popular demand for the measure or what its logical or traditional legality may be. The eminent jurist, John Bassett Moore, once cryptically remarked that, while the Fourteenth Amendment has given little protection to the Negro, it has been extremely effective in aiding and sheltering "the corporation nigger-in-the-woodpile." E. S. Corwin has observed that "'due process of law' is not a regular concept at all, but merely a roving commission of judges to sink whatever legislative craft may appear to them, from the standpoint of the vested interests, to be of piratical tendency."[27a] The distortion of both the Fourteenth Amendment and "due process" by the Supreme Court since 1886 is well summarized by Professor Rodell:

> The "due process" clause was originally intended to apply only to criminal cases. The idea that any statute, much less a non-criminal one like a tax or a regulation of business, after being properly passed by a legislature, signed by a governor, and enforced according to its terms by judges, could amount to a deprivation of anything *without due process of law* would once have been laughed out of court. Yet the Supreme Court has built the bulk of its Constitutional Law, as applied to the states, on precisely that strange supposition. It has taken a simple phrase of the Constitution which originally had a plain and precise meaning, twisted that phrase out of all recognition, ringed it around with vague general principles found nowhere in the Constitution, and then pontifically mouthed that phrase and those principles as excuses for throwing out, or majestically upholding, state laws.[28]

The fact that the Fourteenth Amendment and "due process of law" were used mainly to protect property from unfavorable legislation gave the courts remarkable leeway and freedom in killing off legislation. Professor Corwin has shown that "due process" means anything the courts wish it to mean. We have already seen that, in recent years, the property concept was widened by the courts to include anything the vested interests desired to protect. Therefore, when a constitutional or corporation lawyer appealed to the courts to protect property by the use of "due process," there was almost no limit to the extent to which the courts could go, if they wished.

After corporations were admitted to the category of "persons" under the "due process" clause of the Fourteenth Amendment, the Supreme

---

[27a] Cited by Max Farrand, *The Development of the United States*, Houghton Mifflin, 1918, p. 272.

[28] Rodell, *op. cit.*, pp. 80–81. Reprinted by permission.

Court became more reckless in setting aside legislation on the ground that it was contrary to the Constitution. Far more laws were set aside between 1886 and 1900 than in the previous history of the Court, and more than twice as many have been invalidated by the Court in the twentieth century as in the whole period from Marshall to the opening of the present century. So ruthless and arrogant was the attitude of the Court in this matter that, in 1912, Theodore Roosevelt openly proposed the recall of judicial decisions. But the Court became even more active and light-hearted in setting aside legislation after 1912. Others have proposed a congressional veto upon the action of the Court in setting aside federal laws.

With the exception of an occasional liberal, such as Harlan, Holmes, Brandeis, Stone, and Cardozo, the Supreme Court justices down to 1938 were almost invariably reactionary lawyers, long in the service of great corporate interests. Their experience, contacts, and outlook were those of businessmen and financiers. Their philosophy inevitably colored their view of law.[29] The vague and broad character of the "due process of law" test of constitutionality gave them, as we have seen, almost unrestricted power to quash any law that conflicted with their conservative philosophy and their reverence for property rights.

The Supreme Court became a particularly aggressive champion of capitalism about the time we reached the stage of monopoly capitalism. The liberals, fearing the power of great mergers and monopolies to control prices at will, endeavored to check this process by the Sherman Anti-Trust Act of 1890. In the *E. C. Knight Case* (1895), the Supreme Court declared, essentially, that the Sherman Act applied only to monopolies in restraint of commerce between states and not to monopoly in manufacturing. In 1897–98, the Court admitted that the act covered both reasonable and unreasonable restraint of trade. But, in 1911, the Court, guided by the reasoning of Justices White and Hughes, reinterpreted the Sherman Act according to the famous "rule of reason," derived from natural law. It held that the Sherman Act was violated only by "unreasonable" restraint of trade. As a result some of the greatest mergers, such as the United States Steel Corporation, got through dissolution suits safely. The Clayton Act, in Wilson's administration, endeavored still further to control monopolies, but in the case of the *Federal Trade Commission* vs. *Gratz* (1920) the Court emasculated this as it had earlier undermined the Sherman Act. Some might allege that the "trust-busting" reformers were mistaken in their policies, but at least they had the support of the public, and the Court thus frustrated the popular will.

The railroads were, in their early days, the scene of much dubious financial practice. Some semblance of public control was essential, and the Interstate Commerce Commission was established in 1887 to supply this supervision. The Supreme Court was soon found operating deci-

[29] *Cf.* Zechariah Chafee, Jr., "The Economic Determination of Judges," *The Inquiring Mind*, Harcourt, Brace, 1928, pp. 254-265; and Gustavus Myers, *A History of the Supreme Court*, Kerr, 1912.

sively on the side of the railroads. Out of sixteen appeals made from the rulings of the Interstate Commerce Commission between 1887 and 1905, the Court decided in favor of the railroads fifteen times. In 1897, the Court further undermined the power of the commission by denying it authority to fix rates. About all that was left was the right to collect railroad statistics and give them publicity. Under Theodore Roosevelt's influence, the commission was strengthened, and, in 1913, it was authorized to make a physical valuation of railroad properties as the basis for scientific determination of rates. Further power was bestowed in 1920, and liberals began to anticipate the day when the Interstate Commerce Commission would have both the authority to fix railroad rates and the knowledge requisite to do this in accurate and just fashion. This hope the Court upset in the *O'Fallon Case* (1929) and in *United Railways* vs. *West* (1930). The Court held that not "prudent investment" but "reproduction cost new" must be taken into account in determining rates. It also held that anything less than 7.44 per cent return per year would be confiscatory. The Court further permitted the deduction of a depreciation charge from net income. Much the same principles favorable to corporate wealth were extended from the railroads to the electric utilities by the Court.

The Supreme Court has actually frustrated efforts to enforce elementary honesty in business, affecting such basic matters as both quantity and quality of marketed materials. It thus tacitly encouraged the most antisocial practices of marketing according to the theory of business enterprise, which we described earlier in the book. For example, in the case of the *Burns Baking Company* vs. *Bryan* (1924), the Court declared unconstitutional a standard-weights law designed to protect buyers from short weight in sales. During the next year, in the case of *Weaver* vs. *Palmer Bros.*, the Court set aside a Pennsylvania law enacted to prevent the use of shoddy in making comfortables.

Even more fundamental and sweeping was the Court's clearly implied declaration, in the case of *Allgeyer* vs. *Louisiana* (1897), that business practices and callings are above the law and that the Fourteenth Amendment guarantees a man the right to live, work, and follow business activities as he wishes, irrespective of statutory law.

One of the most elemental principles of economic and social democracy is that, when money has to be raised for public purposes, taxation shall be based upon the principle of capacity to pay. The more a man is allowed to prosper in any society, the more may be reasonably exacted from him to support the existing political and social order. The wealthy have never been willing to concede this truism and have thus far prevented taxation measures from even approximating a real "capacity-to-pay" basis. The Supreme Court has not failed them in this struggle to evade equitable taxation.

First came the notable decision in the case of *Pollock* vs. *Farmers' Loan and Trust Company* (1895), in which the Court declared an income-tax law unconstitutional. As has been noted, it took a constitutional amend-

ment to enable our government to collect a tax on personal incomes. The Supreme Court then came to the rescue in the case of *Eisner* vs. *Macomber* (1920) and declared that stock dividends were not income and hence not liable to taxation. This provided a spacious loophole for the rich. The Court steadfastly and consistently blocked any program of fair and adequate taxation of corporations and holding companies.

If there is any practice of capitalism that is open to criticism, it is the transmission of vast wealth from one generation to the next. An able and energetic man may accumulate a fortune, in some cases to the benefit of the public as well as himself. But under our present system he may transmit his riches to a parasitical descendant who may never make even a gesture of industriousness. The only way to correct this abuse is through drastic inheritance and estate taxes. Some states have tried to introduce such taxation. Wisconsin was a pioneer. The Supreme Court stepped into the breach, and in the case of *Schlesinger* vs. *Wisconsin* (1925), declared unconstitutional the Wisconsin law designed to end evasions of the inheritance tax through spurious "gifts." In 1931, the Court continued its obstructive policies in regard to taxes on inheritances in two cases, *Farmers' Loan and Trust Company* vs. *Minnesota*, and *Coolidge* vs. *Long*.

If capitalism is to endure, it must make provision for safe and decent working-conditions, for an income sufficient to make each self-supporting adult an effective purchaser, and for sufficient leisure to produce a broad need for consumers' goods. Progressives have sought to bring such conditions into being. An Employers' Liability Act was passed in 1906, but the Court set it aside in *Howard* vs. *Illinois C. R. Co.* (1907). An amended act was upheld in *Second Employers' Liabilities Cases* (1912) and in *New York Central R.R. Co.* vs. *White* (1917). The State of New York tried to eliminate atrocious working conditions in bakeshops by limiting the hours of work. The Court invalidated this legislation in the famous case of *Lochner* vs. *New York* (1905), reversed in *Bunting* vs. *Oregon* (1917).

At first, the Court, influenced by the masterly presentation of the case by Louis D. Brandeis, approved the Oregon minimum-wage law in *Muller* vs. *Oregon* (1908). But, in 1923, in the case of *Adkins* vs. *Children's Hospital*, it set aside a District of Columbia minimum-wage law of 1918 as unconstitutional because it infringed perfect "freedom of contract." That the temper of the Court in this matter did not change for years was proved in the case of *Morehead* vs. *Tipaldo* (1936), in which a conservative majority of five set aside as unconstitutional the New York State minimum-wage legislation. Child labor was outlawed in Britain a century ago, but the Supreme Court tolerated the practice, lest interference destroy the sacred right of free contract. In the case of *Hammer* vs. *Dagenhart* (1918) it declared the federal anti-child-labor law of 1916 unconstitutional. Congress tried again, in a law of 1919 taxing the employers of child labor. The court set aside this law in 1922, in the case of *Bailey* vs. *Drexel Furniture Co.*

If labor is to be kept satisfied with the capitalistic system, it must be accorded equality with capital, yet in the famous Danbury hatters case, *Loewe* vs. *Lawlor* (1908), labor was declared punishable for secondary boycott, under the Sherman Act. In 1911, the Court went still further (*Gompers* vs. *Buck's Stove and Range Co*.) and declared that officials of the American Federation of Labor could be punished for encouraging boycotts against non-union employers. The labor clauses of the Clayton Act were specifically designed: (1) To prevent the prosecution of labor under the Sherman Act, which was aimed at business trusts and monopolies; and (2) to reduce the use of the injunction against unions. But, in the case of the *Duplex Printing Company* vs. *Deering* (1921), the Court asserted that the Clayton Act did not prevent the issuing of injunctions against organized labor. In the same year, in the case of *Truax* vs. *Corrigan*, the Court threw out an Arizona law forbidding the use of injunctions against labor.

In the notorious case of *Adair* vs. *United States* (1908), the Court held that neither a federal statute nor a state law could prevent an employer from discharging one of his workers for joining a union. In the famous case of *Coppage* vs. *Kansas* (1915), the Court set aside a Kansas law which made it a misdemeanor to discharge a man simply because of his union membership. Justice Pitney, for the majority, ruled that a worker "has no inherent right to remain in the employ of one who is unwilling to employ a union man." The case of *Hitchman Coal and Coke Company* vs. *Mitchell* (1917) was a particularly deadly blow to organized labor. It upheld the notorious "yellow-dog" contracts and reaffirmed the applicability of the Sherman Act to labor union activities. In the *Coronado Case* (1922), the Court went still further and declared that a union might be sued for damages under the antitrust laws, even though it was not incorporated. In the *Bedford Cut Stone Case* (1927), the Court went the limit and upheld the use of the injunction against union labor, even if it could be proved that the strikers had in no way acted in an illegal manner. In short, Supreme Court decisions no less than paralyzed organized labor and collective bargaining, while, at the same time, sabotaging the efforts of the government to subject business and finance to social control.

We have now indicated a few of the ways in which the Supreme Court has frustrated or retarded the efforts of liberal leaders to establish a just and civilized social and economic order in our country. It opposed equitable taxation, permitted business to engage in even dishonest practices, interfered with efforts to provide decent wages and living conditions, and all but ended the initiative of organized labor. In this way it has led many of the more hot-headed to feel that the only way out is through violence. While promoting revolution through its opposition to social change, the Supreme Court has, however, naturally tried to outlaw revolutionary movements in the United States. In the *Gitlow Case* (1925), it outlawed revolutionary tactics and approved the prosecution of the Communists and Syndicalists. Three years later it took the same position in the *Whitney Case*, upholding the California Criminal Syndicalism law.

In our age, after witnessing the wastes, sorrows, and imbecilities of a war and a postwar period, most thoughtful people have come to agree upon the futility of war. More, they look upon war as a menace to the race. But the Supreme Court still holds the obligation to bear arms an essential to citizenship. Even a middle-aged and invalid woman of high culture will not be admitted to citizenship unless she agrees to bear arms in case of war. In the *Schwimmer Case* (1928), the Supreme Court, as Justice Holmes clearly implied, took a position of disapproval of the Sermon on the Mount. The same attitude was continued in the *Macintosh and Bland Cases* three years later. These cases involved applications for citizenship by Rosika Schwimmer, a cultivated Hungarian, by Professor Douglas C. Macintosh of the Yale Divinity School, a former army chaplain decorated for bravery under fire, and by Miss Marie Bland, a former war nurse. They would not agree to bear arms under any and all conditions.

The attitude of the Supreme Court with respect to New Deal legislation can be followed through a series of decisions which sorely disappointed many liberal-minded persons who hoped for a more generous and liberal judgment of measures that, at least, were rational efforts to cope with profound social and economic maladjustments. The first important New Deal cases to come before the Court were the Gold Cases, which were decided on February 18, 1935. The Court found for the government in these cases by a narrow majority and thus raised false hopes in the minds of many liberals. From this decision onward, all the major New Deal measures were set aside. The National Industrial Recovery Act was voided in the case of the *Schechter Poultry Corporation* vs. *U.S.* (May 27, 1935). The Court was unanimous in this decision. The attempt to control production in agriculture under the Agricultural Adjustment Act was frustrated when the Court declared the AAA unconstitutional in the case of *U.S.* vs. *Butler* (January 6, 1936). An effort to bring order into the chaotic bituminous coal industry was destroyed when the Court invalidated the Guffey Coal Act, in the case of *Carter* vs. *Carter Coal Co.* (May 18, 1936). The opposition of the Court to humane legislation, when the latter conflicts with even an extreme view of the inviolability of property rights, was illustrated by the voiding of the Railway Retirement Act granting pensions to railway employees in *Railway Retirement Board* vs. *Alton Ry. Co.* (1935). The Frazier-Lemke Farm Bankruptcy Act was passed in 1934 to save the most desperate class of farmers from unnecessarily hasty foreclosure and eviction. But the Court set it aside in 1935. The Court came to the rescue of property interests, when threatened at all by public agencies, by declaring the Municipal Bankruptcy Act unconstitutional on May 25, 1936. It also invalidated the New York State Minimum Wage Act in the above-mentioned case of *Morehead* vs. *Tipaldo* (1936).

The defiance of democratic principles and of the mandate of the people by the Supreme Court in voiding most of the important New Deal measures produced great indignation on the part of American liberals,

including President Roosevelt himself. He accused the Court of wishing to take the country back to "horse and buggy days." It was expected that he would propose some plan for curbing the power of the Court. This he did, on February 5, 1937, when he gave out to the press his plan for the reform of the federal judiciary. He suggested facilitating and endowing the retirement of Supreme Court justices at the age of 70, giving the President the right to appoint new members of the Court, up to a total of fifteen, one for each judge who failed to resign at 70, and taking steps to speed up the work in the federal courts as a whole.

The plan was an extremely clever one, though perhaps announced with rather more than appropriate levity. There were a number of liberals who would have preferred to have a constitutional amendment, limiting the power of the Court to declare laws unconstitutional, but the President evidently recognized that any such amendment would require years for ratification, if, indeed, it would ever be ratified. The President's great mistake was his failure to carry on an adequate program of public education on the Court issue in the early spring of 1937. Rather, he relied upon Senate leader Joseph T. Robinson to get the bill through Congress, having apparently promised Senator Robinson the first appointment to the enlarged Court. But Robinson died in July, 1937, and the Court fight flared up with great vigor. Reactionaries, and liberals jealous of the President, poured out all their jealousy and venom upon the bill. It was perfectly suited for their purposes. They could use an ostensible effort to save the Constitution as a cloak for highly partisan sentiments and motives. Senator Burton K. Wheeler of Montana, the leader of the renegade liberals, went so far as to suggest that God struck down Senator Robinson because of his sponsorship of the Court bill. The bill was defeated, but resignations helped the President to remake the Court. In May, 1937, Judge Willis Van Devanter resigned. The President appointed in his place, Senator Hugo L. Black of Alabama, a vigorous and stalwart liberal. The President's enemies renewed their attacks because of the fact that Black had once been a somewhat indifferent member of the Ku Klux Klan but had long since resigned. In January, 1938, Justice George Sutherland resigned and President Roosevelt appointed to the vacancy Solicitor-General Stanley Reed. One resolute and one moderate liberal thus replaced two of the arch reactionaries formerly on the Court. In the next three years the personnel of the Court changed. Justice Benjamin N. Cardozo died in 1938; Justice Pierce Butler died in 1939; Justice Louis D. Brandeis resigned in 1939; and Justice James C. McReynolds resigned in 1941. To their posts President Roosevelt appointed Felix Frankfurter and William O. Douglas in 1939, Frank Murphy and Robert Jackson in 1940, and James F. Byrnes in 1941. Mr. Roosevelt had thus appointed no less than seven liberal members of the Court by the end of 1941.

Even before this great shake-up, however, the Court showed a new temper. Chief Justice Hughes was a clever politician with a generation of political experience behind him. He realized that, if the Court con-

tinued to hand down reactionary decisions and invalidated further important New Deal legislation, the President's case for his Court bill would be greatly strengthened. He appears to have converted to his point of view Mr. Justice Roberts, who, according to the suggestion of Thomas Reed Powell, may have realized that "a switch in time saves nine." At least, Justice Roberts left the reactionaries and gave the Court a liberal majority of five to four. As a succinct summary of the President's Court fight, lawyers are fond of quoting from Smollett: "Whereupon he leapt upon her and would have raped her, had she not prevented him by her timely acquiescence."

The Court made the most startling right-about-face in its entire history. On March 29, 1937, it reversed the stand that it had taken the previous year on the New York State Minimum Wage Law, and declared constitutional the legislation of the State of Washington providing minimum wages for women. On April 12, 1937, it upheld in four cases the Wagner National Labor Relations Act, the most comprehensive piece of labor legislation ever enacted in this country. In the spring of 1937, the Court also upheld the constitutionality of the Social Security Act, in the cases of *Helvering* vs. *Davis* and *The Steward Machine Co.* vs. *Davis*. In the case of *Senn* vs. *Tile Layers' Protective Union*, the Court upheld a Wisconsin statute that legalized peaceful picketing. Civil liberties were upheld in the case of *DeJonge* vs. *Oregon*, in which the Court voided the Oregon Criminal Syndicalism Act, and in the case of *Herndon* vs. *Lowry*, in which the Court held that Herndon, a Negro Communist, had been deprived of freedom of speech and denied "due process of law."

Most striking of all were the dissenting decisions of Mr. Justice Black, who showed himself a more upstanding liberal than any other person who has been on the Court within memory. Especially striking was his dissent in the case of the *Connecticut General Life Insurance Company* vs. *Johnson*. He had the courage to assert that the Court had acted improperly since 1886 in including corporations as persons under the Fourteenth Amendment. This was the first time since 1873 [30] that a justice of the Supreme Court had possessed such candor and fortitude. As Max Lerner expresses it, "he swept away fifty years of Supreme Court history and struck at one of the props of corporate power." But it is doubtful if the Justice will be able to convert even his liberal colleagues to such an advanced, but rational, view.[31]

In the session of 1937–38, the Court further upheld the National Labor Relations Board and thus sustained the operation of the Wagner Act. Especially important was the case of *Myers* vs. *Bethlehem Shipbuilding*

[30] The date of the Slaughterhouse Cases when the court refused to extend the Fourteenth Amendment to corporations.

[31] Alarmed at Justice Black's audacity, other judges and lawyers accused him of being woefully ignorant of the law. But, as Professor Rodell correctly says of Justice Black: "He knows The Law too well—for what it really is." *op. cit.*, p. 196. For an authoritative estimate of Justice Black, see Walton H. Hamilton, "Mr. Justice Black's First Year," in *New Republic*, June 8, 1938.

Corporation, in which the Court forbade the granting of injunctions against the Board until the employer had exhausted all administrative remedies provided by law. Civil liberties were further protected in the case of *Nardone* vs. *United States,* in which the Court denied federal law enforcement agents the right to get evidence by wire-tapping. The National Labor Relations Board was again upheld in the session of 1938–39. Whereas the Court set aside the original Agricultural Adjustment Act in 1936, it sustained the new AAA, passed in 1938, as well as upholding the Agricultural Marketing Agreement Act of 1937. The most important civil liberties case of the session was that of *Hague* vs. *C.I.O.,* in which the Court rebuked Mayor Hague of Jersey City for his various abridgements of civil liberties and "due process of law." From 1937, the Court moved steadily ahead in limiting the immunity of official salaries from intergovernmental taxation. In the case of *O'Malley* vs. *Woodrough* in 1939, the Court even conceded the right of the federal government to tax the salaries of judges in the federal courts.

In the Court session of 1939–40, the National Labor Relations Board was further strengthened in its execution of the Wagner Act. In the case of *Apex Hosiery* vs. *Leader,* labor unions were granted further immunity from anti-trust laws. In the case of *Anthracite Coal Co.* vs. *Adkins* the court upheld the Bituminous Coal Act, which was much like the Guffey Act of 1936, that the Court had declared unconstitutional. The power of the Interstate Commerce Commission over railroad consolidations was strengthened in the case of *U.S.* vs. *Lowden.* A number of decisions further protected civil liberties. *Weiss* vs. *U.S.* continued the ban on wire-tapping. *Schneider* vs. *Irvington* upheld the right to distribute handbills on the streets. Third degree methods were denounced in the cases of *Chambers* vs. *Florida* and *White* vs. *Texas,* in both of which Justice Black wrote the majority opinion. In the case of *Avery* vs. *Alabama,* the constitutional right of a defendant to counsel was upheld. But civil liberties suffered a severe set-back in the case of *Minersville School District* vs. *Gobitis,* involving the rights of religious minorities, in this case, the rights of Jehovah's Witnesses. The decision was written by, of all persons, Justice Frankfurter. It represented a symptom of the reactionary trend in the face of war hysteria. As Robert E. Cushman observes, "Mr. Justice Stone's dissenting opinion deserves a place in the classic literature of civil liberty." It completely pulverized the reasoning of Justice Frankfurter and the majority. The reaction continued in another Jehovah's Witnesses case in the 1941–42 session, when the Court upheld the right of cities to impose a license fee for the distribution of non-commercial literature.

Another symptom of the reaction prompted by defense and war threats came in the session of 1940–41, when Justice Frankfurter read another majority decision that limited the right of unions to picket. But, in the same session the Court upheld the Wages and Hours Act, holding that interstate commerce is wholly within the control of Congress. In this (Darby) case, the Court opened the way for anti-child labor legislation by specifically overruling *Hammer* vs. *Dagenhart.* When Justice Frank-

furter wrote the majority decision in the *Phelps Dodge Case*, declaring that the NLRB could compel employers to hire men who had been refused employment because of union affiliations, it was a far cry from the Hitchman case and "Yellow Dog" days. A racial rights case in this session promoted civil liberties. Late in April, 1941, the Court declared that Negroes are entitled to the same first-class accommodations in Pullman cars as white passengers. By the end of the 1940–41 session, the Court had overruled by name ten important reactionary decisions and a number of others by implication.

Therefore, while Mr. Roosevelt lost his Court plan, he at least temporarily accomplished his main objective, namely, the liberalization of the Court and the protection of progressive legislation. But it would have been better if he had won his fight for the Court bill. A change of temper, due to current liberal ascendency on the bench, is not permanently dependable.[31a] Moreover, it does not touch the basic evil, namely, the ability of the Court to declare Federal laws unconstitutional, especially with the levity invited by the "due process" formula and the conception of corporations as persons under the Fourteenth Amendment. At any rate, a new era in Court history has been opened, and its progress will be watched with interest by all discerning Americans.

Corporation Law and Commercialized Legal Practice

The efficiency of the Supreme Court and corporations against legislative interference has been made clear. But a certain amount of inconvenient legislation has nevertheless been placed on the statute books and escaped massacre by the Supreme Court. We shall in this section deal with the manner in which the more eminent members of the legal profession have aided American big business in evading or safely breaking such laws.

As Adolph A. Berle has pointed out, there are three main groups of lawyers in the United States today. At the top are the great legal partnerships or legal factories, with their offices mainly in New York City and Chicago.[32] In this group, a firm may include from 30 to 75 partners, as many as 300 associated attorneys, and do a business of many millions of dollars each year:

> The bulk of the really lucrative law business of the United States is probably transacted by no more than three hundred metropolitan law firms. Many of these firms are extremely large, although importance in the field of law does not always depend on the size of the firm, some of the most influential legal partnerships consist of only two men.
>
> The big firms may include as many as fifty to seventy-five partners and associates, as well as a small army of salaried employees—stenographers, typists, bookkeepers, clerks, and investigators, and in special instances certified accountants, engineers, tax experts, investment consultants, lobbyists, and general research specialists. The big firms in New York, Chicago, Boston, and elsewhere occupy as much office space as a good-sized corporation does. . . .

[31a] *Cf.* Raymond Moley, "The Boot Is On the Other Leg," *News-Week*, July 29, 1942.

[32] For an excellent description of these great legal concerns, see Ferdinand Lundberg, "The Law Factories," *Harper's*, July, 1939, pp. 180 ff. For statistics, see p. 188. See also Jackson, *op. cit.*, p. 275.

These big law firms have sprung up like shadows alongside the great corporations and banks. . . .

Until fairly recently one large New York law firm regularly adhered to a three-shift factory schedule of eight hours a shift, its offices never being dark except over week-ends.[33]

Much of the actual work in these big firms is done for a pittance by recent law-school graduates. The eminent lawyers at the top devote themselves primarily to exploiting their economic, political, and social connections to attract business. Their social functions are often more important than their legal activities. They gain repute and get additional business by attendance at all elaborate social functions. One writer has said that if many poor lawyers get business as ambulance-chasers, it is equally true that top lawyers in great legal factories get much of their business as "banquet-chasers." These big firms are concerned chiefly with corporation and commercial law. Often they do not play an important part in actual courtroom work, since their function is mainly to give advice enabling their clients to operate in so adroit a fashion as to keep out of the courtroom. As Judge Learned Hand once said: "With the courts they have no dealings whatever, and would hardly know what to do if they came there."

The more prominent members of these firms have tended to dominate the bar associations of the country and to keep the legal philosophy of the latter in harmony with the policies of big business. Despite their vast and lucrative practice, these lawyers have done next to nothing in the way of contributing to substantial legal literature or public leadership through legal channels, though some, like Paul D. Cravath and Robert T. Swaine, have veritably converted the technique of big business, especially corporate reorganization, into legal literature. They have been the bulwarks of big business, using their tremendous influence in opposing legislation designed to curb the freedom of big business and corporate wealth. For example, these legal luminaries constituted the "front" for the Liberty League, organized in 1935 to combat the New Deal.

The brains behind this type of law firm is what is known as "the lawyers' lawyer." He is a master of the technicalities and the hidden recesses of the law. If a case can be won by legal ledgerdemain or successfully argued on appeal, he knows how it can be done. He is not usually so well-known, honored, or well-paid as are the "fronts," often "stuffed shirts," who get the business for the firm by hobnobbing with corporate moguls. But he "delivers the goods" in putting the subtleties of the law and the fog of legal jargon at the service of the corporate interests. Professor Rodell thus describes the "lawyers' lawyer."

The kind of lawyer who is never lost for legal language, who would never think of countering a legal principle with a practical argument but only with another legal principle, who would never dream of questioning any of the processes of The Law—that kind of lawyer is the pride and joy of the profession. He is what almost every lawyer tries hardest to be. He is known as the "lawyers' lawyer."

[33] Lundberg, *loc. cit.*, July, 1939, pp. 180–181.

Except in a purely professional capacity, in which capacity they can be both useful and expensive, you will do well to keep away from lawyers' lawyers. They are walking, talking exhibits of the lawyers' belief in their own nonsense. They are the epitome of the intellectual inbreeding that infests the whole legal fraternity.

And since lawyers' lawyers are the idols of their fellows, it is small wonder that lawyers take their Law and their legal talk in dead earnest. It is small wonder that they think a "vested interest subject to be divested" or a frankly "incorporoeal hereditament" is as real and definite and substantial as a brick outhouse. For the sad fact is that almost every lawyer, in his heart and in his own small way, is a lawyers' lawyer.[34]

Below the great moguls of the legal profession, and their sweated clerks in the law factories, are the firms of from three to twenty lawyers who usually lead in the actual courtroom practice of our larger cities. Their practice is limited primarily to the civil law and the more lucrative cases therein. They also supply the top criminal lawyers. They frequently take a prominent part in municipal politics and occasionally make some contribution to legal thought and scholarship.[34a]

The general evolution of these two groups of lawyers and the mental attitudes which dominate them has been well stated by the distinguished lawyer, Julius Henry Cohen:

Since 1860 a great change has come over our land. The nation was torn with a battle over a great moral principle After the war, a period of reconstruction, a period of commercial prosperity followed, such as had never been seen before. The brain and hand of the lawyer then became devoted not to the expounding of the law and the application of moral principles in decisions and legislation, but to the formulation of plans, schemes and contrivances for the commercial captains of the day. Not to the service of his country, but to the service of his clients' enterprises the lawyer became dedicated. In and out of the statutes he crawled, seeking to find that which would aid his lord, the great commercial baron, to build up the great aggregations of wealth now dominant in this country. He was no longer a student in morals, he was no longer a great statesman, a great orator, a great patriot. He became the servant of his master.[35]

It is obvious that only the rich can lay claim to the services of these two groups of lawyers. Their fees are often enormous. A fee of $1,000 a day is not at all uncommon for court appearances, and it may rise much higher. It is stated that William Fox paid Samuel Untermeyer no less than a million dollars in his fight with Wall Street moguls and other movie companies. Max Steuer, a famous criminal lawyer and noted also in civil practice, said that he averaged half a million dollars a year in the latter part of his life. Payment of a million dollar fee is not uncommon in important public utility cases. It is believed that the largest fee ever paid an American lawyer was one of some 11 million dollars, paid to William Nelson Cromwell by the New Panama Canal Company of France for arranging the sale of its rights to the government of the United States and thus clearing the way for the construction of the Panama Canal.

---

[34] Rodell, *op. cit.*, pp. 196–197. Reprinted by permission.

[34a] For an extremely interesting and discerning account of this type of legal practice, see A. G. Hays, *City Lawyer*, Simon and Schuster, 1942.

[35] Cited in Gismet, *op. cit.*, pp. 36–37.

At the other extreme, forming the third group of lawyers—the great mass of everyday lawyers who practice either alone or in partnership and who are devoted chiefly to criminal law and to personal and small business affairs—one out of every ten in New York City qualified for relief on a pauper's oath in 1935. Adolf A. Berle thus describes the range and composition of the rank-and-file lawyers of the country:

> They run the entire gamut from the lawyer who seeks chiefly to be a human being to the marching lawyer, who finds it necessary to make his living by dubious means, chasing ambulances or carrying on doubtful litigation for revenue only. While the upper limits of this class frequently produce unexceptionable individuals, the lower limits in the great cities lie dangerously close to the criminal class.[36]

The suitability of the law factory to corporate practice, and the nature of its clientele, are well stated by Lundberg:

> The law factory, a sort of composite lawyer, offers services to corporations whose interests are far beyond the capacity of one lawyer or a limited group of lawyers to handle. The division of labor in the large law office is absolutely necessary to the well-being of the giant corporation, which, served by a big law firm, knows that certain partners and groups of partners are devoting all their time to particular phases of its business. Furthermore, the corporation, touching society at so many points, is involved in such a mass of cases requiring simultaneous attention that a restricted group of lawyers could hardly begin to give it the attention it needs. . . .
>
> The big firm usually devotes itself to the affairs of the major corporations in certain fields, and may even specialize in the type of corporation it serves. Thus some law firms have among their clients mainly public-utility holding companies, chain-store systems, department stores, or theatrical producers; manufacturing companies, mining corporations, railroads, or holding and investment companies and banks. Ordinarily the clientèle is headed by a bank or cluster of banks, after which the holding and operating companies in the sphere of this banking group follow in logical order. The private business that these firms handle for individuals is chiefly derived from officers or leading stockholders of such a segment of corporations and banks, or from members of their families.[37]

It is frequently supposed that these aristocrats of the legal profession never stoop to solicit business—that more comes to them than they can take care of. Mr. Jackson punctures this illusion:

> The big lawyer solicits legal business by participating in the acquisition of business enterprises, utilities, investment trusts, by seeking directorates in banks, trust companies, title companies and other business corporations; by employing or engaging in partnership with influential lawyers, public officials or ex-public officials, who act solely as business-getters. The little lawyer solicits negligence and divorce business, joins clubs and lodges and seeks publicity, for similar purposes . . . it is as imperative for big lawyers to get business to survive as it is for little lawyers to get business to live. The result is competition for business, which starts with solicitation and ends in yielding any barrier of restraining professional standards to clients who seek results only and are not concerned with methods.[38]

---

[36] Berle, *Encyclopedia of the Social Sciences*, Macmillan, Vol. 9, p. 342.
[37] Lundberg, *Harper's*, July, 1939, p. 183.
[38] Jackson, *op. cit.*, pp. 274, 275.

As former Chief Justice Frederick E. Crane of the New York State Court of Appeals pointed out, these opulent potentates of the legal profession have set the pace for that commercialization of legal practice and legal ideals which distresses so many candid students of the law in our day:

> May I not ask who has commercialized our law? Has it been the humble and lowly practitioner or the man at the top? How much of the practice today is the organizing and developing of business enterprises in which the lawyer's large return is dependent upon the value of stocks and bonds, of which he has a part? How many of our lawyers have gone into business and are carrying on business as executives and officials in connection with their law offices? I ask you in all fairness whether a good example has been held up before the younger members of the profession—young men looking for ideals—by many of our leading lawyers who enter into all kinds of commercial enterprises to make money?[39]

Justice Louis D Brandeis once observed that "the leading lawyers of the United States have been engaged mainly in supporting the claims of the corporations: often in endeavoring to aid or nullify the extremely crude laws by which legislators sought to regulate the power or curb the excesses of corporations."[40] Professor Rodell points out that their work has had little relation to real justice: "The corporations know and the lawyers know that a master manipulator of legal mumbo-jumbo is a far more useful thing to have on your side than all the certain and impartial justice in the world."[41]

Most notable has been the work of these big legal firms in making clear how the anti-trust laws might be escaped and economic control concentrated in the hands of a few individuals. They are responsible for the invention of the holding company and subsidiary corporations, whereby the Sherman Anti-trust Law and the Clayton Act have been successfully circumvented. By such clever devices as the issuance of non-voting stock, the utilization of proxies, voting trusts, and other legal hocus-pocus, a small group of insiders have been able to get control of our vast corporations and holding companies, thus separating ownership from control and leading to all the numerous abuses of finance capitalism, which lie at the heart of the evils of American capitalism.[42]

There is much talk, and rightly so, about the great burden imposed upon the people of the United States by our ordinary crime bill and the levies of racketeers. But little attempt has been made to estimate carefully just what the skulduggery of our great corporate potentates has cost the rank and file of American investors. Under the advice of crafty lawyers, businessmen and other individuals and corporations, whose liabilities have reached a somewhat alarming or distressing level, took advantage of our liberal bankruptcy laws to prevent the creditors from realizing anything like their legitimate claims on the estate and property

---

[39] Cited in Gisnet, *op. cit.*, p. 88.
[40] Cited by Ferdinand Lundberg, *Harper's*, December, 1938, p. 1.
[41] *Op. cit.*, p 230.
[42] See above, pp. 127 ff.

of the bankrupt. It has been estimated by careful students of the problem that creditors have been cheated out of from 500 to 800 million dollars annually. As Ferdinand Lundberg puts it:

> There has been one common denominator in all the scandals uncovered in Washington and in the bankruptcy courts in recent years. It was lawyers who gave the advice that landed their clients in the dock before the country, although the lawyers have not been blamed, have not even been regarded as a social factor, by the lawyer-legislators and judges conducting the inquiries. Insull, Krueger, the Van Sweringen brothers, and others with their complicated schemes, all worked through the medium of high-priced attorneys, but although the average newspaper reader could tell much about the principals, it is doubtful if they could mention one attorney who worked out the plans that came to grief at great cost to thousands of investors.[43]

Nothing could be in worse taste than the frequent spectacle of a sleek and socially prominent corporation lawyer denouncing with vehemence one of his lesser brothers who is suspected of giving aid and counsel to the leaders of one of the conventional American rackets or of being involved in ambulance-chasing. The difference lies mainly in the classes with which they work, rather than in the ethics of their acts. The corporation lawyer advises what Professor E. H. Sutherland calls "the white collar criminal," while the ambulance-chaser gets his "cut" out of human misfortunes, and the lawyer-criminal gives advice to the racketeer.

The bankruptcy law and practice have been amended under the New Deal, and it is becoming less easy to cheat creditors. Strong credit associations have sprung up in most trades, and the remedies given by the new bankruptcy law are such that it is mainly the fault of a lawyer if his client allows the bankrupt to "get away" with anything. But the unrepresented or incompetently represented creditor can still be fleeced.

Closely associated with the bankruptcy racket is the receivership racket. We have already pointed out that a receivership is the natural finish of the life history of one of our corporations, under the control of finance capitalism. After exploitation has run its complete course, the tottering concern is thrown into a receivership and the exploiters, aided by corporation lawyers and friendly judges, make off with the corpse.[44]

An extremely remunerative quasi-racket associated with bankruptcies, foreclosures, and receiverships is the fee system. It is used by corporation lawyers and judicial officers alike. The evils were once thoroughly exposed by Mitchell Dawson of the Illinois bar in an article on "The Fee Feed-Bag" in *The American Mercury*.[45]

The fee system had its origin in the institution of the Justice of the Peace, which we took hook, line, and sinker from Britain. As one wag has remarked, this meant quite literally "paying for justice by the piece," like any other commodity. The justice usually gets no salary and must secure his income from fees. The justices are on the fee system in most

---

[43] Lundberg, *Harper's*, December, 1938, p. 5.
[44] *Cf.* Jackson, *op. cit.*, pp. 225 ff. See above, pp. 128–129.
[45] *Loc. cit.*, June, 1932.

of our states. The fee system puts a premium on conviction and favoritism. If the justice convicts a man in a criminal case he gets his fee directly and promptly. If he acquits, he must get it through appeal to the county, accompanied by delay and red tape. In civil cases, the justice will not get much work unless he has developed a reputation for dependability with a large clientele who can refer cases to him with assurance. As a result, it is a popular saying in civil cases that "J.P." stands, not for justice of the peace but for judgment for the plaintiff.

Far more serious, however, is the fee system as it operates with receivers, their attorneys, masters-in-chancery and the like—all more powerful, glamorous, and expensive than the humble justices. There is here an impressive record of political favoritism in appointments and of high fees rendered for services. Take bank receiverships. They are probably the most efficient of the lot, the best supervised, and the freest from political venality. In the case of receivers for closed federal banks the Comptroller of the Currency makes the selections. Yet there is plenty of evidence that even bank receiverships are often political plums:

> In one urban district, for instance, a casual inspection discloses that bank receiverships have been handed out to a party leader in the State Legislature, a former public administrator, the son of a county commissioner, the husband of a former collector of internal revenue, a former treasurer of a park board, a former assistant to a probate judge. The political hook-up is even more striking when we examine a list of those appointed as attorneys for bank receivers.[46]

Even in the case of federal receiverships, where the fees are supervised by the federal courts, vast sums are eaten up in fees and administrative costs: "The report of the Attorney General of the United States shows that the fees allowed to receivers, trustees, masters, marshals and attorneys in bankruptcy cases alone, for the year ending June 30, 1931, amounted to $9,711,605, and that other expenses of administration brought the total cost to $19,777,068 for collecting and distributing assets valued at $89,535,070. . . . A motley congregation of parasites swarms through every bankrupt estate, demanding fees, knowing they will be paid."[47]

Fees in state bank receiverships are less controlled than those in national bank cases. In one case, a bank had resources of $975,161 and deposits of $1,228,704. Over a period of 18 months the receiver got $20,340, his attorney $19,378, and clerical help $24,130. But not a cent in dividends was paid to the creditors. Masters-in-chancery are especially notorious for their charges. One asked $118,000 for 282 days of service of five hours each. The court finally cut it to $49,250.

When it comes to such lucrative and very loosely supervised plums as receiverships for business blocks, apartment houses, and the like, the situation has, quite literally, attained the proportions of a racket. In the case of one apartment hotel, the receiver reported a gross income of $459,017 but a net income, before interest, depreciation, and amortization,

---

[46] *Ibid.*
[47] *Ibid.*

of only $4,392. The lax laws permitting the continuance of the scandalous bankruptcy racket gave rise to the fact that an average of about ten cents on the dollar was all that was collected for creditors. Mr. Dawson's conclusions seem warranted by the facts he brings forward:

> No reasonable person can doubt that the system of paying public officials directly by fees is wasteful and demoralizing. . . . The remedy for the fee system, like that for any parasitic growth, is complete excision. . . . The public would do well to devote its energies towards removing the feed-bag beyond the hungry reach of officialdom, rather than to waste time over fees that have already been apportioned and consumed.[48]

The fees received in corporate reorganizations are even more outrageous, and until recently they were unrestrained. In the reorganization of the Paramount-Publix Corporation, a federal judge approved fees of over a million dollars. This was less than half the fees originally demanded. In the reorganization of the Chicago, Milwaukee & St. Paul Railroad, the lawyers' fees ran between $500,000 and $750,000. Over a million dollars was paid the lawyers for reorganizing the American Bond and Mortgage Company.

Under the New Deal, the worst aspects of the receivership racket and exhorbitant fees have been corrected, in part. The Securities and Exchange Commission now takes over supervision of receiverships and reorganizations and demands the disclosure of all relevant information concerning the acts of committees and the like. Railroad receiverships and reorganizations are supervised by the Interstate Commerce Commission. Both this body and the SEC, as well as the courts, now pass on the fees charged.

A lucrative racket connected with the more elegant phases of law practice is the trust fund business. Lawyers frequently advise persons with considerable estates to hand them over to trust companies. This advice is given with apparent disinterestedness for the good of the client. But, all too often, the lawyer is acting in collusion with a trust company and gets a fee for his persuasive efforts. As Fred C. Kelly points out in his interesting book on trust companies and trust funds, *How to Lose Your Money Prudently:* "Another shady practice which appears to have gained headway is that of collusion between lawyers drawing wills and trust companies which are appointed trustees upon their supposedly disinterested advice."[49] Mr. Kelly quotes sharp criticism of this practice by Surrogate Judge George A. Slater of Westchester County, New York, and Henry W. Jessup of the New York City bar.[50]

Mr. Kelly's book affords ample evidence that even the best trust companies are all too often lacking in sagacity in handling the portfolios of securities left in the estate, and that many of them are guilty of quasi-criminal lethargy and indifference to all responsibilities save for collect-

---

[48] Dawson, *loc. cit.*
[49] [illegible], Swain, 1933, p. 74.
[50] [illegible], pp. 74–83.

ing their fees and commissions. Even worse is the frequent practice of unloading on estates questionable bonds, which are transferred to trust accounts through dealings with a subordinate bond house affiliated with the trust company. Mr. Kelly recommends the following precautions to be followed by those who insist on putting estates in the hands of trust companies:

> Until such time as law courts begin to show greater concern for protection of the customer as opposed to the trust company, the person who is nevertheless willing to risk his money in a trust fund may at least protect himself by observing the following half dozen rules:
>
> 1. Have the will or trust indenture drawn by an independent lawyer whom you have reason to trust.
>
> 2. Never place a trust fund in any bank or trust company which has a bond department or is affiliated with any bond house, or which has anything to sell you.
>
> 3 Before permitting a trust company to handle your funds, investigate the laws of your own state regulating trust companies and do not take for granted protection not specifically guaranteed
>
> 4 Never make a will naming a trust company your executor without knowing in advance exactly what their charges are going to be.
>
> 5. Always remember, in dealing with a trust company, that impressive stone pillars in front of a bank have no intelligence, but your funds will be handled by bank employees. Look into the experience and ability of those men with whom you deal
>
> 6. Rid yourself of the idea, promoted by trust company advertising, that a trust fund is completely safe, and be on your guard, just as you would in any other business transaction.[51]

The leaders of the first and second groups of lawyers whom we described at the outset of this section render another definite service to organized corporate wealth in this country, namely, the rôle they assume in preparing and arguing cases involving the constitutionality of legislation designed to curb the freedom of predatory wealth and to bring corporations under proper social control through legislation. These men not only employ their own legal acumen and that of their underlings, but also capitalize upon their public eminence and their previous relations with members of the bench of the federal and other courts to influence the judges before whom their argument is delivered. Not a few victories have been won primarily as a result of the personal prestige and influence of the attorney who appeared before the court. His personality is usually more potent than his argument.

While the great legal partnerships are still the most powerful element in the legal profession, they do not have the income, strength, or prestige that they did before 1933, and especially before the crash of 1929. The holding companies themselves, which were the main source of their power, are disintegrating or have already been broken up as a result of the Investment Trust Act, The Securities Act, the Securities and Exchange Act, the Public Utility Holding Company Act, and the like. Their investment clients, the bankers, who were mainly responsible for the power

[51] *Op. cit.*, pp. 102-103

of the corporation lawyers, have also lost out in the process. Competitive bidding, registration rules, supervision of underwriting and legal fees, restrictions on corporate acts, and adverse judgments of courts in stockholders' suits have broken the spell and shattered the power of both the holding companies and the investment banks.

Having surveyed briefly the activities and interests of the two classes of lawyers at the top of the legal profession, we may now turn to the doings of the third main group of lawyers, the great majority who make up the rank-and-file practitioners of law.

Activities and Methods of Rank-and-File Lawyers

Ironically, the current decline in legal ethics and the mounting evils of legal practice have come about at a time when lawyers are far better educated and have a vastly superior professional training than at any previous time in American history. Only a generation ago lawyers were not required to attend a law school. They were permitted to "read law" in the office of some practicing attorney and then take a not too exacting bar examination. Today, all lawyers must have professional training, and the better law schools are graduate schools, admitting only students who have a bachelor's degree. And the bar examinations are becoming ever more stringent. In spite of this, there are far more lawyers practicing today than ever before. Their numbers have grown at a rate even faster than the growth of American population or the evolution of American business. There are, at the present time, nearly 200,000 practicing lawyers in the United States. There are around 12,000 students in the law schools of New York City alone as compared with some 2,700 in 1916. The *New York Law Journal* thus described the situation back in 1928, when there were fewer lawyers and law students than today:

> The law schools are turning out the young lawyers more rapidly even than Henry Ford turned out the old model of the Tin Lizzie. Lawyers shoot forth as speedily as meteors across the heaven on a clear July night [52]

In the same way that the growth of corporate wealth, power, venality, and avarice have been the chief causes of the corruption of legal practice among the rich leaders of the profession, so the large increase in the rank-and-file of practicing attorneys has been an outstanding cause of the evils which prevail in the activities of the great majority of practicing lawyers today. The condition has been aggravated by the fact that, at the very moment when lawyers became much more numerous than previously, the possible forms of employment for the average lawyer have been greatly curtailed by the development of new trends.

Title, guaranty, and trust companies are taking over more and more work in the real estate business, such as the searching of titles, conveyancing of properties, and the drawing up of mortgages. The handling

---

[52] Cited in Gisnet, *op. cit.*, p. 45

of the estates of deceased persons is being handed over ever more frequently to trust companies. Credit and collection agencies are getting more and more of the business involved in the collection of delinquent accounts. Casualty companies are constantly appropriating an ever larger section of the business involved in negligence cases. While trust companies and the like have to employ trained lawyers to do their work, efficient methods and the handing over of a good deal of the work to accountants, and others not technically lawyers, greatly reduces the number of attorneys necessary. Moreover, the abuses and delays in courtroom practice are leading more and more lawyers to recommend to their clients that they settle cases out of court, often a commendable procedure but one which cuts in seriously on the trial work hitherto open to lawyers. A less serious invasion of previous legal activities is to be seen in the juvenile court, which is becoming ever less of a criminal court, and where the lawyer is being superseded by the psychiatrist and the social worker.

The desperate economic situation of the lesser lawyers in the country which has grown jointly out of the increase in the number of lawyers and the curtailment of the scope of legal employment has been well described by I. Maurice Wormser:

> To a large degree the troubles among the Metropolitan lawyers arise from economic causes. The lawyer has seen himself slowly stripped of a vast amount of legal practice. The practice of law in many fields is no longer a matter for attorneys. Powerful and wealthy corporations boldly trespass upon the heit domains of lawyers. The title companies, the insurance companies, the trust companies, the powerful corporations, are spreading their tentacles around an apparently helpless profession. The defense of negligence suits has been taken over almost entirely by corporations. The handling of wills and estates is no longer the province of the lawyer. Great corporations do sixty per cent of corporate law work We can remember when title searching was the forte of the attorney. Today, except in the rural districts, title searching has passed out of lawyers' hands. The prosecution of claims now provided for by the Workmen's Compensation Law has closed another field of practice formerly open. Arbitration and conciliation have made vast strides. In some important industries, as for example, the silk trade, litigation is becoming unknown. The illegal practice of law among foreigners, particularly notaries public and commissioners of deeds, is another encroachment. Last, but not least, attorneys are faced with an ever growing influx of Portias, some of whom are remarkably efficient and all of them are willing to work for excessively low wages. In the light of all this, can it be doubted there is ground for economic discontent? Is there any room for question that the lawyers' domain is being lessened? Can any fair-minded person question that the conditions arising from this cause are serious? [53]

As only a fortunate few can gain access to the charmed circle of lawyers who control the lucrative practice of corporation and commercial law, the ever-increasing number of lawyers have to get out and hustle simply to make a living. The lawyers are handicapped by the fact that, like doctors, they are prevented by the ethics of the legal profession from

[53] Cited in Gisnet, *op. cit.*, pp. 52–54.

overt advertising. This is a strange restriction, in the light of the highly elastic character of legal ethics. Nevertheless, it is a taboo respected by the majority of lawyers. While there are a certain number of petty real estate and other business cases which may be picked up by these lesser lawyers, their main field is what we know as negligence cases, chiefly accidents of one sort or another. Prior to 1920, most of these accidents were industrial accidents. When automobile accidents began to outnumber all others of a serious character, they dominated negligence practices, which now closely approximates the proportions and methods of a legal racket.

The methods employed to drum up negligence cases have been as diversified and obvious as the desperation of the lawyer's economic condition implies. Most notorious is "ambulance-chasing." Lawyers hire "runners" whose job is to be on the scene of the accident first, to contact the injured party and possible witnesses. The runner turns over the information to the lawyer, who then makes a proposal to the injured person on the basis of what is known as the contingent fee principle. He agrees to bring action for damages for a fixed proportion of the sum awarded, usually half of the damages.

The essential elements of success in ambulance-chasing are closely knit organization and great speed in operation. The core of the operating force are the runners, who are most effective in conjunction with "fixed" policemen who tip off the runners often before reporting the accident to headquarters. Usually the lawyer employs at least two runners, and if they are alert, they will bring in 30 good hospital cases a year, representing a gross business, on the average, of $300,000.

Many of the luminaries of corporation law develop a fine sense of indignation against the so-called ambulance-chasers. But the latter have often rendered a real service to the poor, who would not be able to get any legal assistance otherwise. Half the damages is better than nothing at all. This was particularly true before workmen's compensation laws were put on the statute books. But in most states injured persons still need a lawyer to represent them even since compensation laws have been passed. The employers or the insurance company are represented by clever attorneys and the claimant is at a great disadvantage unless he has good legal advice.

The ambulance-chasing lawyers, operating on a contingent fee basis, are a nuisance mainly when they abuse the system. All too often a veritable racket develops. Doctors and hospital employees are corrupted and given their "cut-in." There is no regard for fact or reality. One dancer hurt her head in a taxi accident, but the racketeer-lawyer sued for damages due to fallen arches, since the dancer's feet were more valuable than her head.

Lawyers will freely take the cases of guilty persons in automobile accidents and urge them to bring suit for damages. In one not unusual case, known to the writer, an irresponsible and drunken individual pulled out of the line of traffic and smashed into a careful driver who was proceeding

on his side of the road. It was a plain case of criminal negligence and there were witnesses to the accident to testify thereunto. The guilty party should certainly have received a jail sentence. But the person he injured had insurance. A shyster lawyer took the case, sued for damages, and the jury, believe it or not, awarded damages to a man who should have been imprisoned for recklessness. There are thousands of such cases annually in the United States. It is in instances of this sort, which bring about a gross miscarriage of justice, that ambulance-chasing is a nuisance which should be suppressed.

By and large, however, casualty companies and insurance adjusters are guilty of just as reprehensible practices. This fact was well brought out by Judge Wasservogel:

> The evidence before me shows that casualty companies, transportation companies and corporate defendants have engaged in practices equally reprehensible. Frequently the insurance adjuster races with the ambulance chaser to the bedside of the injured person to obtain a release from him while he is overwrought and in pressing need of money. If a release cannot be obtained, the injured person is asked to sign a statement of the circumstances of the accident or is plied with questions. The oral or written statements extracted do not present a fair or complete picture. Nevertheless they are used against the plaintiff at the trial with exaggerated and harmful effect. Furthermore, the representatives of some corporate defendants have not hesitated to effect settlements directly with claimants whom they knew to be represented by attorneys. This practice is unfair to such attorneys and deprives the clients of the benefit of their advice.[54]

A new development which takes millions from innocent people yearly is the so-called "faked-claims racket," in which there has either been no accident at all or the accident has been staged for the purpose of launching a damage suit. Its victims are found chiefly among the relatively ignorant, poor, and helpless, for a rich man usually turns such matters over to his lawyer for investigation. But even in such cases the crooks often clean up, for juries are prone to be sympathetic with the fakery artists whose tricks they do not understand. The general pattern of the racket is made clear by Robert Monaghan:

> If you've got a job or a small business, if you are a professional man or if you demonstrate solvency in any other way, you're an easy target for these little squeeze plays.
>
> Once the claim artist has the facts on your ability to pay he can slip behind your automobile and swear you struck him down. He can trip on your sidewalk, stumble over your doorsill, declare your dog chewed a piece out of his thieving hide or work any of a dozen other dodges.[55]

Some of this fake-claims racket is carried on by lone wolves, and often they "make a killing." But most of the extortion is carried on by a well-organized syndicate, usually headed by a lawyer in good standing as a member of the bar. He has a whole staff at his call—other lawyers, runners, doctors, hospital attendants, X-ray technicians, and professional

[54] Gisnet, *op. cit.*, p 77.
[55] "The Fake Claims Racket," *Forum*, February, 1940, pp. 87–91.

perjurers. Some of these syndicates have regular accident-faking headquarters. Such was the "House of Pain" maintained by a Pittsburgh syndicate, which cleaned up millions of dollars before it was closed up.

The most extreme examples of this racket, but not uncommon ones, represent complete fakery. A man, upon going to his parked car, for example, may find himself accosted by men with a damaged car. The innocent party will be accused of having caused the damage. He protests the fraud, but to no avail. A suit is threatened and, unless the man has an impregnable alibi, his lawyer will usually advise him to settle the case out of court for a hundred dollars or so. Submitting to this extortion is cheaper than defending the case in court, for nobody can guess how erratic a jury may be, even though the fraud is palpable.

The fake-claims racket meets little opposition from "the strong arm of the law," since its minions are often in on the "cut." The greatest progress in breaking up the racket has been made by a private organization—the Association of Casualty and Surety Executives, whose fraud-fighting department is known as the Claims Bureau. This has succeeded in putting the fear of God into the racketeers in some cities, notably Boston.

In order to rake up criminal cases, lawyers frequently have rustlers who circulate in the magistrates' courts, snooping for cases which they report to the attorney. Bondsmen, court attendants, and policemen also call criminal cases to the attention of such lawyers. Frequently the lawyer himself hangs around courtrooms when he is not busy and looks for cases. Raymond Moley describes such procedure:

> The lawyer himself is active in the scramble for cases. He sometimes comes to the court daily, deposits his coat and hat immediately upon arrival, and participates in the activities exactly as though he were a paid attaché. He chats with policemen, bondsmen, attendants, even the magistrate. He mingles freely with the unfortunates who are waiting in the court, and so gets business first-hand. He has, with two or three others who monopolize most of the cases in that particular court, a permanent status there. He is a "regular." He is as definitely a part of the court machinery as the clerk, the prosecutor and the judge.[56]

The worst abuses in connection with rustling criminal cases take place when victims are actually framed and then ruthlessly exploited by shyster lawyers. Professor Moley recounts a characteristic case:

> According to the testimony of one witness who was "framed," her lawyer answered her protests over the huge fee demanded by saying, "Now don't worry, my child, I'm not one of those who just plunder people."
>
> Reassured, she paid him $150 on account. Before the trial, however, he continued to remind her that though he had influence in court she must give him more money or he could do nothing for her. She paid him $100 more. Half an hour before her trial he called her to his office and said, "If you do not give me $100 more immediately, something will happen."
>
> The terrified woman promised to scrape together half that amount. This she

[56] *The New York Times*, May 3, 1931.

gave him after she had been tried and discharged. But the lawyer insisted that she owed him "the rest of the $100." This, too, was handed over and the woman finally got a receipt for payment in full. The matter did not end there, however. She continued to receive, by letter and telephone, regular demands for more money. When the lawyer was questioned he declared that he did not recall how much this client had paid him. He thought, however, that "there was a little balance still due." [57]

In the old days, the criminal lawyer who defended anybody, whether guilty or not, was looked upon as being at the bottom of the legal ladder, from the standpoint of legal ethics. But he has since been nosed out of the legal cellar by what is now known as the lawyer-criminal, namely, the lawyer who gives advice to organized criminals and racketeers. In the olden times, the smart criminal was one who got an able lawyer to defend him after he committed a crime. But today, taking a leaf out of the book of the corporate mogul, the bright racketeer gets a lawyer before he commits a crime. Most organized crime today is committed on advice of counsel. The broad similarity between this procedure and corporation law practice has been pointed out by Mr. Jackson:

Nor does the public mind any longer distinguish between the gangster-lawyer and the banker-lawyer in this respect. It knows that in these instances the racketeer and his lawyer have merely adopted the methods and practices of our best people for their own. The racketeer who asks a lawyer to set up an alibi for him before he goes out "to knock off a rival gangster" is emulating the financiers who retain counsel to advise them how they can sell watered securities or gilded bonds of an insolvent and defaulting South American republic to a gullible public, without liability to themselves. The gangsters are merely stealing the methods of respected, church-going leaders of industry who brag that they hire lawyers to tell them what laws they need not respect. What difference is there, asks John Q. Public, between the lawyer who advises the banker how he can avoid the penalties of a Securities Act, and the lawyer who tells a gangster how he can avoid the provisions of an extortion statute? [58]

The bar expresses little indignation over legal services rendered to the moguls of gangland. As Mr. Lundberg says: "Al Capone and other eminent gangsters had the same set of skilled lawyers over a long period of years, and the courts have yet to express astonishment at counsellors appearing time and again in court for the same thugs." [59] Indeed, as Jackson and Lundberg point out, the lawyer is all but immune from punishment for giving advice that lands his client in jail. [60] Professor Rodell insists that a lawyer can get away with almost anything, provided he observes the correct legal etiquette—that is, plays the game according to legal rules:

What the lawyers care about in a judge or a fellow lawyer is that he play the legal game with the rest of them—that he talk their talk and respect their rules and not go around sticking pins in their pretty principles. He can be a New

---

[57] *Ibid ; cf.* Jackson, *op. cit.*, pp. 155 ff.
[58] Jackson, *op. cit.*, p. 261.
[59] *Harper's*, April, 1939, p. 521.
[60] Jackson, *op. cit.*, p. 263; and Lundberg, *Harper's*, December, 1938, pp. 3, 5.

Dealer or a Ku Kluxer or a Single Taxer or an advocate of free love, just so long as he stays within the familiar framework of legal phraseology in expressing his ideas and prejudices wherever they happen to impinge on The Law.[61]

While pointing out these offenses against both justice and common decency, we should not fail to call attention to the numerous public-spirited lawyers of high ability who have generously given their time and talents in behalf of the poor and downtrodden. Clarence Darrow was the most conspicuous example, but he did not by any means stand alone. But such a public-spirited lawyer risks his reputation and practice. The distinguished Chicago lawyer, W. P. Black, who defended the Chicago anarchists back in 1886, was all but ruined professionally. And the equally distinguished Boston attorney, William G. Thompson, who defended Sacco and Vanzetti, saw his practice cut in half.[62]

In spite of the large and increasing number of lawyers and their desperate scramble to make a living, Mr. Lundberg usefully emphasizes the fact that we would probably need twice as many lawyers as we have today, if the masses were as well served by the bar as are the classes. The reason that the mass of the lawyers now find it hard to make a living is that the bulk of the people who need lawyers do not have enough income to pay them. As Mr. Lundberg puts it:

> In relation to the inability of most people to pay for legal services under the present dispensation, it is true that there are too many lawyers. But in relation to the social need for the services of lawyers the country could probably use a bar with twice the present number.[63]

Probably this is all academic, however, since only in a just and efficient economic system could the masses afford to pay for needed legal aid; but in such a system they would require little legal advice. Russia virtually gets along without any lawyers.

Some Outstanding Defects in the Criminal Law

Grave as may be the defects in our civil law, from the large scale dignified corruption of corporation law practice to the petty venality of ambulance-chasing, students of law and sociology alike agree that the practice of criminal law represents the most debased and vulgar area of legal practice and courtroom procedure. The subject has been handled in admirable and comprehensive fashion by Professor Raymond Moley in his book on *Our Criminal Courts*.

The whole philosophy of criminal law, namely, the attempt to find a punishment to fit the crime, rather than the right treatment to fit a particular criminal, is archaic, wrong-headed, and brutal. Some headway has been made in the way of getting indeterminate sentence laws, but such success as has been achieved here has been mainly in the case of juvenile delinquents. For the most part, the judges still impose a time

---

[61] Rodell, *op. cit.*, p. 196 Reprinted by permission.
[62] Lundberg, "The Priesthood of the Law," *Harper's*, April, 1939, p 524.
[63] "The Legal Profession," *Harper's*, December, 1938, p 14

sentence, though it is becoming more common to impose a maximum and minimum sentence, the time actually served to depend upon the conduct of the convict.

The first stage of criminal procedure in this country is characterized by gross lawlessness and brutality. We refer to the Third Degree, which the police apply to suspects after arrest in order to obtain a confession of guilt. The Third Degree has been the subject of more heated interchange of invective than any other phase of contemporary criminal jurisprudence in the United States. Reformers have charged that it is universal in police practice, while the police have hotly contended that it is the exception. There had been no comprehensive study of the actual facts, over the country as a whole, until Ernest Jerome Hopkins reported the situation for the Wickersham Commission. Emanuel Lavine's excellent volume *The Third Degree* is a vivid book, but it was based too much upon local New York evidence to constitute a decisive indictment of the system through the nation as a whole. The same was true of the excellent report submitted by the Bar Association of New York, some time back. Mr. Hopkins, however, made a thorough sampling of the situation throughout the country and his report certainly proved that the brutal application of third degree methods is so wide-spread that it may be declared a general characteristic of American police procedure.[64] Mr. Hopkins found that about five out of every six cases of arrested suspects are settled in outlaw police tribunals, either by forced confessions, which the trial court simply ratifies, or by release by the police. As Mr. Hopkins puts it: "The outlaw pre-trial inquisition by police is by all odds our predominating trial court in point of fact." In other words, the majority of our criminal jurisprudence is quite literally official vigilante justice.

The Hopkins report was in no way surprising to close students of criminal justice. It only furnished authoritative confirmation of what such students knew to be the case. The police employ diverse methods of torture to secure confessions: beating; whipping; deprivation of sleep, food, and water; electric carpets, rods and chairs; and various types of psychic deception and intimidation. Many fatalities have resulted. The Supreme Court of Virginia was restrained when it said of typical third degree practices: "The evidence of the police officers as to the manner in which the alleged confession of the accused was obtained reads like a chapter from the history of the Inquisition of the Middle Ages."

The lawlessness of the police inquisition and the Third Degree may be seen from the comparison of the actual police procedure with the formal law in the circumstances. The law states that: (1) the police shall secure adequate evidence before arrest; (2) they shall promptly produce the accused before a magistrate to be arraigned and committed or released; (3) the police may not, under the ban of the Fifth and Fourteenth Amendments, even subject the accused to questioning as to his guilt;

---

[64] This report was amplified and published as *Our Lawless Police*, Viking Press, 1931.

and (4) all matters pertaining to the decision as to the innocence or guilt of the accused shall be left to a jury of his peers, presided over by an impartial jurist.

This raises the vital question of the justification of the Third Degree. Is it essential to the ascertainment of guilt? The answer may be given in the form of a categorical negative. Mr. Hopkins, for example, found that the English court records do not yield one reference to third degree methods in the last twenty years. We need not assume that there have been no instances of its use in Britain, but it surely is not characteristic of English criminal justice, yet England has a far better record as to crime repression than we have. If the Third Degree can be justified at all, it is only under the same conditions that vindicated the Vigilantes of frontier days; namely, its use in areas and periods where orderly legal justice cannot be obtained. It is conceivable that, in certain American cities today, a decay of lawful justice exists which approaches the anarchy of the frontier. It is possible that effective repression of criminals, especially lesser henchmen of racketeers, can be accomplished in such localities only through resort to third degree practices. If so, then each police commissioner who tolerates such methods should publicly announce what he is doing and why. This would accomplish a quadruple good: (1) It would direct public attention to the demoralization of our judges and courts; (2) it would compel the commissioner to prove his case or reform his ways; (3) it would let the crooks know just what to expect if seized by a policeman; and (4) it would let the people know what they must insist upon if they desire civilized justice.

Certainly any permanent or habitual use of the Third Degree is incompatible with either science or humanity. The case was well stated by the late Judge Cuthbert Pound, formerly chief justice of the New York State Court of Appeals, one of the ablest of American jurists. In reversing the conviction of John Barbato, he wrote:

> Lawless methods of law enforcement should not be countenanced by our courts, even though they may seem expedient to the authorities in order to apprehend the guilty. Whether a guilty man goes free or not is a small matter compared with the maintenance of principles which still safeguard a person accused of crime.

Nowhere is there a greater departure from the formal theory of the dignity and earnestness of the law and its administration than in the antics of lawyers in criminal courtrooms. There is every type of horseplay, cunning, ingenuity, and the like, designed to win the case. There is little regard for the facts and slight interest in seeing that justice is done. The rules governing the admission and exposition of evidence are better suited to obscuring the facts than they are to revealing and emphasizing them. We shall have more to say about this later in the section on the jury trial. Further, the wealthy defendant has the same advantage in the criminal courtroom that he has in the field of civil litigation. He has the money to hire not only a very clever, but also a very influential, lawyer whose extra-courtroom connections may be even more

important than his adroitness and eloquence within the courtroom. The poor man must be content either with the best lawyer he can afford to hire or with the perfunctory defense put up by the lawyer assigned by the court to defend him.

The prevalence of what has been called "bargain-counter justice" was brought out in the Report of the New York State Crime Commission on the crimes and sentences of prisoners, of which Sam A. Lewisohn was the chairman. In the year 1931, at least 70 per cent of the convicts received in state penal institutions in New York had not been convicted in a jury trial. They had made pleas of guilty to lesser offenses than those for which they had been indicted, and their pleas had been accepted. There is often little exact relationship, at present, between the crimes for which persons are arrested in New York State and those for which they are convicted. The reason for this is the absurd and savage system of severe mandatory sentences produced by our hysteria about the crime wave. Judges with some spark of decency and humanity hesitate to impose the atrocious sentences made mandatory for a particular crime. Hence, as the New York Report puts it, they are prone to accept a plea of guilty for a lesser crime:

> It is as if the courts themselves, realizing almost instinctively the essential injustice inherent in these mandatory sentences turned with relief to any methods, however clumsy, to avoid imposing such long inflexible terms of punishment. In so doing they unconsciously often rendered the whole system of prison sentences absurd and gave to the prisoners and their families a sense of being able to frustrate or evade any of the laws of punishment and correction.

This system is particularly vicious, in that it gives a special advantage to the clever and experienced criminal who has already had contact with our criminal law and knows enough to get an astute lawyer who will help him to make the best possible bargain with the judge and district attorney. The Report gives a number of representative cases indicating the unfairness of the system as it operates today. One man who had fired shots to kill in the robbery for which he was indicted, admitted that he already had participated in 48 other robberies. A plea of guilty of robbery, third degree, was accepted and the man was given an indeterminate sentence of from three to six years in a state prison. Another man, with no previous criminal record, held up a store and got away with some $600 in cash and jewelry. No shots were fired. He entered a plea of guilty of robbery, first degree, and was sentenced to state's prison for from 15 to 30 years with an additional sentence of from 5 to 10 years for the use of a gun. In another case, a man with accomplices entered a man's home, beat him up so severely that he required major medical attention for six weeks, and robbed him of his money. The assailant was indicted for robbery, first degree, assault, first degree, petty larceny, and receiving stolen goods. A plea of robbery, third degree, was accepted and he was sentenced to the Elmira Reformatory. In two years, he would be eligible for release on parole. Another man with an armed accomplice held up a leather shop clerk and stole some $200.

He stood trial for robbery in the first degree, was convicted, and sentenced to state prison to from 15 to 30 years.

Absurd discrepancies like these could be multiplied indefinitely. The Report wisely suggests the logical remedy, namely, that the judge shall impose automatically the maximum sentence provided by law for the crime. Then the power of release should be transferred to the Board of Parole, with authority to act at any time after the convicted person has served one year in a penal or reformatory institution. The Report emphasizes the utter illogicality which prevails today in our system, where the sentencing judge is allowed to consider only the crime, ignoring the offender, while the parole board is expected to consider the offender rather than the crime. This logical contradiction brings confusion and inefficiency into our system of criminal jurisprudence, from the moment of arrest until the final discharge of the convict.

The way our conventional criminal jurisprudence deals with insanity and the mental capacity of the accused is literally a travesty. In most states it is almost impossible for an expert in medical psychology to present straightforward and relevant evidence in the courtroom. He can only answer the questions put to him, and they are adroitly framed to bring out the points desired by the examining lawyers. He can never present the well-organized and unified report that he would set forth in dealing with a case in private practice. The legal test of insanity—that is, the question whether or not a person can distinguish between right and wrong and recognize the consequences of his acts—bears no important relationship to the scientific medical notions of mental disease. Plenty of psychopathic people have no serious impairment of mental powers but are quite incapable of normal social conduct in the face of inciting circumstances. This is especially true of paranoids and those suffering from compulsion psychoses and neuroses.

Massachusetts was the first commonwealth to eliminate the worst obstacles to the introduction of medical science in the courtroom. Here the burlesque and horseplay involved in the legal examination and cross-examination of psychiatrists have been done away with. The accused man is thoroughly examined by an accredited psychiatrist from the State Department of Mental Diseases, and a careful report is drawn up and available when the trial opens. The doctor functions in the courtroom as he might when dealing with a private patient. His only incentive is the ascertainment of truth and he suffers no significant handicap in setting it forth for the benefit of the court.

In sentencing prisoners, judges follow the wrong-headed principle of trying to make a punishment fit a crime, and they indulge in the most irresponsible arbitrariness in imposing sentences for a given crime. The writer once made a special study of variations in sentencing for similar crimes in the same state and in the same era. The grossest discrepancies were found—among sentences imposed by different judges for the same crime as well as among sentences imposed by the same judge for identical crimes. Sound criminal science shows the desirability of varying the

sentence for a given crime, according to the personality of the convict and the conditions surrounding the crime. There is little evidence, however, that these considerations weigh at all heavily with sentencing judges. Far more potent are the reactions they develop toward the defendant during the trial and the general state of their digestive tract at the moment of sentencing. Judges also differ widely in the extent to which they use their opportunity to prescribe punishments other than imprisonment. F. J. Gaudet, G. S. Harris, and Charles W. St. John once studied the sentences imposed during a nine-year period by six judges in one New Jersey county. The following table shows the results of their study: [65]

PERCENTAGE OF EACH KIND OF SENTENCE GIVEN BY EACH JUDGE

	Judge 1	*Judge 2*	*Judge 3*	*Judge 4*	*Judge 5*	*Judge 6*
Imprisonment	35 6%	33 6%	53 3%	57.7%	45.0%	50.0%
Probation	28 5	30 4	20.2	19 5	28.1	32.4
Fined	2 5	2 2	1 6	3 1	1.9	1.9
Suspended	33 4	33.8	24.3	19.7	25.0	15.7
No. of cases .	1235	1693	1869	1489	480	676

The Travesty of the Jury Trial

There is hardly a more respected institution in American life, except for the Christian Church and the Supreme Court, than our customary jury trial. And probably there is not a greater obstacle to the scientific determination of fact in legal disputes and criminal cases. Few, if any, of our legal practices contribute more to the prevalence of miscarriages of justice.

In the selection of the panel, a definite number of names are drawn at random from a collection of slips or cards bearing the names of all the qualified citizens of the county. In some cases the theory of a choice by lot has become a legal fiction, and accommodating commissioners of juries have been known, for a reasonable consideration, to draw the names of the men desired by either district attorneys or lawyers for the defense. When a "fixed" panel supplies a jury, the outcome of the trial may be all but settled before a single witness has been summoned. But even when a panel is honestly selected, it conforms precisely to the dubious doctrine that special training is in no way essential to competence in the handling of public affairs. It is drawn from the very classes from which a mob might be raised by the Ku Klux Klan.

In the choice of the actual jury from the panel, we can observe a process that may be called counter-selection. The obviously more intelligent and abler members of the panel, drawn from the business and professional classes, are, for the most part, automatically excused from service, leaving only the farmers, cobblers, barbers, clerks, hodcarriers, and day-laborers.

---

[65] Gaudet, Harris, and St. John, "Individual Differences in the Sentencing Tendencies of Judges," *Journal of Criminal Law and Criminology*, January–February, 1933, p. 816.

These men are then questioned forthwith as to whether they have read about or formed any opinion concerning the case. Those who answer in the affirmative are likewise automatically disqualified. Any honest man with a modicum of literacy is, in significant cases, compelled to give an affirmative answer. Thus the choice of jurymen in important trials is actually limited, for the most part, to the illiterates and the liars.

Naturally, the attorneys for both sides want a jury which will be, *a priori*, as favorable as possible to their side. Therefore, they challenge all jurymen who, because of party affiliation, religious belief, class membership, or nationality, may possibly be against them. If the defendant is a prominent Democrat, the district attorney naturally desires a Republican jury; likewise a Catholic defendant calls for a heavy representation of Methodists and Baptists. With a "Red" on trial, the district attorney tries to get a jury of bank clerks and stock brokers, while the counsel for the defense labors to secure veniremen who admire W. Z. Foster and Earl Browder. The liberal legal arrangements for challenging without cause, and the practically unlimited right of challenging *for* cause, make this maneuvering easy. Only an exactly equal balancing of opportunity, favoritism, knowledge, and wits on the part of the opposing barristers can prevent it. The jury is thus often "fixed," "hand-picked," or composed of the most colorless and feeble-minded of the illiterates and liars.

The jury, after a few days of excitement or bewilderment in the new atmosphere, settles down into a state of mental paralysis which makes it practically impossible for the majority of its members to concentrate upon the testimony and rulings of the court. The farmer wonders whether his hens are being fed; the drummer bemoans his lost sales and "dates." Awakened from time to time from this state of distraction by the unusual beauty, volubility, resonance, or obscenity of the witnesses and testimony, the jurymen pounce upon some irrelevant bit of testimony and forget or overlook the most significant facts divulged by the witnesses. Thus we have, in a typical jury trial, the testimony of the witnesses and the rulings of the judge presented to a group of colorless men drawn from the least intelligent elements in the population who have lapsed into a mental state which all but paralyzes the operation of their normally feeble intellects. As Ferdinand Lundberg observes:

> The underlying aim of the lawyer in a great majority of cases seems to be to fill the jury box with a well-balanced aggregation of the feebleminded. Only a reasonable limitation upon his peremptory challenges keep him short of complete success.[66]

---

[66] *Harper's*, December, 1938, p. 13. For a more favorable view of juries, see the article "Just How Stupid Are Juries?" *ibid.*, pp. 84 ff. For an able lawyer's account of his experiences on a jury, see William Seagle, "Confessions of a Juror," *Coronet*, March, 1941, pp. 136–138. Probably the most complete and authoritative critique of the jury trial is Judge Irvin Stalmaster's *What Price Jury Trials?* Stratford, 1931. See also, Jerome Frank, *Law and the Modern Mind*, Brentano, 1930, pp. 170–185, 302–09; and Leon Green, *Judge and Jury*, Vernon Law Book Co, Kansas City, Mo, 1930.

The situation as regards the testimony itself is scarcely more satisfactory. Psychologists, following the pioneer work of Hugo Münsterberg, have proved time and again that the most honest and intelligent eye-witnesses, having observed an act in question leisurely and directly, are unable to testify about it with exactitude or unanimity.

The testimony normally produced in a courtroom is much inferior to that brought forth in carefully controlled psychological tests. Usually eye-witnesses are scarce, and they are rarely persons of intelligence. As likely as not, they are among the "undesirable citizens" of the community, who would not be believed under oath if they were disgorging from any other vantage-point than the witness chair. But even these inferior persons, with their inadequate information, are rarely allowed to testify in a straightforward fashion. The technical rules of evidence often prevent their being permitted to tell the most pertinent things they know. On the other hand, counsel may seduce them into making all sorts of vague insinuations—or even precise statements—about things of which they know practically nothing.

But even this is not the worst of it. Witnesses are usually as carefully coached by counsel as prize speakers in a rhetorical contest. Often the "best" type of witness is one who knows nothing about the case and so may be coached from the beginning to tell a coherent story. Convictions or confessions of perjury in all sorts of cases, from the celebrated Mooney case to the equally notorious one of Sacco and Vanzetti, have demonstrated the frequency of this building up of "impressive" testimony by counsel and witness without the slightest factual basis. One of the injustices of our criminal procedure is that, in a conviction for perjury, the witness alone, instead of the witness and counsel together, is punished. But even accurate testimony by witnesses of highest intelligence and undisputed veracity would be wasted upon the illiterate, inattentive, distracted jury

Hence the outcome is essentially this: a number of individuals of average or less than average ability, who could not tell the truth if they wanted to, who usually have little of the truth to tell, who are not allowed to tell even all of that, and who are frequently instructed to fabricate voluminously and unblushingly, present this largely worthless, wholly worthless, or worse than worthless information to twelve men, who are for the most part unconscious of what is being divulged to them, and would be incapable of an intelligent interpretation of the information if they had actually heard it.

In case there is intelligent, pertinent, and damaging testimony and a few competent jurymen who have slipped by the lawyers unchallenged, the lawyer whose side seems likely to lose tries to obscure the significance of the testimony and divert the attention of the jurymen from it. Every form of inflammatory oratorical appeal is permitted by the rules, and so is every type of effort to stir the prejudices of the jurymen. The jury may even be covertly threatened with mob reprisal if it does not render a certain type of verdict. Particularly in closing appeals is this rhetorical

gaudiness utilized. If the evidence as a whole is strongly unfavorable, the lawyer is likely to ignore the testimony altogether and appeal solely to the emotions of the jury. And to the average jury, an emotional appeal is far more potent than a factual demonstration. F. L. Wellman thus described the contribution to juridical objectivity and scientific criminological accuracy made by one J. J. Parker, a venerable and learned barrister of Mobile, Ala.:

> Once, while he was defending a case in the criminal court in Mobile, and during the argument of the prosecuting attorney, who was a rather prosy man, Parker moved his chair around so as to be under the judge's desk and behind the speaker, so that neither could see him. But he was in full sight of the jury. After a short time he began to nod his head as though very drowsy, and to tilt his chair back until it looked as if he would fall backwards. He would then make a little start and right his chair, and then pretend to go to sleep again, much to the amusement of the jury. The prosecutor realized that something was going on to distract the attention of the jury, because their faces were covered with broad grins in spite of his solemn argument. Finally, Parker lost his balance and fell over backwards, making a good deal of commotion. The bystanders, who had been enjoying the scene as much as the jurors, broke into uncontrollable laughter, which was joined in by the jury, and the prosecutor's argument was completely destroyed.[67]

Perhaps the most instructive thing about the modern jury trial is that neither the district attorney nor the counsel for the defense is vitally interested in the hard facts. The district attorney wants to convict, whether the defendant is guilty or not: the counsel for defense wants an acquittal, whether his client is innocent or not. Moreover, it is the jury which invites the lavish use of money in hiring expensive counsel to obscure facts and create fiction—that transition in trials which Hobhouse describes as the substitution of battle by purse for the ancient battle by person. Before a group of trained experts, the dramatics of high-priced counsel would have about as much standing as the pulpit gymnastics of Billy Sunday.

The technical rulings on law are often as ineffective before the jury as is the testimony. The average juryman knows little of the law, and almost invariably misses the significance of the judge's interpretation of it. Sometimes even when the rulings are simple, explicit, and direct, the jury brazenly ignores them. In one interesting case, a judge instructed the jury to bring in a verdict in a certain manner, unless they felt that they knew more about the law than he did. Astonished when they disregarded his advice, he reminded them of his charge. Whereupon the foreman responded, "Well, Jedge, I reckon we considered that point, too." Especially futile are the rulings with respect to the rejection of evidence that has actually been presented. If a juryman has really been impressed with the testimony, in not one case out of ten will he be influenced by a subsequent ruling of the judge that it is irrelevant and must be excluded from consideration. At the other extreme, as we have seen, the prejudices

---

[67] F. L. Wellman, *Gentlemen of the Jury*, Macmillan, 1924, p. 153.

of the judge may be so determined and persistent as to override the import of the evidence. If the judge is both adroit and impressive, he may exert a greater influence over the jury than all the testimony submitted during the trial.

The burlesque upon science and justice which trial by jury thus presents is carried from the courtroom to the room where the jury deliberates. Here it can and often does ignore the instructions of the judge and all the testimony presented, and its decision is based on the prejudices of the members. In a notorious murder trial in New Jersey the jury frankly disregarded all the testimony, knelt in prayer, and then found a unanimous verdict for the defendant. The case was unique only in regard to the frankness of the jury's confession of the method it pursued and the publicity which that confession received in the press. Even when a jury is reasonably alert in following the testimony, the desirable results of such an unusual phenomenon may be destroyed by the presence upon the panel of a powerful and impressive personality or an unusually stubborn moron. Innumerable miscarriages of justice have been due to the conversion of the jury to the point of view of a prejudiced but convincing orator, or to the presence of a juror who, through bias, bribery, or stupidity has held out against the judgment of his eleven colleagues. The most elementary psychology makes it clear that even if twelve able men were on the jury, they could rarely come to a concise, definite, well-reasoned agreement based upon a study of the same body of facts.

William Seagle suggests that the presence of a dominant personality on a jury may often aid the cause of justice. He holds that: "The whole jury system rests upon the theory that in every group of twelve men there will be at least one who is not a moron." Mr. Seagle's thesis is doubtless sound when the able juror is a trained lawyer and a good psychologist, such as Mr. Seagle, but the vigorous figure who sways his fellow jurors is more likely to be a strong-willed amateur, often bigoted and prejudiced. In such cases, his influence is likely to be even more mischievous and prejudicial to justice than the "deliberations" of the eleven "morons."

We have thus the spectacle of a "fixed" or "selected" jury, or one of colorless liars and illiterates deciding the matter of the corporeal existence, public reputation, property rights, or personal freedom of a fellowman upon the basis of prayer, lottery, rhetoric, debate, stubbornness, or intimidation, in ignorance or defiance of legal rulings which they do not understand and of testimony, perhaps dishonest, which they have only imperfectly followed, and from an intelligent comprehension of which they have been diverted by the emotional appeals of counsel.

If one protests against the accuracy of this picture by the allegation that most verdicts are, nevertheless, sound and that such a result could scarcely be expected from so grotesque a procedure as we have described, the first answer would be the query as to how one knows a particular verdict is a correct one. The majority of our convicted murderers go to the chair bawling protestations of innocence, while many obviously guilty ones are freed. There being under our system an opportunity only for

a verdict of guilty or not guilty, by the mathematical laws of chance verdicts should be right in 50 per cent of all cases. There is no proof whatsoever that more than half of our jury verdicts are accurate, or that the majority of those which are sound are such for any other reason than pure chance. An equally satisfactory result might be obtained far less expensively, and in a more expeditious and dignified manner, simply by resort to dice or the roulette wheel. The writer would be quite willing to defend the thesis that, insofar as accuracy and justice are concerned, the modern jury trial is scarcely superior to the ordeal or trial by battle.

Those who feel convinced of the relatively high accuracy of jury verdicts and believe that the jury trial promotes justice will do well to read the careful book of Edwin M. Borchard *Convicting the Innocent*,[68] which presents representative examples in which jury verdicts were completely overthrown by the facts as later demonstrated. Among these cases are several in which persons had been convicted of murder only to have the supposed victim turn up hale and hearty. Professor Borchard has been a leader among those who believe that the state should make restitution to those wrongfully convicted of crime.

Suggested Reforms in Legal Practice and Courtroom Procedure

It is obvious that legal reform is mandatory, if we hope to provide justice for the mass of Americans. The lawyers have already done much to wreck American democracy and economic solvency. If they persist in their policies and methods and these destroy our present system of society, they will bring ruin on themselves. In totalitarian societies the legal profession is either abolished or thoroughly subordinated to the political system. This warning to lawyers to repent and put their house in order is thus phrased by Mr. Lundberg:

> A poetic penalty awaits the legal profession in the event that its clients of the past combine to abolish the democratic state, either by force or by stealth. For upon the abolition of the democratic state will surely follow the abolition of the legal profession, as in Russia,[69] or its reduction in status to a very mean level, as in Germany and Italy.

Essentially the same warning is given by Mr. Jackson:

> The law dominates or the sword rules. That is the choice, and examples are on our doorstep. Weaken the law, temper its honesty of administration, and the tramp of marching feet grows louder. Strengthen it, make its application just and curative, and visions of marching hosts grow dim.[70]

Mr. Jackson suggests a number of sensible reforms, among which are the following: (1) inform and educate the public on legal problems, so that they will demand improvement; (2) simplify the law and reduce

[68] Yale University Press, 1932.
[69] *Harper's*, April, 1939, p. 526.
[70] Jackson, *op. cit.*, p. 347.

its technicalities; (3) insist upon civil service qualifications for legislators; (4) work out a proper division of labor between courts and administrative commissions and tribunals; (5) secure better legal talent not only to assist clients but also to come to the aid of judges; (6) remove the judiciary from politics, so far as is possible; and (7) improve the content and standards of legal education.

Professor Rodell does not believe that any such ameliorative reform will turn the trick. He contends that we must get rid of The Law and lawyers, bag and baggage, and adopt common-sense and direct methods of handling social relations in our urban-industrial age:

> What is to be done about the fact that we are all slaves to the hocus-pocus of The Law—and to those who practice the hocus-pocus, the lawyers?
>
> There is only one answer. The answer is to get rid of the lawyers and throw the Law with a capital L out of our system of laws. It is to do away entirely with both the magicians and their magic and run our civilization according to practical and comprehensible rules, dedicated to non-legal justice, to common-or-garden fairness that the ordinary man can understand, in the regulation of human affairs.
>
> It is not an easy nor a quick solution. It would take time and foresight and planning. But neither can it have been easy to get rid of the medicine men in tribal days. Nor to break the strangle-hold of the priests in the Middle Ages. Nor to overthrow feudalism when feudalism was the universal form of government . . .
>
> A mining engineer could handle a dispute centering about the value of a coal mine much more intelligently and therefore more fairly than any judge, untrained in engineering, can handle it. A doctor could handle a dispute involving a physical injury much more intelligently and therefore more fairly than any judge, untrained in medicine, can handle it. A retail merchant could handle a business dispute between two other retail merchants much more intelligently and therefore more fairly than any judge can handle it. A man trained in tax administration could have handled Senior v. Braden much more intelligently and therefore more fairly than the Supreme Court handled it. In short, even discounting for the moment the encumbrances of legal doctrine that obstruct the straight-thinking processes of every judge, the average judge is sadly unequipped to deal intelligently with most of the problems that come before him. . . . Why should we keep on sacrificing both justice and common sense on the altar of legal principles? Why *not* get rid of the lawyers and their Law? . . . Why not let the people really involved in any squabble tell, and try to prove to the satisfaction of the decision-makers, their own lies? Commissions have often found it far easier to discover the true facts behind any dispute by dispensing with the lawyers' rules; arbitrators have found it easier still by dispensing with the lawyers. . . .
>
> If only the average man could be led to see and know the cold truth about the lawyers and their Law. With the ignorance would go the fear. With the fear would go the respect. Then indeed—and doubtless in orderly fashion too—it would be.—*Woe unto you, lawyers!* [71]

Even if Professor Rodell be right in his drastic proposal, it is obvious that, short of revolution, it will be a long time before his plan can be realized.

The most drastic proposal for immediate reform calls for a socialization

---

[71] Rodell, *op. cit.*, pp. 249, 253–255, 269–270, 274. Reprinted by permission

of legal practice. The lawyers representing both the prosecution and the defendant would be paid by the state. It is held that the state provides hospitals, even if it does not make the diseases. But the state makes the laws, and hence it should assume responsibility for their adjudication. This reform is recommended by Mr. Gisnet:

Bearing in mind that it is the poor alone who suffer most grievously from the denial of justice which prevails in our system; that such denial of justice to the poor is caused by long and undue delay in court proceedings, by costs and disbursements and by the expensiveness of counsel which the poor can't afford; and also that the cry is often raised that the poor are despoiled by unscrupulous lawyers, the obvious remedy seems to be socialization of the practice of law, so as to bring the processes of the administration of justice within easy reach of every citizen, no matter how poor and humble.

This could be accomplished by the adoption of the following measures:

First: By the abolition of all legal costs and disbursements in all courts and in all classes of cases or actions for all parties, including expenses of appeals to higher courts.

Second: By the creation of the office of a Public Defender as a part of the administration of justice in the criminal courts for the free defense by the state of all persons charged with misdemeanors or crimes, except such persons who would be able and might want to employ private counsel.

Third: By the creation of Legal Aid Offices as a part of the administration of justice in the Civil Courts to be attached to the various courts and to furnish counsel free of charge to represent parties, plaintiff or defendant, in all litigated actions.[72]

The notion of providing a public defender is highly recommended by many interested in the reform of our legal procedure.[73] The idea underlying is summarized by Charles Mishkin in an article in the *Journal of Criminal Law and Criminology:*

It is axiomatic that one of the primary duties of the government is to administer justice. Rich and poor should be on an equal plane when before the bar of justice; but in practice are they equal? The rich man has his corps of brilliant attorneys and sufficient funds to employ investigators to discover witnesses, gather evidence, and prepare an adequate defense on his behalf. The poor man, on the other hand, is helpless, without funds, often not understanding what the proceedings are all about, and is forced to rely for his protection upon an attorney who has been assigned to represent him without compensation. Honest and well meaning though the attorney may be, he is handicapped by lack of funds to conduct an investigation to ascertain the facts, and often without experience in criminal matters. Thus handicapped, he is forced to contend against the unlimited power and resources and prestige possessed by the public prosecutor's office. Truly this is a spectacle of the state bringing all its power and wealth to bear against a weak and powerless accused [person], who may in fact be innocent of the charge brought against him. . . .

The state should be just as diligent in attempting to prove the man innocent as it is in attempting to prove him guilty. Still it maintains the powerful offices of public prosecutor to represent the prosecution, and leaves the indigent accused to present his defense as best he may. . . . The truth is obvious that if it is the primary function of the State to seek the truth in a criminal prosecution, then that function is not fully performed unless, side by side with the office of public

[72] Gisnet, *op. cit.*, pp 145–146

[73] *Cf.* Smith, *Justice and the Poor*, Chap. XV.

prosecutor to prosecute the charges, there exists also, as an arm of the state, the office of public defender to defend against the charges. This, in brief, is the basis for the public defender idea.[74]

The present system of assigning counsel is highly defective: Assigned attorneys are often young, inexperienced, and incompetent. A class of undesirable lawyers hover about the courtrooms, eager for assignment, with the sole purpose of getting as much as they can from the accused and his relatives, and then lying down on the job.[75] Such conditions lead the more competent, and ethical attorneys, who might otherwise accept defense assignments, to avoid the responsibility.

The institution of the public defender, suggested as a remedy for this situation, is not new.[76] The office was created in Spain five centuries ago. Other countries which adopted it included Hungary, Norway, and Argentina. The latter country has developed the idea and practice to a high degree. There is a strong movement in England working for the institution of this office. The plan has been established in a preliminary way in California, Connecticut, Minnesota, and Nebraska and in several cities —Portland (Oregon), Columbus, Cincinnati, Dayton and Indianapolis. The advantages from the standpoint of both justice and economy are the following: (1) clearly guilty offenders are urged to plead guilty, thus saving unnecessary trials; (2) adequate defense is provided for all good cases; (3) jury trial is often waived; (4) cases are tried promptly when reached on the calendar; (5) cases are tried more expertly and expeditiously; (6) great economies result from the foregoing; (7) trial judges may trust the public defender in advice as to sentencing; (8) the usual chicanery of criminal trials has no logical basis for existence; and (9) there is a great reduction in the probability that a poor and innocent defendant will be "railroaded." [77]

While keenly alert to the evils of courtroom procedure in legal practice, Adolph A. Berle has some doubts about the practicability of the socialization of the legal profession. He says that it is almost a contradiction in terms: "If property is not socialized, it is difficult to demand that legal services for the settlement of questions concerned with property be socialized." [78] But he is extremely appreciative of the work done by volunteer lawyers in the effort to improve justice for the poor. He says that this has probably contributed more than any other single force to the maintenance of the integrity and stability of the bar.

The legal aid societies which have sprung up in many of our cities have also made a very important contribution to the improvement of legal practice. The legal aid movement has given poor defendants competent and free advice. Most important of all, it has saved them from expensive

---

[74] *Loc. cit.*, November, 1931, pp. 495–496. See also Samuel Rubin, "The Public Defender as an Aid to Criminal Justice," *Journal of Criminal Law and Criminology*, November, 1927.

[75] See above, pp. 430–431.

[76] *Cf.* Smith, *op. cit.*, pp. 115 ff.

[77] *Cf.* Mishkin, *loc. cit.*, pp. 504–505.

[78] For contrary opinions, see Gisnet, *op. cit.*; and Rodell; *op. cit.*

and often fruitless litigation. The New York City Legal Aid Society obtains pacific settlements in 9 out of 10 cases it handles. The movement now has a definite national basis in the National Association of Legal Aid Organizations, which came into being in 1923. John MacArthur Maguire of Harvard University thus summarizes the important contributions which we may expect from the legal aid movement:

> The significance of the wide legal aid development in modern civilization is very great. It has progressively bettered the condition of the poor, increased their understanding of law and willingness to conduct themselves lawfully and corrected unwise revolutionary inclinations. Fair minded legal aid lawyers have again and again changed for the better the attitude of employers to employees. Efficient legal aid unquestionably increases the public prestige of bar and bench alike. The movement gives considerable opportunity for training young lawyers, sometimes even during the course of their studies. It will combat more and more effectively such abuses as extortionate contingent fee arrangements. Finally, one of its most important possibilities, already amply manifested in the United States, is furtherance of wise law reform by recommendations based upon exceedingly broad observation of the practical results of existing substantive and procedural rules. Legal aid may well be one of the decisive factors in successful social adjustment.[79]

It is especially desirable that the third degree evil should be curbed. Some sane observations on this subject are contained in an article "Remedies for the Third Degree," in the *Atlantic Monthly* by Zechariah Chafee, Jr.[80] Professor Chafee makes it clear at the start that these lawless practices are not necessary to convict criminals. The experience of England, where police inquisition is strictly forbidden, and of Boston, Philadelphia and Cincinnati, which do not employ the third degree frequently, prove definitely that satisfactory results can be obtained without any brutal and illegal methods. The brutality of the police comes chiefly between arrest and the arraignment of the accused. After the magistrate commits the man to jail or admits him to bail, the police have little opportunity to get in any "rough stuff." Therefore, attention must be concentrated on cutting down the time between arrest and arraignment and on giving proper publicity to what goes on in this interval.

Professor Chafee does not believe we need any more laws. The accused has plenty of formal legal protection already. He is constitutionally protected in the matter of testifying against himself. Confessions obtained by coercion are declared void by law. Policemen may be punished as criminals if found guilty of violent third degree methods. Illinois, California, and Washington have especially stringent laws against police brutality, but the third degree was found to be flourishing in Chicago, Los Angeles, and Seattle. The difficulty arises from the fact that it is hard to enforce these laws. The district attorney is frequently "in cahoots" with the police and is not likely to be enthusiastic about prose-

---

[79] *Encyclopedia of the Social Sciences*, Macmillan, Vol. 9, p. 324. For the best discussion of the origins of legal aid societies, see Smith, *op. cit.*, Part III.

[80] November, 1931, pp. 621-630.

cuting his own collaborators. In the courtroom, the judge and jury are more likely to believe the policeman than the defendant.

Reform, says Professor Chafee, must be gradual. Changes so drastic as to disrupt our present police system would be temporarily disastrous. Professor Chafee suggests the following specific reforms: (1) measures should be taken to promote more prompt production of the accused person before a magistrate after arrest. (2) Compulsory records of the time of arrest and of arraignment before the magistrate should be kept. (3) Improvement should be made in the quality of the police. If the public understands that prevalence of third degree methods is proof of inferior police service, the police will not be long in abandoning this stigmatized practice. (4) A public authority should be created, independent and fearless, which can hear complaints of the third degree and make prompt and effective investigation of the facts. The proposed public defender might exercise this function. (5) Relentless publicity should be given to revealed abuses: "The third degree cannot thrive under publicity. The police need and desire the approval of their community; and few communities can be proud of men who habitually use the rubber hose."

The evils connected with jury trial should be ended by the creation of commissions of experts, trained in psychology, criminalistics, criminal law, and sociology, who would examine the evidence and decide upon guilt. Until jury trial can be abolished, a step in the right direction would be the elimination of the power of the judge to impose a definite time sentence.

Effective action must be taken against the judicial oligarchies in the country. Such measures would involve the checking of the judicial usurpation of legislative functions and the termination of arbitrariness and favoritism in the every day conduct of the judge in the courtroom. Goldberg and Levenson have made certain suggestions along this line:

> 1. The recall of judges and judicial decisions should be established throughout the country. . . .
> 2. Until the recall of judges and judicial decisions shall become effective, we advocate the impeachment of any judge who deliberately misinterprets a statute or law, and that the process of impeachment be made simpler.
> 3. A constitutional amendment depriving the courts of the power to declare laws unconstitutional should be adopted.
> 4. The establishment of legislative commissions to hear complaints against judges for the purpose of promptly bringing to the attention of the impeaching authorities all meritorious charges.
>
> The difficulty of bringing and prosecuting charges against judges is well known. Lawyers, no matter how prominent they may be, hesitate to proceed against judges before whom they must appear. This condition has made it practically impossible for the ordinary citizen to obtain a fair and impartial hearing against a judge who has acted lawlessly. A legislative commission composed of laymen would be the proper body with whom such charges should be lodged. The mere establishment of such a governmental organ would tend to deter judges from acting lawlessly.
>
> We know that it is difficult to strip the ermine from judicial shoulders, but the worshipful attitude of the people towards the courts must be changed through

education. A sign of hope is the vague feeling of unrest—the general awakening to the dangers of an unrestrained judicial oligarchy.[81]

Less drastic and more immediately practicable suggestions revolve around taking the sentencing power away from judges. After an accused person is found guilty the judge would remand him to the proper authorities for study and treatment. This would not necessarily eliminate judicial savagery and arbitrariness in the courtroom but it would lessen the consequences of such behavior. Moreover, it would also terminate the abuses connected with both undue severity and grotesque variations in the use of the sentencing power. Such proposals as these have the support of many respectable and relatively conservative persons. Alfred E. Smith once made such a suggestion while governor of the State of New York.

Above all, we need a broader and more humane view of the law. This point has been well emphasized by Raymond Moley:

> What is wanted, really, is a doctor of human relations, a new kind of lawyer. As Judge Seabury has recently pointed out, we need in the criminal courts something closely akin to what has been developed in the medical profession in provisions for public clinics where science and public service develop side by side; where able young lawyers may learn and apply a wider range of wisdom than they find in their law books, and where the victims of a complex and exacting social order may find enlisted in their service genuinely interested and adequately endowed friends in court.[82]

The evils of corporation law practice can best be handled by legislation curbing criminality and borderline criminality in corporate practice. If the law is broad and clear enough on such matters, it will be difficult for the most astute corporation lawyers to evade it. A step in the right direction was taken when the Federal Securities Act was passed in 1933, and when the Securities and Exchange Commission was created. Other important reform legislation in this field has followed, such as the Securities and Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Chandler Corporate Reorganization Act of 1938, the Railroad Reorganization Act of 1940, and the like.

Corporate practice could further be improved, in part, by a constitutional amendment specifying that no corporation can qualify as a "person" under the wording and intent of the Fifth and Fourteenth Amendments. This would do away with the "due process" nuisance in protecting lawless and anti-social corporations and in affording the Supreme Court almost unlimited freedom in setting aside legislation which conflicts with the prejudices of a majority on the bench. It would also be desirable to deprive the Court of its right to set aside federal laws, but its right to void state laws should be continued, in the case of state legislation which clearly violates the federal Constitution. But it should not have the

---

[81] Goldberg and Levenson, *op. cit.*, pp. 240-242.
[82] *The New York Times*, May 3, 1931.

right to invalidate state statutes, on the ground that they interfere with corporations as "persons."

During the last decade there has been considerable progress, some of which has already been noted, both in the way of improving the law and in correcting the social and economic conditions which encouraged abuses of the law. Certain trends reveal progress in legal concepts and practices. The new Federal Practice Act incorporates the fruits of many years of professorial research and legal experience. The American Law Institute is promulgating a modern code of evidence, drawn up by the two outstanding American authorities on the subject. An office under the supervision of the Supreme Court is charged with the duty of making a constant survey of the practical operations of the courts and recommending needed changes in procedure. Certain progressive states, like New York, have law revision commissions which make yearly reports to the legislatures recommending the revision of both substantive and statutory law which has become archaic or otherwise unjust and unworkable.

The social and economic reforms of the New Deal have eliminated or curbed many of the abuses of corporation law. The Supreme Court battle ultimately resulted in a liberal court. The Sutherlands and McReynolds have been replaced by the Blacks and Douglases. This has made it more difficult to use the Constitution as an instrument of oppression and exploitation and as an agency to slaughter progressive legislation. Liberal lawyers, like Charles E. Clark, Jerome Frank, and Leon Green, are coming to share in the legal prestige once monopolized by the Cravaths and the Strawns. What our entry into the second World War may do to reverse these laudable trends is, of course, another matter.

That the danger of reaction and intolerance is very great was made evident by the American Civil Liberties Union in their brochure "The Bill of Rights in War," issued on June 27, 1942, reviewing the status of civil liberties during the previous year. It was pointed out how even liberal judges had lost their former regard for the right of minorities and how the Supreme Court had refused to review cases in which obvious injustices had been done and constitutional rights had been violated. Especially menacing was a decision by the Court upholding the right of cities to require licenses for the distribution of non-commercial literature. Professor Raymond Moley warned of the menace in an able editorial in *News-Week*, June 29, 1942.

Great as is the need for legal reform, we cannot reasonably hope for very speedy action. The evils of "The Law" are nothing new. Considerably over a hundred years ago, Thomas Jefferson wrote to his lawyer friend, Joseph Cabell, completely in the spirit of Fred Rodell:

> I should apologize, perhaps, for the style of this bill. I dislike the verbose and intricate style of the English statutes. . . . You, however, can easily correct this bill to the taste of my brother lawyers, by making every other word a "said" or "aforesaid," and saying everything over three or four times, so that nobody but we of the craft can untwist the diction, and find out what it means; and that, too, not so plainly but that we may conscientiously divide one-half on each side.[83]

[83] Cited in S. K. Padover, *Jefferson*, Harcourt, Brace, 1942, p. 24.

PART IV

Communication and the Formation of Public Opinion

CHAPTER XIII

Communication in Contemporary Society

Language as the Fundamental Medium of Communication

The Origins of Language. One of the greatest differences between man and his fellow primates is man's ability to use language and symbols. Apes can use tools; they can even invent simple ones. But man through language can make tool-using continuous and hence cumulative in nature. Human culture may be regarded as derived, in the last analysis, from the use of tools and symbols. Therefore we may fairly say that the essence of human culture is the spoken word and symbolic communication.

Our culture has developed beyond that of other primates largely because of our mastery of speech. This implies that evolution into a human state was intimately connected with the function of formal communication. The late G. Elliot Smith says that:

> It seems a legitimate inference from the facts to assume that the acquisition of the power of communicating ideas and the fruits of experience from one individual to another by means of articulate speech may have been one of the factors, if not the fundamental factor, in converting an ape into a human being.[1]

But speech, like intelligence, is not a human monopoly. Animals have means of communicating with each other. The dog barks, the cow moos, monkeys chatter, the cat has a diapason of sounds. Animals can thus express well-defined emotions, but as C. K Ogden says, we must not assume that animals have the ability to name anything specific. An animal makes a sound to express a need or desire, or merely to spend surplus energy. A naming cry is an interpretive sound. "Plainly naming cannot arise until the animal can respond to situations not merely as eliciting this or that activity, but as possessing this or that character." [2]

Let us pursue the distinction a little farther. All speech, whether animal or human, involves expression Man's speech involves more than that—it embraces what Ogden calls "objective reference" (interpretation). This objective reference is man's peculiar achievement. How did such an all-important achievement come about?

Man's higher or differentiated use of speech developed out of the animal's lower or undifferentiated vocal expressions. Even among animal cries there is some sort of objective reference. Before infants can speak,

---

[1] Quoted by C. K. Ogden, *The Meaning of Psychology*, Harper, 1926, p. 149.
[2] *Ibid.*, p. 150.

they have a wide variety of vocal expressions, such as a call for food, or a cry of discomfort. An infant can communicate long before he utters a definable word. Animals can do much the same. Their cry is a call to action. It expresses an emotion "long before any explicit reflection upon, or recognition of, the situation can have arisen. We must remember in considering any stage of language, that its use in reflection, as an instrument of thought, is a kind of diversion of it from its original uses."[3] The danger cries and other social utterances of animals may be regarded as crude names. What they name is not any specific feature of a situation but the whole situation. A similar phenomenon meets us in human speech if we go back as far as we can into the origin of any given language.

When man had arrived at the stage of forming sentences, he too probably first expressed a situation as a whole rather than in its component parts. He probably expressed himself as the Eskimo does in saying "sinikatachpok," rather than the English way of putting it: "He is ill from having slept too much." In the beginning, language probably created some of its "ideas" or "words" by imitating natural sounds, such as "cuckoo," "pee-wit," "bang," "crash," "plop," "zip." This practice of imitating natural sounds is called "onomatopoeia."

A rival to the onomatopoeic theory of the origin of language holds that movements of hands and feet were associated with cries which, within the family or community, became standardized in time. In other words, as Sir J. G. Frazer points out, all members of a community agreed to make the same sounds when, for instance, looking at the sun, peering into a dark place, or kicking an object. After a while the sound alone would suggest the various actions. This is called the "gesture theory." Probably, language actually arose both from imitation of natural sounds and from gesticular meanings put into words.

Some recent and scientific philologists have abandoned any search for the actual origin of language. The late Edward Sapir, the ablest student of language that this country has produced, summarizes the contemporary point of view:

> About all that can be said at present is that while speech as a finished organization is a distinctly human achievement, its roots probably lie in the power of the higher apes to solve specific problems by abstracting general forms or schemata from the details of given situations; that the habit of interpreting certain selected elements in a situation as signs of a desired total one gradually led in early man to a dim feeling for symbolism; and that in the long run and for reasons which can hardly be guessed at the elements of experience which were most often interpreted in a symbolic sense came to be the largely useless or supplementary vocal behavior that must have often attended significant action. According to this point of view language is not so much directly developed out of vocal expression as it is an actualization in terms of vocal expression of the tendency to master reality, not by direct and ad hoc handling of its elements but by the reduction of experience to familiar forms.[4]

---

[3] *Ibid*, p 152.

[4] Article, "Language," *Encyclopaedia of the Social Sciences*, Vol. IX, p. 159.

It is not difficult to see how concrete things and events got their names. It is much more difficult to imagine how abstractions—good, bad, true, for instance—arose. Probably abstractions began as concrete words and eventually lost their concreteness. Latin *anima* (soul) is connected with Sanskrit *aniti* (breathes) and with Sanskrit *anilas* (wind). The Latin word itself must originally have meant breath. Once the conception of a "spirit" appeared, its presence was located in the body, and it was associated with breathing. In time the word lost its connection with the act of breathing and referred merely to the spirit that was supposed to control the breathing.

Probably language originated in many places at different times. Our earliest record of language comes from the valleys of the Nile and Euphrates. But these examples date from—comparatively—yesterday, when we remember that man has—crudely in the beginning—conversed for probably a half-million years. Sumerian, spoken about 5,000 years ago in southern Mesopotamia, is one of the earliest languages we know. Nothing, however, would justify our calling the Sumerian dialect a primitive language, in the sense that it resembled the language spoken by prehistoric types like Heidelberg man, the Neanderthal man, or even the Cro-Magnon peoples.

Little light is thrown on the problem by the languages of existing aborigines. From them we mainly learn that primitive culture is often accompanied by extremely complicated languages. For instance, the language of the Eskimo is, to a person acquainted with Germanic or Romance languages, one of almost insurmountable difficulties. This will suffice to upset a common notion that primitive man has a very limited vocabulary and a language of simple structure. Such may have been true of the Neanderthal man, but it is not true of existing savages. Whatever the origin of language, there can be no doubt of the vast importance of its appearance and development for the human race:

> Language became the chief vehicle for the transmission and preservation of culture, as well as the most characteristic aspect of culture. Long before written language was invented, oral tradition preserved and handed down from generation to generation the discoveries, the inventions, and the social heritage of the past. Language provided man with a boon without price, the means of storing externally to any particular nervous system, records of experience having social values to the group. External storage of individual experience in language symbols is a process entirely unknown to any form of life other than man. The importance of this process seems beyond calculation. It reaches its highest development in the alphabet.[5]

Civilization is a verbal complex. This fact, more than any other, separates our culture from the lower forms of primate life. If our language and its literary products were suddenly to be taken away, we would sink to the cultural level of savages of the cave-dwelling period. We would have no greater cultural or institutional equipment than *Homo*

---

[5] F. S. Chapin, *Cultural Change*, Appleton-Century, 1928, p. 40.

sapiens possessed when he first appeared in Europe some thirty thousand years or more ago.

The question arises: Do all our languages go back to a common ancestor? The case for such linguistic monogenesis has been argued by a brilliant Italian scholar, Trombetti, but has received little support from others. This question, like many others involving the origins of man, cannot yet be answered decisively.

The Origins of the Alphabet and a Written Language. The origins of writing can be linked with the pictograms on the implements and cave walls of the Paleolithic era. However, before the picture signs could be regarded as a written language, they had to pass through three well-defined stages.

First, the pictures had to become "conventionalized," so that they always had the same appearance and represented the same object. Next, they had to become the symbols of abstract conceptions. Finally, the conventionalized symbols had to pass into a stage where they described an abstract concept and the sound of the human voice representing that concept.

The last stage, as may be expected, is the most difficult to attain. It is called "sound writing," and in its most elementary form each symbol represents an entire word. Some languages, like the Chinese, have gone little beyond this stage. Normally, a written language goes farther than the Chinese, each symbol representing not the object but the sound of the word referring to the object. Then the various sounds of the human voice are analyzed and each is represented by a separate symbol or letter; this constitutes an alphabet.

Around 3000 B.C. the Egyptians had taken an important step in developing an alphabet by using 24 hieroglyphic signs to indicate 24 consonantal sounds. But they continued to use many additional symbols for words and syllables, and therefore failed to develop a strictly phonetic alphabet. A certain Semite of the nineteenth century B.C., perhaps a Phoenician from Byblos, seems to have invented a true alphabet based on Egyptian antecedents. His alphabet is used in inscriptions recently found in southern Palestine. Other inscriptions recently discovered at Rasesh Shamra near Latakihey in ancient Ugarit (in Syria) are written in an alphabetic cuneiform script of a northern Semitic dialect. Our earliest inscription in a fully developed Phoenician alphabet is the epitaph of Ahiram, king of Byblos, who lived about 1250 B.C. It contains 21 letters, all consonants. The Greeks improved the Phoenician alphabet by using some of its signs to indicate vowels. This Greek alphabet, with some modifications, was spread by the Romans to western Europe and by the Byzantines to eastern Europe.

Writing was probably invented in many other places—Anatolia, Crete, Egypt, Babylonia, India, China, and Central America. There were, however, only three great systems of ideographs or picture-forms: (1) the Sumerian or Babylonian cuneiform, which died out about the beginning of the Christian Era; (2) the Chinese, with its branches in Korea and

Japan; and (3) the Egyptian, from which our alphabet was originally derived.

When man learned to write he also made writing materials. The Babylonians wrote on clay tablets and stone walls, which, although durable, were awkward to handle. The Egyptians solved the problem by using the membrane of the papyrus reed, thin strips which they pasted together at right angles. On papyrus (whence our word "paper") they wrote with an ink made of water, vegetable gum, and soot.

Papyrus was so widely known that it probably suggested to the Chinese, around 200 B.C., the idea of making, at less cost, a form of paper from the pulp of the mulberry tree. Peoples who had no papyrus wrote on parchment made from animal skins. The Arabs, about A.D. 750, brought to Spain a paper made from cotton fiber. Five centuries later flax was substituted for cotton and modern linen paper came into use. Rag paper was fairly common in western Europe by the middle of the fourteenth century.

The first pens were pieces of reed sharpened and pointed by hand. They were superseded by the quill, and later by the modern steel pen. The first ink was made by thickening water with vegetable gums and then mixing this with soot obtained from blackened pots. Later, it was made from various dyes.

The invention of writing and a system of keeping records have had a greater influence on man's intellectual development than any other achievement, with the exception of speech. Writing made it possible permanently to transmit man's ideas, traditions, and mythology. Professor Breasted has stated the importance of this step in the evolution of civilization, which we may credit to the Egyptians: "The invention of writing and of a convenient system of records on paper has had a greater influence in uplifting the human race than any other intellectual achievement in the career of man. It was more important than all the battles ever fought and all the constitutions ever devised."

The great contributions of writing have been accompanied by certain evils. Although it has enabled us to transmit culture from age to age, it has at the same time kept alive outworn notions and reprehensible beliefs, whose pernicious influences might otherwise never have reached succeeding generations with any such completeness and force.

Social and Intellectual Problems of Language. In the western world, the accidents of history have given unusual importance to Semitic languages, especially Arabic, and to Latin, French, and English. The Muslims of the Middle Ages were the great pioneers and civilizers of the medieval period, and they spread the Arabic language from India to Spain. Medieval Latin was the language of culture in western Christendom during the Middle Ages. French has been the language of diplomacy and polite society in Europe in modern times. With the growth of the British Empire and its expansion in the Old and New Worlds, the English language has been widely disseminated over the face of the earth.

One of the greatest conceivable additions to better communication and

understanding, especially in this era, would be a universal language which could be understood by all literate persons. Medieval Latin might have grown into such a language had it not been suppressed by the Humanists of early modern times in favor of the florid and rhetorical classical Latin. The late Louis J. Paetow labored strenuously in favor of reviving medieval Latin as a world language. This would hardly be feasible because many of the objects and most of the experiences of our day were little known, or unknown, in the Middle Ages. There has, however, been some success in promulgating Esperanto as a world language. A universal language would not only be a great convenience, but it might also contribute much to a growth of international understanding and goodwill.

Many illusions have developed with respect to the relation of language and race. It has been widely held that language is a test of race and that there is a definite identity between a given race and a given language or a type of language. It was this illusion that gave rise to the Aryan Myth. According to this, there was a primordial Aryan race which fathered the family of Aryan languages. We now know that there was never an Aryan race and the so-called Aryan languages were brought into Europe by peoples unrelated racially to the blond Nordics, who are customarily regarded as the typical Aryans in a racial sense. There was some definite connection between race and language in very early days, before race mixture had advanced very far. But during historic times the same language has been spoken by many races, while a single race in a physical sense may speak many languages and even more dialects. There is no direct relationship whatever between the physical fact of race and the cultural phenomenon of language.

Language has been held by some philosophers to be a sign of cultural superiority. For example, Johann Gottlieb Fichte held that the German language proves the Prussians a superior people. While a high culture could hardly express itself through a rudimentary primitive language, there is no necessary relationship between cultural superiority and language, on roughly the same level of development. Certain languages lend themselves better than others to a more facile and melodious expression in one type or another of literary effort; but a high culture may find expression in a relatively rudimentary form of language. For instance, there have never been any higher expressions of human sentiment than the sayings of Confucius, which had to be set down in the relatively elementary monosyllabic Chinese language.

For a long time the absence of a universal language has been deplored. But recently it has been pointed out that most persons who speak a given language do not know the real meaning of many of its words. The meaning of many words may literally be quite different to one person from what it may be to another, according to his upbringing and experience. This does not refer primarily to the vocabulary limitations of the masses, which are very striking, but to the ignorance of the meaning of words which are known in a formal sense to the user. It also has reference to pure fictions which are created through the unmeaningful use of words.

flag. When it sternly raises its arm we are ready to die for it. Close behind rears a sinister shape, the Government. Following it is one even more sinister, Bureaucracy. Both are festooned with the writhing serpents of Red Tape. High in the heavens is the Constitution, a kind of chalice like the Holy Grail, suffused with ethereal light. It must never be joggled. Below floats the Supreme Court, a black-robed priesthood tending the eternal fire. The Supreme Court must be addressed with respect or it will neglect the fire and the Constitution will go out. This is synonymous with the end of the world. Somewhere above the Rocky Mountains are lodged the vast stone tablets of The Law. We are governed not by men but by these tablets. Near them, in satin breeches and silver buckles, pose the stern figures of our Forefathers, contemplating glumly the Nation they brought to birth. The onion-shaped demon cowering behind the Constitution is Private Property. Higher than Court, Flag, or The Law, close to the sun itself and almost as bright, is Progress, the ultimate God of America.[9]

The misuse and misunderstanding of words brings about similar illusions and misconceptions about personality. Chase illustrates this by the popular notions of Tugwell and Landon during the presidential campaign of 1936:

Another sad performance, closer to home, is the fabric of bad language which entangled the names of Rexford Guy Tugwell and Alfred M. Landon in the presidential campaign of 1936. The objective of the spinners, the publishers of the majority of American newspapers—was to create a devil of the first and a god of the second. With vast enthusiasm they plunged to the task Round the word "Tugwell" were woven emotive abstractions of the general order of: long-haired professor, impractical visionary, public spendthrift and presently, agent of Moscow, red, home destroyer, Constitution wrecker. Round the word "Landon" were woven abstractions of the opposite emotional order—practical, honest business man, meeter of payrolls, home lover, early riser, good neighbor, budget balancer, Constitution defender; good, homely, folksy stuff. The real characteristics of both men were swept away in this hail of verbiage, and citizens were asked in effect to choose between Lucifer and the Angel Gabriel.[10]

What semantics, or the scientific and understanding use of words, really does to the so-called prevailing knowledge, even the eternal verities of philosophy, is graphically described by Chase:

Another matter which distressed me was that I found it almost impossible to read philosophy. The great words went round and round in my head until I became dizzy. Sometimes they made pleasant music, but I could rarely effect passage between them and the real world of experience. William James I could usually translate, but the great classics had almost literally no meaning to me—just a haughty parade of Truth, Substance, Infinite, Absolute, Over-soul, the Universal, the Nominal, the Eternal. As these works had been acclaimed for centuries as part of the priceless cultural heritage of mankind, it seemed obvious that something in my intellectual equipment was seriously deficient. I strove to understand Plato, Aristotle, Spinoza, Kant, Hegel, Herbert Spencer, Schopenhauer. The harder I wrestled the more the solemn procession of verbal ghosts circled through my brain, mocking my ignorance. Why was this? Was I alone at fault or was there something in the structure of language itself which checked communication? . . .

---

[9] *Ibid.*, pp. 22–23.
[10] *Harper's*, November, 1937, p. 567.

With the tools of semantic analysis, the authors laid in ruin the towering edifice of classical philosophy from Aristotle to Hegel. Psychology (pre-Freudian) emerged in little better repair. Large sections of sociology, economics, the law, politics, even medicine, were as cities after an earthquake. . . .

For the individual, as I can testify, a brief grounding in semantics, besides making philosophy unreadable, makes unreadable most political speeches, classical economic theory, after-dinner oratory, diplomatic notes, newspaper editorials, treatises on pedagogics and education, expert financial comment, dissertations on money and credit, accounts of debates, and Great Thoughts from Great Thinkers in general. You would be surprised at the amount of time this saves.[11]

How devastating semantics is to modern propaganda is illustrated by a reference to a sentence from one of Hitler's speeches, which reads as follows:

The Aryan Fatherland, which has nursed the souls of heroes, calls upon you for the supreme sacrifice which you, in whom flows heroic blood, will not fail, and which will echo forever down the corridors of history.[12]

When submitted to the acid test of semantics, the speech comes out as follows:

The blab blab which has nursed the blabs of blabs, calls upon you for the blab blab which, in whom flows blab blab, will not fail, and which will echo blab down the blabs of blab.[12a]

These inadequacies in language are especially dangerous in our machine age In the simple life of the old handicraft era, society was local and men lived in face-to-face contact. Words applied mainly to objects and to the realities of life. There was little reading or writing except on the part of a small literate minority. In our day of power and machines, culture transcends personal and community experience, and misunderstanding is more frequent and more menacing:

Power-age communities have grown far beyond the check of individual experience. They rely increasingly on printed matter, radio, communication at a distance. This has operated to enlarge the field for words, absolutely and relatively, and has created a paradise for fakers. A community of semantic illiterates, of persons unable to perceive the meaning of what they read and hear, is one of perilous equilibrium.[13]

It is difficult enough to solve our social problems if we have a full comprehension of what they are. The outlook is hopeless unless we can have some general understanding of our civilization. This is especially true in a democratic society, the successful operation of which presupposes an acquaintance on the part of the majority with the problems society faces.

---

[11] From *The Tyranny of Words, op. cit.*, pp. 5, 8, 15. Reprinted by permission of Harcourt, Brace and Company, Inc.

[12] *Ibid.*, p. 21.

[12a] *Ibid.*

[13] *Ibid.*, p. 26.

The Invention of Printing and the Rise of Communication Through Books and the Printed Page. While the art of writing began in the ancient Orient with the invention of the alphabet, books and printed communication were a by-product of Humanistic scholarship in early modern times. The recovery and editing of many Latin texts, the desire for greater permanence and uniformity in both Greek and Latin, and the growing volume of contemporary literature, all made imperative a more facile mode of putting words on paper than the laborious copying which existed from Oriental times to the close of the Middle Ages.

It is a common practice to refer to the "invention of printing" in the fifteenth century. However, the elements which entered into the achievements of Coster and Gutenberg rested upon a complex of inventions running back over thousands of years.

The Egyptians suggested an alphabet before there was anything to write upon except stone and clay bricks. The Syrian Semites, the Phoenicians, and the Greeks perfected the Egyptian alphabet, and the Romans invented the particular form of letters we now use. But in classical times formal literature was written entirely in capitals, smaller or lower-case letters being employed only in commercial and epistolary documents. Small letters were first commonly used by Alcuin and his monks in the days of Charlemagne, and are known as Carolingian minuscule.

The first writing material was stone. Then came the clay bricks of Mesopotamia. The Egyptians used papyrus, brittle fabric made from the fiber of a reed. The later Mesopotamians, the Greeks, and the Romans used parchment, chiefly sheepskin, and papyrus. Papyrus gradually went out of use in the early medieval period. It has been humorously said that the prolific church fathers exhausted the supply, but the Muslim occupation of Egypt had something to do with the disappearance of papyrus in the West. Further, the *codex*, or first paged book, then became popular, and papyrus was not so well adapted for this as for the scroll book—papyrus or other material rolled on a rod. Hence, parchment became the most common writing material from the sixth century to the thirteenth. Paper, after its migrations from China to Egypt and Spain, was widely used in the West by the thirteenth and fourteenth centuries.

The first modern type of book—the *codex*—was found in the later Roman Empire. It was a volume made up into rectangular pages, but much larger than our books. Because of their form we refer to early texts of the Bible, around the fourth century A.D., as the *Codex Vaticanus*, the *Codex Alexandrinus*, and so on. Most of the beautiful books of the medieval period had a larger format than is common today.

Early medieval bookmaking was done chiefly by monks. The closest analogue to our publishing house was the monastic *scriptorium*, where manuscripts were copied for secular as well as ecclesiastical purposes. With the rise of universities, a moderately flourishing book trade developed. University authorities controlled the trade and supervised the

copying of textbooks. Lay scribes now entered the profession, although the monks still dominated it. The copyists could meet the demand for books because there was no such book market as there is today. Few people could read and fewer could write. Of the literate minority, only a small fraction needed books. Indeed, many an American artisan today owns more books than were known even to the greatest scholars of the thirteenth century. The schools and universities used only a few textbooks, and these sometimes remained unchanged for centuries. There was none of our present high-pressure book salesmanship which leads to frequent changes of texts. Aristotle's *Logic* was the same basic text in the seventeenth century as in the thirteenth. Until the Protestant revolt, few lay communicants owned or read the Bible. A flourishing second-hand trade existed, and students frequently rented books.

In the late fourteenth century and the early fifteenth, the practice of printing from whole pages carved word for word on wooden blocks began in western Europe. This device had been known in China many centuries. It was a slow and expensive process. Only pages on which there was more pictorial matter than text, or fragments of books in great demand, like Donatus' Latin grammar, were printed in this way. These block books were not widely produced and did not materially affect the common practice of hand-copying.

The increasing intellectual ferment of the later Middle Ages, reports of travelers, the rise of universities, the development of science, and, above all, the Humanists' recovery of ancient texts were a combination of forces which led to the printing of books on paper by means of movable type.

The modern art of printing began in western Europe with the invention of separate, movable types for each letter of the alphabet. Words could be assembled by hand and arranged to make up a page, which was then printed on paper by means of a wooden hand press. When a page had been printed a sufficient number of times, the type was removed from the "form" and re-distributed alphabetically, and composition of the next page was begun. This type, at first carved out of wood, was eventually cast from metal. Once the die or pattern for a letter had been made, countless letters could be cast from the same die. Printing was a slow and tedious process until the invention of modern typesetting machines —notably the linotype and monotype—in the latter part of the nineteenth century. These made it possible for the typesetter, or compositor as he is usually called, by means of a few levers and a keyboard much like that of a typewriter, to cast whole lines of type ready to be placed in a press for printing. Though today large display type, newspaper headlines, notices, printed cards, and so on, are set by hand, the bulk of all reading matter is machine-set. The early printer, says Preserved Smith:

> . . . first had a letter cut in hard metal, this was called the punch; with it he stamped a mould, known as the matrix, in which he was able to found a large number of exactly identical types of metal, usually of lead. These, set side by side in a case, for the first time made it possible satisfactorily to print at reason-

able cost a large number of copies of the same text, and, when that was done, the types could be taken apart and used for another work.[14]

Type forms (styles) were at first an imitation of the "black letter," made with a flat-pointed pen, which had been used in the handwritten manuscripts of the Middle Ages. Later on stylized versions of the lettering on Roman stone monuments and tablets were cast. Both forms have survived. We see the medieval script today in German books, newspapers, and magazines, as well as in the "Old English" and similar type faces used for emphasis or display in legal and church documents, and in newspaper titles—that of *The New York Times*, for example. The common "book" or "body" types such as the one used here are derived from the old Roman alphabet and the Carolingian minuscule of the Frankish monks, and are commonly referred to as "roman" or "old style."

Half a century of careful research by scholars has failed to establish with absolute certainty who actually invented printing by movable type.[15] It is known, however, that the invention took place in the middle of the fifteenth century. The two men for whom primacy is usually claimed are Lourens Coster of Haarlem, in Holland, and Johann Gutenberg of Mainz, in Germany. Coster died in 1440, and our only authority for his alleged invention of printing is the statement of an individual who lived a century later. Whether or not Gutenberg actually "invented" printing, he was certainly the first to convert it into a practical art and a productive industry. Yet, curiously enough, "nothing printed during his lifetime bears his name as printer or gives any information about him in that capacity." He was born in Strassburg in 1398 and died in Mainz in 1468. Some authorities believe that he was engaged in printing as early as 1438, but the first work definitely attributable to him is an indulgence printed in 1454. It is also believed that he printed Donatus' Latin grammar and made a particularly beautiful edition of the Bible with forty-two lines to a page. Whoever may have been the inventor of printing, it is certain that by 1455 the practical and revolutionary character of the art had been thoroughly demonstrated, and that it was no longer in the experimental stage.

After the middle of the fifteenth century the printing industry developed rapidly. In 1455 Johann Fust, a former partner of Gutenberg, and Peter Schoeffer formed the first great printing company. Schoeffer introduced many inventions. He originated the use of lead spacing between the lines, also printing in colors, and improved the art of type founding. Strassburg, Augusburg, Cologne, and Nuremberg followed Mainz as important German printing centers. The most famous German printer of the early sixteenth century was Antony Koberger of Nuremberg, who made printing an international industry by sending his agents throughout Europe to find manuscripts suitable for publication.

---

[14] *The Age of the Reformation*, Holt, 1920, pp. 8-9.

[15] Pierce Butler, *The Origin of Printing in Europe*, University of Chicago Press, 1940.

The craft spread to other parts of Europe. It reached Italy by 1465, Paris by 1470, England by 1480, Sweden by 1482, Portugal by 1490, and Spain by 1499. The recovery of classical manuscripts stimulated the printing trade in Italy, especially in Venice. The freedom of the press in Holland encouraged the printing industry there. It is estimated that by 1500 there were in existence between eight and nine million printed books of various kinds and sizes.

The invention of printing had incalculable consequences in the cultural history of mankind. As W. T. Waugh asserts:

> It may be an exaggeration to say that it is the most momentous invention in the history of the world, but it is certainly the most momentous since that of writing, and of more fundamental consequence than any of the countless inventions of the last two centuries, however much they may have transformed the conditions of life.[16]

Or as Professor Smith declares:

> The importance of printing cannot be overestimated. There are few events like it in the history of the world. The whole gigantic swing of modern democracy and of the scientific spirit was released by it. The veil of the temple of religion and of knowledge was rent in twain, and the arcana of the priest and clerk exposed to the gaze of the people. The reading public became the supreme court before whom, from this time, all cases must be argued. The conflict of opinion and parties, of privilege and freedom, of science and obscurantism, was transferred from the secret chamber of a small, privileged, professional, and sacerdotal coterie to the arena of the reading public.[17]

Almost every social institution and most phases of our culture are in one way or another instruments of communication. For many thousands of years the family was the chief center of communication. With the rise of formal education, the school came to exercise a large part in the communication function of society. The church and religion have done much to promote communication. Libraries aid the process of communication by gathering and storing the accumulated words and language of the past and making them available for the present. Nearly every functional group, from chambers of commerce to trade unions, exercises the responsibility of communication in a greater or less degree.

In the remainder of this chapter, however, we shall be mainly concerned with the new agencies of communication and transportation which dominate our machine and power age. The activities of many of the aforementioned instruments of communication are treated in other chapters of the book.

The Revolutionary Character of Modern Communication

The most notable aspect of contemporary technology has been the improvement in the transportation of persons and objects and in com-

[16] *History of Europe from 1378 to 1494*, Putnam, 1932, p. 517.
[17] Smith, *op. cit.*, p. 10.

munication of information. It has broken down the isolation of previous days and lessened the intellectual import of geographical distance; it has created new mental attitudes and modified the operation of older ones; and it has produced a whole new series of social and cultural problems.

At the opening of the nineteenth century it took from four days to a week to carry news on horseback from New York to Boston. The War of 1812 began because there was no Atlantic cable to bring us the news that the British had abolished their Orders in Council, which were the immediate cause of our entering the war. Likewise, the bloody battle of New Orleans was fought after peace had been signed by the British and American delegates at Ghent. In the 'forties of the last century it required five months of heroic effort by Marcus Whitman to make the trip from the State of Washington to the City of Washington. Even as late as 1909, when Admiral Robert E. Peary discovered the North Pole, months elapsed before he could emerge from the polar region and make his discovery known. When Admiral Richard Byrd discovered the South Pole in 1926, however, *The New York Times* radio station picked up the news of the crossing of the Pole as it was being radioed back by Byrd to his base camp. From the standpoint of the communication of information, then, distance has been almost eliminated.

A Brief Survey of the Development of the Agencies of Communication

We have already pointed out that human civilization differs from the life of lower animals mainly in being a symbolic culture made possible by the mastery of language. The more rapid and facile communication within and between groups has played a vital rôle in the course of history.

Groups which cannot communicate with others are almost sure to have a backward, stagnant, and unprogressive culture. The greater the contact between groups, the greater the possibility of spreading novel and valuable information and of creating a progressive culture.

Communication created an inter-group and later an international economic specialization and division of labor. The rise of commerce has had a great influence upon social classes and political institutions.

In the social field, communication has brought about knowledge of new folkways and customs, helped to create scepticism about older institutions, promoted social flexibility and progress, and increased toleration. The institutions of an isolated group are almost invariably backward and stagnant.* The character and social significance of the growth of communication have been admirably stated by T. A. M. Craven:

> If not the most important, probably one of the most important reasons for the progressive widening of the individual human being's perception of the world around him has been the tremendous growth in communications during the last half century. This led to a concomitant shrinkage in the size of the earth as a whole viewed from a relative standpoint, and today there is hardly a place on the surface of the globe which is not within almost immediate hailing distance,

when we consider the hailing to be done by one of our many modern communication methods.

As man has learned to wrest from nature the various tools by which he enriches human experience, communication has always been one of his immediate considerations. In the days when social units consisted first of families and then of clans, beginning with the Stone Age, man hewed his messages onto rough slabs of rock broken from the walls of his dwelling place in the caves. Through the times of the nomadic forest dwellers who signaled to one another by means of crude marks chopped on the sides of trees and by smoke signals, down to the present when two important business houses, one in London and the other in New York, can carry on a highly technical arbitrage business with 16-second delivery from sender to addressee, the need for communications has been one of the first thoughts in the mind of man after his primary requirements of food, shelter, and clothing were satisfied.[18]

The course of history well illustrates the importance of communication. Many isolated cultures have existed for thousands of years without making any notable progress. Factors which promoted contacts, travel, and the growth of trade helped to bring about the birth of civilization in the ancient Near Orient. The progress of transportation to the point of horseback travel and the building of passable roads made the great Persian Empire possible. The civilization of the Greeks rested largely upon the seafaring life of cities like Athens and their contacts with most of the cultures of the Mediterranean basin. The Roman Empire rested upon the most elaborate development of communication known in the ancient world. But Roman imperial ambitions outran the transportation and communication facilities of that era, and the inadequacies thereof were a chief cause of the decline of the Roman Empire.

One of the main reasons for the backward character of medieval civilizations was the destruction or decline of earlier methods of communication and the relapse into local and isolated cultures. Towards the later Middle Ages, inventions such as the compass and other marine aids made possible the conquest of the ocean, the discovery of America, the Commercial Revolution, and the rise of modern civilization. The Commercial Revolution led directly to the Industrial Revolution and the rise of our modern methods of transportation and communication. Modern civilization is, in large part, the product of ever improved methods of communication and transportation. The world-wide aspect of our contemporary civilization is almost wholly an outgrowth of the present-day agencies of transportation and communication.

Land transportation began on primitive footpaths. It later developed into roads traversed on horseback and in carts and wagons. The Persians were the first to develop a fair system of roads over great areas. The Greek roads were notoriously poor, and this accounts for the backward character of Greek culture in the states that did not have access to the sea. The Romans were the greatest road builders of antiquity, but foot and horse travel on the best of roads was not adequate to the needs and

[18] *Technological Trends and National Policy*, Government Printing Office, 1937, pp. 211–212.

perplexities of the vast Roman Empire. Medieval roads were poor except where they could follow along the old Roman highways. Not until Telford and Macadam introduced scientific road-building at the beginning of the nineteenth century were adequate highways provided for modern life. These men made good roads possible; the invention of the automobile made them mandatory. In the last half of the nineteenth century, railroads revolutionized land transport, and in the twentieth century the automobile carried the conquest of land transport still further. The airplane has revolutionized transport over both land and water.

Water transport began with small rafts and rowboats on rivers. The ancient world conquered the seas and modern civilization triumphed over the oceans. The motive power for water transportation began with the natural current of rivers. Then, in succession, boats were propelled by oars and by sails; finally by steam engines, internal combustion engines, and electricity.

Communication began among primitive peoples by signaling with fires and smoke on hilltops. The Greeks signaled from towers on mountains. Then, messages were carried by foot messengers and runners. After the Kassites introduced the use of the horse about 2000 B.C., mounted couriers supplied the most rapid method of communication known until the invention of railroads, except for the limited use of carrier pigeons. In the last decade of the eighteenth century, the Chappe brothers in France invented a method of signaling by semaphores which was utilized to some degree by Napoleon. But the railroad provided the most speedy means of communication prior to the invention of various electrical devices after 1840, such as the telegraph, the telephone, and the radio.

The steam engine and railroads made a dependable postal system possible. In the twentieth century came the most rapid and spectacular of all transportation triumphs, the airplane and air mail service. The invention of printing facilitated the use of all these mechanical agents of transportation and communication in transmitting information over wide areas. Especially important was the growth of the contemporary newspaper as a medium of information which can be shipped rapidly over great distances. But the newspaper depended not only upon the mechanical art of printing and the rise of the railroad to transport printed papers but also upon the new electrical devices which made possible the rapid accumulation and transmission of news.

While newspapers date from the latter part of the seventeenth century, the large modern daily newspaper could not have existed before the American Civil War. It depends upon the linotype machine, which was first introduced in 1876, and the rotary printing press, which was invented a half century earlier but was not generally introduced into newspaper offices until about the same time as the linotype machines.

Aside from the telegraph and Atlantic cable, the electrical equipment upon which newsgathering depends likewise dates from the same period

or much later. The telephone was invented in 1876; radio messages and pictures are a relatively recent achievement, coming since the first World War.

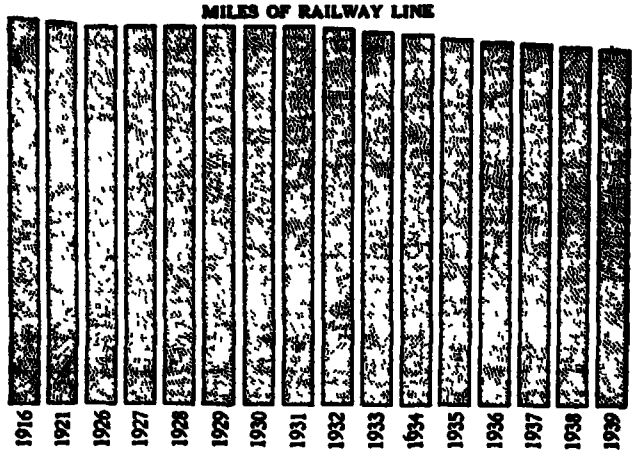
The earliest successful demonstrations of the telegraph took place between 1837 and 1844. The first successful Atlantic cable was laid in 1866. Alexander Graham Bell invented the telephone in 1876. Marconi sent the first wireless message across the Atlantic in 1901. Edison and Armat laid the basis for the moving picture in 1895, but the first real story movie was not turned out until 1905. It took 10 years more to create large-scale movie production, which was first notably successful in the "Birth of a Nation," presented in 1915. In 1927, the first crude sound pictures were presented. The radio slowly progressed from 1909 until 1920, by which time its basic technical foundations, prior to frequency modulation, had been worked out. But it took nearly 10 years more to give us a first-class radio set. Today we seem on the eve of the radio newspaper, which will automatically print the major news events of the world. Television was steadily improved during the 'thirties and is now being launched for commercial distribution. It combines the radio and moving picture in reproducing current events.

Outstanding Improvements in Travel and Transportation Facilities

Among the outstanding changes in communication agencies in the present century has been the improvement and diversification of passenger transportation due to better railroad transportation, the advent of the automobile and motorbus, advances in the quality and mileage of good highways, and the rise of airplane traffic.

The major aspects of railroad engineering, both with respect to rolling stock and trackage, as well as the financial system associated with the railroads, is a heritage from the last century. In 1940, there were approximately 235,000 miles of railroads in the United States, with a total operated trackage of 408,000 miles. This marked a slight decline from the first World War period; in 1916 the mileage was 254,000 and the trackage, 397,000. The high point was reached in 1929, with a mileage of 249,000 and a trackage of 429,000.

The outstanding items in American railroad history in the twentieth century have been the improvement in train construction and service and competition by private automobiles, motorbuses, trucks, and airplanes. In 1920, the railroad passenger-miles per capita amounted to 444.6. There had been a definite gain since 1900, when the figure stood at 212.5. The extent and sharpness of automobile competition in the 'twenties are shown by the fact that, in 1930, the railroad passenger miles per capita had dropped to 218.3, thus almost wiping out the gains of 30 years. The figure continued to drop and stood at 179.2 in 1940, though this was an advance over the depression years. Tables I, II, and III indicate the recent history of railroad mileage and railroad traffic.



The total mileage of railway lines in the continental United States is shown in the following table: [19]

TABLE I

TOTAL RAILWAY MILEAGE

1916	254,037	1932	247,595
1921	251,176	1933	245,703
1926	219,136	1934	243,857
1927	249,131	1935	241,822
1928	249,309	1936	240,104
1929	249,433	1937	238,539
1930	249,052	1938	236,842
1931	248,829	1940	233,670

Figures follow showing the number of revenue passengers carried by the Class I lines.

TABLE II

REVENUE PASSENGERS CARRIED

1916	1,005,954,777	1932	478,800,122
1921	1,035,496,329	1933	432,979,887
1926	862,361,333	1934	449,775,279
1927	829,917,845	1935	445,872,300
1928	790,327,447	1936	490,091,317
1929	780,468,302	1937	497,288,356
1930	703,598,121	1938	452,731,040
1931	596,390,924	1941	486,582,138

[19] Figures in Tables, I, II, and III are taken from *A Yearbook of Railroad Information*, Association of American Railroads, Washington, 1940, with additions for 1941.

The following figures show the passenger traffic of the Class I railways in terms of revenue passenger-miles.

TABLE III

TOTAL PASSENGER-MILES

1916	34,585,952,026	1932	16,971,044,205
1921	37,312,585,966	1933	16,340,509,724
1926	35,477,524,581	1934	18,033,309,043
1927	33,649,706,115	1935	18,475,571,667
1928	31,601,341,798	1936	22,421,009,033
1929	31,074,134,542	1937	24,655,414,121
1930	26,814,824,535	1938	21,628,718,038
1931	21,894,420,536	1941	29,359,895,428

In the 1920's the American railroads began to encounter serious competition from automobiles, motorbuses, and trucks. Private automobiles carried many on business and pleasure trips that had previously been made by railroad travel. Even transcontinental trips began to be made by motorbus. For shipments of perishable or relatively light commodities, especially on trips of 500 miles or less, automotive trucking proved a serious competitor with the express and freight service of railroads. In the 1930's air travel was added as another form of competition with railroad service.

After 1930 the railroads woke up and took belated steps to make train travel more attractive and efficient. Some of the railroads reduced the abnormally high passenger rates of 1914–1930, thus offering the inducement of economy. The Interstate Commerce Commission compelled many other railroads to reduce fares and thus increase revenue from passenger traffic. The passenger fare was reduced throughout the country to two cents a mile in coaches, with some of the Southern railroads dropping their rate as low as one cent a mile in coaches on all but the crack trains. Since 1939 some railroads have facilitated travel, especially summer travel, by making it possible to pay for long trips on the installment plan. Railroad travel increased, though nothing like the traffic before 1915 was ever recaptured.

There has been a marked improvement in the speed and equipment of railroad trains. The conventional steam locomotives have been built to travel faster and to draw more coaches, and many have been streamlined. A number of railroad lines have been electrified, particularly on the Atlantic Seaboard and in the Northwest. But the most remarkable innovation has been the development of Diesel-driven motor trains. One of the pioneers, the *Zephyr* of the Chicago, Burlington & Quincy Railroad, covered the 1,015 miles from Denver to Chicago in 785 minutes, at an average speed of 77.6 miles per hour, making a top speed of 112.5 miles. Diesel-motored streamlined trains have now been rather widely introduced, especially for traffic between Chicago and St. Louis, in the Mid-West, and the Pacific Coast. They represent the most direct answer of the railroads to both bus and airplane competition. Travel upon them is clean, smooth, and swift.

Telephones and stock tickers have been placed in trains at terminals. Radios have been installed. The better trains frequently have shower baths, barber shops, beauty parlors, and luxurious lounging quarters. Coach equipment has also been greatly improved, particularly on the railroads of the Middle and Far West. One- or two-car trains, often drawn by gasoline engines, have been installed for branch-line service. The comfort of summer travel has been improved by the introduction of air conditioning.

In a day in which automobile accidents are becoming ever more frequent and deadly, the greater safety of railroad transportation cannot be overlooked. The days of frequent and bloody accidents are past. Steel coaches, automatic block signal systems, and the like, have reduced passenger mortality. In the year 1935, not a single passenger was killed while *en route* on a railroad in the United States. This is especially impressive, when one reflects that the total passenger miles in this year were over 18 billion, and approximately 450 million passengers were carried. A serious railroad wreck is a rarity today and, almost without exception, wrecks are due to a washout or some other "act of God," to sabotage or criminal acts, or to gross disobedience of orders by train crews. It would be difficult to reduce train wrecks below the current minimum.

A final and more drastic method of dealing with motorbus competition has been the growing trend of railroads to buy up motorbus lines.

The railroads could stand up under the new forms of competition more successfully, were it not for the tremendous burden of overcapitalization which they have inherited from the days of high finance in railroad control and operation back in the last century, when railroads were as much gambling devices as transportation systems. Railroad financing and business methods have greatly improved since 1900.

Most persons, when they think of railroads, limit their ideas to passenger service, but the freight service is even more important in the work of the nation. The competition of trucks after 1920 stimulated the railroads to improve their freight facilities. Some of the more notable gains in freight service have been summarized by M. J. Gormley, in an article on "Railway Problems of 1941":

RAIL IMPROVEMENTS SINCE WORLD WAR

$9,500,000,000 spent since 1923 for improvements—divided 45 per cent for equipment; 55 per cent for other facilities of all kinds.

Result of Expenditures

1,146,000 cars and
17,000 locomotives installed new since 1923
1,800,000 cars and
40,000 locomotives retired.
19% increase in capacity of cars
26% increase in capacity of locomotives

Efficiency in Operation

60% increase in train speed
100% increase in tons per train hour
62,000 cars per week can be loaded now for each 100,000 cars owned, compared with a loading of
42,000 cars per week for each 100,000 serviceable cars owned in 1918.
8,000,000 more carloads loaded in 1929 than in 1918, with a considerable decrease in the ownership of cars and locomotives.
$30,000,000 less demurrage collected in 1939 than was collected in 1918, a decrease of 83%, with a decrease of only 30% in the number of loaded cars; a further indication of more prompt unloading by receivers.[20]

The total number of freight cars in the United States reached their high in 1926, with 2,348,679; they had dropped to 1,650,031 in 1939. This was offset in some degree by the greater carrying capacity of the newer cars, but it reflected mainly the loss of traffic to motor trucks. There were 2,764,222 of these registered in 1926, and 4,413,692 in 1939. The average speed of freight trains increased from 11.9 miles per hour in 1926 to 16.7 in 1939. The efficiency of freight service per hour increased from an average of 9,201 tons in 1926 to 13,449 in 1939.

The most important innovation in travel since the development of the railroad has been the rise of the automobile. The essential mechanical inventions upon which the automobile is based were made in the nineteenth century, but their application to the mass production of efficient and attractive cars at a low price has been an achievement of the twentieth century. Automobiles were becoming common on the eve of the first World War, but their mass popularity really dates from the postwar period. The mass production of cheap cars by Henry Ford first became significant about 1913. But the Model T Ford was an unattractive vehicle. Ford finally gave up his Model T because General Motors cut deeply into his market by producing a low-priced and more beautiful car. It was not until 1928, however, that Ford produced a car that was at once cheap, dependable, and attractive. Even more advanced was his first eight-cylinder car produced in 1932. By this time other motorcar companies, especially General Motors and the Chrysler Corporation, had fallen in line with Ford's mass-production methods and a new era of fast, beautiful, and dependable cars at a low price came into being.

The peak of automobile production came in 1929, when a total of 5,621,715 cars and trucks were turned out in the United States and Canada. There was a bad slump during the depression, but in 1936 and 1937 there was an approximation to the 1929 high, with a figure of 5,016,437 for 1937. Automobile registrations increased after 1929, reaching 31,468,887 in 1940. The automobile registration in the United States alone amounted to over 70 per cent of the world's total, which was 45,422,411 in 1940. Of these, 27,300,000 were passenger cars. The automobile has revolu-

[20] *Loc. cit.*, pp. 4–5. (Pamphlet published by the Association of American Railroads.)

tionized the travel habits of America. As Malcolm M. Willey and Stuart A. Rice have observed:

> The American people have become remarkably mobile. The automobile has fostered a widespread travel psychology. Spontaneity and universality distinguish contemporary from earlier travel. The popular expression "hop in" has more than surface meaning; it typifies a state of mind. Travel for necessity and travel for the sake of travel (pleasure travel) alike are involved in the enhanced mobility. The trip of a few hours' duration (the drive) and the longer pleasure trip (touring) have become accepted parts of modern life. It is the general extension of the touring habit that is particularly impressive.[21]

The extent of automobile traffic is almost incredible. Willey and Rice estimate that in 1930 some 404,000,000,000 passenger miles were traveled by the occupants of passenger cars alone. This extensive automobile travel has brought about many new economic problems and social habits. Hotels have in many cases been thrown out of business, because people preferred to keep on the move rather than to settle down in some traditional resort. The hotels that have survived have been compelled to transform their facilities to deal with a transient automobile clientele rather than with permanent seasonal guests. A large business has been built up in the form of tourist lodgings in private dwellings. Then there are many tourist camps. There is a growing tendency to license and inspect such roadside camps.

A recent development has been the growth of the passenger trailer. It is estimated that in 1936 about 50,000 tourist-type trailers were manufactured, and even this production could not keep up with the demand. The trailers range in price from $200 to $4,000, the average being around $650. Instead of merely putting Americans on wheels, trailers put the American home on wheels. Roger Babson predicted that within twenty years half the population of the United States would be living in trailers. Any such spectacular development is unlikely, but no doubt the trailer will contribute markedly to the mobility of the American population. A most unfortunate development has been the increase of automobile accidents. The fatalities therefrom in the United States ran to over 35,000 in 1940.

The effect of the automobile upon American morals is warmly debated. It has served to undermine many of the old folkways and customs; it has somewhat lessened church-going; and it has probably led to greater laxity in sex habits.

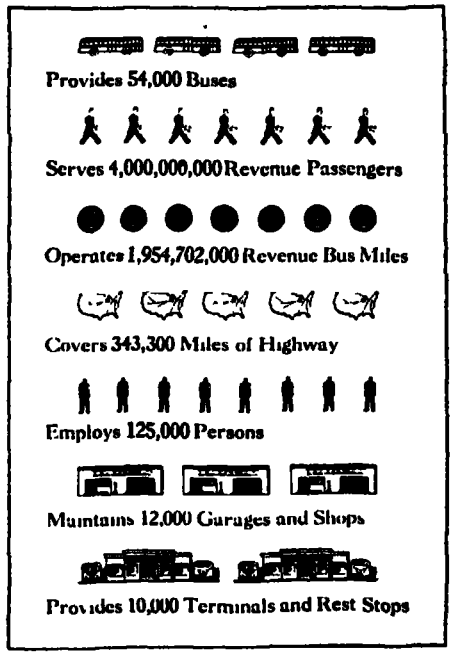
Motorbuses are somewhat inconvenient for long trips, but their cheapness appeals to the mass of travelers. While much more safe than a decade ago, they are still far behind the railroads from the standpoint of safety and dependability in travel. The motorbus was fairly common in urban transportation in large cities before the first World War, but its use for interurban transportation has been chiefly a post-war development. By 1930, motorbuses were carrying annually 1,778,000,000 revenue passengers. By 1936, the figure had jumped to 2,869,000,000. In

---

[21] *Recent Social Trends in the United States*, McGraw-Hill, 1933, Vol. I, p. 186.

1940, the number was 4,238,000,000. There is an elaborate network of motorbus lines covering the entire country, many of them operating swift express buses in interstate traffic.[22] In 1940 interurban buses carried slightly over 350,000,000 revenue passengers. In the last decade, urban motorbuses have all but supplanted the electric trolley lines. Motorbuses have made possible the centralization of schools, which in turn has provided better plant equipment, a more adequate teaching force, and a more diversified curriculum. At the beginning of 1941, school buses were carrying approximately 4 million school children daily. The following graph will give a comprehensive idea of the motorbus industry and service at the present time:

How the Bus Industry Serves America



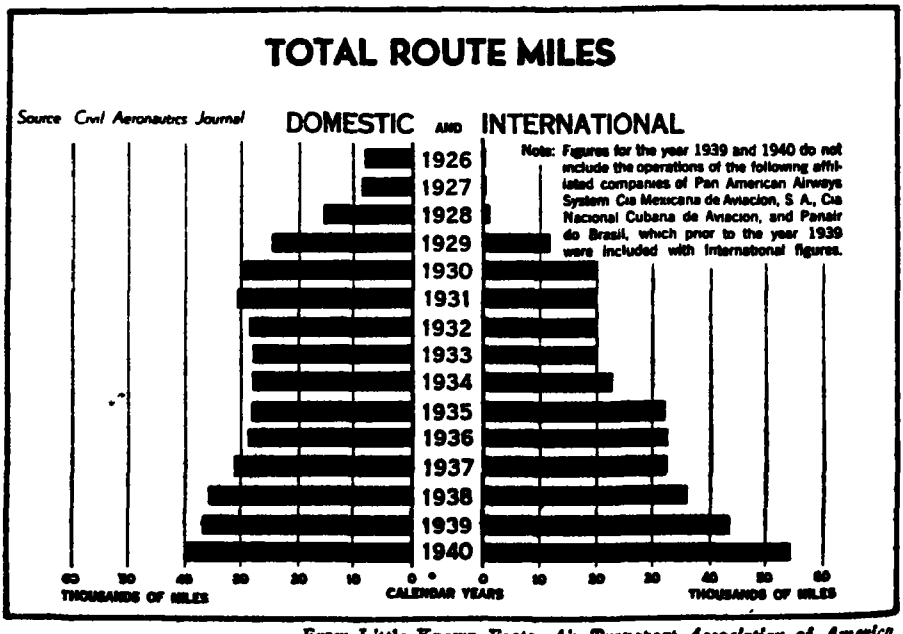
Courtesy National Association of Motorbus Operators, Washington

The private automobile and the motorbus have brought about a real revolution in highway construction. Back in 1904, there were only about 150,000 miles of surfaced roads, with only 150 miles of high-type surface. By 1930, the mileage of surfaced roads had increased to approximately 700,000, with some 125,000 miles of high-type surfaced roads. Highways ceased to be primarily a local affair and were taken more and more under

[22] For a graphic account of transcontinental travel by motorbus, see R. S. Tompkins, "Ordeal by Bus," in *The American Mercury*, November, 1930. Motorbus travel facilities have improved since 1930.

state control and supervision. On January 1, 1940, there were in the United States some 540,000 miles of state highways, of which 410,000 miles were surfaced and 130,000 miles were of high-type surface. Most of the improved highways of our day are state highways. The funds for their constructing are made possible by revenues derived from motor vehicle registration fees, gasoline taxes, bridge tolls, and fines. Federal aid in building highways was notably extended under the New Deal.

The most spectacular innovation in transportation in the twentieth century came with the conquest of the air. The first successful flight in a heavier-than-air motor-driven plane was made at Kitty Hawk, North Carolina, by the Wright brothers in 1903. In 1906 they made a non-stop flight of 40 miles. Three years later Louis Bleriot flew across the English Channel. The first World War brought about a number of technical improvements in airplane manufacture. Commercial airplane travel did not, however, become notable in the United States until about 1926. Since that time there has been a remarkable expansion. During 1940 the major airlines of the United States carried 2,939,647 passengers, a new record for commercial aviation in this country. Adding to this the passengers carried on trips in Canada and Latin America, the grand total was 3,162,817. This may be compared with 5,782 passengers in 1926, and 1,020,931 in 1936. The number of passenger-miles flown were 1,261,003,818, and some 12,282,560 pounds of express matter was carried. The pound-miles of air mail increased from 8,265,000,000 in 1936 to 20,147,000,000 in 1940. The graphs below and on page 476 present the main facts about the development of airplane traffic and the progress in the safety of air travel since 1926.



From Little Known Facts, *Air Transport Association of America.*

The speed of these commercial airplanes makes air travel especially alluring to those who must, or believe they must, make fast time. It is possible to leave New York late one afternoon and have breakfast the next morning in Los Angeles. One can fly from Cleveland to New York, transact a day's business, and be back in Cleveland that night for dinner.

The main drawback to air transportation is the relatively precarious nature of air travel, which has not yet been made as safe as land transportation. Very few accidents today are due to defects in planes or to the incompetence of pilots. As Marquis W. Childs has pointed out:

> It is true that for ordinary purposes of flight under ordinary circumstances the modern airplane is a thoroughly reliable machine. . . . The machine itself can be counted upon for an almost perfect performance. The pilots are of an equally high order. Out of a great surplus of pilots "the airlines choose by an almost superhuman set of requirements and rigorous examinations the best men." [28]

Most airplane accidents happen during what is known as "blind flying," namely, flying through fog or bad weather which makes it impossible to see the ground and observe the ordinary signals that can keep an airplane on its course. Blind flying with passengers is not permitted in most European countries, and this restriction accounts for the low mortality rate of European air travel, in spite of the fact that Europeans admit that the United States leads the world in airplane engineering and navigation.

The dangerous tendency to indulge in blind flying as a general practice in American air travel is due in part to the unwillingness of air lines to admit that their mode of navigation is more at the mercy of the elements than railroad and bus traffic, and other competitive modes of travel. But more than this it is due to the mania of Americans for speed in travel and the saving of time for something or other. Passengers often urge air transport companies to make trips against the latters' better judgment and resent those cancellations which the air companies feel are warranted by adverse flying conditions.

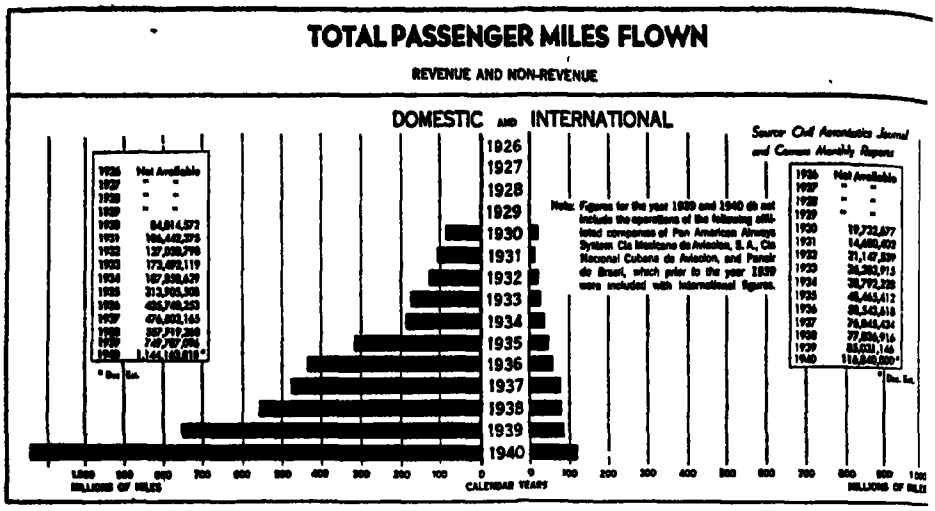
Next to the speed mania of the passengers comes the competitive spirit in air travel. This induces certain air lines to undertake travel in bad weather and thus demonstrate superiority over their competitors. Then we have the competition of air lines in trying to beat their rivals to the airports, resulting in rash navigation and congestion at landing fields.

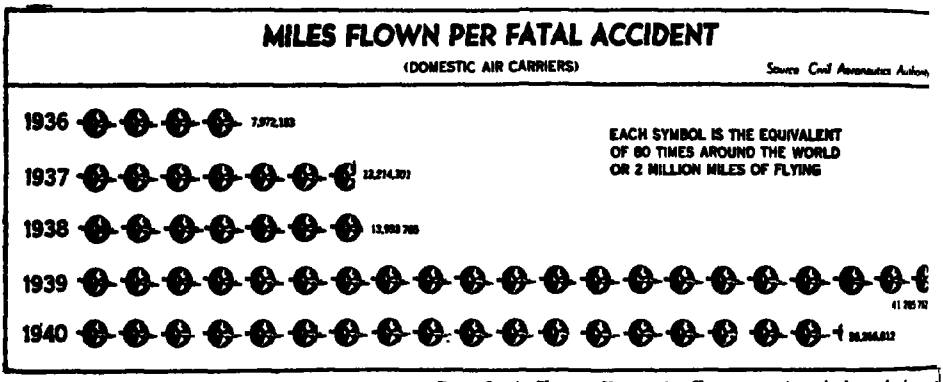
We may well regret any black eye given to air travel, for the latter is a substantial and permanent addition to human transportation. But it is well to know where the reforms must be achieved. The sensible thing is to follow the European practice in tabooing blind flying. As one realistic commentator has observed, "it is better to be ten hours late in New York or Los Angeles than thirty years early in Hell."

It is well, however, to bear in mind that air accidents are few and trivial compared to our banner method of killing off Americans, namely,

---

[28] *Harper's*, October, 1936.





From Little Known Facts, *Air Transport Association of America*

automobile travel. While following the headlines with respect to colorful air accidents, we too often forget that, in 1937, nearly 800 Americans lost their lives in automobile accidents over the Christmas week-end alone. The increased safety of air travel may be seen from the fact that, in the eighteen months prior to August, 1940, there was not a single fatality in civilian air travel within the boundaries of the United States. But it was evident, from the fact that there were five bad accidents between August, 1940, and March, 1941, that utopia had not been realized. Nevertheless, air travel is becoming ever safer. The striking progress in safety is shown by the fact that in 1936 the miles flown per fatal accident were 7,972,153, while in 1940 they were 36,266,812.

Progress in the Means of Communication

The Telegraph. Of all the innovations in contemporary civilization, probably no other group of changes has been quite as spectacular and

significant as the development of the contemporary means of communication. As Willey and Rice point out:

> An interconnected system of communication has come into existence whereby the individual is enabled at scarcely a moment's notice to place himself in contact with almost any other person in the nation. Speed and distance concepts, again, have been totally recast. No longer do men in any part of the world live to themselves alone. For an increasing majority in the United States and for a substantial fraction in the whole western world, the telephone bell is always potentially within ear shot, the postman and telegraph messenger are just around the corner and the cable and wireless may bring messages which are dated the day after they are received.[24]

Of the methods of communication which depend on electricity, the telegraph came first. It rested upon certain advances in electro-magnetic science in the late eighteenth and early nineteenth centuries. The idea of sending messages by electricity was first set forth by an anonymous writer in *Scott's Magazine* in England in 1753. The first transmissions of messages were made by a German, Karl A. Steinheil, in Munich, in 1837, and by Sir Charles Wheatstone in England in the same year. But the practical beginnings of the electric telegraph date from the message transmitted from Baltimore to Washington by Samuel F. B. Morse in 1844. After Morse's time, telegraph facilities on land developed speedily. Wires were strung on poles between cities, and in due time underground cables in conduits were provided to put the city wires under the streets. The transmitting capacity of a given mileage of wire was increased by mechanical devices for sending and receiving the Morse code at high speed. The multiplex system of transmission, invented by Edison and Baudot in 1874, and improved in 1915, made it possible for a single wire to carry eight messages simultaneously. The sheer speed of transmission has been increased threefold. A message can be sent from New York to London in 16 seconds. By 1927,[25] there were 2,145,897 miles of single wire and 257,000 miles of telegraph pole lines in the United States, and their efficiency for the transmission of messages was three or four times as great as the same number of miles would have been at the opening of the century.

The most remarkable advance since the first World War has been the development of the automatic teletypewriter or printer's telegraph. This has all but superseded the Morse code. The operator no longer has to master the complicated Morse code; he needs only to be a competent touch typist. The operator writes on his teletypewriter, and all instruments connected with it can type the same message anywhere in the country. This device simplifies and increases the speed of transmission at least twofold. In the transmission of news, where one operator sends messages to a number of receivers, it is estimated that the teletypewriter increases the efficiency of telegraph service by the ratio of fifteen to one.

---

[24] *Recent Social Trends*, McGraw-Hill, Vol. I, p. 216.
[25] The figures are approximately the same today.

From 1930 to 1940, the Morse code operators were very generally supplanted by teletypists. This even took place among railroad telegraphers. In 1910, some 90 per cent of the telegrams were sent by Morse code; today over 95 per cent are transmitted by the automatic telegraph typewriter. It has also meant a shift in the sex of operators, since most teletype operators are women. An automatic self-service telegraph which the public can operate is now in the process of perfection and will probably soon be put into active use. It will be an advance comparable to the automatic switchboard and the dialing system in telephony.

The increased use of the telegraph is evident by the fact that, in 1917, the number of messages sent was 158,176,000, whereas the number of messages transmitted in 1937 was 218,115,000. This greater use of the telegraph has been brought about in part by the encouragement of the social use of the telegraph for cut-rate holiday and greeting messages, and the like. Over twelve million are sent annually. Reduced rates are in operation for so-called tourist telegrams, for which ten words relating to travel can be sent anywhere in the United States for thirty-five cents. There has also been a drastic cut in the rates for overnight letters. Skillful advertising, suggested by E. L. Bernays [26] and others, has popularized the use of the telegraph. The great advantage of telegraph service today lies in its rapid transmission of long-distance messages at a rate far under that charged for telephone messages.

The general expansion of the telegraph business and facilities since the first World War may be seen from the fact that between 1917 and 1937 the investment in plant and equipment increased by 108 per cent; the number of messages sent, by 38 per cent; the number of employees, by 13 per cent; and the operating revenue, by 27 per cent.

The telegram still remains psychologically the most important communication which the average man can receive. The fact that a telegram comes less frequently than letters or telephoné conversations accounts in part for its importance. As Willey and Rice put it, "A crisis psychology has been involved in its use and its receipt." Wider use of the telegraph for rather trivial social messages and greetings may in time modify this traditional attitude.

A generation after Morse first demonstrated the practicality of the telegraph, Morse and F. N. Gisborne interested Cyrus W. Field in laying an Atlantic cable. After a series of failures, success crowned their efforts in 1866. Field was aided by the great English physicist Lord Kelvin. By 1931, there were 21 cable lines connecting North America with Europe. The first Pacific cable was laid in 1902. Greatly increased efficiency has been achieved in laying cables. Especially important is the recently invented device for plowing cables into the bottom of the ocean. This eliminates damage to cables by fishermen, which formerly involved an annual repair bill of around $500,000. The efficiency of cable systems has paralleled that of land telegraph systems. Better relaying equipment

[26] Bernays invented the slogan, "Don't write, telegraph."

has reduced the personnel required by 25 per cent. The Permalloy cable, introduced in 1924, increased the transmission capacity from 60 words a minute to 500 words a minute. The competition of wireless telegraphy, which was probably the most dramatic development of the twentieth century, forced a considerable reduction of rates, thus increasing the use of the cable.

The idea of a wireless telegraph was suggested by Steinheil in 1838. The Italian physicist Guglielmo Marconi (1874–) who began to work on his invention of wireless telegraphy about 1890, made use of the discoveries of Heinrich Hertz with respect to the transmission of electromagnetic waves through the ether. In 1899, he sent a message across the English Channel, and in 1901 across the Atlantic Ocean. The first commercial trans-Atlantic wireless telegraphy service was launched in 1908. Regular trans-Atlantic service began in 1910. In 1914, wireless service between San Francisco and Honolulu was established, and the next year between Honolulu and Japan. After the first World War, the United States took the lead in promoting wireless communication with all the major states of the world. The number of commercial wireless messages transmitted increased from 154,000 in 1907 to 3,777,000 in 1927. While most trans-oceanic communication is still carried on by cable, wireless telegraphy is constantly gaining in importance. It made the countries of the world partially independent of cables, in case the use of the latter should for any reason be temporarily suspended. Wireless telegraphy has been especially important in connection with the more scientific control and guidance of ocean navigation and, along with wireless telephony, is even more necessary to commercial aviation.

Probably the wireless system will ultimately supplant cable telegraphy. But the latter represented the first important stroke in shrinking the size of the planet, so far as the transmission of information is concerned.

In Europe, the telegraph lines have been usually owned and operated by the governments. A similar development would once have been easy in this country, for in 1845 Congress was offered the opportunity to buy Morse's rights to the telegraph patents for $100,000. Partially as the result of the opposition of the Postmaster General, Congress turned down this offer, thus taking a critical step in the history of American communications. What is usually regarded as a natural public function was turned over to private agencies.

A number of companies tried to make money out of the new telegraph business, but the Western Union Telegraph Company soon assumed leadership. It has its origins in the New York & Mississippi Valley Telegraph Company, organized in 1851 by Hiram Sibley, Ezra Cornell, and Samuel L. and Henry R. Selden of Rochester, N. Y. In 1854–1856, the Rochester company bought up most of the existing small lines and formed Western Union in April, 1856. Cornell, founder of Cornell University, gave the new company its name. It built the first transcontinental telegraph line, which was opened in 1861. In 1866, it absorbed its leading competitors, the American Telegraph Company and

the United States Telegraph Company, and moved its headquarters from Rochester to New York City. By this time it had 2,250 offices and 75,000 miles of wire. In 1870, it inaugurated the practice of sending money by telegraph. Today about 275 million dollars is transferred each year by telegraph.

In the latter part of the century the rapid growth of the daily newspapers, with their telegraph services, helped on the growth of the telegraph. In the present century, the telegraph stock-ticker systems also became a stimulus to telegraph activity. In 1911, Western Union entered extensively into the cable service and now has over 30,000 nautical miles of submarine cable. The new Permalloy cables can handle 2,400 letters per minute. In spite of the ingenuity and competition of the Postal Telegraph Company, Western Union controls today about 80 per cent of the telegraph business of the country. The following statistical facts will show the extent of the activities of Western Union:

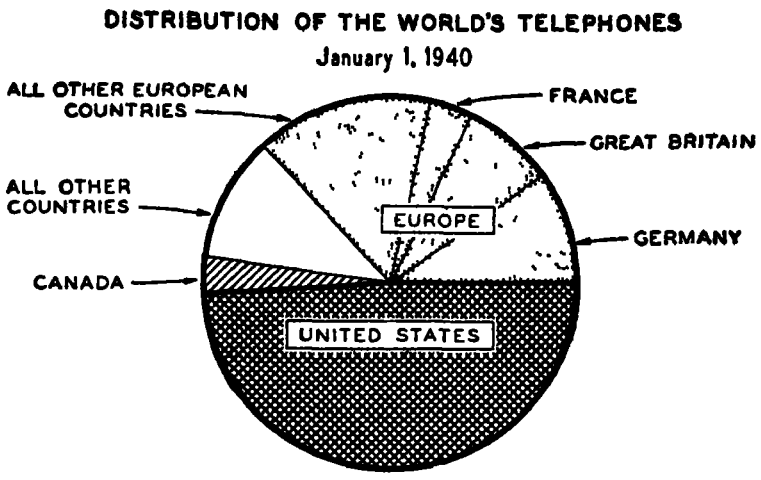
1,876,867	miles of wire
211,530	miles of pole line
30,324	nautical miles of ocean cable and
4,070	miles of land line cable
19,543	telegraph offices
16,208	telegraph agency stations
31,000	employes
12,000	messengers
3,400	stock quotation tickers
120,000	time service units
3,000	baseball tickers
28,933	stockholders
11,000	observations for daily weather reports
$99,704,000	gross operating revenue (1940)
$3,621,000	earned net income (1940)

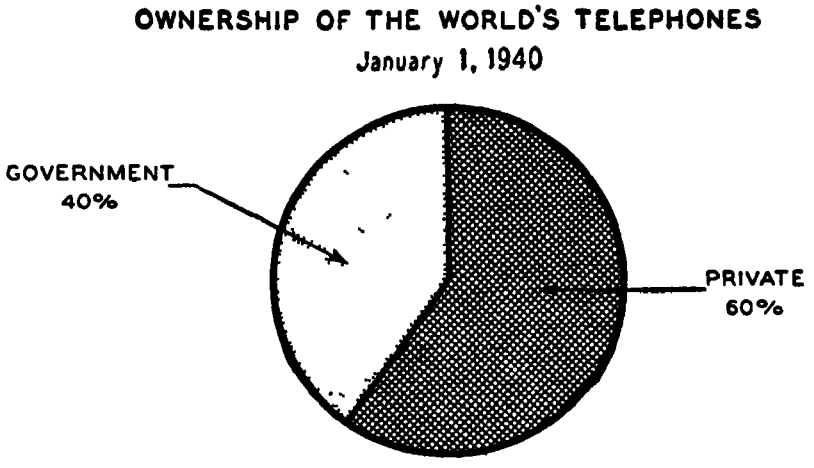
The company prints each year an average of one billion telegram blanks. An average of from 150,000,000 to 200,000,000 telegrams are handled a year, and the company transmits as much as 275 million dollars in telegraphic money orders annually.[27]

The Postal Telegraph Company grew out of the activities of James Gordon Bennett of the New York *Herald,* and John W. Mackay. They formed the Commercial Cable Company in 1883 and cut cable rates to Europe from 40 cents to 25 cents a word. Then they turned their attention to land telegraphy and formed the Postal Telegraph-Cable Company in 1886. The company prospered under the direction of Clarence H. Mackay, son of the founder. It transmitted about 39 million messages in 1940, and had a total revenue of about 22 million dollars.

The Telephone. The telephone represents an even more popular application of the services of electricity in the field of communication than the telegraph. The first successful transmission of a telephonic message took place on March 10, 1876. It was sent by Alexander Graham Bell, who, along with his associate, Thomas A. Watson, is generally credited with the invention of the telephone, in June, 1875, though Elisha Gray long

[27] Statistics furnished by the Western Union Company.





Courtesy American Telephone & Telegraph Co.

contested his claim. A large number of technical improvements followed Bell's original telephone, among which we may note the provision of a more efficient transmitter, the development of signaling devices, the construction of ever better and multiple switchboards, the increase in the number of wires carried on the same line, with the ultimate development of the underground telephone cable, the elimination of cross-talk by the two-line system, the phantom circuit and the development of the carrier system, automatic repeaters and current amplifiers, and toll switching plans, which made possible the ever more efficient handling of long-distance calls. Perhaps the most striking innovation has been the dialing system and the automatic switchboard. This has reduced the number of operators required to handle calls. It is comparable to the teletypewriter and automatic telegraph in the telegraph field. Overseas tele-

phone service was instituted with Europe in 1927 and with South America in 1930. In 1935 the first telephone call was sent around the world.

The mass popularity and enormous growth of telephone service are shown by the fact that, in 1900, there were only 1,355,000 telephones in the country, while in 1940 the number had increased to 21,928,000, about half of the telephones in the world. The estimated week-day telephone communications grew from 7,882,000 in 1900 to 98,300,000 in 1940—an estimated 30 billion for the whole year. As with the telegraph, so with the telephone, there has been an attempt to increase its use by special rates, particularly for long-distance calls. Evening and Sunday rates are much lower than those during business hours on week-days. The graphs on page 481 present the distribution of the world's telephones and the mode of ownership.

The ever greater accessibility of the telephone has developed what has been called the "telephone habit," and we become ever more dependent upon this instrument.[28] The telephone industry is the third largest public utility industry in the United States. It is exceeded only by steam and electric traction and by the electric, gas, power and light industries. In 1940, approximately $5,380,000,000 was invested in plant and equipment, and the gross operating revenue was $1,310,000,000. Approximately 335,000 persons are employed in the industry. The monthly payroll is over 60 million dollars. There are almost exactly 100 million miles of telephone wires in the United States and some 15 million telephone poles.

There are several companies engaged in promoting international telephonic connections, of which the most important is the International Telephone & Telegraph Corporation, in which the Mackay interests are dominant. In 1932 they operated some 803,000 telephones.

As in the case of the telegraph, the history of the telephone industry is one of progressive coördination and consolidation under private control.[29] The idea of government ownership was anathema in the laissez-faire, plutocratic politics of the last quarter of the nineteenth century. The first telephone company to be formed was the New England Telephone Company, set up in February, 1878, as a trusteeship of the Bell interests under the leadership of Gardiner G. Hubbard and Thomas Sanders. It was widened to a national business when the Bell Telephone Company was organized in July of the same year under the same interests. The two parent companies were merged as the National Bell Telephone Company in 1879. During this year the Western Union Telegraph Company carried on a bitter fight with the Bell Company in an effort to corner the telephone business. The outcome was a compromise, in which all telephone business was assigned to the National Bell Telephone Company and all telegraph business to the Western Union Telegraph Company. The Bell system has been even more successful than Western Union in well-nigh monopolizing the business in its line of communica-

[28] On the social, economic, and cultural influence of the telephone, see M. M. Dilts, *The Telephone in a Changing World*. Longmans, Green, 1941.

[29] See Horace Coon, *American Tel. and Tel.*, Longmans, Green, 1939.

tions, though it took a number of years to accomplish this result. In 1880, the American Bell Telephone Company was created to control and direct the Bell interests, with Theodore N. Vail and William H. Forbes as the leading executive figures. In 1885, the American Telephone and Telegraph Company was formed, for the special purpose of perfecting long-distance service and connecting city exchanges. Vail was named president, with Edward J. Hall as general manager and Angus J. Hibbard as general superintendent. In 1900, the American Telephone and Telegraph Company was changed from a subsidiary to the controlling element in the Bell system, which is today made up of A.T.&T. and some 24 associated companies. At that time, the Bell Company conveyed its assets to the American Telephone and Telegraph Company, which is the coördinating and consolidating organization in the American telephone industry of today. The following table indicates the development of the Bell System since 1920:

BELL SYSTEM STATISTICS

	Dec. 31. 1920	*Dec. 31 1939*
Number of Telephones (a)	8,133,759	16,535,804
Number of Central Offices	5,767	7,001
Miles of Pole Lines	362,481	397,202
Miles of Wire:		
In Underground Cable	14,207,000	52,041,000
In Aerial Cable	6,945,000	28,910,000
Open Wire	3,711,000	4,586,000
Total	24,863,000	85,537,000
Average Daily Telephone Conversations: (b)	33,125,000	73,802,000
Total Plant	$1,373,802,000	$4,590,510,000
Number of Employees (c)	228,943	259,930
Number of A.T.&T. Co. Stockholders	139,448	636,771

(a) Excludes private line telephones numbering 77,495 on December 31, 1939. Including telephones of about 6,500 connecting companies and more than 40,000 directly and indirectly connecting rural lines, the total number of telephones in the United States which can be interconnected is approximately 20,750,000.

(b) For the year 1939 there were approximately 71,200,000 average daily local conversations and 2,602,000 toll and long distance conversations, an increase of 5.6% and 5.5%, respectively, over the year 1938.

(c) In addition, the Western Electric Company, Inc., and the Bell Telephone Laboratories, Inc., had 37,197 employees on December 31, 1939.

The following table presents a general picture of the whole telephone industry of the United States, at the end of the year 1941:

STATISTICS OF TELEPHONE INDUSTRY IN THE UNITED STATES

DECEMBER 31, 1941

	Bell System Companies	*All Other Companies**	*Total United States*
Number of Companies	25	6,436	6,461
Number of Central Offices	7,128	11,621	18,749
Number of Telephones	18,841,000	4,680,000	23,521,000
Miles of Wire	95,127,000	10,423,000	105,550,000
Investment in Plant and Equipment	$5,048,000,000	$652,000,000	$5,700,000,000
Total Operating Revenues—Year 1941	$1,299,000,000	$146,000,000	$1,445,000,000
Average Daily Telephone Conversations during 1941	84,690,000	19,510,000	104,200,000
Number of Employees	313,600	63,400	377,000

* Partly estimated.

a royal postal system for France and a century later this was used by private persons. The first postal system in Germany was opened in the Tyrol in the latter part of the 15th century. Early in the next century Charles V greatly extended the imperial postal service to keep in touch with all of his far-flung realms. Private postal routes of limited length were created in England under Edward III. In 1635, a postal service was launched from London to Edinburgh. In 1644, a weekly postal service was provided for all the main cities of the country. A postal service was created in the American colonies in 1691, when Andrew Hamilton was appointed postmaster-general for the colonies. It covered the chief settlements from Maine to Virginia. But the systematic postal service of the world began with Rowland Hill's reforms in England, following 1837. By this time the railroad could be exploited for more rapid and efficient postal service.

Rowland Hill worked out a scheme for the cheapening of mail distribution which has been widely imitated, with many variations. Hill recommended the use of postage stamps at uniform cost for letters to all parts of England. Since Hill's time the standardization of the rates for the transmission of letters, irrespective of distance, within any national boundary has become ever more prevalent. In international agreements such as those which formerly prevailed between England and the United States the same postage rates were applied to a letter sent from Chicago to London or New Zealand as applied to a letter sent from Chicago to Springfield, Illinois.

Of enormous importance in the improvement of the postal system in the United States has been the extension of rural free delivery beginning in 1899. This puts at the disposal of the agricultural population most postal advantages hitherto restricted to city populations. Here, the automobile has recently proved of great utility in mail delivery.

A leading social feature of the cheapening of postal service and the standardization of rates was the fact that it democratized postal service. Hitherto, only the wealthy had been able to dispatch letters frequently, and even then the service was none too rapid or dependable.

The increase in the extent of the mail service in the United States can be seen from the following statistics. In 1890, about 4 billion pieces of mail were handled; in 1900, this had increased to over 7 billion; in 1910, the figure stood at nearly 15 billion; in 1930, it had grown to about 28 billion; and in 1939 some 26,445,000,000 pieces of mail were handled. The development of rural free delivery in the present century has greatly increased the volume of mail sent by rural areas and received therein. The length of rural free delivery routes totaled about 1,500,000 miles in 1941.

The speed and dependability in the handling of first-class mail have improved within the present century and the per capita contacts effected thereby are greater. Our modern business system would be nearly paralyzed if it were compelled to return to the system of mail distribution of the world as it was in 1830, when national postal systems were usually

unknown or privately owned, and letters had to be transmitted by coach or courier, traveling slowly and on no regular schedule.

There has been a great technical improvement in the methods of transporting mail, particularly through closer coöperation with the railroad service. The mail service has improved with every advance in the technical efficiency of the railroad. Various devices have contributed to the more rapid handling of first-class mail, such as pre-sorting of mail in railway mail cars, the use of motor vehicles in gathering and delivering mail, postal tubes, and mechanical canceling devices. The public insistence upon speed in communication is exemplified by the fact that special delivery mail has increased twentyfold since 1900. But the most remarkable contribution of the century to the hastening of first-class mail service has been the institution of air-mail transportation. At only double the cost of ordinary first-class postage, letters may be sent by air across the continent in a few hours. We have already noted the enormous increase in the volume of air mail.

The Daily Newspaper as a Medium of Communication

The daily newspaper is one of our more important media for the communication of information to tens of millions of readers. It gathers up news from all over the world and makes it speedily available to the reading public. It also presents the opinions of special writers on various topics of the day. Some provision is made even for person-to-person communication through the correspondence columns which most daily papers maintain. Through various forms of organization, making use of the instruments of communication which we have described above, the newspaper does for the nation or region what the hangers-on in the country grocery store and the gossips in the rural town used to do for the rural neighborhood a century or so ago. It gathers and prints the news and gossip of the world in formal and systematic fashion, whereas these earlier disseminators of news and gossip informally picked up mainly local materials and transmitted them by word of mouth.

Newspapers were essentially a gift of the printing press. They began to appear a century or so after the invention of printing in the middle of the fifteenth century. We find references to newspapers in the Netherlands at the close of the sixteenth century. In the first quarter of the seventeenth the *Gazette of Antwerp* was being illustrated with woodcuts. A century later, Daniel Defoe's classic, *Robinson Crusoe,* was run in a serial fashion in a London newspaper. The first newspaper in America was established in the English colonies at the close of the seventeenth century. The first important free press battle in the colonies was the famous Zenger case, fought out in New York City in 1734. Zenger was prosecuted for alleged libel of the government, but the jury freed him on the ground that his charges were true. After the Revolutionary War, papers became more numerous. The development of political parties and factions helped to increase the prevalence and popularity of the

newspaper. The contemporary newspaper has reached its highest development in the United States, though England follows closely. On the European continent there is nothing approaching the American newspaper for size or variety of content, though some Continental journals, such as the *Frankfurter Zeitung*, before the rise of Fascism and Nazism, ranked ahead of most American and English papers for intelligent editorial interpretation of current events and world trends.

Nothing in American life has more closely followed the trends in culture and economic development than the newspaper.[80] At first, the American newspapers were slight personal organs, usually founded to advance some individual or partisan project or to vent personal spite. They rarely appeared at uniform intervals. The "editorial" attitude dominated entirely and there was little news printed.

In the second third of the nineteenth century, newspapers improved in quality, size, and influence, though the editorial interest and function still prevailed over the news element. News was published, but it was far more scanty than today, and the publisher all too often even "editorialized" the news so as to make it seem to vindicate editorial opinion. The papers were read chiefly by partisans to enjoy the editorial judgment and flavor of the paper. Both editors and readers were usually bitterly partisan. Among the more representative papers of this era were the New York *Tribune*, edited by Horace Greeley; the Chicago *Tribune*, edited by Joseph Medill; the New York *Times*, edited by Henry Raymond; the New York *Evening Post*, edited by William Cullen Bryant; the New York *Sun*, edited by Charles A. Dana; the Springfield *Republican*, edited by Samuel Bowles; and the Albany *Evening Journal*, edited by Thurlow Weed.

The improvements in the mechanics of printing, the provision of international newsgathering agencies, the expansion of American industry and business, the concentration of large populations in our cities, and the like, encouraged the rise and triumph of the commercial newspaper, in the period between 1870 and the first World War. A very important aspect of this change in journalism lay in the fact that the former zeal to express strong editorial judgments was slowly but surely subordinated to the publisher's aspiration to make a personal fortune out of his newspaper or newspapers. The papers, for the first time, became *news*papers, properly so called. Nevertheless, even the news interest was mainly important as the means of enriching newspaper publishers. William Allen White succinctly put the essence of this phase of the revolution in journalism when he observed that, in the process of this transition, journalism ceased to be a profession and became an investment.

The formula for a successful newspaper was slowly but precisely worked out. Readers and mass circulation are to be attained through

---

[80] For a history of American journalism, see F. L. Mott, *American Journalism*, Macmillan, 1941; and for contemporary American journalism, see A. M. Lee, *The Daily Newspaper in America*, Macmillan, 1937; and M. M. Willey and R. D. Casey (Eds.), "The Press in the Contemporary Scene," *The Annals*, 1942.

publishing attractive and often sensational news. Many interested readers insure wide circulation for the paper, and a newspaper with an extensive circulation presents a favorable medium for commercial advertising. It is primarily from advertising that newspapers make their profits. Even a vast circulation does not pay expenses through subscriptions and newsstand sales. Wide circulation creates a profit only indirectly through the resulting gains from extensive and well-paid advertising.

The newspaper thus became an agency for selling lively news to attract a multitude of readers, before whom advertising could be placed, with direct profits for the newspapers and indirect profits for the advertisers.

The major figures in this revolutionary transition from the editorial sheet to the true newspaper, with commercial aims, were James Gordon Bennett of the New York *Herald*, Charles A. Dana of the New York *Sun*, Joseph Pulitzer of the New York *World*, William Randolph Hearst of the New York *American* (and *Journal*), and E. W. Scripps of the Cleveland *Press*. Lord Northcliffe (Alfred Harmsworth) followed the procession with his London *Daily Mail*. Contrary to general impression, however, the most blatant attempt to gain circulation by sensational and scandalous news has not been made by an American paper, but by the London *News of the World*, owned by Lord Riddell, who died at the close of 1934.

The quest for circulation through mass appeal has given rise to the "tabloid" newspapers, with their small and convenient format, their visual appeal, and their ultra-sensational news.[31] The experiment has in general proved successful, and the New York *Daily News* has the largest circulation of any newspaper in the world. The tabloid need not necessarily be sensational. The first tabloid, E. W. Scripps' Chicago *Day-Book*, was highly serious, severely editorial, and carried no advertising. One of the most dignified and reliable of modern newspapers, the Washington *Daily News*—a Scripps-Howard paper—is published in tabloid format. The *New York Post*, the oldest and long the most distinguished of New York dailies, turned tabloid in the spring of 1942. An interesting addition to tabloid journalism has been the New York newspaper, *PM*, launched in 1940. Its policy called for the printing of news interpretations rather than news accounts, and for operating without advertising, with the view of keeping editors free from business pressure in their selection and interpretation of news.[31a]

One of the most important recent developments in newspapers is the growth of newspaper chains. These have come about as a result of personal ambition, the desire for centralized control, and the economies of management, talent, and administration. The chains represent the principle of business consolidation applied to the commercial newspaper.

By 1930, about one sixth of the morning and evening newspapers were organized in chains, which controlled about one third of the total daily

---

[31] See Emile Gauvreau, *My Last Million Readers*, Dutton, 1941.

[31a] For an interesting and authoritative description of the history and policies of *PM*, see the articles on Ralph Ingersoll by Wolcott Gibbs in *The New Yorker*, May 2, 9, 1942.

newspaper circulation and about one half of the Sunday circulation. The most important chains were those of Hearst and Scripps-Howard. Since 1930, there has been some decline in the number of chains and the papers controlled by them. This has been especially true of the Hearst group. The Scripps-Howard chain, established by E. W. Scripps for the championship of labor and the underdog, long retained a liberal and independent outlook. In the last few years, however, it has turned to "Red-baiting" and a generally critical attitude towards organized labor, a change attributed by some to the rise of the Newspaper Guild.[32]

The number of daily papers reached its peak in 1917, with some 2,514 dailies. Consolidations, mergers, and discontinuations brought the number down to 1,877 in 1940. Weekly newspapers, mainly country publications, fell off from 15,681 in 1900 to 12,636 in 1931, the decline being generally attributed to the fact that rural free delivery brought the city daily to the farmer's door and that the local dailies in the near-by cities published personal news and gossip concerning the rural areas in which their papers might circulate. Evening newspapers have become more popular than morning papers, probably due to the greater amount of leisure time for reading in the evening. In 1940, there were 380 morning papers and 1,497 evening papers, with 524 Sunday papers. The morning circulation was 16,114,018, the evening circulation 24,895,240, and the Sunday circulation 32,245,444, this last a gain of nearly 6 million over 1930. The second World War stimulated reader interest, and in 1941 newspaper circulation reached an all-time high, with a total of 41,131,611 newspapers sold.

The fact that advertising is the chief source of newspaper income can be seen from the fact that the revenue therefrom amounted to well over 800 million dollars in 1929, while only 325 million was derived from newspaper sales. The depression and the increased appropriations for radio advertising cut down the newspaper advertising revenue to a little less than 525 million dollars in 1935. The second World War is likely to have a disastrous effect on the economics of newspapers. Priorities and other sales restrictions are bringing a marked reduction in advertising, while excitement over the war is producing greater circulation. Without added advertising revenue, however, increased circulation is a financial liability to newspapers. Probably most war-mongering newspapers did not foresee this situation, since the period of the first World War was one of marked newspaper prosperity. Then, however, there was far less restriction of the advertising and sale of consumers' goods.

In former days most newspapers were definitely partisan, but in the

---

[32] On the downfall of Scripps-Howard liberalism and related topics, see the articles on Roy W. Howard by A. J. Liebling, in *The New Yorker*, August 2, 9, 16 and 23, 1941. The author errs, however, in attributing chief responsibility to Mr. Howard. It lies, rather, with W. W. Hawkins, chairman of the board of directors, G. B. Parker, editor-in-chief, and John H. Sorrells, executive editor. Of course, in a negative way, the responsibility is Mr. Howard's, for he has always had the power to assert himself and overrule these men.

twentieth century there has been a growth of political independence. In 1930, 505 papers listed themselves as Republican, 434 as Democratic, and 792 as independent in politics. But the overwhelming majority are economically partisan, namely, conservative. The number of genuinely liberal papers in the country has declined alarmingly since 1933.

The development of the daily newspaper of today has been made possible by a number of important technological advances, such as better facilities for rapid printing, and the utilization of electrical communication for the gathering and transmission of news.

The mechanical processes for the printing of the first newspapers in the seventeenth century were crude. Pages were printed by pressing a flat frame of type on the sheet of paper, and all type had to be set by hand. The first important improvement was the cylindrical press, which was adapted from a device used for printing calicoes. It was successfully used in the office of the London *Times* in 1812, and in America by the Philadelphia *Ledger* in 1846. The cylindrical press was not generally introduced in pressrooms, however, until about 1880. It was a great improvement over the old frame press with respect to both speed and efficiency.

Since 1880, the evolution of printing presses has been a remarkable demonstration of modern mechanical ingenuity. One of the latest printing presses can print, fold, cut, and count no less than 1,000 thirty-two-page newspapers per minute. The use of these improved printing presses would not be possible, were it not for an equally remarkable development of typesetting machinery already described above. With the new linotype machinery, typesetters can keep pace with the speed of the printing press. The combination of the telegraph, the telephone, radio, the rotary press, and the linotype machine enables us to read the news about events in a remote area that may have taken place only an hour or so before the newspaper is on the street.

A remarkable new invention, the "teletypesetting" machine, has been worked out in recent years. A master copy is cut in a perforated tape. When this copy is corrected and put in a properly equipped teletypesetting machine, it can be set simultaneously and automatically by electrical control on scores or hundreds of other typesetting machines many miles apart, if necessary, with no human aid and without the slightest possibility of a typographical error. This invention seems bound to revolutionize mechanical production in certain newspaper plants, especially those under chain management.

One of the major phases of mass appeal in modern newspaper publication is the appeal of pictures. The tabloid specializes in these, but even the most dignified newspapers make wide use of pictures, particularly those portraying various crises, such as floods, earthquakes, and battles. Between 1924 and 1933 a series of electrical inventions brought about the telephoto device, which sends satisfactory pictures instantaneously through wire transmission. Beginning about 1935, the American newspapers began to install telephoto equipment, and pictures from all over

the world were sent over the wire as rapidly and almost as satisfactorily as news dispatches.

Without a cheap and serviceable paper on which to print material, all the other marvelous accessories of newspaper production would be essentially worthless. Rag paper could not be provided in sufficient quantity or with sufficient economy. Wood pulp has supplied the only material capable of making practicable newsprint (paper) at a sufficiently low cost. The manufacture of wood-pulp paper, based on René Réamur's studies of nest-building by wasps, began about the time of the Civil War. Paper production had increased in volume in this country from 127,000 tons in 1867 to 11,000,000 tons by 1929. The total world production in 1929 was 23,400,000 tons. The world production of newsprint (paper for newspapers) in 1929 was 7,319,000 tons, about one third of the total pulp paper production. The amount of forest reserves needed to furnish wood pulp for newsprint is incredible to those unfamiliar with the facts. It requires about 300 acres of forest to furnish enough pulp to get the paper to print one Sunday issue of *The New York Times*. Owing to the short life of wood-pulp paper, some newspapers publish a special edition on rag paper for preservation in libraries.

The development of modern printing machinery would have been of little value without the corresponding development of elaborate organizations for gathering news. If every newspaper were compelled to support its own correspondents in all parts of the world and to maintain its own telegraphic and cable connections, only a few great newspapers could meet the expense. But through the extensive machinery of newsgathering agencies such as the Associated Press, the more significant or sensational information from all parts of the world is put at the disposal of newspapers for a relatively small expenditure. These agencies are elaborate organizations of correspondents gathering news, and of cables, telegraphic communications, and radio stations essential to the rapid transmission of the information thus gathered. While, from the standpoint of technical efficiency, the newsgathering agencies have achieved remarkable progress, the adequacy and accuracy of their service have been criticized. The type of news that will be gathered inevitably depends to a great extent upon the economic, social, and intellectual attitudes of the subscribing newspapers or their advertisers. Only "acceptable" news will be gathered and transmitted. Then the already selected news gathered by correspondents tends to be further sorted out by editors for its mass appeal and emotional content, not for its educational value. In short, the newsgathering agencies naturally gather, and the editors print, the news that will "take" or sell. The newspapers using the service often distort the facts by still further editing and rewriting the information secured. In this way, much really significant news is lost to the public and much that is actually printed is highly unreliable.

The extensive suppression and deliberate distortion of foreign news, according to social bias, by even the best newspapers, was well brought out by Walter Lippmann and Charles Merz in their study of the news on

Soviet Russia, printed over a considerable period of time in *The New York Times*. Their findings, printed in their book *Liberty and the News*,[33] had a notable effect on the *Times*, leading, among other things, to the appointment of Walter Duranty, probably the most objective foreign correspondent of our era, as *Times* correspondent in Russia.[34] The exposure also exerted a salutary influence on many other American papers.

Especially in war time is news distorted and suppressed. We usually find that the zeal, indeed, necessity, to get news in the exciting days of war time leads to the demand that correspondents invent news if they cannot get it. In such cases they usually invent news which they think will be favorably received at home. An outstanding example of such creative imagination, even by high-grade correspondents, were the sensational stories on the war in Norway in the spring of 1940, especially the widely read tale that Norway fell primarily because of elaborate Fifth Column activities by Germany in Norway prior to the war. Any such interpretation was later repudiated, even by intensely anti-Nazi but honest Norwegian refugees.[35] Much of the news on the Russo-Finnish War was sheer invention, because the correspondents were denied access to the front. In spite of these defects, however, it is certain that we have profited through securing more rapidly gathered and unprecedentedly varied information from all over the face of the earth.

The oldest of the American agencies is the Associated Press, founded in 1848 and reorganized in 1900 under the leadership of Melville Stone. It is a coöperative newsgathering agency, the annual costs of around 10 million dollars being distributed among the member papers, roughly according to the importance of the territory and the size of the paper. It is not a profit-making institution and its services are available only to its members, namely, those who hold an Associated Press franchise. It had about 1400 members in 1940. The Associated Press maintains an elaborate corps of foreign correspondents and reporters, but most American news is gathered by the staff of member papers in each locality. They put on the A.P. wires all local news which they consider significant. Papers which have an Associated Press franchise cannot furnish news to any other newsgathering agency. The fact that most of the American papers in the A P. group are relatively conservative means that the majority of the news gathered by A.P. papers and transmitted over the A.P. wires has a conservative flavor. Special representatives of the Associated Press are provided to covers news in the more important centers, such as Washington and state capitals, and a flock of them are immediately dispatched to any locality visited by disaster or any other event requiring special news coverage.

The United Press agency was founded by E. W. Scripps in 1907, because he feared the results of a newsgathering monopoly, particularly under

---

[33] New Republic Press, 1920.
[34] Interestingly enough, Mr. Merz is now editor of the *Times*.
[35] See "The Fifth Column," Bulletin of Institute for Propaganda Analysis, July 8, 1940.

conservative auspices. It was really put on the newspaper map by Roy W. Howard between 1912 and 1920. Howard made the best possible use of the special advantages created by the first World War period. For example, it was Howard who got the famous "knock-out victory" interview with Lloyd George on September 29, 1916, but his alertness and energy got a little out of hand when he sent the false Armistice cable on November 7, 1918. The United Press is a strictly commercial news-gathering organization. Through its paid staff it gathers news from all parts of the world and sells its services to such papers as desire to avail themselves of the opportunity. It works on a profit basis. Down to 1919 it served mainly the evening papers, but since that time it has adapted its service to both morning and evening papers. It has over 1200 clients among the American newspapers. Most of the better papers avail themselves of both the A P. and U.P. services. Due to its origin under E. W. Scripps' auspices, the U.P. was for some years more aggressive and liberal than the A.P. and more interested in gathering and transmitting news relative to the doings of labor. This difference hardly exists today.

It was natural that Mr. Hearst should form his own newsgathering service. He was often denied direct access to A.P. facilities and he did not care to increase the revenues of the United Press, which was owned by the Scripps-Howard organization, his chief journalistic rival in the chain realm. So he developed the Hearst International News Service, which serves around 700 papers at the present time, including the Hearst chain. Following the well-known Hearst formula, the International News Service has provided more sensational material than either the A P. or the U.P.

As newspapers have become more extensive and diversified, it has proved profitable to develop organizations which furnish newspapers with special features, such as columns by distinguished or popular writers and cartoon and picture service. The most extensive and profitable of these services is King Features, owned and operated by the Hearst interests, but utilized by many other papers. Next to this comes the Newspaper Enterprise Association, which is owned by the Scripps-Howard organization. The latter organization, incidentally, had the ingenuity to "gobble" what was for some years the most important feature property in the history of American journalism, the exclusive rights to news about the Dionne quintuplets. For a number of years they attracted more readers than an international crisis or the most shocking murder. The Scripps-Howard concern has another feature service, known as United Features, a subsidiary of the United Press. This service created a great flurry a few years ago by obtaining the rights to Dickens' unpublished *Life of Christ for Children*, which proved one of the most profitable temporary feature items in American journalistic history. The Associated Press also has attempted several ventures in the feature field, but its accomplishments here have been far less impressive than those of the Hearst and Scripps-Howard organizations.

It might be worth while to say a little more at this point about the

nature and operation of newspaper chains. There are a number of advantages in chain newspaper operation. It can provide far greater talent in every phase of newspaper work than the individual paper. The Scripps-Howard organization could, for example, hire the highest-priced editorial writer in the United States, at a cost per paper little greater than the amount paid to a cub reporter in any locality. And this one editorial writer could provide national and international editorials sufficient for the needs of all the papers in the chain. The same considerations apply to all phases of newspaper material suitable to be printed throughout the country. Moreover, a chain can present a united front, thus giving it great power in various political crusades. If a chain stands behind a particular member paper which is being fought by advertisers, the paper cannot be ruined through the temporary withdrawal of local advertising support. Chain organization thus makes newspapers a greater force for good, if they see fit to make use of their power in this manner. It is obvious that chain newspapers can provide far higher talent in every phase of newspaper work than the individual paper if they wish to do so. But this advantage has been offset to some degree by the fact that individual papers can also often buy the same type of material from the feature services at a low cost.

Unfortunately the chain newspapers can also be a powerful force for evil. Since there is centralized control, a wrong-headed editorial policy can be spread all over the country. By and large, however, the management of a powerful chain is likely to represent newspaper talent superior to the staff of a local journal. Therefore, the errors and biases of a chain management are not likely to be any worse than the errors and biases of local publishers and editors. The *ukases* of Mr. Hearst are rarely worse than the stupidities of local publishers and editors. It has been shown that big business in the United States is more open-minded and far-sighted than little business. This situation also applies to the managers of newspaper chains, as over against the majority of local publishers and editors.

The degree to which local editors are given freedom and initiative in chains, depends both upon the chain involved and the circumstances at any given time. Hearst editors have had very little personal leeway. Scripps-Howard editors have been given a greater degree of freedom, particularly in dealing with local matters. But chain management means essentially newspaper despotism. When it is a benevolent despotism it produces the best in American journalism, but when it is a benighted and absolute despotism, it can create the worst features of contemporary newspaperdom.

Since our contemporary newspapers rely upon news and features to gain the circulation necessary to obtain advertising revenue, we should look briefly into what newspapers consider the most suitable material for mass appeal. Karl W. Bickel, long president of the United Press, said that newspapers want material in both news and features which will provoke strong human emotions. Another able journalist stated that the

best newspaper material will provoke in the reader what he described as the "Gee Whiz" sentiment. This will serve to explain the unparalleled popularity of the Dionne quintuplets.

Boiled down to its essence, the newspapers want *hot news*. And this "hotness" is of a twofold character. News should be "hot" from the standpoint of its emotion-provoking content, and it should be "hot" in the sense of being up-to-the-minute. It should be as personal as possible and concentrated on emotional situations such as love, romance, sin, murder, death, and war.

Upon no matter do newspapers concentrate their energy more completely than upon the effort to have news as up-to-the-minute as possible, one of the great feats of newspaperdom being to "scoop" a rival. The haste of newspapers often approaches the ludicrous. There is a frantic effort to get into headlines material which the world would be just as well off for knowing a week later, and in too many cases would be better off for not knowing at all. This fantastic straining for "spot news" has become a fundamental journalistic habit and one which is not likely to be uprooted. However, since the radio has ousted the newspaper from supremacy in first divulging news material, newspapers may emphasize interpretative news to a greater extent in the future.

The fact that news is here today and gone tomorrow—or sometimes gone in the next edition on the same day—greatly lessens the value of the newspaper as an agency for information and education. The trivial character of too much of the news, together with the highly transient character of the majority of the news, makes it impossible for the average reader to understand the nature and import of what he reads in the newspapers. The latter provide constant distraction instead of encouraging concentrated interest and intelligent interpretation.

The technique and ethics of the gathering and printing of news today have, however, produced one notable advantage. Except in war time, such news as is printed is usually set forth without editorial distortion. True, editors usually select from the vast mass of material the news which most appeals to their biases and prejudices. But they do not normally maltreat what they do put in print. The character of modern news-gathering has been mainly responsible for this. Since all newspapers get essentially the same news through the A.P., the U.P., and other agencies, each editor knows what other papers receive in the way of news dispatches. Hence it is easy to detect a competing editor's distortions, or, as it is usually described, the "editing" of his news columns. Readers can also detect editorial distortion of the news through the fact that they have accessible several newspapers which present news accounts of the same daily events. In this way, an unprecedented degree of accuracy has been produced in the publication of conventional news. The editorially far more aggressive newspapers of the days of Horace Greeley never even approximated such a straightforward presentation. Of course, by his personal selection of the news to be printed from the vast amount of copy supplied, an editor can present to the readers of his paper a highly distorted view of what is going on. There is, moreover, a wide leeway for

distortion of the news on the part of special correspondents. Not infrequently the same paper publishes on the same day two versions of the same events which differ diametrically upon many important aspects of the events recounted.

Despite the triviality of too much of our news, which is little more than glorified gossip, there is no denying the fact that far more high-grade material is carried today than ever before in American newspapers. More and more attention is paid to cultural, scientific, and religious material. More space is devoted to such items in one of our better newspapers in a week than was given over in three months a generation back. Especially marked has been the improvement in the treatment of international news and the space alloted to it. Certain areas have been almost literally rescued from oblivion. More news on South America, for example, is now carried in one day than was carried in a month two decades back.

The desire to attract wide interest on the part of a reading public that is often neither too well educated nor too intelligent has given rise to a characteristic newspaper style—racy, pungent, staccato, and often not too solicitious of the facts. But certain great newspaper stylists have been produced, of whom the best-known contemporary examples have been Heywood Broun, regarded by many as the outstanding journalistic writer in the history of American newspapers, and Walter Lippmann, once a valiant liberal, but now the chief ornament of the reactionary press. Other columnists have introduced even more original styles. Westbrook Pegler has enlivened journalism by carrying over the manner of the prizefight reporter and bar-room controversialist into comment on public affairs and world politics. Walter Winchell has captivated thousands of readers by his racy banter and his projection of "gent's room" witticisms into a highly popular daily column. Dorothy Thompson, in her earnest and assured appraisal of current events, has provided us with a rich and warm emotionalism, hitherto known only in "personal advice" columns conducted by Beatrice Fairfax and Dorothy Dix.

One of the penalties paid for mass circulation and the distraction of readers by trivial news of high emotional content has been the marked decline of the influence and prestige of the editorial page. Despite the great technological improvements, the newspapers are declining in their influence upon American opinion. This was strikingly illustrated by the presidential campaign of 1936, when the editorial opinion of the country was lined up against Mr. Roosevelt by a ratio of far more than two to one. But the people read the news, listened to the campaign speeches over the radio, and, in spite of all editorial frenzy, put Mr. Roosevelt back into the White House by an unprecedented majority. The same situation was duplicated in 1940, when most of the newspapers heartily supported Wendell Willkie, but Mr. Roosevelt was reëlected by a large majority.

This mass scepticism and indifference with respect to American newspaper editorials is probably the most promising sign to appear in American democracy in some decades. It indicates the weakening of the influ-

ence of one of the most vicious forms of propaganda, which has been the more dangerous because it has also been so eminently respectable. It is not out of reason to predict the disappearance of the editorial page from most of our newspapers. Indeed, it is already apparent that the editorial page of some of our very best newspapers is a marked liability to each of the newspapers in question. Despite its waning influence, the style of editorial writing has improved since Greeley's day; there is more fact and argument and less pure ranting.

The newspaper columnists have taken over much of the prestige formerly enjoyed by the editorial in wielding reader opinion.[36] Distributed by powerful newspaper syndicates, the interpretations of the columnists on public affairs reach millions of readers. Among the more popular are Walter Lippmann, Frank Kent, Raymond Clapper, Drew Pearson and Robert Allen, David Lawrence, Jay Franklin, Dorothy Thompson, Hugh S. Johnson,[36a] Westbrook Pegler, Walter Winchell, and Samuel Grafton. Since the columnists inject their personalities into their writings, they naturally attract more attention than the anonymous editorials. Further, their columns are usually more vividly written.

The columnists reflect mainly Eastern Seaboard opinion, which is generally internationalist, and conservative economic and financial opinion. The East thus possesses a disproportionate influence in shaping national opinion. For example, these columnists, with exceptions, exerted powerful pressure in creating war sentiment before Pearl Harbor, and took the lead in labor-baiting after we entered the war.

The editorial influence of newspapers is both lessened and confused as a result of the fact that most papers use columnists who often present a point of view at direct variance with the editorial opinion of the paper or with each other. While it is excellent for newspaper readers to broaden their outlook by getting diverse points of view on public affairs, the editorial attitude of the paper is blurred, and the likelihood of definite editorial direction of reader thinking is removed. Probably the most effective means by which a newspaper can propagandize its views lies in the selection of news and columnists, in the placing of unfavorable information in an obscure position on an inside page or giving a prominent place to favorable information, and in the emphasis given in the writing of headlines.

It is impossible to understand the contemporary newspaper unless one realizes that journalism has become primarily a big business enterprise. Interest is centered mainly upon making money rather than upon illuminating the public, or providing intelligent guidance for public opinion. What was once primarily an intellectual enterprise, however biased and mendacious, has now become almost wholly a business venture. Honest newspaper publishers freely admit this in private. The formula of

---

[36] On these columnists, see Margaret Mitchell, "Columnists on Parade," in *The Nation*, February 26–June 25, 1938; and Quincy Howe, *The News and How to Understand It*, Simon and Schuster, 1940.

[36a] General Johnson died in April, 1942.

modern journalism is simple and direct. "Hot" news possessing great mass appeal is published to secure a large circulation. A large circulation commands high advertising rates. And from advertising revenue, which reached its all time high in 1929 at over $800,000,000,000, the newspapers make most of their profits. The most successful newspaper in existence would lose a large sum of money each year if it had to depend on circulation revenue alone. We have already seen that, for example, in 1929, newspapers derived about three times as much from advertising as from circulation.

This overwhelming importance of advertising has led to the argument that newspapers are the unwilling slaves of their advertising clientele. Their publishers are portrayed as men who would dearly like to be liberal and aggressive, but are afraid to incur the displeasure of the advertisers. However, most of them are as liberal in their journalism as they wish to be. They are restrained much more by their own state of mind than by the intimidation of advertisers. A clothing manufacturer, for example, is not expected to jeopardize his business in the interest of elevating humanity, and there is no more reason to expect a newspaper publisher to do so.

A powerful newspaper would, in most cases, be able to defy advertisers within the bounds of reason. It could appeal to readers and even bring about a boycott of stores or of the products of advertisers which could be proved to be opposed to the dissemination of truth. Even in smaller cities, newspapers are generally as indispensable to the advertisers as the advertisers are to the newspapers, and could exercise a great deal of freedom and independence. Above all, chain newspapers can be independent of advertisers in any given locality. A local newspaper in a chain can be run at a loss, if necessary, until the advertisers break down and return to the use of its space.

In short, newspaper publishers are not afraid of businessmen or intimidated by them. They *are* businessmen themselves and naturally sympathize with the economic biases and social prejudices of other businessmen, among them those who advertise in newspapers.

With the growing tension of the economic and social situation in the ever more evident crisis of capitalism, liberalism is becoming much more rare in American journalism. There are very few literally liberal newspapers in the United States today—not a half-dozen leading dailies. And many of the pseudo-liberal papers are such only because it is expedient, in the light of the journalistic set-up in any given city, for them to be so. Owners of several newspapers not infrequently conduct a liberal paper in one city, where it pays them to be liberal, and maintain a conservative paper in another and more reactionary municipality. The few genuinely liberal newspapers have taken their stand because their publishers believe that capitalism can be most certainly and effectively perpetuated by bringing about necessary reforms in the capitalistic system. There is scarcely a newspaper in the United States, save for the Communist *Daily Worker*, which attacks the capitalistic system as a basic social institution.

There is not a powerful labor daily in the United States. The *Daily Worker*, a Communist organ, is just as biased as the average capitalistic journal. Labor dailies would find it difficult to secure remunerative advertising. They would have to rely primarily upon circulation revenue, and the limited income from this source would make it impossible for a labor paper to duplicate the rich and varied offerings of our conventional newspapers. Moreover, it is doubtful if laborers would even supply any mass circulation of a strictly labor journal. The majority of them would prefer to remain entertained by the traditional newspaper which may, in policy, be vehemently opposed to the point of view and interests of organized labor. In spite of the contrary dogmas of Karl Marx, the American worker, like most other Americans, is more susceptible to entertainment and a play upon his emotions than to an appeal to his economic interests.

It would be interesting to watch the experiment of an intelligent and liberal editor who decided to cast conventions to the wind and run a truly crusading newspaper. There are those who believe that such an experiment could be financially successful. It is held that such liberal papers as we have today merely go far enough with their liberalism to annoy conservative advertisers, but do not take a sufficiently advanced stand to arouse an enthusiastic support on the part of liberals and laborites. It is believed that, if there is going to be any flirtation with liberalism, it is better to go the whole way. There may be logic and truth in this point of view, but we are not likely to find a liberal newspaper publisher or editor who possesses both the nerve and the resources to try such an experiment in a thorough-going fashion. The New York tabloid, *PM*, started out as a valiant left-wing liberal paper, but a financial crisis quickly forced it to alter its policy and to dismiss most of its liberal staff.

In discussing the freedom of the press in our day, one must remember the general character of our era. It is one in which the struggle is narrowing down to a conflict between those who wish to overthrow the present economic system and those who wish to preserve it. The majority of the newspapers in the United States are lined up with the latter policy. As the capitalistic system weakens, and comes into greater jeopardy, the newspapers are likely to defend it more resolutely and to be less congenial to any expression of radical criticism.

When we talk about the freedom of the press in this country we mean the freedom of the capitalistic press. Papers which openly advocate revolution, in the spirit of the Declaration of Independence, have been banned from the mails and the federal courts have upheld their suppression.

Americans make too much of our freedom of the press, as compared with government censorship abroad. While it is true, as Secretary Ickes has said, that the servitude of the American press is "voluntary servitude," yet there is an enormous amount of this voluntary suppression of news. It is probable that as great a proportion of the total news is excluded in the United States by voluntary newspaper action as is sup-

pressed by government orders in totalitarian countries. In this country, the news which is suppressed is that which lacks mass appeal or is repugnant to the publishers, editors, and advertisers. Abroad, what is suppressed is mainly material disapproved by the government. The courageous journalist, George Seldes, has built up an important weekly publication, *In Fact,* which is devoted primarily to recording news which has been suppressed, wholly or in part, by the conventional American newspapers, or has been grossly distorted by them. Nevertheless it is a considerable advantage for our newspapers to be able legally to print all of the news if they wish to do so.

The freedom of the press had disappeared from the greater part of Europe long before 1939. In some of the totalitarian states the government actually ran the press, and in all of them it told the press what it could publish.[37]

The whole question of freedom of the press in Britain before the war broke out was surveyed in an admirable article on "Legal Restrictions upon the British Press" in *The United States Law Review,* this being a reprint of the comprehensive report by the Political and Economic Planning Group in London. There was no open and overt censorship of the press in England before 1939. This was invoked only in war time. But the police could exercise an unofficial censorship, especially of small and radical publications. For example, the police seized the copies of a radical sheet for criticizing a foreign monarch, at the very moment that they left unmolested the London *Times,* which was publishing letters advocating the same monarch's assassination.

The freedom of the press in Britain was definitely curtailed by contempt of court proceedings. This power to muzzle the press was so vague, broad, and uncertain that newspapers did not know where they stood and, hence, tended to refrain from even reasonable and very desirable criticism of the administration of justice. Also, contempt proceedings were extremely arbitrary because the court is always the plaintiff, judge, jury, and witness in its own cause.

The British press was, like the American press, restricted by the familiar legislation against blasphemy, obscenity, and libel. These restrictions were justified on the ground that they protected the public morals and safeguarded the individual against defamation. There were many nuisances associated with the restrictions in behalf of public morals, but they were not significant in the way of crippling the freedom of the press. Those restrictions relating to libel were, however, more serious. They created a veritable paradise for gold-diggers and blackmailers. There was a literal racket run by those who made a living out of searching for possible libels, revealing them to the aggrieved persons, bringing suit against newspapers, getting the case settled out of court, and then splitting the damages collected. The fear of irresponsible juries has prevented the newspapers from breaking up this racket.

---

[37] See O. W. Riegel, *Mobilizing for Chaos,* Yale University Press, 1934, pp. 155–156.

The more serious forms of menace to the freedom of the British press before 1939 related to those restrictions upon criticizing the government or publishing the full truth about governmental activities. The restrictions under the head of seditious libel curbed critics of the government and social reformers. Those who criticized the government could be arrested for inciting disaffection and disloyalty to government, while reformers might be punished for promoting ill-will and hostility between the different classes of His Majesty's subjects. At the same time, however, the partisans of the government were allowed to go to any extreme in maligning the critics of government.

Especially dangerous to journalism were the restrictions growing out of the taboo upon revealing official secrets. Ostensibly designed to protect the government against espionage and the disclosure of state secrets, this had been carried so far that the British press was even not allowed to say anything about the concentration of the British navy in the eastern Mediterranean in the autumn of 1935.

Worst of all was the Incitement to Disaffection Act of 1934. This made it a crime to publish, or even to possess, anything which "might seduce a member of His Majesty's forces from his duty or allegiance." This made it literally criminal to publish or possess anything openly advocating pacifism or revolution. It would actually have been possible to imprison British subjects for possessing not only Quaker literature, but even a copy of the New Testament. One printer actually refused an order for a large number of Christmas cards because they carried the admonition to "peace on earth and good-will to men."

The authors of this report concluded that "it is useless in present European conditions to hope for relaxation" of any of these laws which give the government a strangle-hold over the freedom and candor of the British press. This conclusion proved prophetic, for when the second World War broke out in 1939 government censorship was immediately imposed on the British press.

As to the future conflict between the newspaper and the radio, this is purely a matter of guesswork at present. Already, however, the radio announcer has killed the journalistic "flash extra." But this has not been a total loss to the newspapers, because the announcement of some sensational news over the radio usually increases the sales of the next editions of the newspapers, for the people want to read about such an event in full. So far, the newspapers have been relatively safe from radio competition, because the people have wanted a news medium which they could consult at their convenience. But there has already been made available for sale at a relatively low price a radio attachment which will print the important news broadcasts as they are sent out over the radio. These can be gathered together by the owner and read whenever he pleases. Just what effect the radio newspaper will have on the future of printed journalism cannot be predicted.

Certain newspaper publishers have decided to take no chances and have gone extensively into the radio business, although the radio field

had been rather thoroughly preëmpted by the National Broadcasting Company and the Columbia Broadcasting System before the newspapers awakened to the threat.[37a] There are now about 300 radio outlets linked with newspapers. The newspapers also control some large local stations affiliated with the big radio chains. The most serious result of radio competition is the inroad of the radio into the newspaper advertising revenue. A considerable portion of the total advertising budget, which once went almost entirely to newspapers, is now being diverted to the radio. Whereas the income from newspaper advertising dropped from over 800 million dollars in 1929 to 525 million dollars in 1939, radio advertising jumped from 40 million dollars in 1929 to 170 million dollars in 1939, and to 185 million dollars in 1940.

The Periodical Press

Periodical literature represents an important phase of contemporary journalism. There were 7,124 periodicals published in the United States in 1940. Most of these were trade papers and pulp magazines.[38]

Our magazines not only publish the shorter works of some of the most important contemporary writers; they also furnish us with most of our information about books and our judgments on them. Reputable magazines, reflecting primarily the literary and social interests of capitalistic society and the leisure class, were well established in the nineteenth century. Representative of these are the *Fortnightly Review*, the *Contemporary Review*, the *Nineteenth Century*, the *Revue des deux mondes*, the *Deutsche Rundschau*, *The North American Review*, the *Atlantic Monthly*, *Scribner's*, *Century*, *Harper's*, and the *Outlook*, some of which have now ceased publication. There are some very interesting and valuable periodicals devoted almost exclusively to literary criticism and book-reviewing, such as the London *Athenaeum*, and the *Saturday Review of Literature*, founded by Henry Seidel Canby. Iconoclastic criticism was represented in such periodicals as the *Smart Set*, followed in a different pattern and on a more pretentious scale by *The American Mercury*, both magazines long edited by H. L. Mencken and George Jean Nathan. Resolute political and social criticism have dominated the pages of the *Forum*, the *New Republic*, the *Nation*, *Common Sense*, and a number of other liberal periodicals. Advanced modernistic trends in literature have found expression in such publications as the *Dial* and *Hound and Horn*.

Periodical literature has mirrored the economic currents in the contemporary scene. In Europe, especially in England, there are some staid and respectable organs that reflect the interests of the agrarian aristocracy, and the industrial oligarchy. But in the United States, especially since the first World War, there have been few if any important periodicals exclusively expressive of upper-class conservative opinion. The

---

[37a] See below, pp. 517–520.

[38] See F. L. Mott, *A History of American Magazines*, 3 Vols., Harvard University Press, 1939.

Bookman took on such a cast for a time, but its circulation and influence were limited. Even the *Atlantic Monthly* and *Scribner's* have published much important material severely criticizing rugged individualism and plutocracy. Likewise *Fortune*, a sumptuous monthly, created for exclusive "class" circulation, has not hesitated at times to include material as devastating as that which was called "muckraking" in the era of Theodore Roosevelt, when carried in *McClure's* and other reformist journals of that time. The closest to upper-class periodical literature in the United States are such purely entertaining appeals to the leisure class as *Vanity Fair*, the *New Yorker*, and *Esquire*. Here again, however, the critical note has not been absent. Once mildly conservative periodicals like the *Forum* [39] and *Harper's Magazine* became leading agencies of social controversy and advanced liberal opinion. The lively *American Mercury* was founded by Mencken and Nathan in 1923 as an antireformist, antidemocratic magazine for the more cynical and detached members of the leisure class, but after 1933, under the editorship of Charles Angoff, it tended for a brief period to rival the *Forum* and *Harper's* in the zeal and resolution with which it presented social, economic, and political criticism. Under the current editorship of Eugene Lyons, it has combined the old social criticism with Red-baiting and rabid interventionism, since 1940. Such weekly periodicals as the *Nation* and the *New Republic* passed from organs of liberalism to at least mild radicalism, while the *New Masses* is frankly Communistic in tone. Critical humorous magazines enjoyed wide popularity, among the leaders being *Simplicissimus, Puck, Life,* and *Judge*.[40]

As is the case with liberal newspapers, the outlook for liberal periodicals is not bright. The great majority of the formerly liberal periodicals joined heartily in the crusade for a foreign war and developed an attitude of intellectual dogmatism, arrogance, and intolerance, highly symptomatic of proto-Fascism. They quickly found themselves in the inevitable dilemma of fighting for domestic causes and internal reforms that war and war preparations invariably curtail or suppress. Few of these journals learned the clear lesson taught by the first World War, namely, that they cannot have their cake and eat it, too. They cannot logically expect both to perpetuate social reform and live under a war economy and psychology which ruthlessly oppose reform and social justice.

With the decline of the editorial domination of American newspapers and the growth of a mass appeal through sensational news, the intellectual leadership in American journalism has assuredly passed from the newspapers to periodical literature. Periodicals have, of late, very definitely even invaded the newspaper realm. Certain magazines, of which *Time* and *Newsweek* are the most notable examples, are really crisp and pungent weekly newspapers in something like the tabloid format. They provide a racy and cryptic summary of the more important news of the

[39] The *Forum* is now incorporated in *Current History*.

[40] *Life* and *Judge* have ceased publication. There is no high-class humorous periodical in the United States today.

week, written in brilliant fashion and considerably above the intellectual level of the average newspaper product. The enormous success of *Time* shows that the American population not only appreciates the crisp mode of presentation but also seemingly finds the news presented in the newspapers so extensive and diffuse that it seeks an authoritative and readable summary.

Periodicals have also aped the ideals and technique of the tabloid and have sought to exploit the appeal made to the average reader by visual imagery. Such magazines are devoted primarily to pictures with explanatory text. These pictures present the more important news developments of the current period in visual form. *Life*, affiliated with *Time*, has been the most notably successful of these. It built a circulation running into the millions within a very short time. It has been followed by *Look*, also very popular, and by other less creditable imitators.

Great commercial magazines with a wide appeal and large advertising revenue have flourished in the recent period, paralleling the rise of the commercial newspaper. Such are the *Saturday Evening Post*, *Collier's*, the *American Magazine*, the *Cosmopolitan*, *Liberty*, the *Delineator*, the *Woman's Home Companion*, and the like. Their editorial courage and social enlightenment have usually declined in proportion to their commercial success. The zest for compactness and astute condensation has given rise to the *Reader's Digest* and innumerable imitations. The *Reader's Digest* publishes condensations of some of the best periodical literature and popular books, along with many brief original articles. It has gained an enormous popularity—the largest circulation of any periodical—and makes fabulous profits without resort to any commercial advertising.

Monthly magazines represent the most numerous class of periodicals. In 1940, they numbered 3,946 in the United States, as against 1,482 weeklies. Especially popular have been the women's magazines, nine of which had a circulation, in 1930, in excess of a million a month. Five of the general monthlies have each a circulation of more than 2,000,000.[41] There are several agricultural journals which have a monthly circulation of a million or more. The remarkable success of *Time* and *Life* has improved the showing of the weekly periodicals in recent circulation gains. The advertising income of national magazines is impressive. In 1935, it was $123,093,000, and this was a considerable drop from the high of 1929.

Motion Pictures as a Factor in Communication

The motion picture shares with radio the distinction of being the unique contribution of the twentieth century to the remarkable developments in communication. The first public showing of a moving picture was presented on May 21, 1895. The motion picture was a result of advances

[41] *Saturday Evening Post* has a circulation of 3,104,208; *Collier's*, 2,745,051; *Liberty*, 2,358,661; *American Magazine*, 2,189,217; and *True Story*, 2,005,139.

in optics, the camera, and film. The elements of photography were discovered by two Frenchmen, Louis Daguerre and Joseph Niepce, between 1826 and 1839, and extended in the next generation by W. H. Fox Talbot in England and by J. W. Draper in the United States. But photography could make little commercial headway until the celluloid film was produced at the end of the century. An important aid to the moving picture was the kinetoscope of Thomas A. Edison and the projector of Thomas Armat, invented in 1895. The first "movie" consisted in the rapid shifting of a series of still pictures.

By 1900, crude movies of animated scenes, such as a train passing or a Negro boy eating a watermelon, were produced. The first story movie was turned out in 1905. It was made up of one reel of a thousand feet. The technique of large-scale movie production was revolutionized by D. W. Griffith, with his handling of massed actors and his use of the "close-up," "cut-back," and "fade-out." These innovations were combined in the film "The Birth of a Nation" (1915), which revolutionized the movie art and inaugurated a movie industry.

The next advance was one that exploited popular personalities to achieve mass appeal. This brought in the "star" system, first promoted by Adolph Zukor. Such celebrities as Mary Pickford, Douglas Fairbanks, Charlie Chaplin, Theda Bara, Clara Kimball Young and Bill Hart established the popularity of star performers. The sound picture was introduced in 1927 and helped to increase the following of the movies. By 1930, the average weekly attendance at movies in the United States was somewhere between 90 and 110 millions.

In addition to entertainment, the movies contribute an important element to American information. The newsreels present a vivid visual reproduction of events that have happened in various parts of the world in the very recent past. Newsreels will probably make use of the recent development whereby photographs are transmitted by cable and radio. An audience in Kansas City may then see upon the screen in the evening events that took place in Capetown, South Africa, the same morning. Many excellent scientific films and medical films are produced.

The motion picture has not only provided new and diverting types of entertainment and communication facilities, but has developed into one of the major industries of the country. The average weekly attendance at movies was estimated as 85 millions in 1939.[42] It has been estimated that, of this weekly movie-going population, around 25 millions are minors. In 1940, there were approximately 17,000 motion picture theaters available in the United States, seating 10,460,000 persons. Many of these theaters are controlled by, or affiliated with, the big producers of Hollywood, a practice developed under the leadership of Adolph Zukor, with what many observers regard as disastrous results for the quality of movie production and the freedom of exhibition.

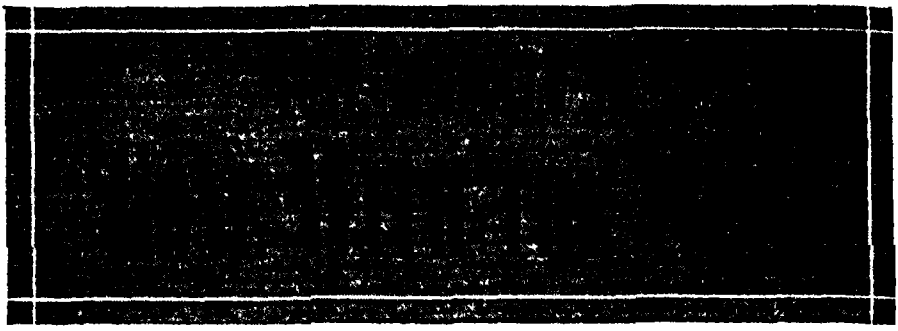
---

[42] Some authorities put it at only 70 millions. At any rate, movie attendance has fallen off notably from its high of 1930, at around 100 million, a matter which we shall shortly consider.

In 1939 the total investment in the motion picture industry in the United States was estimated to be slightly over $2,000,000,000, having grown from some 96 million dollars in 1921. The total value of Hollywood studio investment in 1939 was 117 million dollars. In 1939 some 130 motion picture studios in the country produced films valued, on a production-cost basis, at 165 million dollars. Approximately 300,000 persons were employed in the industry in 1939, receiving some $410,760,000 in salaries and wages. Of this total, 32,000 were employed in producing films. Some 760 feature pictures were released in 1939. About 41,850 feature films and "shorts" have been produced in the history of the American film industry. The film industry spent $80,000,000 for advertising in 1939. Some 22,000 advertisers used the films for advertising and spent about $2,000,000 thereon. About $350,000,000 were paid in taxes by the film industry in 1939.

There has been a vast amount of waste and extravagance in the movies, growing out of fantastic salaries to stars, large salaries for advisors and consultants who frequently did nothing, extensive payments for movie rights to books and plays which might or might not be used, and the like. While the lavish "Birth of a Nation" cost Griffith only $100,000, Cecil B. DeMille spent $2,300,000 on "The King of Kings," and Metro-Goldwyn-Mayer paid $4,000,000 for a half-interest in "Ben Hur." RKO is said by Herbert Harris to have paid $300,000 to build a single stage-setting for "Cain and Mabel." MGM paid Rachel Crothers $2,500 a week for 20 weeks and used one line she had written. Fox kept Philip Merivale under contract at $1,000 a week for 11 months without using him in a single film. In spite of these wastes and fabulous salaries paid to stars, such as nearly $400,000 per annum to Mae West, the rank-and-file in moviedom are not well paid. The average income of this group on the Pacific Coast is between $1,400 and $1,500 a year. The depression rendered necessary the introduction of economies and better business methods, so that in 1939 feature pictures were produced for an average cost of $300,000. Tremendous sums are, however, still spent on more spectacular movies. "Gone With the Wind" cost over $4,000,000 to produce. Its gross earnings were about $20,000,000. We present below an interesting itemized account of the outlay for "Gone With the Wind." The salaries paid to some stars still exceed the salaries of most leading business executives in the United States.

As soon as the movie business became a major industry it became involved in business consolidation and high finance. Eight giant movie corporations dominate the film industry—Columbia, Metro-Goldwyn-Mayer, Radio-Keith-Orpheum, 20th Century-Fox, United Artists, Warner Brothers, Paramount, and Universal. The great eastern banks—often the same that are back of radio—gradually came into control. For example, Paramount is controlled by the Public National Bank and Trust Company of New York, Lehman Brothers, and certain affiliated banking groups; 20th Century-Fox is an appendage of the Chase National Bank; Stanley Brothers dominate Warner Brothers; Columbia is dominated by



Salaries of Stars and Cast and Extra Talent	466,668.00
Cameramen, wardrobe workers, property men, make-up artists, hairdressers, musicians, copyists, transportation drivers, carpenters, grips, painters, plasterers, laborers, electricians, projectionists, machinists, tractor drivers, prop-makers, drapers, upholsterers, sound crew, special effects men	961,215.00
Film cutters, assistant directors, unit managers, artists (set designers), script clerks	119,493.00
Extras	108,488.00
Department heads, technical advisers, stenographers, watchmen, interior decorators, wardrobe manufacturers, clerks, messenger boys, telephone operators	328,949.00
Total cost of Sets (as per detail below)	197,877.00

Exterior Atlanta Street	$31,155	Interior Armory	3,397
Exterior and Interior Tara and Gardens	28,149	Exterior Twelve Oaks—Barbecue Pits	2,764
Exterior and Interior Twelve Oaks	20,372	Interior Melanie's House	2,714
Exterior and Interior Rhett's Home	17,035	Exterior Road—Escape	2,449
Railway Station, including Tracks and Cars	13,937	Exterior McDonough Road	2,083
Exterior Peachtree Street	12,059	Exterior Paddock	1,529
Interior Aunt Pitty's Home	7,236	Jump Sequence	1,145
Exterior of Church	5,573	Road to Twelve Oaks	1,070
Exterior and Interior Frank Kennedy's Store	3,991	Exterior Shantytown	1,068
Interior Church Hospital	3,959	Backings, Miniatures, Flats, etc.	13,589
		Miscellaneous Small Sets, etc.	22,803

Total cost of Women's Wardrobe	$ 98,154.00
Total cost of Men's Wardrobe	55,664.00
Total cost of Wardrobe	153,818.00
Projection cost	11,376.00
Picture Raw Stock (474,538 feet) cost (Since the Technicolor process uses three negatives this total should be multiplied by three to arrive at the total of 1,423,614 lineal feet of negative raw stock.)	109,974.00
Picture Negative developed (390,782 feet—1,172,376 lineal feet) cost	23,448.00
and Picture Negative printed (272,658 feet) cost	33,701.00
Sound Track Raw Stock (535,000 feet) cost	5,511.00
Sound Track developed (221,303 feet) cost	2,219.00
and Sound Track Printed and reprints (232,885 feet) cost	8,150.00
Lighting cost, which includes Electricians, Equipment Rentals and Electric Power and Supplies	134,487.00
It is estimated we used 1,000,000 board feet of lumber. Estimated cost	35,000.00
Cost of Research	9,987.46
The Transportation cost (Auto and Truck hire) was	58,917.00
Location Expenses were	54,941.00
The cost of Props purchased, manufactured and rented was	92,759.00
The estimated cost of Music, which includes the salaries of Lou Forbes, head of the Selznick International Pictures' Music Department, and Secretary, Max Steiner, Musicians and Copyists, also Miscellaneous License Fees and Supplies and Expenses	$ 99,822.00

Price Paid for the Novel was $50,000, largest ever paid for a first novel.

Cost of the Search for Scarlett O'Hara has been computed by studio accountants at $92,000, of which about 2/3 represents cost of screen tests.

Negative Cost of G.W.T.W. is computed at $3,857,000.
Final computation of the production will be higher.

From Film Daily Yearbook, *1941.*

Eastman, Dillon and Company and the California banking interests of A. P. Giannini; and RKO is controlled by Lehman Brothers, Lazard Frères, the Atlas Corporation, and the Chase National Bank.[43] One of the more dramatic espisodes in this assumption of financial domination over the movies by the banks is unfolded by Upton Sinclair in his book, *Upton Sinclair Presents William Fox,* which deals with a broader field than the Fox movie interests.[44]

There has been the usual tendency toward concentration in the control of motion picture theaters. Extensive chains of theaters have been created and have either been merged with big producing companies or definitely affiliated with them. By 1929, out of 533 motion picture exchanges, some 444 were controlled by producers, and they handled approximately 95 per cent of the total motion picture business. In 1929, the Allied States Association of Motion Picture Exhibitors was created to protect independent exhibitors. It has done good work but has not been able materially to reduce the control of the big producers and chain theaters over motion picture distribution.

The sale of motion picture exhibition rights to theaters is still handled by direct negotiation and bargaining. Producers can place their pictures in their own chain of theaters, but they never produce enough pictures to take up all the time of each theater. Therefore, the managers of the latter must buy pictures from producers other than those who may own or control the theater. Elaborate arrangements have been made to protect local exhibitors against competition by the duplicate local showing of any feature picture and to give the exhibitor a monopoly in his locality, especially as regards the first showing of a picture. Pictures have usually been distributed according to what is known as the "block system," which had the advantage of allowing the exhibitor to buy a year's supply of pictures in a few purchases. However, it often forced an exhibitor to buy mediocre pictures which had little audience interest and prevented him from buying others he preferred. Recently, under government pressure, the studios have agreed to modify the block sales system, limiting the number of sales in a block to five and giving the exhibitor the privilege of viewing the pictures before buying.

American producers have sold movies extensively to Europe and other foreign areas. Between 30 and 40 per cent of the revenue of some of the largest producers was derived from foreign sales of their products before the second World War broke out. This often produces some special problems of censorship. For example, Metro-Goldwyn-Mayer suppressed the production of Sinclair Lewis's *It Can't Happen Here,* after it had spent a large sum of money for movie rights and partial production. It was feared that it might offend German Nazis and harm the German market for Metro-Goldwyn-Mayer films. In this way, Herr Hitler and

[43] On the business and financial aspects of moviedom, see Herbert Harris, "Snow White and the Eight Giants," *Common Sense,* November, 1938, and January, February, 1939.

[44] Sinclair, 1933.

Dr. Goebbels were able indirectly to determine what movies may be shown, even in the United States.

In the last few years there has been a marked falling off in movie attendance. This may have been due, in part, to radio competition, but the slump has been laid mainly to inferior movie production, and the stultifying influence of movie censorship on the best movie art. Such is the opinion, for example, of J. P. McEvoy, in an article in *Reader's Digest*,[45] "Fear over Hollywood." He believes the greed and ambition of the movie producers started the trouble. They were not satisfied with dominating the production field but started out to control the theaters as well. Having built many theaters, they had to supply them with pictures, but there was not sufficient talent available at any price to make enough good pictures. Hence the producers had to make up the deficiency by supplying inferior films, to the disgust of all save the more unintelligent adults, and juveniles. The proportion of inferior films was further increased by the introduction of double-features:

> Adolph Zukor started the disastrous chain of events which led to block booking, B pictures, and double features when, after cornering the star market, he set out to buy, build, or control all the theatres. Naturally, the other companies started to outbuy or outbuild Adolph. Result: Paramount at its peak owned or controlled 1600 theatres; Fox 1000; Warners 600; Loew and RKO 200 apiece. Result: enough pictures, good, bad, or indifferent, had to be made to supply all these theatres. Result: The necessity of making more than 600 feature-length pictures a year. And there aren't that many good actors and directors or good stories. How many good plays are there a year? Half a dozen. Good novels? Fifty? Generous.
>
> Saddled by a production curse grown out of real estate greed, Hollywood never could have enough of any ingredient to supply it, except raw film. That comes in by the carload, is run through the studio sausage mills, flavored with synthetic comedy, drama, love and hooey, chopped into convenient lengths, and shipped to some 17,000 theatres for the edification of some umpty-million customers a week. . . .
>
> Nobody in Hollywood wants double features. Theatre owners unanimously oppose them. Women's clubs, parents, teachers, decry them. Your neighbor hates them. So do you.
>
> Then who likes them? The juvenile public that wants two lollipops for the price of one. And ages 13 to 21 go to movies more than once a week, while the people over that age, who form the bulk of the publication and are best able to afford movies, support them the least.[46]

The solution of the problem, both financial and artistic, is to produce better pictures, to attract the adult population. Juveniles will go anyway. The improvement of pictures can be brought about, in part, by reducing the output and giving more attention to fewer and better pictures. But we shall never have as good pictures as might be made until the curse of movie censorship is relaxed:

> The cure is a drastic reduction of excess theatres and surplus pictures. There is plenty of first-rate talent in Hollywood to make a limited number of good

---

[45] January, 1941.

[46] McEvoy, *loc. cit.*, pp. 62–63. Courtesy of *Reader's Digest* and *Stage Magazine*.

pictures. There is sufficient extraordinary talent to make a few extra-good pictures.

But even this talent cannot function at its best until it is freed from a censorship which puts a premium on the innocuous. Adult talent cannot make adult pictures under a juvenile code. There is no more reason why all pictures should be made for children than that all books, all art and music be under censorship that boils everything down to an insipid infantile mush. A free screen is as necessary to vital pictures as a free press is to vital literature. To each and every minority pressure group hell bent on saving the movies from sin and succeeding only too well in sapping them of substance, Hollywood should cry out, in the words of the distressed maiden, "Unhand me, villain." [47]

For better or for worse, the movies are a social force we cannot ignore. From the standpoint of communication and intellectual services, far and away the most important contribution of the movies has been the newsreel, travel films, educational films and the like. The newsreels in making a showing of recent events possess the intellectual character of the current newspaper material. They display the same tendency to select the more sensational occurrences, with special stress upon military events and natural calamities. Hence they are overweighted with militarism, patriotism and morbidity. Occasionally, they possess a considerable educational value.

Too much praise cannot be bestowed upon some educational films. One of the most remarkable of these was the film "The River," directed and produced by Pare Lorentz.[48] There are excellent travel films which filter into general exhibition. Some educational films are rather daring in their scope and import. Such was the evolution film some years ago which featured Clarence Darrow and Professor H. M. Parshley. But these educational films have a highly limited audience. Strictly educational films for use in the schools are becoming more numerous and better in quality. They may ultimately revolutionize visual instruction.

So far as entertainment is concerned, one may conclude that, on the whole, the movies, even at their worst, have provided a definite improvement of the entertainment available to the masses in the pre-movie era. The better movies are surely superior to the old-time vaudeville shows, burlesque shows, and legitimate stage productions which the masses could afford to attend. The great appeal of the movies to the masses is that it provides an escape from the drabness of everyday life. The patrons of the movies identify themselves with the principals in the movie, project themselves into the picture, and thereby enjoy a vicarious social and intellectual adventure. The essential facts in this respect are well stated by a former movie star, Milton Sills:

Just how does this form of amusement function as compensation to the drudging millions? By providing a means of escape from the intolerable pressure and incidence of reality. The motion picture enables the spectators to live vicariously the more brilliant, interesting, adventurous, romantic, successful, or comic lives

[47] *Ibid.*, pp. 64–65.

[48] On this phase of movie development, see Paul Rotha, *The Documentary Film*, Norton, 1940.

of the shadow figures before them on the screen. . . . The film offers them a Freudian journey into made-to-order reverie, reverie by experts. Now reverie may be unwholesome—our psychological studies are still too immature to decide this question—but in our present form of culture it seems to be necessary. In any case, reverie engendered by motion pictures is certainly more wholesome than that engendered by the corner saloon or the drab walls of a tenement house. For an hour or two the spectator identifies himself with the hero or heroine; potential adventurer at heart, he becomes for the moment an actual imaginative adventurer in a splendid world where things seem to go right.[49]

Because of this widespread identification of the observer with the ideals and personages in the film, it is important that the mental excursion should not be too anti-social in its fundamental import, especially in view of the fact that about one fourth of the movie patrons are children. The broad implications of motion pictures with respect to social attitudes and social values have been summarized by Professors Willey and Rice:

Although the motion picture is primarily an agency for amusement, it is no less important as an influence in shaping attitudes and social values. The fact that it is enjoyed as entertainment may even enhance its importance in this respect. Any discussion of this topic must start with a realization that for the vast audience the pictures and "filmland" have tremendous vitality. Pictures and actors are regarded with a seriousness that is likely to escape the casual observer who employs formal criteria of judgment. Editors of popular motion picture magazines are deluged with letters from motion picture patrons, unburdening themselves of an infinite variety of feelings and attitudes, deeply personal, which focus around the lives and activities of those inhabiting the screen world. One editor receives over 80,000 such letters a year. These are filled with self-revelations which indicate, sometimes deliberately, often unconsciously, the influence of the screen upon manners, dress, codes and matters of romance. They disclose the degree to which ego stereotypes may be moulded by the stars of the screen. Commercial interests appreciate the rôle of the motion picture as a fashioner of tastes, and clothes patterned after the apparel of popular stars, and for which it is known there will be a demand, are manufactured in advance of the release of the pictures in which these stars will appear. Names and portraits of moving picture actors and actresses have also been extensively used for prestige purposes in the advertisements of various commodities.

While it is the dramatic subjects that are of major interest in the study of the motion picture, the news reel also has won popular favor. With its subjects selected from a wide range of events that might be filmed, it presumably plays a part in inculcating values, although its rôle has never been adequately studied.

It is because of its influence in shaping attitudes and inculcating values and standards that there has been widespread discussion of motion picture censorship. On one hand are those urging extreme control, and on the other those who seek unfettered development. Because of variation in local standards, it is extremely difficult to establish a common basis for film eliminations where censorship exists. Not infrequently producers must cut pictures after production at considerable expense to meet local requirements. In attempts to avoid this, censorship within the industry has developed in the National Board of Review. The need for thoroughgoing study of the social effects of the motion picture seems clear.[50]

The organization which has interested itself most directly in the intellectual, social and moral aspects of pictures has been the Motion Picture

[49] *Encyclopedia of the Social Sciences*, Macmillan, Vol. 11, p. 67.
[50] *Recent Social Trends*, McGraw-Hill, Vol. I, pp. 209–210.

Research Council. Beginning in 1929, it was able to make use of the resources of the Payne Fund, an endowment interested in the reaction of motion pictures, radio and the like upon children. A series of investigations were made between 1929 and 1933 by such competent scholars as Mark A. May, Herbert Blumer, and Frederic M. Thrasher. The results of these studies were summarized and digested by Herbert James Forman in an important book, *Our Movie-made Children.*

The facts uncovered indicate clearly that motion pictures have assumed so large a part in the social attitudes and life of the nation that they require social inspection and regulation, though probably of a far different sort from that which now dominates motion picture censorship. Professor Blumer discovered that American children are now primarily movie-minded in their mental imagery. Contrary to popular impression, children do not forget what they have seen on the film as soon as they leave the picture theater. It has been estimated that they carry away from a picture more than half as many impressions as the average adult. Thurstone and Peterson found that movies have a very definite influence in altering and fixing the mental attitudes of children. Their ideas and practices in regard to life responsibilities, love-making, adventure, and moral ideals are deeply influenced by movie plots and portrayals. Over-exciting pictures lead to serious disturbance of the sleep of children.

Blumer and Hauser clearly revealed the fact that movies may frequently stimulate delinquency and immorality. The glamorous portrayal of crime, the desire to get easy money and have fine clothes, or the allurement of adventure and excitement, incites those who live under drab circumstances to imitate the methods followed in the movies to secure wealth, excitement, leisure, and romance. This is particularly the case with girls. While the movies usually attempt to point a moral and wind up with the conclusion that "you can't win" in crime, there are plenty of characters in the films who seem to get away with it. A typical example of the way in which the movies may promote anti-social conduct is revealed by the following story of a seventeen-year-old girl who was held as a sexual delinquent:

> I would love to have nice clothes and plenty of money and nothing to do but have a good time. When I see movies of that type, it makes me want to get out and go somewhere where things happen. Like the picture, "Gold-diggers of Broadway." The girls were nothing but adventuresses and look what great times they had. I always wanted to live with a girl chum. I saw many pictures where two or three girls roomed together. It showed all the fun they had. I decided I would, too. I ran away from home and lived with my girl friend, but she was older than I and had different ideas, and of course she led me and led me in the wrong way.[51]

Of course, there is another side to the matter. If the movies are able to exert a profound influence upon the mentality of children they may exert a good as well as a bad effect. Certain pictures stimulate the ambition for study and travel, others promote an intensification of family

[51] Forman, *op. cit.*, Macmillan, 1933, p. 219.

affection; some teach better manners and greater ease in personal conduct. As to whether the net social and moral influence of the movies today is on the good or bad side of the ledger, no one can say with any dogmatism. But certainly the facts justify the following statement by Professor W. W. Charters, to the effect that the movies exert a powerful influence on the mentality of American children. He contends that:

> The motion picture is powerful to an unexpected degree in affecting the information, attitudes, emotional experiences and conduct patterns of children; that the content of current commercial motion pictures constitutes a valid basis for apprehension about their influence upon children; and that the commercial movies present a critical and complicated situation in which the whole-hearted and sincere coöperation of the producers with parents and public is essential to discover how to use motion pictures to the best advantage of children.[52]

In conclusion, one may say that, when compared to many other forces and factors in American life, motion pictures are nothing to get highly excited about as a force for either good or evil. They have presented an unusually varied type of entertainment, at prices far below anything imaginable in the old-time theater and accessible to an infinitely larger group of patrons. While the movies have undoubtedly incited to criminality and delinquency in many cases, they have taken many more persons from streets, saloons, gambling dens and dance halls and put them in the movie theaters. This has certainly been an intellectual and moral advance. We can hardly expect the movies, as at present constituted and controlled, to be a force for social progress. We can only thank God that an occasional mental jolt sneaks by the censors. We may look forward to a society in which the mass experience of social well-being will not have to be a vicarious mental flight in a movie theater. But until this time arrives the movies will undoubtedly supply important relief for the millions condemned to live under drab circumstances and with entirely inadequate standards of living.

The Radio in Modern Life

The radio or wireless telephony has been a natural outgrowth of the scientific discoveries and electro-magnetic theories which made possible Marconi's invention of the wireless telegraph. De Forest, Fessenden, Poulsen, and Colpitts made an application of these electrical theories to the transmission of the human voice over long distances without the necessity of a material conductor. In the form that it assumed, as a result of the work of the above scientists and engineers, the wireless telephone has already gone far toward revolutionizing the methods of long-distance communication of information through the direct transmission of the human voice. A revolutionary development in radio has come about since 1939, in what is known as "frequency modulation," a device

---

[52] Forman, *op. cit.*, p. viii. On the other hand, Raymond Moley, in his book, *Are We Movie-Made?* Macy-Masius, 1938, vigorously maintains that moving pictures have relatively little permanent influence over the minds of either children or adults.

invented by Edwin H. Armstrong and others, which produces for the first time a staticless radio. There are already some forty "FM" stations, eleven of them commercial, and this type of broadcasting and reception will probably come to dominate the radio industry in the near future.

Aside from its commercial and recreational uses, radio has already demonstrated its social usefulness in such forms as transoceanic telephone messages, communication with remote and inaccessible points, radios in police automobiles, and radio control of airplane travel.

The relation of wireless telephony to the development of the radio is well understood and generally taken for granted. But we are less aware of the degree to which the radio, at least radio broadcasting, depends upon the wire telephone:

> It is to the telephone, not to radio, that we owe the development of the equipment whereby speech and music are made available for broadcasting.
>
> More than this, it is the telephone wire, not radio, which carries programs the length and breadth of the country. John Smith, in San Francisco, listens on a Sunday afternoon to the New York Philharmonic orchestra playing in Carnegie Hall. For 3,200 miles the telephone wire carries the program so faithfully that scarcely an overtone is lost; for perhaps 15 miles it travels by radio to enter John Smith's house. And then he wonders at the marvels of radio.
>
> But what about programs from overseas? Here indeed wireless telephony steps in, but not broadcasting in the ordinary sense. The program from London is telephoned across the Atlantic by radio, but on frequencies entirely outside of the broadcast band.[53]

When we think of radio we ordinarily have in mind the broadcasting and reception of programs of entertainment or education. We often overlook a very important phase of radio, namely, commercial communication by means of radio telegraphy and radio telephony. In this field of commercial communication by wireless there were in the United States, in 1937, 1,154 point-to-point telegraph stations, and 132 point-to-point telephone stations which were licensed by the Federal Radio Commission to extend fixed public service, including use by the press. These were operated by some 11 different companies. Facilities existed for communication between the United States and 53 foreign countries by means of radio telephone stations. Through wire line extensions these provided contact with 92 per cent of the telephones existing in the world. As early as 1927, some 3,777,538 wireless telegraph messages were transmitted by commercial companies in the United States. The number has increased since, 8,042,535 messages having been sent in 1937.

The commercial use of the wireless telephone began in the United States about 1925, and the first commercial service was opened between New York and London on January 7, 1927. Some 6 million dollars worth of business was transacted during the first day of its operation, and there were many personal calls made as well. Our wire telephone facilities are so extensive and efficient in this country that there is no particular need

---

[53] H. A. Bellows, *Technological Trends and National Policy*, p. 221, Government Printing Office, 1937.

for any elaborate development of domestic wireless telephony. Nevertheless a considerable number of messages are sent each day. In 1937, there were 132 radio telephone stations in the United States and 147,596 completed revenue calls were made in that year in the domestic and foreign service combined. As important as the public use of the radio telephone is its employment in police and aviation services. It is important for the former and indispensable for the latter. Wireless telephony is also highly important for maintaining connection with moving vessels at sea and in inland waters.

The major development of the radio industry has taken place, however, in radio manufacturing and distribution and in the broadcasting field. The development of the radio industry in the decade of the 'twenties was one of the outstanding new industrial booms of that notable era.[54] The sales of radio sets and other accessory equipment rose from 2 million dollars in 1920 to the high of $842,548,000 in 1929. About 630 million dollars was spent for this purpose in 1939, and it is estimated that the total expenditures for radio sets and equipment from 1920 to 1940 has been in excess of 4½ billion dollars. In 1941, approximately 50 million radio sets were owned in the United States. The most notable recent innovation in radio sales has been radio sets for automobiles. About 8 million automobile sets were in use by 1941.

The total investment in the radio industry as a whole (exclusive of radio sets), including broadcasting, was about 525 million dollars in 1941. In 1940, about 255,000 persons were regularly employed in the whole radio industry, with an annual payroll of approximately 360 million dollars. The radio statistics for 1940 indicate a substantial growth of the radio manufacturing industry. Some 1,064 establishments were engaged in the manufacture of radios, radio apparatus, and phonographs, employing 75,000 persons, with an annual payroll of 80 million dollars and an annual product valued, at wholesale prices, at around 300 millions. Some 11,750,000 radio sets were sold, at a total retail value of 400 millions. The notable growth of the radio manufacturing industry between 1933 and 1940 may be seen in the fact that the total retail value of the product in 1933 was 122 million as against 400 million dollars for 1940. Radio distributors and dealers represented the largest single element in the radio industry. They had an investment of some 350 million dollars, a gross revenue of 600 millions, 150,000 employees, and a payroll of 225 million dollars.

In 1941, some 883 commercial broadcasting stations had a gross revenue of 185 million dollars from the sale of time and other incidental services. Some 20,000 persons were regularly employed, and at least 25,000 more were employed on part time. The total payroll was 50 million dollars. In 1941, there was a total investment in the broadcasting industry of over 80 millions. The income of 185 million dollars was thus

---

[54] See, especially, J. M. Herring and G. C. Gross, *Telecommunication: Economics and Regulation*, McGraw-Hill, 1936.

over twice the total investment in the physical plant of the industry. The net profits of the National Broadcasting Company were $5,800,000, and of the Columbia Broadcasting System, $7,400,000, which in each case represented over 75 per cent of their investments in tangible property. The tables on pages 518 and 519 give a comprehensive summary of the radio industry, as of 1940.

Since advertisers wish to present their sales material to as large an audience as possible, only chains, with a large number of stations under their control, can bring about this desired result. Local stations can, however, perform a useful service in the matter of purely local advertising. The value of the radio to advertisers may be discerned from the fact that the National Broadcasting Company has been able to charge as high as $15,000 an hour for the use of its system.

Even more than is true of the movies, the ownership and control of the radio industry of the United States are concentrated in a few large companies, of which the Radio Corporation of America is far and away the most important. The Radio Corporation (RCA) is really a subsidiary of the General Electric Company. The latter organized RCA as a Delaware corporation in 1919 to get an outlet for its basic radio patent, the Alexanderson alternator. In 1920–21 an arrangement was entered into between RCA, General Electric, Western Electric, Westinghouse, and A T.&T., permitting all of them to use the basic patents owned by each. Behind all of these electric and radio companies stand the great New York banks, especially the Rockefeller Chase National Bank and the Morgan interests. The Radio Corporation controls many of the basic patents connected with both the manufacture of radio sets and radio broadcasting apparatus. It has an extensive industry in the way of manufacturing radio sets, and also dominates the broadcasting field through its ownership of the National Broadcasting Company. It has an important hold on theaters and amusement enterprises through its control of the Radio-Keith-Orpheum Corporation. The chief figures connected with the early business organization of the American radio industry and RCA were Owen D. Young and David Sarnoff. The latter is to radio what T. N. Vail was to the business organization of American telephony and telegraphy.

Inasmuch as the initial period of radio development fell in the decade of the 'twenties, RCA was caught up in the grip of the speculative finance capitalism of that era, and there was particularly wild speculation in the common stock of RCA in 1928–29. Few other important stocks experienced such a tremendous shift of paper values before and after the crash of 1929. There are many small companies engaged in the manufacture of radio sets, but they are in part dependent upon RCA's control of the patents governing the manufacture of many radio essentials.

The concentration of control in broadcasting manifests an extreme hardly matched in any other American industry. American broadcasting is dominated by the National Broadcasting Company, a subsidiary of RCA, by the Columbia Broadcasting System, and by the more re-

THE SIZE OF RADIO

RADIO TODAY'S FIGURES ON THE BUSINESS IN ITS 21st YEAR

	Total Investment	Annual Gross Revenue	Number of Employes	Annual Payroll
Radio manufacturers (1,064)	$ 50,000,000	$300,000,000	75,000	$ 80,000,000
Radio distributors, dealers, etc.	$350,000,000	$600,000,000	150,000	$225,000,000
Broadcasting stations (862)	$ 80,000,000	$185,000,000	20,000*	$ 50,000,000
Commercial communication stations	$ 35,000,000	$ 20,000,000	10,000	$ 4,000,000
Listeners' sets (50,000,000)	$3,200,000,000			$220,000,000‡

*Regular staff—not including part time employes, artists, etc., who number at least 25 000 more
‡Annual operating expense for listeners' sets, for tube replacements, electricity, batteries, servicing, etc

ANNUAL BILL OF U. S. FOR RADIO IN 1940

Sale of time by broadcasters, 1940	$190,000,000
Talent costs	60,000,000
Electricity, batteries, etc., to operate 50,197,000 receivers	200,000,000
11,150,000 radios sold in U S, (retail value)	385,000,000
33,000,000 replacement tubes at $1 00	33,000,000
Radio parts, supplies, etc	57,000,000
Servicing radio sets	65,000,000
U S. Public paid for radio in 1940	$990,000,000

RADIO SETS IN USE, ANNUAL COUNT

	Jan. 1, 1940	Jan 1, 1941
U S homes with radios	28,700,000	29,397,000
"Secondary" sets in above homes	9,200,000	11,000,000
Battery portables	700,000	1,800,000
Auto-radios	6,500,000	8,000,000
Total sets in use, U S	45,000,000	50,197,000

HOMES WITH RADIOS, BY STATES

Alabama	406,000	Nebraska	313,500
Arizona	86,500	Nevada	31,800
Arkansas	282,000	New Hampshire	134,600

RADIO-SET AND TUBE SALES, 1940

	Number	Retail Value
Total sets sold during 1940..(100%)	11,750,000	$400,000,000
Table models.....(47%)	5,400,000	112,500,000
Automobile radios....(15%)	1,800,000	72,000,000
Consoles.....(12%)	1,500,000	75,000,000
Portables, battery.....(10%)	1,200,000	32,000,000
Combinations.....(8%)	900,000	62,500,000
Farm radios, battery....(7%)	800,000	19,400,000
Home recorders.....(1%)	150,000	25,000,000
Home sets sold as replacements	2,820,000	145,000,000
Home sets sold to homes previously without radios	1,880,000	94,000,000
Radio sets exported	604,486	
Tube replacements	33,000,000	33,000,000
Tubes, initial equipment	77,000,000	77,000,000
Total tubes sold 1940, including exports	110,000,000	110,000,000
Parts, supplies		57,000,000
Phonograph records	75,000,000	40,000,000

California	1,900,000
Colorado	259,000
Connecticut	448,000
Delaware	62,500
Dist. of Columbia	172,000
Florida	328,000
Georgia	409,000
Idaho	107,000
Illinois	2,055,000
Indiana	895,000
Iowa	637,000
Kansas	405,000
Kentucky	547,000
Louisiana	328,000
Maine	225,000
Maryland	391,000
Massachusetts	1,140,000
Michigan	1,250,000
Minnesota	614,000
Mississippi	228,500
Missouri	905,000
Montana	122,500

New Jersey	1,123,200
New Mexico	67,900
New York	3,455,000
North Carolina	450,000
North Dakota	129,700
Ohio	1,815,000
Oklahoma	494,000
Oregon	309,000
Pennsylvania	2,430,100
Rhode Island	169,000
South Carolina	226,000
South Dakota	143,500
Tennessee	500,000
Texas	1,160,000
Utah	120,500
Vermont	96,200
Virginia	435,000
Washington	481,000
West Virginia	378,000
Wisconsin	677,000
Wyoming	54,000
Total, U.S.	29,397,000

ROLL CALL OF THE RADIO INDUSTRY FOR 1941

Manufacturers of radio receivers	82
Manufacturers of radio tubes	10
Manufacturers of radio parts	700
Manufacturers of test equipment	49
Manufacturers of broadcast and amateur equipment	95
Manufacturers of sound equipment	106
Radio-set and parts distributors	2,150
Manufacturers' agents	301
Retail outlets selling radios	57,000
Servicemen, including dealers' servicemen	25,000
Radio amateurs	57,000
Broadcasting stations (Standard, A.M.)	882
Frequency-modulation stations authorized	40
NBC Red Network stations	131
NBC Blue Network stations	92
CBS Network stations	123
MBS Network stations	168
International broadcast stations	13
Television transmitters (experimental)	36
Police radio transmitters	6,300
Aviation radio transmitters	2,000
Forest-conservation stations	1,050
Special emergency stations	450
Commercial radio operators	40,000
Total employes in radio manufacturing	75,000
Total employes in radio distribution, dealers, etc	150,000
Total employes in broadcasting (including artists, part-time, etc.)	45,000

From Radio To-Day, *March, 1941.*

cently created Mutual Broadcasting System. These three giants are at least loosely affiliated through underlying banking control and certain common amusement interests. The NBC System controls some 223 stations, and the Columbia System has control of about 123. Mutual controls 168 stations but they are not usually as important as the NBC and Columbia stations. The dominance of these three in the broadcasting world is brought about by their control over the best air channels which may be used for broadcasting programs even more than as a result of the large number of stations they dominate. As we shall see, the new regulations of the Federal Communications Commission in the spring of 1941 sought to undermine the grip of NBC and CBS on the radio broadcasting situation. How well the FCC will succeed in this aim remains to be seen.

Now there is a great advantage in this concentration of radio power and efficiency. It certainly insures better programs. But this should not be gained at the expense of the freedom of opinion. Thus far, there is no adequate guaranty that the latter can be secured and will be protected. The independents are pitifully impotent and inconsequential. The matter rests in the hands of the NBC and the other chains. Essentially, it comes down to NBC and Columbia policy. There is only one independent station in the country frankly devoted to the presentation of the point of view of labor and radicalism, namely, Station WEVD, made possible by a gift from the American Fund for Public Service.

As radio grew in popularity, chaos was threatened through crossing and confusion of programs. There was no adequate regulation of the hours, power, and frequencies used by broadcasting stations. In February, 1927, President Coolidge signed the Radio Act, which created the Federal Radio Commission. This consisted of five members, appointed for a term of six years by the President. It was given power to regulate the use of air channels, to assign wave-lengths, to control the increase of radio facilities and the establishment of new stations, to license all broadcasting stations, and to have charge of engineering regulations related to transmission. It was given little or no direct control over the programs which are broadcast. In 1934, the Communications Act was passed, which supplanted the Federal Radio Commission by the Federal Communications Commission (FCC), with practically the same powers as those possessed by its predecessor.

The broadcasting stations are classified according to the type of service they render, whether local, regional, or national. The appropriate amounts of power are assigned to the various stations, according to their class, and they are authorized to operate on frequencies compatible with the type of service and the licensed power of each station. On March 29, 1941, the government assigned new frequencies to 795 out of the 883 standard broadcasting stations of the country.

Perhaps the least defensible phase of the FCC policy has been its reluctance to grant reasonably long licenses to the broadcasting stations. Although the 1927 law permitted the granting of licenses for a period of

five years and the law of 1934 for three years, not until 1939 were licenses granted for more than a six-month period. Since 1939 they have been extended to one year. This is manifestly unfair, since stations must often make contracts running over several years, especially in making payment for expensive equipment. So long as this policy continues, broadcasting must remain a gamble rather than a sound investment. Licenses have rarely been revoked or reasonable requests for new licenses refused, but the possibility of such action always exists.

When James Lawrence Fly became chairman of the FCC in 1939 the Commission evidently determined to lessen the alleged monopolistic domination of radio broadcasting by the National Broadcasting Company and the Columbia Broadcasting System. One evidence of this was the greater liberality in granting licenses to new stations. In the previous 17 years, only 750 stations had been licensed. Since 1939 about 130 new stations have been licensed. Far more drastic was the adoption of eight new regulations by the FCC in the spring of 1941, which directly aimed at curtailing the control of NBC and CBS over the broadcasting industry. Especially important were the regulations making it illegal for one company to own two national networks, those seeking to prevent special favoritism to stations affiliated with great networks, and that which outlawed collusion in rate-fixing between an individual station and a network. Specifically, the FCC announced that it would not, after a period of 90 days, license any station that:

(1) Has any contract, arrangement or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization.
(2) Has any arrangement preventing or hindering another station in the same area from broadcasting the network's programs not taken by the former station.
(3) Has had a network contract of affiliation for a period of more than one year
(4) Has a network contract requiring it to give up programs already scheduled in order to air a network show.
(5) Has a network contract restraining its right to reject programs.
(6) Is owned by or controlled by a network serving substantially the same area.
(7) Is affiliated with a network organization which maintains more than one network.
(8) Has a contract which prevents, hinders or penalizes it from fixing or altering its rates for the sale of broadcast time for other than the network's programs.

These new restrictions provoked a storm and bitter controversy. The new regulations were violently assailed by NBC and CBS and were warmly defended by the Mutual Broadcasting Company, which stood to gain by cutting down the "monopoly" of NBC and CBS.[55]

The fact that Mutual vigorously upholds the new regulations seems to indicate that they do not threaten radio. What they may threaten are the special services which NBC and CBS have given without sponsors

[55] See "What the New Radio Rules Mean," Columbia Broadcasting System, May 17, 1941; and "Mutual's White Paper," Mutual Broadcasting System, June, 1941.

with some of the large profits which their near monopoly of the air has enabled them to earn. These include much of the important musical and educational material on the air. All that the impartial observer can do is to wait and note the results of the new regulations in operation over a period of some years. The same legalistic legerdemain which has nullified most other government efforts to undermine monopoly may be brought into play to preserve the control of the great networks over radio. The crisis and test in these new regulations were modified or postponed by amendments adopted by the FCC on October 11, 1941. The main features of these amendments were the following:

1. The original regulations completely prohibited network option-time. The amendments make liberal provision for option-time up to a total of 12 hours daily (3 hours in each of 4 "segments" into which the day is divided), subject only to common-sense restrictions designed to prevent the stifling of competition.
2. The original regulations fixed the maximum period for network-affiliate contrasts at one year, with an advance period for negotiation of only 60 days. The amendments increase these periods to 2 years and to 120 days respectively. At the same time, the license period for standard broadcast stations is increased from one year to 2 years.
3. The original regulations prohibited operation of more than one competing network by one network company. The amendments indefinitely postpone the effective date of this prohibition, but do not eliminate it.
4. With respect to existing contracts, arrangements or understandings, or network organization station licenses, the amendments postpone the effective date to November 15, 1941.[56]

The big broadcasting chains appealed to the courts, and at the present writing the fate of the new FCC regulations has not been decided.

Far more ominous than such federal regulation is the trend towards government censorship of radio programs. We shall consider the problem of radio censorship more thoroughly later on in this book, but a word may profitably be said on the subject at this time. The short-period licensing procedure very definitely holds an axe over the head of the stations, and the FCC has not been loath to remind stations of this fact, sometimes for trivial causes. The most notorious instance was when the FCC threatened to revoke, or to fail to renew, the licenses of NBC and affiliated stations because of the innocuous Mae West-Charley McCarthy broadcast in December, 1937. Early in 1941, Station WAAB in Boston was compelled to agree to conform to government policy and ideas before its license would be renewed. After the summer of 1940, the government made it increasingly evident that it frowned on broadcasts supporting non-intervention in the European war. Thoroughgoing censorship of broadcasting was imposed a few days after Pearl Harbor, a censorship which extended even to the broadcasting of weather reports.

The size of the radio audience has been estimated by experts as running somewhere between 40 and 70 million persons daily. Willey and Rice estimate that more than 8 out of every 10 sets owned in the United

---

[56] *Mutual's Second White Paper*, Mutual Broadcasting System, October 20, 1941, p. 2.

States are used at some time during each day, about half of the total sets being in use when the most popular programs are on the air. By far the greatest use of radio sets comes between 8 p.m. and 10 p.m. In 1938, the National Association of Broadcasters estimated that approximately 27 million families in the United States owned about 37 million radio receiving sets; that approximately 75 per cent of these are turned on at some time each day; and that each set operates on an average 5.1 hours daily. The popularity of radio programs can be measured to some degree by fan mail, about 20 million letters being received annually from radio listeners. NBC received 4,703,321 letters in 1937. One single address on a religious subject over the Columbia Network brought in no less than 438,000 letters. An interesting sidelight upon the mental level of fan mail is to be seen in the fact that the astrologer, Evangeline Adams, received more fan mail in a single week than President Hoover did in the week after his election to the Presidency in 1928. Telephone calls to stations are also an indication of public response to programs.

The social and intellectual significance of the radio can hardly be overestimated. Even as early as 1931, W. F. Ogburn was able to list no less than 150 different effects of radio upon American society.[57] It has brought an enormous extension of public education, mass entertainment, propaganda, and misinformation. The events and thoughts of the world are made available to nearly every household in the land. But the material is pretty well filtered through a prolonged process of selection, so that the product actually presented tends to be of a traditional character and to uphold the present order. In Russia, the radio is equally devoted to propaganda in behalf of revolution, collectivism, and the totalitarian state. A conservative and capitalistic radio station in Russia is even more rare than a radical station in the United States.

The influence of radio news commentators in shaping public opinion is constantly increasing, especially since the Munich Conference and the outbreak of the European war in 1939. The broadcasters are rapidly usurping the position once held by powerful editorial writers in the editorial stage of American journalism. Broadcasters like H. V. Kaltenborn, Raymond Gram Swing, Elmer Davis, and Upton Close exert an influence on public opinion comparable to that once exerted by Horace Greeley and Charles Dana. They are supposed merely to give the news, but, as their very title of "commentator" implies, they not only comment on the news but edit it as severely as any editor in the days of pre-commercial journalism. This makes it difficult to get unbiased news reporting over the radio. Some broadcasters make few comments on the news, but this is not true of the leading figures on the air today. And the radio audience selects its favorite commentator, as the reading public used to select its editor and newspaper—because it likes a particular bias or slant on public affairs. If unpopular or minority attitudes had anything like an equal chance to be heard over the air, radio would be of vast impor-

[57] *Recent Social Trends*, Vol. I, pp 153–156.

tance in the preservation of democratic society. But the radio authorities are even more sensitive to popular opinion and governmental suggestions than are newspaper publishers.[58]

After the European war broke out in 1939, increasing use was made of radio by governments in waging a propaganda war. In addition to warring against each other over the air, both sides strove ardently to influence American opinion.[59]

Nothing in American life is more varied than the programs presented by radio broadcasting companies. The offering is even more diversified than that which comes to us through the movies and the newspapers. But through most of it there runs one common ideal and requirement, namely, that there must be mass appeal. This means rather general banality. This sentiment was expressed by a president of the National Broadcasting Company when he said that "in broadcasting we are dealing with a mass message, and the material delivered must be suitable for mass consumption." The same considerations dominate here that operate in connection with the attempt of newspapers to get a large circulation.

The radio broadcasting industry depends for its income almost entirely upon advertising, which brings in nearly $200,000,000 yearly. And advertisers naturally want to present their sales talk to as large an audience as possible. For this reason, the broadcasting companies have a particularly acute regard for material which will appeal to a large audience. They are not especially concerned with the intellectual or esthetic quality of the entertainment, provided it is surely safe and popular. Only on a sustaining program, namely, one presented by the station without any compensation, can we normally expect any program of a specially high-grade quality—one which overlooks to some slight degree the tastes of the mass of listeners. Sustaining and advertising programs divide about equally the total radio time on the majority of stations, but advertising programs, especially serials, dominate during the daytime. Of the advertising programs, about one fifth of the time is devoted to sales talk and four-fifths to some kind of entertainment.

Taking the broadcasting material as a whole, it runs the whole gamut from the sublime to the ridiculous to a degree which, perhaps, exceeds the variation in the movies. At one extreme, we have the Town Meeting of the Air and comparable educational broadcasts of a very high order. At the other, we run into the abysmal depths of "soap opera," and the extraordinarily banal and unreal dramatic serials presented during the day for the diversion of bored and frustrated housewives. These serials now take up 84.9 per cent of all commercially sponsored time. Their character has been well described by Whitfield Cook, in an article on "Be Sure to Listen In," in *The American Mercury*, March, 1940; and by Thomas

[58] For a critical and an official appraisal of radio broadcasts and public opinion, see Arthur Garfield Hays, "Civic Discussion over the Air," in *Annals of the American Academy*, January, 1941, pp. 37–46; and William S. Paley, "Broadcasting and American Society," *Ibid.*, pp. 62–68.

[59] See Harold N. Graves, Jr., "War on the Short Wave," Foreign Policy Association, May, 1941.

Wood, in an article on "My Morning with Radio," in *Scribner's Commentator*, January, 1941. Mr. Cook summarizes his impressions, which would probably be shared by most literate listeners, as follows:

> Now I know all. I have heard the worst. For I have listened for ten consecutive daylight hours to life's sorrows according to the gospel of Bi-So-Dol, Pillsbury, Camay, and Kix. And let me tell you, it almost got me down. . . .
>
> I investigated and discovered that there are no less than sixty-five five-day-a-week serials on daytime programs of the four major stations in the New York area. Then I knew I'd have to listen to those sixty serials. They use up eighty-two and a half hours per week—almost a third of the total number of daytime hours of WEAF, WOR, WJZ, and WABC. During an average week, only about eighteen day-time hours are devoted to serious music, for instance, and perhaps twenty-five hours to news. . . .
>
> The heroines continued to be simple, upright and ready to give advice at the drop of a hat. And Life continued to hand them raw deals. They were always brave, of course. I began to long for just *one* little miss who might suspect that rain was rain and not violets. And why was there so little humor in these sentimental capsules? Whenever any light comedy was attempted to relieve the gloom, it sounded like second-rate Noel Coward rewritten by Kathleen Norris. Always life was real and life was earnest. About as real and earnest as it used to be in dime novels. . . .
>
> Will the listener ever recover from this terrific strain? Can he go on with his life after this terrible revelation? Will he ever be the same again? Is the great big radio audience happy? Is Bab-O happy? And Ivory? and Crisco, Super Suds, and Kix? And what do the children learn from it all? And the ghost of Marconi?
>
> Be sure to listen in each week day. And see your psychiatrist twice a year! [60]

The problems of life are combed over by broadcasters, running all the way from professional psychoanalysts to the "Voice of Experience." In music, we find everything from a concert of the New York Philharmonic Orchestra, or a performance of the Metropolitan Opera Company, to recorded offerings of the cheapest jazz and swing music. Astrologers vend their antique superstitions along with international broadcasts on modern astrophysics by Sir James Jeans. Millions are brought within earshot of championship prizefights, world series baseball games, star football contests, the Kentucky Derby, and the like. Nothing like the radio has ever happened before to jar mankind out of isolation and to end the inability of the poor man to participate personally in direct enjoyment of the more thrilling events in the world of sport and entertainment. As Kenneth G. Bartlett puts it:

> The obvious thing is that radio is the greatest user of entertainment material since the world began. Every program is a part of the passing parade. It has changed the environment in which we live, and because it is so complex it seems to add to the total confusion. It seems to call for minds that can sort fact from fiction, values from passing fancies. It requires a strong "discount factor" and a better knowledge of the medium so that the listener may the more accurately appraise radio's contribution to twentieth-century living.[61]

---

[60] Cook, *loc. cit.*, pp. 314–315, 318–319.

[61] K. G. Bartlett, "Trends in Radio Programs," *Annals of the American Academy*, January, 1941, p. 25. For a survey of current radio entertainment, see *ibid.*, pp. 26–30.

While by all odds the greater portion of radio broadcasting time is consumed with matters of "entertainment," the educational opportunities are truly remarkable for those who are really interested and make a careful study of the offerings.[62] It is doubtless true that a discerning and discriminating use of the radio in any large city in any given week would provide far more educational material than any student would be likely to obtain from the same period of attending university lectures. Special attention is given to science, health talks, travel, and literature. Several excellent forums exist for the discussion of scientific problems and the "great books" as well as current literature. Not much of value in the social sciences is presented, for this field is too "controversial," and radio seeks to avoid the controversial, or at least the progressive side of controversial topics.

Of the various social and intellectual influences exerted by the radio, Willey and Rice have selected for special emphasis the tendency toward cultural leveling and the breaking down of caste and isolation:

> Certain it is that the radio tends to promote cultural levelling. Negroes barred from entering universities can receive instruction from the same institutions by radio; residents outside of the large cities who never have seen the inside of an opera house can become familiar with the works of the masters; communities where no hall exists large enough for a symphony concert can listen to the largest orchestras of the country; and the fortunes of a Negro comedy pair can provide social talk throughout the nation. Isolation of backward regions is lessened by the new agency of communication, and moreover, by short wave transmission national as well as local isolation is broken, for events in foreign nations are thereby brought to the United States. The radio, like the newspaper, has widened the horizons of the individual, but more vitally, since it makes him an auditory participant in distant events as they transpire and communicates to him some of the emotional values that inhere in them.[63]

It took the newspapers many years to develop a relatively high standard of advertising ethics, to be able somewhat to curtail their desire for profits in the interest of public welfare, and to demand an approximation to truth on the part of advertisers. Radio is new in the advertising business, and has not yet had time to develop, or at least to apply, comparable standards. Further, it cannot be controlled by the necessity of conforming to post office regulations and the strict limitations with respect to the use of the mails for fraudulent advertising.

The formal ideals of the big chains are high enough. For example, NBC has announced that "false or questionable statements and all other forms of misrepresentation must be eliminated." But, in practice, these ideals are often conveniently forgotten. An impressive exhibit of fraudulent advertising over the radio today has been prepared by Peter Morell in his book *Poisons, Potions and Profits.*[64]

Flagrant frauds are frequently presented in the most sanctimonious

---

[62] See M. H. Neumeyer, "Radio and Social Research," in *Sociology and Social Research*, November-December, 1940, pp. 114–124.

[63] *Recent Social Trends*, McGraw-Hill, Vol. I, p. 215.

[64] Knight, 1937.

manner. On one program overheard by the writer, the announcer was presenting the virtues of a once popular horse remedy, being recommended over the radio for human use under a trade name, at many times the price of the product under its natural name. This was followed by a feeling rendition of the old hymn, "My Faith looks up to Thee, Thou Lamb of Calvary." Some of the most legitimate and effective advertising in the world today is presented over the radio, but it is unquestionably true that frauds and fakes can be ballyhooed over the air with a freedom and facility denied to them in any other legitimate advertising medium except the movies. There is, however, evidence that the ethical level of radio advertising has improved in the last few years.

We have already referred briefly to the radio newspaper, an innovation which has only recently been made practicable. This has been called "potentially the most socially significant invention since the development of the printing press." This so-called radio newspaper is a facsimile receiving set, about the size of a table radio. By attaching it to an ordinary radio one can provide himself with a sort of electric printing press which is able to pick news and pictures out of the air and put them down in black and white. It prints without ink and without type under a complicated form of electrical operation. One of these attachments can print a three- or five-column paper. Unbelievably economical, it can be produced to sell at a profit for 40 dollars or less. The potential significance of this device has been summarized by Miss Ruth Brindze:

> The technical problems are far simpler than the social and economic ones, for if the development of facsimile broadcasting continues, as there is every reason to believe that it will, city folks as well as those who live on the farms can be supplied with newspapers and other reading material by radio. The Radio Corporation's facsimile receiver is already equipped with a blade for cutting the printed rolls of paper into convenient page sizes. With the addition of a simple binding device, books and magazines may be produced by the little radio printing machine. The possibilities are unlimited. As events take place, as history is made, the facsimile machines will produce directly in the home a contemporaneous printed record. No newspapers will be able to compete. Facsimile will be faster, more convenient, cheaper. At the trivial cost of the rolls of paper and the electric current, the audience will be supplied with more printed matter than it can read. Every day's paper may be as bulky as the Sunday *Times;* magazines and books will achieve a circulation of a hundred million.[65]

Television Emerges

Another striking invention connected with the radio which is no longer "just around the corner" is television.[66] Most of the scientific and engineering problems connected with it have already been solved, though there are some difficulties remaining to be overcome before television can be made technically perfect. As Mr. Craven points out, the problems lying ahead are chiefly economic and social. It is a question of whether there will be an adequate market for television instruments and whether

[65] "Next—the Radio Newspaper," the *Nation*, February 5, 1938, pp. 154–155. See also J. F. L. Hogan, "Facsimile and Its Future Uses," *The Annals*, January, 1941, pp. 162–169.

[66] On the current status of television, see *The Annals*, January, 1941, pp. 130–152.

there will be a large public willing to remain at home and use television apparatus instead of going to moving picture houses and watching the newsreels, which may then be almost as simultaneous in the reproduction of events as television:

> The next corner to be turned, however, is an economic rather than an engineering one, and it can be stated briefly in one short question "Who is to pay for television?" Will the public accept a television service based upon a continuance of the present system of commercial aural broadcasting and its extension into television? Will a "looker-in" be willing to sit in a darkened living-room at home intently peering into the screen of his television receiver? [67]

The General Electric Company made a prediction as to the growth of television in the next few years, as follows: [68]

Year	Sets Sold	Average Price
1940	199,000	$250
1941	414,000	200
1942	846,000	160
1943	1,371,000	150
1944	1,903,000	150

By 1945, there would be about 4,700,000 home receiving sets, valued at about 750 million dollars, served by 512 transmitting stations, costing 54 millions.

In an article on "Where Does Television Belong?" in *Harper's*, February, 1940, a radio engineer, Irving Fiske, is sceptical about the realization of this program of television expansion. He doubts that television can ever be made as popular in the home as the radio. He holds that television requires a degree of constant attention that only group participation in a common experience can produce. Hence he sees the main future of television in theatres, where it may replace the current news-reels. As Mr. Fiske summarizes the matter:

> The only place in which television can adequately meet the basic human needs is the theatre; and abroad, at least, theatre television has come forward in response. Overemphasis on home television seems so far to have paralyzed efforts in that direction here.[69]

The failure of a home demand for television to keep pace with technical facilities in this field seems to give some confirmation to Mr. Fiske's ideas. If television should be confined mainly to the theatre, it would mean that, while a large public might be served, the number of sets that could be sold would be relatively few, as compared with the radio sets used by the vast army of radio listeners.

Perhaps the most searching discussion of the present status and future possibilities of television is an anonymous but authoritative contribution on "What's Happened to Television?" in the *Saturday Review of Litera-*

---

[67] *Technological Trends and National Policy*, Government Printing Office, 1937, p. 233.
[68] *Harper's*, February, 1940, p. 265.
[69] Fiske, *loc. cit.*, p. 268.

ture.[70] Pointing out that television has overcome most of its technical problems, the author considers the chief factors which are retarding the rapid advance of television. He does not share Mr. Fiske's view that its future lies mainly in theatres, but holds that it has great possibilities of popular adoption under proper encouragement. While not hostile in principle to television, the Federal Communications Commission has placed a fatal barrier in the way of its progress by banning television networks. Without networks, the cost of excellent television programs will prove prohibitive. They can only be made practicable by serving many communities at once and thus cutting the costs. The moving pictures refuse to coöperate with television for fear of the competition which may be offered by a full-blown television industry. The newspapers show the same hostility to television that they do to radio. They give little publicity to television and what they do give is usually adverse and discouraging to potential television users. Even the radio industry, which is responsible for television, has of late refused to promote it vigorously or intelligently for fear that it may be ruinous to the heavy investment in conventional radio equipment and activities:

> While television is a penned-up dragon to the movies and the press, and a Pandora's box to the government, it is strictly a hot potato to the radio industry. . . .
>
> That's what happened to television after its brief flurry a year ago. The powerful interests in the press, the movies, and the radio put it as far back on the shelf as they could because they saw in it a threat to their status quo. They shelved it because the public was beginning to get interested in it, and they knew that whatever the American public interests itself in, it usually gets.[71]

Despite these obstacles, television has not been suppressed. Gilbert Seldes thus describes the impressive number and variety of programs put on by the Television department of the Columbia Broadcasting System in the two months after December 7, 1941:

240 programs of fully visualized news.
38 programs of special war features; including programs devoted to the armed forces, production and civilian morale.
33 programs by the Red Cross devoted to first aid instruction.
24 programs by the Metropolitan Museum of Art.
24 programs of sports, including tournaments staged in the television studio.
12 programs of country dances.
12 round table discussions—generally by authorities in their respective fields—on subjects foremost in the American mind.
12 programs devoted to dancing instruction.
12 visual quizzes.
12 variety shows.

In addition, a number of special programs were put on, along with an hour program every week devoted to experimental work with color tele-

---

[70] February 21, 1942. The anonymous author is actually a leading expert in the field of television.

[71] *Loc. cit.*, p. 17.

vision broadcasts.[72] The above data will give some indication of the current achievements and activities of television and will afford some reassurance that this important innovation in communication will not be indefinitely delayed in making its potential contribution to American enlightenment and entertainment.

The future possibilities of television, provided it comes into general use, have been well described by Karl A. Bickel:

> The twist of a dial and the throw of a switch will enable you, in your sitting room, to see and hear the Kentucky Derby, to have a better vision of a great prizefight or athletic contest than even the box-holders, to range the world, attending the theater or opera, visiting important banquets, sitting in with Congress in Washington, or viewing an airplane meet in Africa.[73]

Because of its close connection with radio, we might say a word here about the current status of the phonograph, which represents an important, if highly specialized, type of communication. The sale of phonograph records reached its peak in 1921, at 100 million. With the growth of radio in the '20's, record sales fell off sharply and the industry was all but given up for dead. But in the '30's there was a marked pick-up. In 1938, some 35 million records were sold and all manufacturers were far behind their orders. Sales have gained since.

There were a number of reasons for this revival of the phonograph, particularly the provision of the combination radio and phonograph and the record-playing radio attachment, the interest in swing and classical music, essentially created by the radio, and the rebellion against radio commercials and serials. The phonograph enables us to get immediately and directly the music we wish, without having to listen to other features which we regard with either indifference or repugnance. Much of the phonograph and record business of the country is controlled by the Radio Corporation of America.

Communications and the Social Future

The enormous influence exerted by the new instruments of communication upon human life and social institutions in the immediate past is obvious to all careful observers. Their future effects may be even more far-reaching, because many of these instruments of communication have only been recently developed, and others of an even more impressive and upsetting character may be provided within the present, or coming generation:

> It is impossible to discuss here the ramifications of the most obvious changes in American life summarized by the preceding data On the one hand is a process of integration and adjustment; on the other is a lively competition accompanied by mutual fears: railroad fighting bus; bus fighting street car; newspapers concerned over radio advertising; moving picture competing with radio; hotel fighting with tourist camp. The ultimate outcome cannot be predicted; one can

[72] *Saturday Review of Literature*, March 14, 1942, p. 13.

[73] Bickel, *New Empires*, Lippincott, 1930, p. 43; see also, David Sarnoff, "Possible Social Effects of Television," *The Annals*, January, 1941, pp. 145–152.

only be impressed with the changes that go on before the eyes and marvel at the way in which American life, and the habits of the individual citizens, are being transformed.[74]

The social and cultural impact of our new agencies of communication has been powerful and pervasive. The speed, scope and diversity of human contacts have been multiplied on a scale never before imagined. Devices of untold potency for mass impression have come into being. Social groups and entire nations may be manipulated by propaganda as never before. The great danger in these remarkable transformations lies in the fact that they have been brought into being in planless fashion, purely as a product of the competitive system and motivated almost solely by the desire for pecuniary profits. There has been little opportunity to guide their development in such a fashion as to make a maximum contribution to the well-being of human society. They may confer upon us untold benefits or may lead to domestic confusion and international chaos:

It is as agencies of control that the newspaper, the motion picture and the radio raise problems of social importance. The brief survey of their development in each instance shows increased utilization coupled with concentration of facilities. For his news, the reader of the paper is dependent largely upon the great news gathering agencies; for his motion pictures, there is dependency upon a group of well organized producers; for his radio, he comes more and more in contact with large and powerful stations, dominated increasingly by the nation-wide broadcasting organizations. Mass impression on so vast a scale has never before been possible.

The effects produced may now be quite unpremeditated, although the machinery opens the way for mass impression in keeping with special ends, private or public. The individual, the figures show, increasingly utilizes these media and they inevitably modify his attitudes and behavior. What these modifications are to be depends entirely upon those who control the agencies. Greater possibilities for social manipulation, for ends that are selfish or socially desirable, have never existed. The major problem is to protect the interests and welfare of the individual citizen. . . .

In short, an interconnecting, interconnected web of communication lines has been woven about the individual. It has transformed his behavior and his attitudes no less than it has transformed social organization itself. The web has developed largely without plan or aim. The integration has been in consequence of competitive forces, not social desirability In this competition the destruction of old and established agencies is threatened.[75]

As to the immediate future of communication agencies Mr. Craven believes that their most desirable services would be the penetration of hitherto inaccessible regions, and the use of existing communication agencies to improve international goodwill:

It is believed that the greatest service which communications can do in the future will be to provide extensions into the hitherto remote and inaccessible places whereby people who formerly had no means of communication can be connected with the communication arteries of the world. Tremendous progress

[74] M. M. Willey and S. A Rice, "Communication," *The American Journal of Sociology*, University of Chicago Press, May, 1931, p. 977

[75] M. M. Willey and S. A. Rice, *Recent Social Trends*, McGraw-Hill, pp. 215-217.

has been made during the last decade in this direction and, undoubtedly, tremendous progress will take place in the future.

The other great forward step in world civilization which can be made is in the effective use of communications, both telegraph and telephone by wire, but more especially by radio, in the development of understanding, mutual respect and tolerance among the nations of the world. Much has been done along these lines in the past and a great deal more is expected in the future.[76]

This is certainly a high and noble ideal, but as O. W. Riegel has pointed out in his important book, *Mobilizing for Chaos,* there is grave danger that the new agencies of communication may be utilized in the interest of super-patriotism and militarism, with the wrecking of civilization at the end of the line.[77] At least, they are likely to do so unless we take prompt steps to safeguard ourselves against this disaster.

---

[76] *Technological Trends and National Policy.* p. 233.

[77] See below, pp. 557 ff., 583–585.

CHAPTER XIV

Molding Public Opinion: Prejudice, Propaganda, and Censorship

The Rôle of Prejudice in Modern Life

Causes of Prejudice. In this chapter we shall consider various practices and attitudes concerned with the control of both individual and public opinion. In order to gain proper perspective and understanding of such efforts, it is necessary to comprehend the origins and character of the prejudices and biases that operate upon the human mind.

The word *prejudice* is derived from the Latin word *praejudicium*, meaning a judicial examination before trial. In literal English, prejudice means a decision arrived at without examination of the facts. It is an automatic or spontaneous bias, which may be either favorable or unfavorable. We may be prejudiced in favor of something or against it. Most commonly, however, we think of a prejudice as an unfavorable bias or antipathy toward something. In its most elementary sense, this prejudice or spontaneous bias may be purely physical, in the sense that the human organism favors something warm and comfortable as against something cold and rough. But, in a cultural or institutional sense, a prejudice is always a psycho-physical reaction, a conditioned response, shaped by our life experiences. Whatever the prejudice, whether favorable or unfavorable and regardless of the type of prejudice, it is always an emotional response. As soon as reason enters the picture, the potency of the prejudice is diminished. Most prejudices, however, are so highly charged with emotion that they automatically exclude reason from the premises.

Perhaps the underlying cause of prejudice is the automatic antipathy to ideas and experiences markedly different from those with which we are familiar. Franklin Henry Giddings contended that the chief force holding men together in society is "the consciousness of kind." People naturally react cordially to the familiar, and are spontaneously hostile to the strange and different. As David S. Muzzey has put the matter:

> Our own views seem to us right, or they would not be our views. How readily we warm to a person who agrees with us in a judgment or an argument, even though his opinion be far less entitled to respect than that of our opponent. We hanker for confirmation, because of the subtle flattery it brings to our self-esteem. Hobbes' characterization of mankind as a "race of unmitigated egomaniacs" may be a bit too severe, but it is nevertheless true that one of the most

difficult things in the world is to wean a mind from the precarious self-assurance on which it has been fed by centuries of custom and conformity.[1]

It has been necessary for man to demand a high degree of uniformity in social behavior.[2] Man is relatively helpless by himself. Group life has always been essential to human safety and progress. For this reason, group discipline must be enforced, in order to unify the community and make it more safe and efficient. Rules of conduct and thought must be prescribed and the violators thereof made to suffer. This group discipline, so essential to human survival, has exacted a high price in the way of ruthlessly stamping out the innovator and the rebel. The history of civilization is, in a sense, a record of the extension of the variety and area of dissent that society will tolerate:

> After all, intolerance is merely the manifestation of the protective instinct of the herd. The life of the individuals is so dependent upon the life of the group, that the group, and the various individuals in the group, are afraid to let any individual say or do anything that might endanger the protective power of the group.
>
> Thus a pack of wolves is intolerant of the wolf that is different and invariably gets rid of this offending individual. A tribe of cannibals is intolerant of the individual who threatens to provoke the wrath of the gods and bring disaster upon the whole community, and so drives him into the wilderness. The Greek commonwealth cannot afford to harbor within its sacred walls one who dares to question the very basis of its organization, and so in an outburst of intolerance condemns the offender to drink the poison. The Roman cannot hope to survive if a small group of zealots play fast and loose with laws held indispensable since the days of Romulus, and so is driven into deeds of intolerance. The Church depended in early days for her continued existence upon the absolute obedience of even the humblest of her subjects and is driven to such extremes of suppression and cruelty that many prefer the ruthlessness of the Turk to the charity of the Christian. And in a period of hysterical fear, even we Americans are assured that our government cannot withstand criticism, and so we throw into prison or deport from our shores those who dare offer it.
>
> And so it goes throughout the ages until life, which might be a glorious adventure, is turned into a horrible experience, and all this happens because human existence so far has been entirely dominated by fear.[3]

Custom and habit have also played their part in prejudicing us in favor of the familiar. The habitual and the traditional are not only safe, they are also easy. Our muscular reflexes and our mental patterns are adapted to doing things in the way we have been taught to do them. It is easiest to think and act in the old grooves to which we have been accustomed since childhood. Habit, as William James pointed out, is the great flywheel of society. We need give little attention to habitual modes of thought and behavior. Years of adjustment have made us largely unconscious of their operation. New ways and thoughts, on the other hand, are troublesome and painful. This pain is not only psychological, it is

---

[1] David S. Muzzey, *Essays in Intellectual History, Dedicated to James Harvey Robinson*, Harper, 1929, pp. 7–8.

[2] See above, pp. 16 ff., 29 ff.

[3] J. H. Dietrich, *The Road to Tolerance*, privately published, Minneapolis, 1929.

also mildly physiological, as the new science of endocrinology has made clear. When something strange challenges our customary way of doing things, we automatically become angry. And anger is accompanied by definite physiological changes in the body. The adrenal glands secrete their mysterious chemical substance into the blood. The liver releases more sugar which is burned up rapidly and gives us a temporary increase of energy. Any innovation upsets our whole established scheme of things, cuts across our habitual reactions, and forces readjustments that our timid and lazy nature resents and resists. New ways and ideas are also a challenge to our self-esteem. They imply a questioning of our fundamental ideas and of the correctness of our beliefs. They threaten our life philosophy.

Man's attitude toward the supernatural world has been an important source of prejudice. It has been believed that the spirit world brings man both his good luck and his bad. If the gods of the group are properly obeyed and propitiated, good luck will follow. Strange gods are the natural enemy of any given social group. Strangers worship strange gods, and to tolerate them would both enrage the gods of the group and expose its members to the possible evil action of the gods of the stranger. Down to modern times the stranger has always been viewed as a potential enemy.[4] This was due, in part, to his worship of strange gods and, in part, to the fact that his behavior and ideas differed from those of the group.

Geography has also played its part in both creating and mitigating prejudice. The greater the social and cultural contacts of any group, the more it is inclined to be tolerant. Geographical conditions help along the growth and persistence of prejudice. People shut off from outside contacts tend to build an ingrowing culture. Almost everything in the world outside is strange to them, and they react with characteristic antipathy to the new and the strange. It is natural that the most prejudiced and intolerant of peoples have been those who live in mountainous and other isolated areas, while the most tolerant populations have lived along seacoasts and other natural routes of trade, thus coming into contact with new ideas and customs as well as new commodities.

Divisions into social and economic classes beget prejudice. The nobility has looked down upon the trader and the toiler, while the latter types have naturally resented the exploitation practiced by the nobility. In our day, industrialists have exhibited widespread prejudices against the industrial proletariat. They have associated the latter with servility. The whole psychology of the leisure class has been built up around the desire to abstain from all manual labor for this is contaminated with the stigma of servility. On its side, the proletariat has built up a philosophy of hostility to its industrial masters, even going so far as to create the doctrine of inevitable and eternal class war between capital and labor.

---

[4] *Cf.* Mary Wood, *The Stranger*, Columbia University Press, 1934.

Definite prejudices are also based upon social rank and grades. Dwellers in our palatial city apartments and penthouses look down on those who inhabit the slums. The latter resent the wealth and display of the rich.

Differences in race and culture have always been a source of prejudice, from the days of the distinction between Jew and Gentile and Greek and Barbarian. This has been due, in part, merely to the simple recognition of physical differences. But race prejudices rest upon many other elements. Variations in religion, customs, and beliefs, all of which are thought to undermine the culture and stability of the group, are held to be carried by strange races. Neighboring races have also very frequently been political and military enemies, thus giving a realistic basis for race prejudice.

Social taste and etiquette contribute their quota to prejudice. What is accepted among the élite is regarded as right. Different ways of doing things and conducting oneself are an affront to taste. They also upset the social regimen and tend to create confusion and trouble. There may be no substantial scientific foundation for standards of etiquette. There seems to be no valid logical reason why a man should remove his hat in the presence of women in an elevator in an apartment house and keep it on while in an elevator in a department store. But society sets its standards and is outraged when they are challenged. The manners and etiquette of a person from a different culture may actually be far more polished, but the standards of taste are those of the group.

Closely associated with taste and etiquette as a source of prejudice is self-esteem. One of the things which makes life agreeable to us is our personal conviction that we are doing the right things in the right way. Any differences of belief and conduct are a challenge to our philosophy of life and our standards of behavior.

Education should be a leading instrument for combating prejudice, by revealing the spontaneous and primitive character of group behavior and prejudice. It should make us more tolerant of differences. Unfortunately, however, most education down to our time has intensified prejudice instead of dissipating it. Education has been devoted primarily to the perpetuation of the ideas and prejudices of any given group. It has supplemented the spontaneous element in the acquisition of prejudice. Many pseudo-scientific doctrines and religious dogmas have been embodied in the educational tradition and are thus given prestige and increased influence in conserving and passing on prejudices. The tendency in education to glorify the culture of the group and represent it as superior to that of others has been an important factor in the increased prominence of nationalism, the modern and inflated version of primitive group prejudice.

A conspicuous fact about the origin of our prejudices is that we pick them up automatically and unconsciously in the process of our psychological development. They become a part of our mental equipment. Most of them are acquired in childhood before the individual possesses any substantial body of accurate knowledge that might enable him to

recognize and discount them. This fact has been very clearly pointed out by Robert L. Duffus:

> Children acquire beliefs like this exactly as they acquire their language, their games, and their gang traditions. They learn from their parents, their school teachers, their companions, and, as they grow older, from motion pictures, newspapers, magazines, and books. Being human, they learn what isn't so just as thoroughly as what is so and believe it just as firmly.
>
> The most primitive form of race prejudice is fear—the savage's hostility to a member of a tribe not his own, the child's dread of a stranger who differs in some marked way from its own father or mother. But even this doesn't seem to be inborn. It is put into the child's nature by some outside influence, or influences, after the child comes into the world. Let a parent manifest race prejudice by a word or even a gesture, or a facial expression, and the child will imitate. Race prejudice may begin before the boy or girl has learned to talk.
>
> When the child is five or six years old the fear may turn into hostility—a race riot in miniature. There will be a stage when foreigners are merely absurd and amusing. Finally, among children of different races attending the higher grades of the same school there will be jealousy arising out of the competition for marks and honors. By this time the child of the "superior" breed has learned that the child of the "inferior" should be kept in his place. Groups form, sharp social lines are drawn, and the chasm between black and white, white and yellow, or "American" and "Wop" is likely to become permanent. Even though in a fit of deliberate liberalism we try to bridge it in later life, we frequently cannot.
>
> Most of us don't try. We merely rationalize. The middle-aged business man who swallows the Nordic gospel hook, line, and sinker today, may believe that he got his reasons from Lothrop Stoddard, or that his shrinking from contact with the lesser breeds is the will of God. But the chances are that he learned it all at school, along with his arithmetic and geography, or at home, along with his table manners.
>
> Girls, being earlier responsive to group traditions and loyalties, are found to become race conscious sooner than their brothers. As they grow older the social pressure arising from a dread of inter-marriage becomes stronger. They begin to fear, not without reason, that broadmindedness in their relations with the "inferior" races may cause them to lose caste. A boy's caste, somehow, seems less fragile. Yet boys of sixteen are commonly found to be more snobbish than boys of twelve. There has been more time and more experiences with which to build prejudice—to educate in jealousy and dislike.
>
> All this affords a hint as to how our opinions get into us. They are not made what they are by heredity. They are not produced by accurately digested facts. They are all that our lives are—colorful, unreasonable, egoistic.[5]

Types of Prejudice. The prejudices associated with nationalism are the most prevalent and dangerous prejudices of our era.[6] They provide the main psychological impulse to war and thus place civilization in serious jeopardy. Nationalism gained rather than declined after the first World War. Fascism, in fact, elevated nationalism to the status of a religion. Intense nationalism makes it quite impossible to view tolerantly and rationally the culture and conduct of other nations. It teaches us to follow our country slavishly, whether right or wrong. Moreover, there is a notable tendency to emphasize the fact that our country is always right, whatever the historical facts. Germanic historians have

---

[5] "Where Do We Get Our Prejudices?" *Harper's*, September, 1926, p. 507.

[6] See above, pp. 219 ff.

represented medieval culture as a product of Germanic and Anglo-Saxon civilization, while the French historians trace it back to the culture of Roman Gaul. Many Germans have derided the French Revolution as a brutal orgy, conducted by a race incapable of self-discipline, while French historians have praised it as an epic of deliverance from tyranny and a great contribution to democracy and liberty. French and British historians tend to have a markedly different interpretation of the rôle and achievements of Napoleon. Only a few historians in any country have been able to arrive at an accurate and dispassionate notion of the outbreak of the first World War, and our ideas of the second World War are as yet no more than sheer fantasy. Intense nationalism makes it difficult, if not impossible, to preserve a rational and understanding attitude in respect to foreign affairs and international relations.

There are, of course, many other forms of political prejudice. We have the prejudice of the conservative against the radical, and of the radical against the conservative. Likewise, the middle-of-the-road liberals tend to be hostile to both extreme groups. It is difficult for any one of the three types to possess an unbiased and intelligent view of the merits of the others. Then there are the well-known prejudices associated with political parties. With many, loyalty to party almost exceeds loyalty to the nation. Members of other parties are viewed as inferior beings, or as the natural enemies of humanity. The party becomes a vested political interest, which is defended with great fervor. Party names, symbols, and catchwords are adopted and serve to vivify and perpetuate these party prejudices. The latter are capable of producing an entirely false notion of the character of political parties.

This is admirably illustrated by the situation in the United States for the last half century or more. There have been no striking differences between the Republican and Democratic parties. Both have been committed to the capitalistic system and have represented essentially the same type of economic interests. The differences between them have been of an entirely minor nature. Yet, party prejudice has been able to create the illusion that the contest between the Republicans and Democrats is very real and a matter of intense moment to the country. The partisan conflicts have often attained a bitterness, as in the campaign of 1936, exceeding that manifested in the very real class differences between, let us say, the conservative and labor parties in Great Britain.

Finally we may refer to the long-enduring prejudice against allowing women to participate in politics. This was simply a rationalization of political facts as they existed in an early patriarchal order. In those days women's physical weakness subordinated them to males and thus they could not share political equality with men. This prejudice endured for many millenniums. In the nineteenth century, feminism appeared, with a contrary set of prejudices. Some of the feminists merely argued that women possess as much political ability as men—certainly a modest and defensible contention; but others, in an excess of zeal, argued that women are endowed with special forms of political sagacity superior

to any which men can display. The political prejudice against women in politics has, in our day, been more successfully done away with than the other forms of political prejudice. But it has been revived in various Fascist states.

Economic prejudices are so obvious and powerful that whole philosophies of history have been constructed which argue that civilization must be entrusted to the agricultural nobility, the commercial and industrial middle class, or the industrial proletariat. In early days, the pastoral peoples and those engaged in agriculture warred against each other for millenniums. Then, in turn, the agricultural classes feared and hated the rising commercial groups who inhabited the towns. The great political struggles of early modern times were primarily manifestations of the struggle of the rising commercial or bourgeois class for political equality with the vested agricultural interests. Then, after the Industrial Revolution, which began in the eighteenth century, the commercial and industrial classes became suspicious and fearful of the factory workers. The political battles of the last century have been colored by the efforts of the laboring class in the cities to participate in politics and gain a prominent rôle in political life. In every case, the vested economic interests desired to hold on to their possessions and advantages and they attacked vigorously the pretensions and virtues of those who contested with them for power. This has proved true, even when the proletariat has come into a position of domination. The Communists in Soviet Russia are as bitterly hostile to the capitalists as the latter are to the Reds.

Not only do these economic prejudices exist between major economic classes; they are sometimes even more intense between various sectors of the same economic class. This can be well illustrated by the situation in contemporary America. The hatred between various groups of capitalists is almost as great as that between the latter and the radicals. The Liberty Leaguers attacked the New Deal with as great vehemence as they did the Communists and Socialists, and the advocates of the New Deal returned the compliment with vigor and enthusiasm, denouncing their opponents as Economic Royalists. Likewise, the Socialists war against the Communists, and vice versa. Even among the Communists there are cliques whose hatreds are even more intense than the antipathy of all radicals to Wall Street. The Trotskyites hate the Stalinists more than either hate the House of Morgan or the Bank of England. Finally, even in the Labor movement, outside of truly radical circles, there are vigorous prejudices, as witnessed by the battles between the American Federation of Labor and the Congress of Industrial Organizations.

Law is a powerful instrument for upholding and executing both political and economic prejudices. In the United States, especially since the Civil War, our constitutional law has operated as a defense of capitalism against reform by either progressives or radicals.[7] It has stood in the way of social progress through declaring reform legislation unconstitutional,

[7] See above, pp. 406 ff.

making special use of the due-process clause of the Fourteenth Amendment. It has usually exhibited a definite hostility toward organized labor through ordering the enforcement of yellow-dog contracts and freely granting injunctions against strikers. However, under the New Deal and the Wagner Act, the force of the law was invoked to legalize trade unionism and collective bargaining. In Soviet Russia, the law imposed even more severe disabilities upon capitalism than it did upon labor and radicalism in the United States.

Law has also upheld various types of political prejudices. It has been used to exclude the propertyless classes and women from the right to participate in political life. In a number of American states the law excludes Communists and other radicals from the right to organize as a political party. Despite the fact that our country was founded through revolution, more than half of the states have passed laws which outlaw the preaching of political revolution and impose serious penalties therefor. Law has also been used to uphold nationalism and militarism by denying citizenship to those who will not promise to bear arms under all circumstances.

Law has also been exploited in behalf of religious and race prejudices. In the early history of our country the right to vote was denied to unbelievers. Today, in certain states, the testimony of unbelievers is not accepted in court. Religious observances in the schools are frequently prescribed by law. On the other hand, when certain religious prejudices conflict with patriotic legislation the holders of such religious beliefs are penalized, as, for example, in the present legal persecution of Jehovah's Witnesses. Race discrimination exists in our law in such manifestations as the legislation against the immigration of Orientals and the many and numerous forms of discrimination against the Negroes in the South.

Not only does law uphold many other types of prejudices, but it also supplies an important group of prejudices all its own.[8] The attitude of the mass of the American public toward law itself represents a definite sort of prejudice. Laws, which are the product of fallible human lawmakers, are held in awe and respect. There is a prevalent notion that law is something above and superior to man. This constitutes a definite hangover from the primitive reverence and taboos associated with early legal codes. Constitutional law is particularly subject to reverence by the unthinking. This was clearly manifested during the struggle over the reorganization of the Supreme Court in 1937. Judges take on by contagion the sanctity which attaches to law itself. When on the bench men who have been shrewd practicing politicians or enthusiastic servants of corporate wealth come to be endowed, in the popular imagination, with super-human qualities of probity and detachment. The whole concept of contempt of court reflects the popular reverence for law and judges. The judge is endowed with the same sanctity which earlier attached to the medicine-man and magician. The whole courtroom procedure is

[8] See above, pp. 373–391.

colored by a complex of traditional prejudices with respect to the nature and conduct of the law.

Within the legal profession itself there are many conflicting prejudices. Professor Fred Rodell's *Woe Unto You, Lawyers,* is an expression of a progressive lawyer's prejudice against the dominant prejudices of the legal profession.[9] Most lawyers look upon law as the custodian of things as they are and the protector of private property. Others regard it as primarily the instrument of social engineering and human progress. The code of ethics of the legal profession is colored by prejudice. There is no taboo placed upon directing rich corporations as to ways of evading the law, but such practices as ambulance-chasing are fiercely condemned.

Religious prejudices are numerous and bitter, although we no longer put thousands of people to death because of their religious beliefs, as they used to do in the days of the medieval heresies and the Spanish Inquisition. The religious person looks upon the unbeliever as a monster of vice. The militant atheist, equally vehement, sees the faithful as feeble-minded dupes. Religious prejudices tend to be particularly vigorous and dogmatic, because it is assumed that God stands behind our particular variety of religious prejudice. Further, it is believed that our earthly good luck and fortune depend upon vigorous adherence to our religious faith.

There is still a good deal of bitterness of feeling and marked prejudices among Jews, Catholics, and Protestants; also between and within Protestant sects. Where the feeling between Catholics and Protestants is most intense, neither group is really willing to concede that the other is entitled to full standing as members of the human race. Anti-Semitism and the Ku Klux Klan have been testimonials to the extent and intensity of Protestant prejudice. Catholic prejudice expresses itself in a more adroit and underground fashion than Protestant prejudice, but it is just as vigorous. The very existence and perpetuation of Judaism rests considerably upon ancient prejudices against other religious groups.

The slight historical and factual basis for all this religious prejudice is demonstrated by the fact that there is little fundamental difference among the basic beliefs of Jews, Catholics, and Protestants. They accept, with slight variations, the same holy book, the same philosophy of history and salvation, and revere the same religious characters. On over 90 per cent of all the fundamental elements in Christian beliefs, the Catholics and Protestants are united. But over the 10 per cent of difference oceans of blood have been shed.

Race prejudice is one of the most obvious of the antipathies which have afflicted mankind from early days. This has been due, in part, merely to the automatic perception of physical differences. But race prejudice rests upon many other factors. Differences in religion, customs, and beliefs, all of which are thought to threaten the culture and stability of the group, are supposed to be carried by strange races. Different races have very

[9] See above, pp. 376–380.

frequently been also political and military enemies, thus giving a practical foundation for mutual hostility. However, there is a tendency even when peaceful relations have been established for many generations for the hostility to persist as a tradition. In the United States it manifests itself chiefly in the prejudice of the Southern whites against the Negroes. When, however, Negroes assert real racial equality in the North, they run up against much the same prejudices that they meet in the South. We have also manifested race prejudice against Mongolian Orientals in our immigration restriction laws, and in discriminating legislation passed by Pacific states. Economic interests often merge with race prejudice in our attitude towards other types. The Southerners have a definite economic interest in keeping the Negroes in a position of inferiority. The legislation against Orientals was motivated in part by the challenge of the Chinese to white labor in the West and of the Japanese to white agricultural interests on the Pacific coast. Race prejudice operates even where there are no essential race differences. We tend to regard the foreigner as of a different race, even when he comes of essentially the same physical stocks as those which built up the original population of the United States.

The most evident example of racial prejudice, which has no real relation to race as a scientific fact, is anti-Semitism. The Jews are in no sense a cohesive, separate race. The real differences which stir up anti-Semitic prejudices are of a cultural character, such as religious practices, social customs, and the reluctance to intermarry with Gentiles. Then there is a long tradition of anti-Semitism brought to this country by the European settlers. The financial and commercial sagacity of the Jews and their prominence in the professions have also fostered hostility. Anti-Semitism was revived in most flagrant fashion by Hitler and the Nazis, and imitated by Mussolini, but there have been many flare-ups in England and the United States since the first World War.

Professional Semitism and pro-Semitism are as much the product of prejudice as anti-Semitism.[10] In the face of enforced social inferiority, the Jews have asserted their superior cultural capacity. Persecuted as a race, they have maintained a fictitious racial identity. Being treated as inferiors, they have naturally developed a compensatory assertiveness and aggressiveness which the Gentiles mistakenly interpret as a racial characteristic of the Jews. If prejudices were removed from both sides of the question, there would be neither anti-Semitism nor Jewish opposition to speedy assimilation with Gentiles.

Moral prejudice is closely associated with religious prejudice. Indeed, it is a sort of synthesis of religious, economic, and social prejudices. It also embraces certain prejudices which are derived from etiquette. Acts which grossly offend our sense of propriety tend to be regarded as immoral. Like religious prejudice, moral prejudice is especially full of vehemence and self-assurance. We take it for granted that God approves

[10] *Cf.* H. L. Mencken, in *American Hebrew*, September 7, 1934.

the brand of narrow-mindedness we employ in appraising our own conduct and that of others. Since conventional morality is closely associated with supernatural religion, it is rare that a person examines his own moral convictions objectively. They are taken for granted to be sound, impeccable, and quite unchallengeable. As Mencken and others have pointed out, another strong source of moral prejudice is the sentiment of the invidious.[11] We disapprove of those things which our limited circumstances prevent us from doing. Then there is the influence of righteous hypocrisy. A person guilty of one form or another of anti-social conduct often seeks to compensate and to give himself mental calm by ostentatious correctness with regard to certain other conventionalities, and gives evidence of a holy wrath against those who violate them. A case in point is the support of anti-vice societies by financial and corporate moguls.

Our educational prejudices are numerous. Our entire culture is, in part, a mosaic of traditional prejudices, and it is the function of education to transmit this culture. A traditional form of educational prejudice upholds the punitive ideals of education. It lays great stress upon education as the disciplinarian of the will. The latter is to be strengthened through imposing unpleasant tasks, the execution of which is insisted upon with vigor and thoroughness. Much of the traditional curriculum represents archaic prejudices which have grown up in various periods of the history of civilization and have been handed down in the educational process. Such are the notions of the special educational virtues of the classics and mathematics. Another example is afforded by the leisure-class bias in education which leads us to regard most really useful, practical, and utilitarian subjects as base, "sloppy," and quite incompatible with sound educational philosophy and practice.

The whole "cultural" ideal in education is, to a considerable extent, an outgrowth of the prejudices associated with the leisure class and the idea that the lady and gentleman must be freed from all trace of servility. It is this which lies at the foundation of the deep-seated prejudice against vocational education that regards practical subjects as non-educational or anti-educational. The natural reaction against traditional education has produced a comparable prejudice in favor of complete personal freedom and thorough devotion to spontaneous development. It revives the old revolt of Rousseau against the pedants of the eighteenth century. Progressive education is the best example of this prejudice in educational revolt.

Most social scientists regard prejudice as unfortunate and detrimental to human well-being. This point of view is shared by the present writer. But, in all fairness, we should point out that very distinguished scholars and cultivated gentlemen have sharply challenged this attitude. A good example is a famous British anthropologist and amiable savant, Sir Arthur Keith, who wrote a little book on *The Place of Prejudice in Modern*

[11] *Cf.* H. L. Mencken, *Notes on Democracy*, Knopf, 1926, pp. 35–43.

Civilization to expound the thesis that prejudice is a positive and beneficial factor in human culture, giving pride to human beings and vitality to human effort. Prejudice stimulates competition and argument and thus promotes the progress of civilization. Keith praises super-patriotism and race prejudice, and holds that even if they lead to war they are an asset to the race, since "war is nature's pruning-hook." "Race prejudice, I believe, works for the ultimate good of mankind and must be given a recognized place in all our efforts to obtain natural justice for the world." [12]

Some Suggested Remedies for Our Prejudices. Travel leads us to understand that there are many people with views and customs that differ markedly from our own, and we must ultimately concede that there are certain virtues in the beliefs and habits of others. Education of a critical type, particularly in the fields of history and sociology, has an undermining effect on prejudice. History shows the mundane origins of our prejudices and tears away their pretense to sanctity or invincibility. Such a sociological work as William Graham Sumner's *Folkways,* if read with understanding, should do a great deal to dissipate prejudice. Here we discover that what is right is usually no more than what is currently done in any group.

The elimination of belief in the supernatural helps to discredit prejudice. It permits us to examine our beliefs and discover that they are of purely earthly origin; that they are, for the most part, the product of a generation less equipped with earthly knowledge than our own. Another important exercise which promotes the destruction of prejudice is the study of comparative religion. This shows the common elements in all the great world-religions and exposes the errors and follies embodied in religious narrow-mindedness.

The cultivation of an international point of view in culture and public problems also assists greatly in allaying prejudices. We find that it is rare that any nation has exclusively created all the cultural possessions it prizes. We can see clearly the contributions of other peoples to our own culture and institutions through the ages.

Likewise, the scientific study of race reveals the fallacies in racial arrogance, and disproves the assumption that one race monopolizes all the virtues of humanity. Such study also demonstrates that there is no such thing as a pure race today, Aryan or other.

The outlook for the elimination of prejudice in our generation is not especially bright. We are living in a great transitional age, when old institutions are crumbling and new ones are seeking to supplant them. Under such conditions, the vested economic and social interests become especially ferocious in attempting to protect their hitherto dominant position. Similarly, the exponents of the new order are especially intolerant in their programs of reform. We see this trend manifested in its extreme form in Fascism and Communism. Both display ferocity in

[12] Keith, *op. cit.,* p. 49.

stamping out any deviation from the form of thought and conduct they set up for the group.

Though nationalism was clearly shown to be a major cause of the first World War, we learned little from the lesson. We created more national states, and they were even more guilty of exaggerated nationalism, both political and economic, than were the nations before the war.

Racial prejudice seems to be gaining. The effort of the Negroes in the United States to gain economic emancipation has intensified repressive measures against them. Hitler and Rosenberg have given racial dogmas and arrogance unprecedented standing and power. Anti-Semitism is likely to spread elsewhere, in the wake of the second World War. And, back of all older race conflicts, lies the possibility of sharp racial conflicts between the Yellow and Black races, on the one hand, and the White race on the other. It is predicted by many that these suppressed races are on the eve of a world-wide revolt against their white masters. Realistic observers of even the most extreme interventionist bias are already conceding that, whatever the outcome of the second World War, there is no likelihood that white dominion will ever be restored over the Far East.

Political prejudice also seems likely to grow more bitter. Political parties are taking on a fundamentally economic cast. They are lining up with capitalism or radicalism. The bitterness of the economic struggle is thus reflected in the political conflict. In the United States, our political parties have possessed little realism of late, and they rely upon the inflation of political prejudices to give them vitality.

The manner in which our leading prejudices express themselves and operate to influence public opinion will be considered in our analysis of contemporary propaganda.

Contemporary Propaganda and Mass Persuasion

The Nature and History of Propaganda. No factor in contemporary social control is more potent, universal, and persuasive than propaganda. Its novelty, power, and significance have been well emphasized by Luther H. Gulick:

> Another striking new factor in the modern world is propaganda. Mass production needs mass consumption, pressure groups seek mass action, politicians rely on the magic of phrases with the multitude, and whole nations are more than ever compelling the assent of the governed by manipulating mass emotions. New developments and inventions in newspaper chains and services, cheap printing, rapid communication and the radio, and the prevalence of shallow education have combined with world-wide unrest to make propaganda a new and challenging problem for education.[13]

There have been a number of attempts to define propaganda. Clyde R. Miller, of the Institute for Propaganda Analysis, offers the following informal definition: "Propaganda is the attempt to influence others to some predetermined end by appealing to their thought and feeling."

[13] L. H. Gulick, *Education for American Life*, The Regents' Inquiry, McGraw-Hill, 1938, pp. 33–34.

Stuart Ayres holds that "propaganda is the planned attempt to control and regiment the thought and action of the public." Shepard Stone is content to define propaganda as an effort "to put something across." Harold Lasswell contends that, in its broadest sense, "propaganda is the technique of influencing human action by the manipulation of representations. These representations may take spoken, written, pictorial or musical form." In one of the best books on the subject, Leonard W. Doob holds that propaganda is "a systematic attempt by an interested individual (or individuals) to control the attitudes of groups of individuals through the use of suggestion and, consequently, to control their actions." Professor Doob divides propaganda into two types, intentional and unintentional. The type of propaganda with which we are concerned is intentional propaganda.

In a strict scientific sense, the test of propaganda has no relation to its being reactionary or liberal; yet, propaganda is generally thought of as an attempt to influence opinion in unorthodox and novel fashion. In other words, propaganda is usually regarded as something which deviates from the norm of conventional attitudes. For example, the methods employed by conservative newspapers like the New York *Herald-Tribune* are conventionally assumed to produce unbiased "news." On the other hand, a paper no more to the Left than the *Herald-Tribune* is to the Right, say the *Daily Worker*, is customarily regarded as turning out nothing except "propaganda." In any scholarly analysis of propaganda we must be quick to recognize that any deliberate attempt to influence attitudes to a predetermined end is propaganda, whether it emerges from the Right or the Left, whether it be true as to fact or not, and whether we agree with it or not.

Propaganda is nothing new in history [14] The novelty in contemporary propaganda is to be found in the unprecedented variety and potency of the new agencies through which suggestion may be applied. Propaganda is about as old as human speech itself. Primitive tradition, handed on by word of mouth, was virtually propaganda in favor of the prevailing customs and folkways. The social conscience of mankind was developed as a phase of counter-propaganda. As J. H. Breasted has pointed out, the first social reformers on record were Egyptian social idealists who, about 2000 B.C., carried on a vigorous propaganda against the injustices of the ruling class of their day. Much of Hebrew theology turned about the propaganda of the prophets against the priests, and vice versa. A great deal of Greek philosophy could be called a manifestation of propaganda. The Sophists attacked the traditional thinkers and, in turn,

---

[14] On the history of propaganda, see H. E. Barnes, *A History of Historical Writing*, University of Oklahoma Press, 1937; Gorham Munson, *Twelve Decisive Battles of the Mind*, Greystone Press, 1942; P. A. Throop, *Criticism of the Crusade: A Study of Public Opinion and Crusade Propaganda*, Swets and Zeitlinger, 1940; Philip Davidson, *Propaganda and the American Revolution*, University of North Carolina Press, 1941; C. E. Merriam, *A History of American Political Theories*, Macmillan, 1918; H. C. Peterson, *Propaganda for War*, University of Oklahoma Press, 1939; and Porter Sargent, *Getting US into War*, Sargent, 1941.

Socrates and Plato devoted their lives to refuting the Sophists. The famous funeral speech that Thucydides put in the mouth of Pericles was a masterpiece of Athenian propaganda. Few contemporary professional boosters could do as well. Cato the Elder was a better propagandist for agriculture than Henry Wallace. Cicero had mastered most of the propaganda techniques with which we are familiar today. Caesar's *Commentaries* provided some of the cleverest propaganda ever written. Indeed, Caesar could show the way to many modern masters of propaganda, such as Ivy Lee and E. L. Bernays. The historian Tacitus carried on a vigorous propaganda in behalf of Roman republican institutions and in opposition to the new imperial tendencies. Juvenal was an extraordinarily effective propagandist against the abuses of Roman imperial society.

Christianity was well-propagandized by the Fathers, who wrote vehemently against the Pagans, against heritical sects, and against the doctrines of other orthodox Christians of whose dogmas they disapproved. Perhaps the greatest single collection of propaganda ever published is to be found in the collected writings of the Christian Fathers from Paul to Augustine and Isidore. The *Secret History* of Procopius was a masterly bit of propaganda against Justinian and the practices of the Byzantine court. Einhard, the biographer of Charlemagne, wrote such good Carolingian propaganda that it has colored our interpretation of early medieval history for centuries. The Crusades were brought on mainly by Peter the Hermit and Pope Urban, who conducted a spirited propaganda against Islam and the Mohammedan occupants of the Holy Land. From Luther onward, the Protestants directed a voluminous and vigorous propaganda against the Catholics, which was returned in kind. The Magdeburg Centurians synthesized early Protestant propaganda and were answered by Cardinal Baronius from the Catholic point of view. Fox, Buchanan, and others continued the Protestant propaganda, and the Jesuits attempted to refute it. The struggle between absolute monarchs and the middle class was enveloped in propaganda, exemplified by such things as the doctrine of the divine right of kings and the justification of the right of revolution. James I, Filmer, and Salamasius expounded the divine right of kings, while Locke and Sydney defended the right of revolution. Bossuet extolled royal absolutism, while Rousseau praised the social contract and revolution. The French Revolution produced a voluminous propaganda for and against the revolutionists. The most notable example of propaganda against the Revolution was Edmund Burke's *Reflections on the French Revolution.* The ablest propaganda on behalf of the Revolution was Thomas Paine's answer to Burke, in his *Rights of Man.*

The United States was the result of one of the greatest campaigns of propaganda before the first World War. James Otis, Samuel Adams, Patrick Henry, and others led in the propaganda against the new British imperial policy. The work of the Committees of Correspondence, in organizing resistance to Britain, represented successful propaganda on a

scale hitherto unknown. The Declaration of Independence is a masterly bit of propaganda, and was intended to be such by its author, Thomas Jefferson. Our Federal Constitution was adopted mainly as a result of the able propaganda embodied in *The Federalist*. Even more vehement propaganda against the Constitution was set forth in the *Centinel Letters* and similar publications. Powerful propaganda for democracy was carried on in the Jacksonian period by George Bancroft, Horace Mann, Henry Barnard, and others.

The struggle over slavery produced a great wave of propaganda. The Abolitionists, led by William Lloyd Garrison, published bitter anti-slavery propaganda in *The Liberator*. Harriet Beecher Stowe's *Uncle Tom's Cabin* was probably the most potent anti-slavery propaganda ever written. The slave owners answered in kind, though they never produced anything so dramatic or so widely read as *Uncle Tom's Cabin*. The nearest thing to it came in our own day with the publication of Margaret Mitchell's *Gone With the Wind*. The period of Reconstruction produced bitter propaganda against the Southerners, led by Thaddeus Stevens. President Andrew Johnson carried on hopeless counter-propaganda against his Congressional adversaries. The Republican party waved the "bloody shirt" for more than a generation after the Civil War, in order to prejudice the public mind against the Democratic party as the party of rebellion. The conservative press of our country launched a propaganda campaign of unprecedented venom against William Jennings Bryan in 1896 and accomplished his defeat thereby.

The American colonial empire arose on the crest of notorious newspaper propaganda carried on by Hearst, Pulitzer, and others, who urged our government to make war on Spain. The United States was brought into the first World War on the side of the Allies by the most comprehensive and carefully planned propaganda in history before 1939. We need only mention characteristic atrocity tales that were spread: British nurses in Belgium tortured and mutilated; the hands of Belgian children cut off by the German soldiers; Belgian women and girls ravished; Canadian soldiers crucified; tongues of captured British soldiers torn out; cobras tattooed on the cheeks of Entente prisoners; French juvenile war heroes brutally shot. Other tales described the German corpse factory; the ghoulish glee and enthusiasm of the German Crown Prince as he personally led in the looting of captured churches, palaces, and jewelry stores; the bombing of hospitals and hospital ships; the favorite recreation of submarine gunners, who picked off sailors struggling in the water after their ship had been torpedoed; and the willful German devastation of libraries, works of art, and religious relics.[15] Along with these stories went the larger propaganda myth that Germany was solely responsible for the outbreak of the first World War. The coming of peace produced vigorous propaganda, such as that arising out of the controversy between President Wilson and the Senate over the desirability of our entering the League of Nations, and the long debate over the responsibility for the outbreak of the war in 1914.

---

[15] See J. M. Read, *Atrocity Propaganda, 1914–1919*, Yale Press, 1941.

The approximately fifteen years of the "Noble Experiment" with Prohibition brought about extensive propaganda in the battle between the "Wets" and the "Drys." Other prominent examples of propaganda since the World War have been the intermittent spasms of Red-baiting, most notable being the orgy of Attorney General Mitchell Palmer and the deportation delirium of 1919–20, the Lusk Committee in New York State, and the Congressional investigations by Congressmen Fish and Dies; the propaganda carried on by the munitions makers; and that set forth by the electric utilities in their effort to forestall or prevent government ownership or too stringent government regulation. The presidential campaign in 1928 produced political and religious propaganda unmatched since the election of 1896; and the campaigns of 1936 and 1940 were notable for bitter economic propaganda. The New Dealers presented propaganda in support of the new economic experiments, while Economic Royalists and Liberty Leaguers countered with propaganda against them. The threat of world war after 1939 promoted vigorous interventionist and isolationist propaganda in the United States.

This brief review of some of the outstanding examples of propaganda in the past will suffice to demonstrate that the use of propaganda is no novelty in human life, least of all in the history of our own country. The propaganda of our own day differs from earlier propaganda only in its more universal exploitation and the superior devices for making it an overwhelming instrument of mass appeal.

Propaganda during the first World War demonstrated its enormous efficiency in molding public opinion. The results accomplished by Ivy Lee after 1914 in completely transforming the public attitude towards John D. Rockefeller revealed the potentialities of the Public Relations Counsel in influencing public opinion. Then we witnessed the remarkable development of commercial advertising as a veritable science and art of mass appeal. This achievement has been well described in James Rorty's book *Our Master's Voice,* and Helen Woodward's *It's An Art.* Both the public relations counsellors and the commercial advertisers have made a wide use of social psychology, now available for propagandists to an unprecedented degree, both in volume and technical accuracy. The propagandists have also used devices and instruments of communication hitherto unknown. In addition to the use of the press and the distribution of handbills, leaflets, pamphlets, and so on, they have been able to exploit the telegraph, the movies, and the radio.

The most diverse and varied groups have recognized the value of propaganda, so that today we have more than a thousand organizations created primarily for the purpose of molding public opinion. In attempts to reach the mass of Americans, it was inevitable that the intellectual content of propaganda would be lowered so as to appeal to anyone capable of understanding the simplest language. As Federal Communications Commissioner Payne once put it: "There is the danger that radio and the movies will, in time, make us a nation of grown-up children. Like the moving pictures, the average program of the broadcasters is addressed to an intelligence possessed by a child of twelve." Joseph Jastrow

has, indeed, accused our contemporary propagandists of trying to "moronize" the American public.

Devices and Processes of Propaganda. Clyde R. Miller, when director of the important Institute for Propaganda Analysis, brought together in systematic form what he regards as the seven most common devices of contemporary propaganda:

1. The Name-Calling device.
2. The Glittering Generalities device.
3. The Transfer device.
4. The Testimonial device.
5. The Plain Folks device.
6. The Card-Stacking device.
7. The Band Wagon device.[16]

The name-calling device is an application of the old adage of "giving a dog a bad name." By calling names, we associate the person or movement we would disparage with something undesirable or socially disapproved. For example, members of the Liberty League called President Roosevelt, directly or by implication, a Communist and a Socialist. Mr. Roosevelt in turn designated his opponents as Economic Royalists. Reactionary employers are fond of calling John L. Lewis a Communist. Al Smith sought to discredit President Roosevelt's financial policies by reference to "the baloney dollar." After 1939, interventionists delighted in calling their opponents Fifth Columnists, while the isolationists countered by designating the interventionists as war-mongers.

The use of glittering generalities is an exploitation of what Stuart Chase has called "the tyranny of words." The propagandist seeks to invest his program with dignity and nobility by associating it with worthy but vague sentiments, like love, generosity, truth, and honor. Through this association he hopes to achieve spontaneous and universal approval for his special interest. Reactionary employers seek to undermine collective bargaining by attacking strikes through an appeal for "the right to work." Father Coughlin cloaks his vigorous quasi-Fascist propaganda under the noble phrase of "social justice." President Roosevelt associates the New Deal with "the more abundant life." His opponents seek to discredit it by calling it a spendthrift economy. To them the "abundant life" becomes "boondoggling." Our reactionaries seek approval for their economic program by defining it as "the American way" or by identifying it with the preservation of the Constitution. In the winter of 1940–41, President Roosevelt ennobled all-out aid to Britain under the guise of spreading the Four Freedoms throughout the whole world.

By the transfer device, the propagandist tries to get prestige for his policies by associating them with some symbol universally respected, like God, the Cross, the flag, Uncle Sam, and so on. Journalists commonly make use of cartoons which employ the figure of Uncle Sam, the American flag, or the Christian Cross in such a way as to imply that the Ameri-

[16] Institute for Propaganda Analysis, *Bulletin*, "How to Detect Propaganda," November, 1937.

can spirit or the Church lends support to the policies they favor. Senator Wheeler enlisted God on the side of those opposing the President's Supreme Court reforms in 1937. Henry Wallace and other interventionists invoked the blessing of God on their crusade against Herr Hitler.

By the testimonial device, the propagandist exploits the approval of some policy or product by a person or group possessing great popular prestige, such as the President's wife, Henry Ford, the American Legion, the United States Chamber of Commerce, or the American Federation of Labor. The testimonial is usually a direct eulogy of the thing or program being promoted. It is most commonly used in commercial advertisements.

An effort to appear extremely democratic, devoid of snobbery, and in tune with the mass of Americans is called the plain folks device. Most presidents have been photographed talking to farmers, to housewives, to laborers, and so on. Calvin Coolidge was often photographed on a rustic hayrake. Alf Landon returned to the home folks where he was born to start his presidential campaign. When one of our masters of commercial advertising, Bruce Barton, decided to enter public life, photographs appeared showing him talking to the common man seated on a park bench, at the wheel of a taxi, and so on. The notorious baby-kissing antics of politicians during campaigns is another example of the plain folks device. So are photographs of a candidate with his whole family, from his grandfather to his grandchildren, wearing common clothes, displaying an interest in baseball and fishing, attending convivial picnics, and so on.

The card-stacking device makes deliberate use of faulty logic or suppresses facts in an effort to promote a cause or candidate. It is the combination of rigging the game and the familiar Jesuitical method of argument through dust-throwing. Embarrassing facts are overlooked, and the argument is shifted from major items to secondary issues. Every effort is made to obscure the facts, to confuse and mislead. The familiar build-up of candidates, pugilists, movie stars, and the like, by piling up alleged virtues, is another example of the card-stacking procedure.

An excellent instance of card-stacking was the statement made by a rich and powerful university president in the spring of 1942, endeavoring to ridicule the attempt of labor to preserve the forty-hour week. He stated that he had long wished for a "forty-hour day." What he failed to state was that, if he had a forty-hour day, he would be spending part of it in pleasant conversation, golf, banquets, travel and the like, not in grueling work in a foundry. Nor did he take the trouble to point out that the average coalminer would probably delight in a forty-hour day if he could spend part of it in leisure pursuits.

The band wagon device attempts to get approval of a candidate or program by an appeal to the notion that "everybody's doing it." It is an application of the adage that "nothing succeeds like success." The average man wants to follow the crowd. If he can be made to feel that a certain cause is bound to win, he supports it. The opposition is represented as hopeless and unpopular. It was a common quip, after the election of 1936, that Vermont and Maine were no longer in the Union, and

their representatives in Congress were jokingly referred to as ambassadors. After the election, certain newspapers which had vehemently opposed Roosevelt during the campaign, suddenly found him to be a second Jackson. In the campaign over our entry into the second World War, the interventionists tried to show that only a few poor deluded ignoramuses and Fifth Columnists supported isolation, while the isolationists appealed to the various polls to prove that the majority were against our entry.

In all propaganda devices there is a strong emotional component. This fact has been emphasized by Professor Miller:

> Observe that in all these devices our emotion is the stuff with which propagandists work. Without it they are helpless; with it, harnessing it to their purposes, they can make us glow with pride or burn with hatred, they can make us zealots in behalf of the program they espouse.[17]

In other words, the propagandists appeal to our hearts rather than our heads. And, as we have pointed out above, such appeal as is made to our heads is of a relatively low order, so designed that it may attract even the lowest intellectual level and the least literate elements of our population. The propagandists have studied our mental tests and have learned that at least half the American population falls into the levels of dull normals and morons.

To supplement this list of basic "devices of propaganda," the Institute for Propaganda Analysis has enumerated some eleven closely related mental processes or mechanisms that are most frequently exploited by propagandists in using the foregoing devices. These processes are:

1. Custom.
2. Simplification.
3. Frustration.
4. Displacement.
5. Anxiety.
6. Reinforcement.
7. Association.
8. Universals.
9. Projection.
10. Identification.
11. Rationalization.[18]

We may illustrate what is meant by these mental processes, so congenial to propaganda activities, by both foreign and domestic examples. The skillful propagandist builds up his propaganda in terms of the folkways, customs, and habits of his own society. For example, Hitler builds on such popular German themes as patriotism, discipline, loyalty, and leadership. In our counter-propaganda, we properly stress freedom, democracy, and liberty.

The more simple allegations and slogans can be made, the more effective they are. Hitler has contended that Germany lost the first World

---

[17] Miller, *loc. cit.*, p. 3.
[18] *Bulletin*, "Propaganda for Blitzkrieg," August 1, 1940.

War simply because of the treason of Jews and Communists. Opponents of President Roosevelt contended that the United States was being wrecked because the budget was not balanced. His friends asserted that all the trouble arose from the fact that capital was ganging up and conducting a "strike of capital."

The frustration of the oppressed in Russia, Germany, and Italy after the first World War made it easy for totalitarian propagandists to capitalize on the popular psychology. Hitler made particularly good use of the Treaty of Versailles as a symbol of German frustration and promised to destroy it. In his first campaign for the Presidency, Franklin D. Roosevelt exploited the sense of frustration on the part of millions of Americans in the depth of the depression with his appeal for the "forgotten man"—forgotten by the business leaders and the Republican party. Mr. Roosevelt's own sense of frustration after the Supreme Court battle led to his shift of interest to the foreign field and his suggestion that we "quarantine the aggressors."

The displacement process resembles "buck-passing" and the search for scapegoats. Hitler's use of Jews and Communists as scapegoats to explain German miseries is well-known. After the second World War began, Hitler and Churchill regarded each other as the sole devil in world affairs. When the French and British failed to stop the Germans in May and June, 1940, they turned on King Leopold and made him the scapegoat for Allied collapse.

Propaganda purposes are served by both stirring up and allaying anxiety. Hitler has aroused much anxiety abroad by his Fifth Column organization, while he reduced anxiety at home by his treaty with Russia in August, 1939, which removed for the time being the danger of a two-front war.

Any program or movement frequently needs psychological and moral reinforcement. Hitler has reinforced the Nazi philosophy and program by numerous parades, demonstrations, and education. The sense of danger in the United States was further stimulated by the encouragement of civilian defense activities, and anticipatory preparations against enemy bombings and invasions.

Association of ideas is used for propaganda efforts. Hitler has associated democracy with plutocracy and, at other times, with the contradictory smear of communism. President Roosevelt associated prominent isolationists with the "Copperheads." (The name of this poisonous snake was given during the Civil War to Northern sympathizers with the Southern cause.) After Pearl Harbor, President Roosevelt happily associated his opponents with defeatism, and branded them "Sixth Columnists." This process of propaganda is, obviously, closely related to the name-calling device.

The use of universals or expansive generalities is illustrated by Hitler's assertion of the comprehensive superiority of the "Aryan" race and culture. A more noble universal is President Roosevelt's ideal of the Four Freedoms as a program for world-wide utopia.

A clever master of propaganda may project his views into the con-

sciousness of a whole people. Hitler created a Nazi program out of his own convictions and then imposed them upon Germany through persistent propaganda. President Roosevelt was almost equally successful with the New Deal and preparedness before our entry into the second World War.

Through identification of a program with a person of great prestige, a large following can be gathered and great repute attached to the movement. Hitler built up the early Nazi movement around the personality, or symbol, of Ludendorff. Later he made use of Siegfried and other heroes of German mythology. President Roosevelt secured even greater prestige for his foreign policy by identifying it with God's will. In his remarkable speech of May 8, 1942, Vice-President Wallace identified the war of the United Nations with the notion of a crusade for humanity under divine leadership: "The people's revolution is on the march and the devil and all his angels cannot prevail against it. They cannot prevail for on the side of the people is the Lord."

Rationalization is a process of congenial self-deception. For example, Hitler rationalized away German defeat in 1918 as a treasonable Jewish-Communist plot and disposed of German mistakes after 1918 as wholly due to the Treaty of Versailles. Republicans rationalized their timidity and conservatism from 1929 to 1933 by holding that "deflation" had worked and that prosperity was actually coming back around the corner when the New Deal drove her into a side alley. The decay of the New Deal after 1937 was rationalized by its supporters as being a result of the malevolence of reactionaries at home and Hitler abroad.[18a]

Political Propaganda. We may now review very briefly certain characteristic types of propaganda in various fields of American life, mainly for the purpose of illustrating the diversity and potency of this new force in social control. Let us first turn to propaganda in politics.[19]

Usually several of the propaganda devices are used in a campaign. In the campaign against the New Deal, for instance, an address made under the auspices of the Liberty League in Washington in January, 1936, by Alfred E. Smith, combined the devices of glittering generalities, card-stacking, and name-calling by insisting that the American people must choose between the way of Moscow and the American way, laid down by the Fathers in the Constitutional Convention at Philadelphia. There was no suggestion in Mr. Smith's speech that the philosophy of the Liberty League was almost as far from that of the Constitutional Convention as the tenets of Moscow. The direct implication was that the New Deal was following the pattern of the Soviet Union. Mr. Smith's speech also illustrated the fact that propaganda devices, to be successful, must be used to give an impression of factuality. To compare the New Deal with Moscow was so absurd that the Smith speech fell flat and did not provoke the secession from the Democratic party which the enemies of Mr. Roosevelt had predicted.

[18a] We do not, obviously, equate Nazi and American propaganda. The former is evil and the latter is good, but the same devices and mechanisms are used in both.

[19] See F. C. Bartlett, *Political Propaganda*, Cambridge University Press, 1940.

For the New Deal, Secretary Ickes and Attorney-General Jackson once launched a vigorous propaganda against monopoly, as a barrage under which the Administration investigation of monopoly could proceed safely. David Cushman Coyle made clever use of the transfer device by presenting the New Deal program as a "national or human budget," of far greater importance than any mere treasury budget. In his address at the opening of Congress on January 4, 1939, President Roosevelt made a very effective use of the transfer device by linking up the New Deal with patriotism, national defense, and religious idealism.

The resources of the telegraph for mass propaganda were first made apparent by Father Coughlin, when he induced thousands of his radio listeners to deluge Congress with telegrams urging it to vote against the entrance of the United States into the World Court. Father Coughlin became generally credited with having thus influenced enough Senators to defeat the proposal to have the United States join the World Court. Later the electric utilities showered Congress with card-stacking telegrams when the Wheeler-Rayburn bill to curb holding companies was under consideration. In this case, the propaganda was rather irresponsible, since names were taken at random from telephone directories and signed to telegrams without any knowledge or intent on the part of the persons whose names were signed.

In the drive against the Supreme Court reform bill of 1937 and the Administrative Reorganization Bill of 1938, Father Coughlin was joined by newspaper columnists like Mark Sullivan, David Lawrence, Paul Mallon, Boake Carter, and Dorothy Thompson, and by powerful publishers, such as Frank Gannett. They urged their readers to put pressure on Congress by writing and wiring for the defeat of the bills. Dorothy Thompson and the Scripps-Howard newspapers made much use of name-calling and card-stacking by calling the Administrative Reorganization Bill "the Dictatorship Bill." Congressmen were deluged with letters and telegrams. The period has been described by Secretary Harold L. Ickes as one of "mail-order government." Its dangers have been well summarized by Secretary Ickes:

> The danger in mail-order government must be apparent to all. If one small but none too scrupulous group could stir the passions of the unthinking to mobbish action, as was done in this instance, other groups can incite other mobs on other occasions. The right to petition for a redress of grievances and the right to express oneself on any matter of common interest are precious rights that should be jealously guarded. But the right to petition Congress is based upon the presumption of a thoughtful and informed consideration of the subject-matter involved.[20]

It may be observed, however, that when "mail-order government" got behind the interventionist movement with which Mr. Ickes was in thorough sympathy after 1939, he found it eminently satisfactory.

Political propaganda has gone beyond the mere matter of supporting or opposing particular laws or political policies. Whole systems of gov-

[20] Harold L. Ickes, "Mail-Order Government," *Collier's*, February 18, 1939, p. 15.

ernment are today founded upon and supported by propaganda. For example, the government of Nazi Germany [21] has a definite Ministry for Propaganda, presided over by the remarkably capable and cynical Dr. Joseph Goebbels, who has openly expressed his contempt for mass intelligence and has shown himself a master in manipulating the mass-mind. The Institute of Propaganda Analysis summarized the methods of the Nazi propaganda in its Bulletin of May, 1938, devoted to "Propaganda Techniques of German Fascism." The name-calling device, which appeals to hate and fear, was utilized in the denunciation of the former Republic, radicals (all of whom are regarded as Communists), liberals, and, above all, the German Jews, whom the German people had been made to hate as the cause of all their miseries.

Use was made of glittering generalities in arousing the patriotic sentiments of the Germans. Much was made of vague and high-sounding words such as "honor," "sacrifice," "leadership," and "comradeship." An appeal was made to the historic traditions and alleged racial purity of the Germans—for example, the Nazi slogan of "One Race, One Nation, One Leader." Stress was laid upon the fact that the Nazis worked only *for the common good and the deliverance of German national honor from* the disgrace of the first World War and the Treaty of Versailles.

The transfer trick was exploited to confer prestige and reverence upon Hitler and his associates. An effort was made to invest Hitler with the qualities of divinity. The prestige and authority of God were freely used to buttress the personnel and policies of the Nazis, with regard to both the domestic program and foreign policy.

The testimonial subterfuge was copiously employed to give prestige to Nazi policies. Thus nothing was right which Hitler did not approve, and nothing could be wrong which he sanctioned. The propagandists then saw to it that Hitler conferred his blessing upon all major policies.

The plain folks strategy was used to give the Nazi régime popular support. Hitler was photographed fondling babies. The Nazi leaders were represented as good family men.

An elaborate censorship system enabled the Nazis to make wide use of the card-stacking device. Only those things could be said that the government wished to have said. The country was thus spoon-fed and the opposition had no opportunity to correct false impressions. Finally, the band wagon procedure was thoroughly exploited in great patriotic demonstrations like the Nazi congresses at Nuremberg. These gave the impression that everybody in Germany was heartily behind Hitler and his policies.

The result of all this was the promotion of a close mental unity among the German people and the development of a common front in favor of Nazi policy at home and abroad. But, at the same time, it suppressed objective thinking and thus impaired initiative and inventiveness.

Fascism has many supporters in the United States, and they have

---

[21] See below, p. 582.

profited by the impressive example of what propaganda was able to accomplish in the destruction of democracy in Germany. The imitation of Nazi methods by American sympathizers is considered at length by the Institute for Propaganda Analysis:

> Today in the United States there are some 800 organizations that could be called pro-fascist or pro-Nazi. Some flaunt the word "Fascist" in their name, or use the swastika as their insignia. Others—the great majority—talk blithely of democracy, or ("Constitutional Democracy") but work hand in glove with the outspokenly-fascist groups and distribute their literature. All sing the same tune —words and music by Adolf Hitler, orchestration by Dr. Paul Joseph Goebbels, the Reich-minister of Public Enlightenment and Propaganda. That song bewitched the German people, as the song of the Lorelei bewitched the mariners of antiquity; it lured them headlong onto the reefs of fascism. It can be sung with variations, but always the refrain is "Jew!" and "Communist!" [22]

The would-be American dictators are imitating the methods of the Nazi dictators, particularly in their use of card-stacking, testimonials, and name-calling. The card-stacking technique is used to make the words Jew and Communist particularly odious: "The American Fascists, like the German Nazis, have no qualms whatsoever about telling out-and-out lies, misquoting documents, or even forging documents." Well-known Americans, such as Chief Justice Hughes, Matthew Woll, the late Mayor Hylan, and former President Garfield, are invoked for testimonials against the Jews. There is also card-stacking, for these quotations fail to hold water:

> It would be impossible to identify these men with Jew-baiting, and, in fact, the quotations cited make no mention whatsoever of the Jews, even by implication. The reasoning of the Silver-shirts, however, is something like this; Garfield and Hylan attacked the bankers, they must have been Jew-baiting because most bankers are Jews; Justice Hughes said that voters should be well informed, he must have been attacking the Jews because voters are ill-informed and the Jews own most of the newspapers in the United States [23]

As the editors point out, the card-stacking technique in the foregoing quotation is well illustrated by the fact that very few bankers are Jewish; that only an insignificant number of newspapers are owned and operated by Jews; and that the Communist party here is headed mainly by Americans who could qualify as full-blooded Aryans in Germany itself.

The invariable procedure of the American Fascists is to resort to name-calling when they are attacked. When Dorothy Thompson assaulted the Nazi government in Germany, the Silver-shirts asserted that her real name is Dorothy Thompson Levy. When Governor Alf M. Landon of Kansas attacked Rev. Gerald Winrod, alleged leader of Fascism in that state, the charge came right back that Landon's middle name is Mossman, which proves that he is a Jew.

It is estimated that one voter out of every three in the United States has been subjected directly to Fascist propaganda. While it has been

---

[22] *Bulletin*, "The Attack on Democracy," January, 1939.
[23] *Ibid*, pp. 2–5.

fed out directly by American organizations, it has been shown that some have had direct tie-up with Germany and made use of the tons of Nazi propaganda which were being shipped to this country.

After 1939 a comprehensive anti-Fascist propaganda was developed by interventionists, some of their organizations having high-sounding titles like "The Friends of Democracy." Their intolerance and their flagrant use of all the cherished Nazi propaganda methods gave point to the late Huey Long's prediction that Fascism would come to America in the name of "anti-Fascism."

Propaganda also plays a dominant rôle in foreign affairs today. Through propaganda, the Fascist countries got control of their foreign policy as completely and ruthlessly as they controlled domestic political policies. All news going into and coming out of Fascist states is thoroughly censored. No foreign correspondent dares to challenge this censorship if he hopes to remain in a Fascist country. The situation in Germany is well described in a *Bulletin* of the Institute for Propaganda Analysis:

> If the story is considered unfriendly to Adolf Hitler, the censor may warn the correspondent to watch his step. If the correspondent persists in sending unfriendly stories, he will find that his news-sources are closed to him; party and government officials will refuse to speak to him; government bureaus will refuse to give him information. Later may come expulsion from the country.[24]

But progaganda in foreign policy is not, unfortunately, limited to the dictatorships. It is a sad fact that the major European democracies apparently collaborated with the Fascist countries in putting over on the world the most notorious propaganda hoax in the history of diplomacy. We have reference here to the official version of the diplomatic events leading up to and including the Munich Conference of late September, 1938.

We were promised in the Allied propaganda during the first World War that an Allied victory would put an end to secret diplomacy. Yet, there seems to be good evidence that the most sinister secret diplomacy in modern history was carried out by these former Allied powers during 1938

When our historians, after the first World War, demonstrated that the Russian diplomat Alexander Isvolsky brought about the War through a plot to secure for Russia the Straits leading out of the Black Sea, the public was at first so stunned as to regard any such notion as utterly incredible. Today, this plot is so well established a fact that only the most obtuse "bitter-enders" among historians refuse to accept it as a commonplace of diplomatic history.

But our more astute diplomatic historians have assembled evidence to prove that Isvolsky was a "piker" compared with Neville Chamberlain, the Cliveden gang, Montagu Norman, the British financial Tories, and their French stooges, when it comes to secret diplomacy and duping the public. It now seems that the events leading up to the Munich Confer-

---

[24] *Op. cit.*, October 1, 1938, p. 2.

ence of the end of September, 1938, were all arranged for months before by the British Foreign Office, Germany, and Italy, with the assent of France. The doctrine of a "Munich plot" to betray Czechoslovakia and deceive the populace of France and Britain is well set forth in the November, 1938, *Bulletin* of the Institute for Propaganda Analysis:

In brief, the story is this. Last May [1938], if not much earlier, Neville Chamberlain decided to buy Hitler's friendship, or at least purchase some immunity from his enmity; and to do this by the sacrifice of Czechoslovakia. It was a decision beset with grave risks and problems. How to keep France and the Soviet Union from observing solemn treaties and rushing to Czechoslovakia's defense? How to forestall an upheaval in England itself that might overthrow Chamberlain's own government? To meet these problems called for the highest talent in propaganda-diplomacy—card stacking on a titanic scale. The peoples of France and Britain must be prepared to expect the horrors of war at any split-second; and events were so ordered. Then—presto!—in that darkest hour came the Munich Conference in which Chamberlain turned what appeared to be certain war into "peace with honor." It was all planned and happened according to plan [25]

If this interpretation is true, it means that all of our excitement in *September, 1938, when intelligent Americans were momentarily expecting* a European war and were feverishly following the minute-by-minute radio broadcasts, was entirely unjustified and fictitious. It was nothing more than stage-play, which was carrying out the last phases of the plot which had been laid, very possibly, as early as March, 1938:

According to this explanation of "the Munich plot," from the moment of Chamberlain's decision to capitulate to Hitler, what happened in Europe was mostly "play acting" culminating in those memorable days and nights when millions of Americans listened avidly to radio dispatches of the unfolding drama. As in a drama on the stage, everything was planned, or nearly everything; the fervent speeches, the Runciman report, the visits to Berchtesgaden and Godesberg, even the cablegrams which Franklin D. Roosevelt was persuaded to send Adolf Hitler and Mussolini.

All this was arranged, if the story of the "Munich plot" is true, by Mr. Chamberlain or his confidential aides, arranged deliberately to stampede public opinion into accepting and approving the Chamberlain policy of appeasement with respect to Rome and Berlin. Troops were mobilized, gas masks were given to the peoples, evacuation of Paris was begun, trenches were dug in London parks, armies were mobilized, and the might of the British navy was gathered in the North Sea. German passenger liners were ordered to rush back to their home ports. Everything was done to make the British and French peoples believe that Europe teetered on the brink of war.[26]

Not only have the brighter journalists and more alert historians accepted this interpretation, but, as the late Paul Y. Anderson pointed out

---

[25] *Op cit*, p. 1. Even the interpretation of Munich given in the above quotation is somewhat misleading. Czechoslovakia was not sacrificed by Chamberlain to gain Hitler's friendship, which was already assured by Hitler's notorious Anglophile sentiments. Munich was "plotted" to strengthen Hitler for the attack upon Russia which the British Tories expected him to launch soon.

[26] *Ibid.*, p. 2.

in *The Nation,* it was accepted by many in high official circles in Washington:

One encounters a deepening belief in high official circles here that the Munich betrayal was actually arranged far in advance of its public announcement, and that the September war scare was deliberately staged in England and France to frighten the people of those countries into acceptance of terms which had already been secretly agreed on. That hypothesis would serve to clarify many things which have puzzled the world. The failure of the Germans to dig trenches in streets and parks, to issue gas-masks by the millions, to plan the mass evacuation of their cities, or engage in any of the spectacular preparations which terrified London and Paris is understandable if Hitler knew there was to be no war. Unlike Chamberlain and Daladier, he was under no compulsion to create a public opinion. That the danger of gas attacks on London and Paris was enormously exaggerated by the government is now admitted. Gas has not been employed against civilians in Spain or China, for the very practical reason—upon which experts agree—that gas is much less effective than explosives or incendiary bombs. That the heads of the British and French governments would perpetrate such a monstrous hoax upon their peoples is a horrifying thought, but is it any less horrifying than the final betrayal? I think not, and there are others here, far more important, who agree.[27]

Another hideous world war has now broken out. The foremost public problem of our age is how to interpret it accurately and soundly. We have new methods of warfare which are much more ingenious and efficient than those known at any earlier age. Do we have comparable new devices to enable us to ward off the deadly military involvements of our age?

Dr. John W. Studebaker, United States Commissioner of Education, believed in 1938 that we did. In an article, "Can Discussion Muzzle the Guns," issued by his office, he suggested that the press and the radio, with the new facilities which they provide for discussion, might inform the people to such a degree that they would be able to move effectively against our entry into the war while there was yet time. War could no longer sneak up on us unawares. Dr. Studebaker used President Roosevelt's message to Hitler and Mussolini in September, 1938, as an illustration of how the radio and press have annihilated time and space, when it comes to giving the public information on a great world crisis:

Within six hours from the time a typewriter had made the final draft, that message was the topic of discussion in all parts of the civilized world. People heard it on loud-speakers, then read it in the morning newspapers. This strange and yet powerful thing we call public opinion was feeding on that message. In the time that it would have taken Paul Revere to ride less than 100 miles with his message, the appeal of the President of the United States for peace went around the globe and became a part of world public opinion. This serves merely to illustrate how we have annihilated time and made it possible for people to get an accurate and exact statement of an important message together with clarifying comment on its implications for peace or war.[28]

Never before in the history of man were the apparent facts of a world crisis so speedily and comprehensively presented to the public. It was a

[27] *Nation,* November 19, 1938, pp. 528–529.
[28] *Op. cit.,* pp. 1–2.

moment of impressive mass education on the most critical issue of the day:

> Historical facts were marshaled and presented to us in order that we might understand the background of the situation. Conflicting opinions and views were presented from all parts of the world. The issue was approached from every angle and sharpened by critical comment. We learned much in a very short time. This achievement in making the major crisis in this decade vivid and understandable to the masses of people calls for the unreserved praise of educators. But it calls for more than praise. In my judgment, it is the responsibility of the educational forces to keep the discussion going and to prepare for better use of the press and radio in organized education in the future.[29]

Dr. Studebaker contended that we must not only make sure that this sort of public discussion will go on in future crises, but must also take steps to see that it will be continued in the interval between such major disturbances. We must understand and discuss the issues which underlie war as well as military crises. Otherwise, the latter will become ever more frequent and more menacing.

There is much to be said for Dr. Studebaker's contentions, but the actual technique of modern mass discussion holds within it grave dangers, as well as new promise. This was well illustrated by the very crisis of September, 1938. The public was quickly educated as to the external and superficial events of the crisis, but in this very process they were grossly deceived as to the fundamental facts. We all thought that war was imminent at any moment. Now we know that it was a fake crisis and that all the diplomatic maneuvers were only stage play, designed to deceive a gullible public.

Moreover, it was hard to undo the damage. Our scholars now know the truth, but the masses still believe the "story for babes," as it came over the air late in September, 1938. There is no way whereby the real facts, now known by scholars, can be set forth with the same comprehensive effect and wide publicity as was the stage play which most of us accepted as accurate at the time of the Munich Conference. The stage play carried on by Chamberlain, Daladier, Hitler and Mussolini was spread to the four corners of the world by the press, radio, and newsreels. The striking articles of Ladislas Farago and Frederick L. Schuman, which have correctly revealed the hoax, are hidden away in *Ken Magazine*, the *New Republic*, and *Events*, and other excellent magazines read by only a small section of the public. This illustrates how an honest effort to inform the public and discuss world affairs may quite unwittingly become the means for gross misinformation and dangerous deception.

The events of 1940–1941 revealed the pathetic inadequacy of Dr. Studebaker's hoped-for safeguards against our involvement in war. At the very moment when open-minded discussion was most necessary, it became all but impossible. The press, radio, and movies were heavily weighted with interventionist propaganda. "Name-calling" was rampant.

---

[29] *Ibid.*, p. 2.

Objective analysis of the real issues was difficult, and it was all but impossible to get it before the mass of the people. Hence it was possible for the Roosevelt administration in Washington to move gradually, step by step, on the road to war and to block or undermine any serious move for peace. Then, when the final crisis came on December 7, 1941, it dropped on us with such speed and shocking power as to rule out any possibility of sane discussion.

The most appalling aspect of the power of propaganda in foreign affairs is its current effect, now that the second World War has finally broken out. The propaganda designed to involve us in war was far more potent than it was between 1914 and 1917.[30] Propaganda methods had been much improved in their technique. The belligerents had more and better things with which to stir up our emotions. They also had far more numerous and potent communication facilities to make use of.

When the first World War broke out, the propagandists were still only amateurs at the game. But after 1939 they had at their disposal all the lessons about successful propaganda they learned during the previous twenty-five years. This material had been gathered together in systematic fashion by Harold D. Lasswell and others. The propagandists of the present war also had all the accumulated skill, experience, and strategy of commercial advertising and propaganda, which had been mastered since 1918, to draw upon. Hence, "propaganda technique in wartime" was far more adroit and ruthless after hostilities broke out in September, 1939.

There were also more and better things to exploit. In 1914–17, those who sought to propagandize our country had to stick pretty closely to Germany and the Kaiser. But millions of Americans were of German descent and the Kaiser was a highly respected person in this country, as late as July, 1914. In June, 1913, William Howard Taft had called him the greatest friend of world peace in the previous quarter of a century. Theodore Roosevelt said that the Kaiser aided him more than any other monarch in promoting world peace. Nicholas Murray Butler outdid them all by asserting that, if the Kaiser had been born in the United States, he would have been made President by acclamation without even waiting to be nominated and elected.[31]

Fascism, National Socialism, Mussolini, Hitler, Japan and the "Yellow Peril" have provided far more numerous and effective things to denounce than Germany and the Kaiser. The propagandists of 1914–1917 were able to make devils out of the German people and a gorilla out of the Kaiser. What they have been able to do with Fascism, Hitler, and Mussolini, to say nothing of Japan and the Yellow Peril, almost defies rational description. And they were able to do about as well with the "Red Menace," "purges," and Stalin before June 22, 1941.

---

[30] See Porter Sargent, *Getting Us into War*, Sargent, 1941.
[31] See *The New York Times*, June 8, 1913.

If the propagandists have had better things to denounce, they also surely have had far more varied and effective agencies of publicity. In the first World War, Lord Northcliffe, Sir Gilbert Parker, George Creel, and their like, had to rely almost wholly upon the printed page to spread their falsehoods and line up the "suckers." Today, along with the printing-press, we have the radio and newsreels, to say nothing of the probability that television will be extensively installed before the second World War comes to an end. Hence, impressive and pervasive as wartime propaganda may have been during the first World War, it was only an amateurish flurry compared with what we have had since the second World War came along.[32]

In order to combat Axis, and "Fifth" and "Sixth" Column propaganda, information agencies were set up in the Federal Government at Washington. The most important were the Office of Coördinator of Information, under Col. William J. Donovan; the Division of Government Reports, presided over by Lowell Mellett; and the Office of Facts and Figures, under the direction of Archibald MacLeish. There are numerous other coöperating bureaus and agencies. Strong pressure was exerted to create a supreme head of official information about the war, and late in June, 1942, the Office of War Information was created with Elmer Davis at its head.

The first important propaganda pamphlet against our enemies was issued in March, 1942, by the Office of Facts and Figures, and was entitled "Divide and Conquer." It was an able blast, directed against Hitler rather than the Japanese, and could fill Americans with pride as they realized that we can match Herr Goebbels at his own game. Especially clever, adroit, and timely was the masterly use of the card-stacking device (p. 14), in listing all the more important potential arguments against Administration policy and then attributing them to Axis sources. In this way, critics could be identified with foreign propaganda or domestic defeatism, and thus quickly silenced. The technique was almost immediately applied to Father Coughlin, and it brought speedy results, including the suspension of his paper, *Social Justice*.

While our attention is usually directed to propaganda carried on by war-mongers and munition makers, there has also been much propaganda carried on for peace. This may take on all forms, from the dignified and scholarly monographs issued by the World Peace Foundation, which was created by the late Edward Ginn, to the spectacular but effective campaign of the World Peaceways, which put on peace parades and demonstrations in most American cities of importance and also carried on an extensive advertising campaign in behalf of peace. Incidentally, this peace campaign was financed by a private commercial corporation, the Squibb Drug Company, which sought thereby to create a favorable

---

[32] On propaganda in the second World War, see Sargent, *op. cit.*; F. A. Mercer and G. L. Fraser, *Modern Publicity in War*, Studio Publications, 1941; Cedric Larson, *Official Information for America at War*, Rudge, 1942; John Hargrave, *Words Win Wars*, Gardner, Darton, 1940; and Harold Lavine and James Wechsler, *War Propaganda and the United States*, Yale University Press, 1940.

impression towards Squibb products on the part of American peace lovers —a clever use of the transfer device.

Propaganda in Business. The broad field of business probably exploits propaganda more widely than any other element in modern society. We are, of course, familiar with the use of propaganda in every type of advertising, whether printed, pictorial or vocal.[33] In commercial advertising, especially wide use is made of glittering generalities, transfer, testimonial and the band-wagon devices. Even reverse card-stacking is employed. There have been uncovered, for example, malicious whispering campaigns against manufacturers of certain leading brands of cigarettes. A few years ago the whispers suggested that one prominent tobacco firm employed lepers in making its cigarettes. Another whispering campaign insinuated that a tobacco company was donating money liberally to the support of the Nazi régime in Germany. There was not the slightest foundation in fact for these whispering campaigns. But investigators incidentally discovered that there are actually commercial propaganda organizations which specialize in inventing and circulating such malicious rumors and gossip. This is probably the lowest level to which propaganda has fallen in our day.

Another type of propaganda in the field of business has been the attack of reactionary business upon the New Deal, and particularly upon its labor policy. The card-stacking device has been exploited in the oft-repeated assertion that the depression was really ended by November, 1932, and that the election of Mr. Roosevelt only set business back and retarded recovery. Equally a product of card-stacking was the charge that the business recession of 1937 was due to the failure of the New Deal to balance the budget. As a matter of fact, the recession was hastened and augmented by governmental economies, made as a sop to big business in an attempt to balance the budget.

The attacks upon the labor movement have made a clever use of glittering generalities, card-stacking, and the testimonial device. The glittering slogan of "the right to work" and the transfer device, the "American way," have both been invoked against the CIO and the Wagner Act. Reactionary industrialists have particularly exploited the program of the so-called Mohawk Valley Plan, which embodies all of the familiar propaganda devices.[34] Indeed, the whole Mohawk Valley Plan revolves about the substitution, so far as possible, of propaganda for bullets in battling labor unionism. Among the outstanding tenets of the Mohawk Valley Plan, originally drawn up by an able public relations counsellor, are the following: (1) union leaders are to be denounced as radical agitators; (2) the employers are to be identified with the principles of law and order; (3) the citizens and police are to be organized in such a fashion

---

[33] See Helen Woodward, *It's an Art*, Harcourt, Brace, 1938.

[34] The term "Mohawk Valley Plan" arose from the fact that the program was first worked out and applied in the Mohawk Valley plants of the Remington-Rand Company.

as to bring both public opinion and physical force to bear upon strikers; (4) much publicity is to be given to a "back to work" movement, indicating that the strike is failing; (5) the "back to work" movement should be staged theatrically at the proper moment, with all possible publicity given to it; (6) news should be manipulated so as to create the impression that the strikers are a lawless lot, endeavoring to obstruct the right of every American to work: and (7) as much publicity as possible should be given to the assertion that the strike has failed, whether this be the truth or not. For the most part, employers utilizing the Mohawk Valley formula have arranged to have their publicity handled by some skillful public relations firm.

The counter-testimonial device was used by the Little Steel officials in battling the Wagner Act. George Sokolsky was played up as a syndicated columnist in a number of American newspapers.[35] He posed as an impartial authority on labor problems. Hence, what he wrote against the CIO had unusual prestige, as presumably an authoritative and impartial view of any labor question. But it was brought out that he had the backing of the National Association of Manufacturers, operating through the public relations house of Hill & Knowlton, of Cleveland, Ohio.[35a]

In its attack upon so-called radicalism, business has resorted to the name-calling device, as well as to the use of the counter-transfer, by denouncing anything allegedly radical as "un-American." The Dies Committee, investigating un-American activities, has been flagrantly guilty of name-calling, transfer and card-stacking. A good example of the latter was the calling of Homer Martin, a bitter opponent of radicals, to testify relative to Communism in the CIO.

One of the most obvious examples of card-stacking in the whole range of contemporary business propaganda is the following paragraph from a speech made by Bruce Barton, a leading advertising magnate, before the Illinois Manufacturers' Association on May 12, 1936. He thus tried to rationalize and justify the inequalities of income and power under the capitalistic system:

> Any man in this room who has served on the handicap committee of a golf club has learned something of the curious involutions of the human heart. The *handicap system is an instrument of social justice.* It recognizes the hollowness of that ancient lie that all men are created free and equal. A golf club knows that all men are not created free and equal. It knows that there are a few men out of every generation who, *by native talent,* are able to play in the seventies. That there are a few more, who because of youthful opportunity or *self-sacrificing practice,* can score in the eighties, that a somewhat larger number, by virtue of *honest lives and undying hope,* manage to get into the nineties. But beyond these favored groups lies the great mass of strugglers, who, however virtuous their private lives, however noble their devotion to their task, pound around from trap to trap and never crack a hundred. If the handicaps can be reasonably fair

---

[35] For an appraisal of Mr. Sokolsky as a labor expert, see Robert Forsythe, *Reading from Left to Right,* Covici-Friede, 1938, pp. 122 ff.

[35a] See Institute for Propaganda Analysis, *Bulletin,* September, 1938, pp. 65–66.

and honest, a spirit of wholesome endeavor and mutual good feeling results. If the poor players are unfairly handicapped they will protest and throw out the officers. If, on the other hand, the good players are too much burdened they will not compete. *The management of the club passes into the hands of the dubs;* the club is likely to lose tone and eventually break up.[36]

The use of the card-stacking device by Mr. Barton in the above statement has been clearly exposed by Robert A. Brady, one of our leading critical experts on the subject of propaganda:

It apparently has not occurred to Mr. Barton that, however satisfactory he may find his illustration for purposes of explaining variations in human ability, it is completely inverted when applied to the facts of relative economic opportunity. There is a handicap system in business life, but it is a handicap scheme not for offsetting the advantage of the strong, but for underwriting it against the weak. To make his illustration stick [as descriptive of the capitalistic system], Mr. Barton would need a golf club where the players in the seventies were given the handicap advantages and the players in the hundreds had handicaps assessed against them. That a situation analogous to this obtains in business life is so notoriously true that Mr. Barton will find no one, left or right, prepared to deny it. If the initial argument regarding ability gradations is no more than naive, the implications drawn from it are directly contrary to indisputable fact.[37]

An interesting phase of the use of propaganda by business has been the development, during the last few years, of a subtle campaign to sell the general idea of big business and capitalism to the American public. The "message of business" has been formulated and a program drawn up for putting it across. This message has been very well stated by Bruce Barton: "Research, mass production, and low prices are the offspring of business bigness and its only justification. This story should be told with all the imagination and art of which modern advertising is capable. It should be told just as continuously as the people are told that Ivory Soap floats or that children cry for Castoria."[38] The National Association of Manufacturers, the United States Chamber of Commerce, and other organizations of business, as well as the Ford Motor Company, have taken Mr. Barton's advice to heart and have organized skillful and comprehensive propaganda programs designed to sell business to the country. The comprehensiveness and subtlety of this propaganda campaign can only be comprehended after a careful perusal of the articles on "Business Finds Its Voice," by S. H. Walker and Paul Sklar, published in *Harper's*.[39]

While all the devices of propaganda have been utilized in this program of selling business to the American people, special use has been made of glittering generalities and the transfer devices. For example, one of the leading slogans in the propaganda campaign has been that "What serves progress, serves America," the implication being that big business renders an outstanding service to progress. Of late, big business has done much

---

[36] From *The Spirit and Structure of German Fascism*, by Robert A Brady. Copyright 1937 by Robert A. Brady. By permission of The Viking Press, Inc., New York Pp. 74–75.

[37] *Ibid*, p 75.

[38] S. H. Walker and Paul Sklar, "Business Finds Its Voice: A New Trend in Public Relations," *Harper's*, January, 1938, p. 115

[39] January, February and March, 1938. See also Woodward, *It's an Art*, Chap. 20.

along this line of trying to identify its policies with "the American way" of doing things. In so doing, they have been helped greatly by the Dies Committee investigating so-called un-American activities. Congressman Dies has been just as much interested as big business in trying to identify progressivism and labor unionism with things "un-American."

Big business has made the most of the facilities of the press, the movies, and the radio in selling business to the American public. The National Association of Manufacturers syndicated to the newspapers a daily editorial feature, known as "You and Your Nation's Affairs," a weekly "Industrial Press Service," and a cartoon known as "Uncle Abner." All of these stress the social contributions of business, the virtues of competition, and the evils of government interference. The National Association of Manufacturers has also issued a series of films, among which are "The Light of a Nation," "Men and Machines," "The Floodtide," "The Constitution," and "American Standards of Living." These films are designed to discredit radicalism, to controvert the theory that machines destroy jobs, to denounce government spending, to defend free competition, and to extol the high standards of living enjoyed under the "American way" of the open shop. Nothing is said about the fact that three quarters of our American families could not buy enough to eat under the "American way" even at the height of the Coolidge prosperity. The most popular radio program distributed and exploited by the National Association of Manufacturers was the "The American Family Robinson," which extolled the virtues of free business enterprise and denounced the evils of labor unionism and governmental interference. In its radio programs the business propagandists make special use of the small independent stations, where they escape any editorial supervision and find great willingness to use the material supplied.[39a]

Another effective radio program in behalf of big business was the "Ford Sunday Evening Hour," which featured the talks of William J. Cameron, who handles public relations for Mr. Ford. Mr. Cameron made clever use of all the propaganda devices. By use of the transfer device, he identified the "Ford way" with the "American way." The plain-folks device was much utilized and Mr. Ford's homely and bucolic ways were played up frequently. The music of the hour usually ended with some good old hymn, popular in rural areas. Glittering generalities were employed in identifying the Ford policy with such virtue words as freedom, independence, initiative, industry, truth, and loyalty. Card-stacking was resorted to in attacks on governmental interference. Mr. Cameron never mentioned the fact that the highways, built at government expense, have enormously facilitated the growth of the motor industry. The Institute for Propaganda Analysis remarks that Mr. Cameron implied that Mr. Ford is so little interested in profits that "it makes hard-fisted money makers wonder why Mr. Ford is in business at all." Mr. Cameron was particularly insistent in his contention that modern

[39a] For the extensive educational and propaganda activity of the National Association of Manufacturers, see *Bibliography of Economic and Social Study Material*, New York, N.A.M., 1942.

machines do not destroy jobs and create technological unemployment. In short, as the Institute for Propaganda Analysis puts it: "Mr. Cameron's talks stack the cards in favor of the Ford Motor Company and against writers, government officials, labor leaders, and others who do not approve of Ford policies. This obviously is what he is paid to do. He certainly does it effectively." [40]

Quite naturally, big business has made much use of public relations counsellors, and in 1934 the National Association of Manufacturers organized a Public Relations Committee, which has taken charge of its campaign of selling business to the public.

The institution of the Public Relations Counsel represents the most sophisticated and subtle development of business propaganda. The two most distinguished masters of this type of propaganda have been Ivy Lee and Edward L. Bernays. The success of the public relations counsellor was first demonstrated by Mr. Lee when he was engaged to alter the public attitude towards John D. Rockefeller in 1914. He succeeded in transforming the public notion of Mr. Rockefeller from an avaricious ogre into a kindly old gentleman, chiefly interested in giving away his fortune to establish foundations for the benefit of mankind and in handing out dimes to little children in Florida.

In promoting personalities, products or movements, these public relations counsellors have found that direct and blatant propaganda is very often more harmful than helpful. It only serves to increase the prejudices already in the minds of those to be converted. Therefore, an indirect line of approach is formulated. So-called Institutes are created to give an ostensible voice of authority to the interests served. This confers a sense of research and dignity on the propaganda which is issued. Even reputable scholars are employed to make "studies" which seem to support the contentions advanced in the propaganda. These are innocently circulated among members of responsible local organizations, under the guise of information rather than propaganda. In this way, resistance is lessened and the entry of propaganda made far more subtle and effective. As we have noted, the public relations counsellors have been made use of rather extensively of late in attacking the labor movement.

Another very sophisticated development of the public relations subtlety has been the endowment of foundations by the rich, as a means of rehabilitating their reputation. Much publicity has been given to their benevolences. As Horace Coon has pointed out in his notable book, *Money to Burn*,[41] endowments have become a potent defense of business, since it is alleged that all attacks upon business undermine these humanitarian organizations, and menace the research and education which are supported by endowments.

---

[40] "The Ford Sunday Evening Hour," *Bulletin*, July, 1938, p. 4. The Ford Hour was suspended on March 1, 1942.

[41] Longmans, Green, 1938.

One of the most conspicuous examples of business propaganda was that carried on, over a decade ago, by the Electric Utilities under the direction of the National Electric Light Association. This was brought to light as a result of an investigation by the Federal Trade Commission. The propaganda was carried on primarily to check the trend of opinion in favor of government ownership of electric utilities. It was also sought to combat the idea of more stringent governmental regulation. Special stress was laid upon the allegation that privately-owned electrical utilities furnish electricity at a cheaper rate than government-owned systems. This campaign of propaganda centered particularly upon public education. College professors and school teachers were offered liberal subsidies if they would write books and pamphlets favorable to the electric utilities under private ownership. Many of them succumbed to the bait, and some of them even prepared general textbooks on economics approved by the N.E.L.A. It was agreed that the cost of this propaganda should be passed on to the public, in the form of higher rates for electricity and other increased charges. This propaganda has been described in such books as Ernest Gruening's *The Public Pays;* Jack Levin's *Power Ethics;* and Carl D. Thompson's *Confessions of the Power Trust.*

Since the second World War broke out and the United States entered vigorously into defense industry, business has taken advantage of the psychology of patriotism to promote its interests and discredit labor. Special use has been made of transfer, in exploiting patriotism, and of card-stacking, in building up a case against labor. Business has accused labor of being unpatriotic in demanding higher wages, and has charged labor with having sabotaged defense through strikes. Nothing was said about how industry had frustrated defense industry through prolonged refusal to suspend "business as usual" and go on war work; nor was any publicity given by business to the fact that profits had grown much faster than wages in defense industries.[41a] The National Association of Manufacturers engaged Fulton Lewis Jr. as radio commentator, and made clever use of transfer by designating him as "Your Defense Reporter."

At times, however, the public may directly benefit from self-interested business propaganda. A notable instance has been the health campaign conducted by the Metropolitan Life Insurance Company. This company has conducted a beneficial health propaganda with regard to the menace of tuberculosis, cancer, syphilis, and the like. It long antedated Surgeon-General Parran's campaign against venereal diseases, being the first organization really to blast public indifference and prudery in this field. It has also been helpful in urging periodical medical examinations. That this propaganda has also paid the company handsomely is to be seen by the fact that, between 1909 and 1929, the Metropolitan spent $32,000,000 on health propaganda and saved over $75,000,000 in death payments.

[41a] See Institute for Propaganda Analysis, *Bulletin*, "Strikes, Profits, and Defense," April 29, 1941, *passim*.

Propaganda in Religion and Education. Propaganda is carried on in many other fields. In religion, the most active propaganda of late has been that of the Catholic Church against Communism. Father Coughlin has linked this up with a joint attack upon the Jews, alleging that Communism is primarily the product of Jewish thinkers and leaders.[42] He has made liberal use of card-stacking, transfer, glittering generalities and name-calling. The New York *Post* published "deadly parallels" between some of his remarks and speeches made by Propaganda Minister, Goebbels, in Germany. Likewise, the Catholics have led the most active moral propaganda of recent times in their drive against even mildly salacious aspects of the theater, movies and periodical literature. Catholic writers, like Margaret Culkin Banning, have, while carefully concealing their Catholic connections, written clever articles and books upholding the Catholic view on sexual matters. A good example of counter-propaganda against such Catholic propaganda was the articles by Dr. Leo H. Lehman on "The Catholic Church in Politics," published in the *New Republic* in the latter months of 1938.

In addition to the more general religious propaganda, there are special religious organizations carrying on propaganda to advance a particular policy. Such are "The Lord's Day Alliance," which has carried on an extensive propaganda designed to perpetuate the "Blue Sunday" and to prevent saloons, recreation places and other distracting emporia from remaining open on Sunday. A powerful type of combined religious and moral propaganda was conducted by the Anti-saloon League and other organizations in defending prohibition. This propaganda is well described by Peter Odegard in his book, *Pressure Politics.*

In the educational field, Mr. Hearst led a vigorous propaganda against realistic educators for some years following 1932, making wide use of card-stacking and name-calling. He alleged that a number of highly reputable, and no more than liberal, educators were really "Reds," subtly spreading Muscovite propaganda. Mr. Hearst's campaign received a notable setback as a result of the ingenuity of Clyde R. Miller and George S. Counts of Columbia University, and Robert K. Speer of New York University, who out-generaled Mr. Hearst and exposed his methods with fatal effect. But his propaganda did result in the passage of laws in many states requiring teachers to take loyalty oaths.[43]

Another way in which education, especially American higher education, is directly linked up with the vested interests and their propaganda is the support of private universities and endowments by representatives of big business and finance. This enables them to make good use of the transfer device. For example, at the dedication of the Metcalf Research Laboratory at Brown University, on December 28, 1938, Frederick G. Keyes of the Massachusetts Institute of Technology warned that the taxation and public spending policies of the New Deal were a menace to science and

---

[42] Some liberal Catholic leaders, such as Cardinal Mundelin of Chicago, repudiated Father Coughlin.

[43] See below, pp. 783–784.

American higher education. He held that, if we tax great wealth, we shall cut off the chief source of support for our institutions of higher learning, namely, benefactions from the wealthy. In his above-mentioned study of foundations, entitled *Money to Burn*, Horace Coon has called attention to the same situation with respect to our Foundations for scientific research, and the like. He points out how any important program designed to bring about economic reform is forthwith assailed as a blow to science, learning and humanitarianism. As we have noted above in connection with the N.E.L.A. propaganda, prominent educators at times deliberately sell their services to specific economic interests.

Within education itself there are powerful propaganda influences and activities. Perhaps most important is the propaganda in favor of the traditional and archaic curriculum, which is safe and sound from the standpoint of the vested interests in business and education alike. Only a small portion of the studies pursued under this system has any contact whatever with our social and economic order. Hence, criticism of the latter is automatically excluded. Important innovations in education, such as Progressive Education, vocational instruction, and the like, are represented as so many expensive and useless "frills." Liberal teachers are accused of "indoctrination," a matter to which we give attention later. The most publicized propaganda in behalf of reactionary educational interests has been that carried on during the last few years by President Robert Maynard Hutchins of the University of Chicago. He is not even satisfied with the safety and soundness of the traditional curriculum, but advocates going back to the medieval disciplines of grammar, rhetoric, and logic. He makes use of the transfer device and of glittering generalities in his alleged ambition to promote "straight thinking," but it is obvious that such thinking, however "straight," will not be directed toward any dangerous criticism of the existing order. His theories have been thoroughly applied at St. John's College.[44]

Probably the most notable example of propaganda in the educational process is super-patriotic teachings. Such instruction gives the impression that the institutions, particularly the political institutions, of any given country are superior to the institutions of any other country. It instills the idea that such a country has always been right in its dealings with other states, and has always waged just wars. This superpatriotic instruction has reached its most absurd expression in Fascist states, but, as Jonathan F. Scott has made clear, the democracies have also been notable offenders in this matter.[45] In spite of the warnings afforded by the first World War and war propaganda, instruction of this sort has become far worse since 1918 than it was before 1914. It renders almost impossible

---

[44] See article, "Classics at St. John's Come into Their Own Once More," in *Life*, February 5, 1940. President Hutchins is not a social and economic reactionary, but seems to have derived his paradoxical educational philosophy from the occult influence of Professor Mortimer J. Adler. See the articles by John Dewey, in the *Social Frontier*, January and March, 1937

[45] J. F. Scott, *Patriots in the Making*, Appleton-Century, 1916; and *The Menace of Nationalism in Education*, Macmillan, 1926.

any objective attitude towards either domestic political institutions or international relations.

One might observe, in passing, that even certain phases of the salutary movement against propaganda have in themselves become a type of propaganda. A good example is "the statistical mania." There is a common tendency among certain extreme exponents of statistical research to brand any statement which is not made in the form of statistical tables and graphs as propaganda. Particularly is this the case if the statement has a liberal or progressive tone. We should all have proper respect for statistical investigation, which is the basis of all true social science. But statistics have themselves been a notorious instrument of propaganda, justifying in all too many cases the old gag that there are three grades of liars—ordinary liars, damned liars, and statisticians.[46]

Another form of protective propaganda, fostered in part by statistics, is the assertion that social scientists should search for facts and then stop. They should not use these facts as the basis for recommending desirable social and economic reforms. Just as soon as they do this, they become propagandists rather than social scientists. It is obvious that, so long as this attitude prevails, social science will be "safe," and will not upset the existing social order. This "quietism" in social science has been effectively assailed by Robert S. Lynd of Columbia University, who became well known as the author of *Middletown*.[47]

Akin to this is the propaganda against indoctrination in education. Certain leading educators are denounced as propagandists because they inculcate a definite type of educational philosophy. It turns out, in every case, that these men teach a liberal type of educational philosophy. There is almost never any criticism of educators who, even more dogmatically, inculcate a reactionary form of educational theory. The war against indoctrination thus turns out to be little more than subtle propaganda against liberal pedagogy, making use of the devices of glittering generalities, card-stacking and name-calling.

Propaganda and Democracy. It is obvious that propaganda holds within itself a great menace to democracy and liberalism.[48] Even in a country where there is the utmost freedom of speech and the press, the exponents of democracy and liberty are at a great disadvantage. To carry on mass propaganda requires large expenditures, and the wealthy interests have far greater resources than the friends of democracy and progress. They can command more space in newspapers and buy time on the air much more generously. Moreover, such censorship as exists in the United States in time of peace operates mainly against democratic and liberal propaganda. Further, the wealthy alone can command the services of the great geniuses of contemporary advertising and propa-

---

[46] See C. A. Ellwood, *Methods in Sociology*, Duke University Press, 1933, Chaps. ii, iii, v, vii.

[47] See R. S. Lynd, *Knowledge for What?* Princeton University Press, 1939; and H. D. Langford, *Education and the Social Conflict*, Macmillan, 1936.

[48] H. D. Lasswell, *Democracy through Public Opinion*, Banta, 1941.

ganda. From the outset, the cards are stacked against progressive and democratic propaganda.

In another way, propaganda is a menace to democracy. The latter depends upon a clear command of the facts by the average citizen, so that he can vote intelligently. But our contemporary propaganda either stimulates and intensifies the existing prejudices of the ordinary citizen or completely confuses him.[49] He has no adequate fund of knowledge to guide him amidst the overwhelming mass of conflicting types of propaganda. Nor is he adequately aware of the devices of propaganda, so that he can effectively recognize and discount them. At the very time when extensive knowledge and clear perception are most needed by our citizenry, neither one is available, and the mind of the average American is simply immersed in floods of propaganda, much of which is deliberately designed to deceive and mislead him. The nature of this confusion of the public mind by propaganda was well illustrated by the interventionist propaganda in 1940–41. The polls showed that over 80 per cent of the people were opposed to our entering the European war, yet over 60 per cent were willing to give all-out aid to Britain, even if it involved us in war.[50]

The Problem of Censorship

Nature and History of Censorship. Censorship is the attempt to impose restraints on the expression of ideas by human beings. There are mental restraints, often self-restraints, which are an outgrowth of custom and taste. But we are here concerned with official restraints. These fall under three main headings: (1) obscenity laws, which restrain expression with regard to matters of sex and lewdness; (2) libel and slander laws, which restrain expression with respect to persons and business concerns; and (3) sedition laws, which restrict expression in respect to the government and public officials. In addition to laws restraining ideas we have both informal practices and legal regulations that control the publication of news in each country and its transmission by foreign correspondents resident therein.

The censor is an ancient official. In Roman times he was at first the collector of taxes. Later on he also became the arbiter of public morals. Following the invention of printing, the censor became an official who superintended the licensing of the press. Today he is an officer who, in one way or another, has authority over what can be printed, produced in the theater, shown in the films, or broadcast over the air.

In Greek and Roman times, books were rarely censored. Authors such as Aristophanes and Juvenal freely criticized the government and society, and writers like Sappho and Ovid produced very racy material. Occasionally, however, an author was banished or otherwise punished. In the

---

[49] Ellis Freeman, *Conquering the Man in the Street,* Vanguard, 1940

[50] See Hadley Cantril, "Present State and Trends of Public Opinion," *The New York Times,* May 11, 1941.

medieval age, there was little systematic censorship by the Church, since there was no serious problem in keeping dangerous ideas from literate persons. The manufacture and sale of books were chiefly in the hands of monks, although some secular persons engaged in the book business in the later Middle Ages. Relatively few copies of any "dangerous" book could be made by hand and circulated and its author could be made to swing back into line quickly with the threat of excommunication or conviction of heresy. When printing came into existence, however, a whole new set of problems arose, since thousands of copies of subversive books and pamphlets could be quickly struck off and distributed. The answer to this challenge to pious obscurantism was the licensing of presses, the preparation of indices of prohibited and expurgated books, and the imposition of heavy penalties on those who printed books without a license, who sold forbidden books, or who had in their possession outlawed printed material.

The first recorded licensing of the press appeared in an edict of the Archbishop of Mainz, in 1485. The Council of Trent, in 1546, prohibited the unlicensed printing of anonymous books and of any works on religious subjects. In 1557, the Roman Inquisition listed many books to be burned —beginning a long series of prohibitions issued by the Catholic church down to our own day. The Council of Trent authorized the preparation of an index of books forbidden to Catholics. Pope Paul IV published the first formal Catholic *Index of Prohibited Books* in 1559. Pius IV issued a much more complete index in 1562 and threatened with excommunication all Catholics who read any of these banned books.

In Protestant as well as Catholic countries, governments imposed severe penalties on those who sold banned books or operated unlicensed presses. In Catholic countries—in Spain and the Spanish Netherlands, in particular—severe punishment was meted out to those who merely possessed forbidden books.

The general effect of this sweeping and stupid censorship was greatly to curtail the spread of information and the progress of enlightenment. Protestant countries repudiated censorship most rapidly, and hence the disastrous effects of censorship there were not so serious or prolonged. Commenting on the Catholic *Index* and censorship, Preserved Smith makes the very restrained statement that:

> It is not too much to say that most of the important works of modern science, philosophy and learning, and not a few of the chief products of Catholic piety, have been forbidden by the church as dangerous to the faith of her children; and that, in addition, many of the ornaments of fair letters have been tampered with in order to protect the sensitive pride of ecclesiastics or the squeamish prudery of priests. . . . That servile faith, bigotry, and obscurantism have been fostered, and that science, philosophy, and liberty were long sorely hampered in Catholic lands, is due to the *Index* even more than to the Inquisition.[51]

The more liberal intellects in the seventeenth and eighteenth centuries fought vigorously against the censorship of the press. Among the writers

[51] *History of Modern Culture*, Holt, 1930, Vol. I, pp. 513–514.

who took a leading part in the campaign were John Milton, Charles Blount, Matthew Tindal, and the leading French *Philosophes*, such as Montesquieu, Voltaire, and Helvétius. It is pretty generally conceded that Milton's *Areopagitica* was the ablest of all these early books against censorship, yet Milton consented to acting as something pretty close to a censor for his friend Oliver Cromwell. In the United States, the cause of the freedom of the press was taken up by Thomas Jefferson and his associates. Notable free press cases, such as the Zenger case in the Colony of New York in 1734, and the John Wilkes case in England over a generation later, helped along the cause of the freedom of the press. Holland was generally free from censorship in an era when it was almost universal elsewhere. England permitted the law providing for the licensing of the press to lapse in 1695. Sweden abolished all censorship in 1766. Frederick the Great accorded wide freedom to the press, even to books attacking the monarch himself.

While there never was complete tolerance and freedom of the press, it is probable that the greatest degree of freedom existed in the United States around 1850, and in the Third French Republic between 1880 and 1914. About 1850, there were as yet no obscenity laws on the books in the United States, the old religious and property disabilities had been abolished, and the right of debate and petition was freely recognized. Many of the most distinguished American *literati* were followers of Fourier and other European radical idealists. The New York *Tribune*, under Horace Greeley, was a radical and reformist sheet. A little later, Greeley employed Karl Marx as his European correspondent. Abraham Lincoln declared that the international bond of the workingman is more sacred and binding than any other save the family bond, and William Henry Seward was talking about a "higher law than the Constitution." After the Civil War, the growth of plutocracy lessened the scope of free expression in the United States. Economic dissent was discouraged, and suppressed when possible.

In France, under the Third Republic, anticlericalism became dominant, and Émile Zola, in his realistic portraits of life, made moral candor more facile and reputable. On the other hand, such episodes as the Dreyfus case showed that French liberty was by no means complete.

Aside from certain obscenity statutes in the United States, to which we shall soon make reference, the press remained relatively uncensored until the time of the first World War. Then, there arose an almost universal system of thorough-going censorship. After the first World War, the censorship was relaxed to a certain degree but freedom of publication was never fully restored. With the rise of totalitarian states, since the first World War, there has come a degree of peace-time censorship about as stringent as that which existed during the first World War. To this subject we shall recur later on.

There is, today, little literary pre-censorship in the United States, namely censorship of books or newspapers before printing. Hence it has been contended by some that there is no censorship of printed materials.

As we shall see later on, there is plenty of censorship in advance of publication in most of the European countries. Certain forms of pre-censorship exist in the United States. There is a considerable amount of pre-censorship of radio speeches and a vast amount of pre-censorship in the moving-picture industry. To these matters we shall make more extended reference later on.

Leading Types of Censors. There are today in the United States various types of censors. First we have the voluntary, unofficial censors, persons who use their freedom of expression in an attempt to suppress the use of this right by persons whose ideas they do not approve. Protesting against some printed material, play, or movie they do not like, they go to legislators and demand censorship laws, or approach the police and importune the latter to arrest a publisher or close a theater. While these censors have no official authority, they exert a considerable pressure upon the free expression of opinion by frightening authors, producers, public speakers, and forum authorities.

Then we have the semi-official censors, namely, private individuals or organizations who work in collaboration with the public authorities. Notable examples are the New York Society for the Suppression of Vice, founded by the late Anthony Comstock in New York City, and the Watch and Ward Society of Boston. They bring materials which they believe should be censored to the attention of public authorities and obtain special privileges in the courts in aiding the prosecutors. Another form of semi-official censorship exists in connection with the central bureaus of publicity, which were set up in the cabinet departments at Washington during the first World War and have been continued since that time. They thoroughly control the information which is given out about the doings of the government.

Official censors in the states include the police, commissioners of licenses, educational departments, and moving picture censors. In the federal government, wide censorship powers are lodged with the Post Office Department, Customs House officials, the Federal Communications Commission, and certain other agencies. The most important is the censorship exerted by the Post Office Department. The latter can deny the use of the mails to materials it does not think proper. It can also suggest the prosecution of those who use the mails to send materials which the Post Office Department regards as improper and forbidden. It has made wide use of the Comstock Law of 1873 to deny the use of the mails to such literature as birth-control information and educational and sociological material on sex problems. It has also restrained radical publications which possess no suspicion of obscenity. For example, it denied mailing privileges to Jay Lovestone's paper the "Revolutionary Age." And the action was upheld by the same Federal judge, John Munro Woolsey, who had shown a surprising liberality with books which were alleged to be obscene. The Post Office Department can thus exert a great restraint upon what the public may read in all cases where distribution is chiefly dependent upon the mails. The Customs House officials decide what

books may be admitted from abroad. The appointment of a brilliant liberal lawyer, Huntington Cairns, to handle this phase of Customs House activities under the Roosevelt Administration did much to promote an intelligent administration of this responsibility.

Censorship of Books, the Theater, and Art. It is usually taken for granted that legislation against obscene literature [52] and plays is absolutely necessary to protect the public against demoralization. However, there were no obscenity laws in the United States until after 1870. Yet the country seemed to endure, and there was no evidence of a demoralizing wave of obscenity anywhere. In the decade of the 'seventies, federal obscenity statutes were passed, mainly owing to the propaganda of Anthony Comstock, the first great American purist. His life and doings have been chronicled by Heywood Broun and Margaret Leech in their work, *Anthony Comstock: Roundsman of the Lord.* The federal and state legislation on this matter has imposed frequent and extensive censorship of books, pamphlets, and other publications alleged to contain obscene material. The test of obscenity is the alleged primary purpose of any publication "to incite to lustful and lecherous desire."

At present there is no sure test or pre-censorship of a publication to give the author and publisher assurance that it will not be regarded as obscene. The procedure is to print the material, await arrest, stand trial, and await the verdict. If there is an acquittal, the publication is regarded as pure. If there is a conviction, it is deemed obscene.

For a long time, publications were suppressed as obscene when isolated passages alone were alleged to possess obscene words, even if the work as a whole was admittedly not obscene. A broader and more sensible test was later set up by the Court of Appeals in New York State, which ruled that a book could not be banned just because, here and there, in its contents there were alleged obscene words or phrases. The nature and import of the book as a whole must be obscene, if it is to be banned as such. Yet this enlightened ruling has produced neither consistency nor common sense in censorship. Erskine Caldwell's racy and irreverent *God's Little Acre* was allowed to circulate, while Arthur Schnitzler's much more refined *Hands Around* was banned.

The most active organization in attempting to promote prosecutions for obscenity has been the New York Society for the Suppression of Vice, founded by Anthony Comstock and supported liberally by J. P. Morgan and other wealthy citizens. In our generation, it has been conducted by John S. Sumner. It is this Society which has been responsible for the greatest proportion of the obscenity censorship in the United States. Most of the publications and plays which have been censored have been brought to the attention of the public authorities by Mr. Comstock and Mr. Sumner, who demanded summary prosecution. This may all be fit and proper, but the Society has been allowed to exert an altogether improper

---

[52] For attempts to censor literature, see M. L. Ernst and Alexander Lindey, *The Censor Marches On*, Doubleday, Doran, 1940, Chaps. I–III.

influence upon the trial of authors and publishers prosecuted on its initiative.[53]

The Society for the Suppression of Vice has from time to time given out advance opinion on the fitness of judges, when their nomination and election are under consideration. In this way it has sought to keep off the bench judges with whom it disagrees on what is or is not obscene. Moreover, its representative during obscenity trials has been allowed about as much latitude in court as though he were the prosecuting attorney. It has even branded some judges as being themselves fond of obscenity and willing to promote the demoralization of the public. Many judges fear such criticism and hence have been reluctant to apply to Mr. Sumner the restrictions which could be easily imposed under the concept of contempt of court.

The usual way in which publishers dealt with the Society's inquisition, after it had brought a book to the attention of authorities, was to plead guilty and take a light fine, after agreeing to withdraw the book from publication.

However, Morris L. Ernst, a brilliant and progressive New York attorney (and co-author of a notable book on obscenity censorship, *To the Pure*), determined to fight out obscenity cases with the Society. He started his campaign with the case of Mary Ware Dennett's able and dignified pamphlet, *The Sex Side of Life,* in 1929. He carried the case to the Federal Court, and Judges Hand, Swan, and Chase ordered the book released by the Post Office Department and also praised its contents. Ernst has since won his point in the case of a number of books which authorities have since attempted to suppress, such as *Pay Day, Married Love, Contraception, Female, A World I Never Made,* and *Ulysses.* He was also able, in 1936, to get the Federal Court, for all practical purposes, to set aside the Comstock Law of 1873 banning the mailing of material containing birth-control information and devices.

The Watch and Ward Society of Boston attempted to imitate the work of the New York Society for the Suppression of Vice. But the Watch and Ward overshot the mark in attempting to suppress the April, 1926, issue of *The American Mercury.* The upstanding editor, H. L. Mencken, went personally to Boston, fought out the case, and gained a victory in the court.[54] The Watch and Ward Society was further discredited by its irresponsible use of stool-pigeons in attempting to incriminate book stores in the Boston area.

As with books, there is no pre-censorship of the theater. The producer simply has to put on his play and then see what Mr. Sumner, the Watch and Ward Society, the mayor, or the police think about it. If the latter regard it as obscene, the play is suppressed. In the suppression of plays, the censors have gone to an extreme not achieved in censoring books and pamphlets. They have, in certain places, secured the right to padlock a

---

[53] See Ernst and Lindey, *The Censor Marches On, passim.*

[54] See A. G. Hays, *Let Freedom Ring,* Boni & Liveright, 1929, pp. 160 ff.

theater, thus denying the author and producer the right of trial by jury. In certain cities, the commissioner of licenses is able to bulldoze producers by holding over them the threat of a revocation of the license of the theater. Religious influences have been also strong in promoting theater censorship. The humor and inconsistency which prevail in theater censorship may be seen from the fact that Mayor Edward Kelley of Chicago freely permits burlesque and strip-tease to ply their trade in Chicago, but was inexpressibly shocked by "Tobacco Road," which he promptly suppressed. On the other hand, "Tobacco Road" ran in New York all through Fiorello La Guardia's first two terms as mayor, but he clamped down on "strip-tease," the only bit of art that burlesque has ever provided. The extreme to which theater censorship has gone at times can be seen in the refusal to allow such serious plays as Eugene O'Neill's "Desire Under the Elms" and "Strange Interlude" to be shown in Boston, the alleged "Athens of America," at the same time that the utmost freedom was given to wide-open burlesque shows.

There have been extensive efforts to censor art on the ground of obscenity.[55] The first much-publicized case was Anthony Comstock's attack on "September Morn," an extremely chaste and frigid nude, in 1913. His successor, Mr. Sumner, in 1930, attempted to restrain a gallery which was exhibiting classic pictures by Rembrandt and Goya. The Post Office has also taken a hand, as, for example, when it revoked the second-class mailing permit of the serious *Studio* magazine in 1939 for carrying some classics of art. Nudism has been vigorously attacked. The *Nudist* magazine was suppressed and the importation of nudist books from abroad has been banned in many cases.

The opponents of obscenity censorship advance a number of arguments against it.[56] In the first place, they maintain the value of sophistication. They hold that it is beneficial to society to have realities and evils made known early in life. They point to the proud record and notable achievements of our country before any obscenity statutes had been enacted. They contend that the censors only advertise and promote the circulation of the materials they ostensibly seek to suppress. For example, the *Well of Loneliness* sold only 5,000 copies in England before it was censored, but 200,000 copies were disposed of in the United States after it had been given the publicity associated with the attempt to suppress it here. Further, it is alleged that, in their effort to protect other people's morals, the censors forget their own. Critics point to the reprehensible system of using stool-pigeons and the like. Further, it is contended that the censors are highly illogical in their attitude towards the law. They are extremely fond of the law when it agrees with their point of view and upholds their contentions. When the law opposes them, they are extremely vicious and vehement in condemning it. They will go to almost any length to provide subservient judges, but they are extremely critical

[55] Ernst and Lindey, *The Censor Marches On*, chap. VIII.

[56] See, especially, Ernst and Lindey, *The Censor Marches On*, chaps. XV–XVII; and G. J. Nathan, *Autobiography of an Attitude*, Knopf, 1925, pp 252 ff.

and contemptuous of judges who possess the nerve to be independent. They even go so far as to denounce such judges in their official reports.

The critics of conventional censorship under the obscenity concept do not argue that youth should have no protection against any kind of play or publication.[57] They do not see, however, why adults must be protected against a knowledge of the facts of life. In their book *To the Pure,* Ernst and Seagle have framed what they regard as a civilized and adequate statute sufficient to protect youth from all legitimate threat of exposure to obscenity:

> Sec. 1. Pornography is any manner of thing exhibiting or visually representing persons or animals performing the sexual act, whether normal or abnormal.
>
> Sec. 2. It shall be criminal for anyone other than a teacher in the course of his employment, or a doctor in the regular practice of his profession, or a parent (of the child in question) to exhibit, sell, rent or offer for exhibition, sale, or rent, any such pornographic material to any person under the age of eighteen.[57a]

Our main protection against excesses in obscenity censorship is recourse to intelligent and independent judges and to reasonable district attorneys. The Court of Appeals of New York State has frequently reversed decisions made by lower court judges, who were intimidated by John S. Sumner or were sympathetic with him. Most federal judges before whom obscenity cases have been fought with vigor and courage on the part of defense attorneys have rendered fair decisions. The work of astute and courageous attorneys, like Morris Ernst and his associates, has provided much protection against excesses. Then crusading newspapers have been extremely helpful. Mary Ware Dennett's case in 1929 was notably aided by the support given by Roy W. Howard and his New York *Telegram,* then a courageous and liberal newspaper.

The Libel Racket. There are other, in many ways more important, types of censorship outside the range of obscenity prosecutions. Libel laws are a particularly nasty stumbling block in the way of getting the truth about commercial commodities.[58] Publishers of both books and newspapers can almost always be threatened with a libel suit if they criticize, however honestly and fairly, a commercial product. If they are not thus easily intimidated, an actual libel suit may be started, even if it is never prosecuted. If the institution of a libel suit does not scare off criticism, the publisher of the alleged libel must go to considerable expense to win his case, even if he is sure of his ground. Therefore, there is a natural inclination to refrain from criticizing commercial products, whatever the fraud and dangers connected with their consumption. As a result, it is difficult for the average consumer to get adequate information about many, if not most, of the commodities he makes use of in daily

---

[57] Nathan, *op. cit.*

[57a] From *To the Pure,* by Morris L. Ernst and William Seagle, Copyright 1928. By permission of The Viking Press, Inc., New York

[58] On the incredible extent of liability to prosecution for libel and slander, see M. L. Ernst and Alexander Lindey, *Hold Your Tongue,* Morrow, 1932.

life. While a newspaper is thus dissuaded from publishing criticisms of commercial products, the incentive of large advertising revenue renders it cordial towards the acceptance of advertising material proclaiming the virtues of commodities for which the publisher may entertain a personal and well-founded scepticism.

While speaking of libel, it is worth while to point out that there is an actual libel racket in existence. Members of the racket scan the daily papers in search of news items which may be regarded as potentially libelous or slanderous. Then they seek out the person about whom it has been written (who usually has not detected any libel or slander) and urge him to go to court with the case, offering to bear the expense of the suit and to split the proceeds. Newspapers are very wary about the eccentricities of juries and are likely to settle quietly out of court when threat of a suit is made.

Political Censorship. Political censorship is a special menace in our day. A majority of the American states, during and after the first World War, passed sedition laws outlawing revolutionary views. More recently, many of these states have passed laws muzzling teachers through loyalty oaths, and the like. More important is the general censorship of news on a national scale which prevents the citizens from obtaining the information on public affairs which is essential to the success of democracy.

Not since the era of licensing presses in the sixteenth and seventeenth centuries has there existed such a degree of censorship as now prevails throughout the civilized world with respect to the publication of political facts in newspapers and books. But the most menacing censorship exists with respect to the suppression of news which prevents the citizens from obtaining the information essential to the operation of democracy. This overwhelming wave of censorship started with the first World War. The censorship system was part of the general campaign of propaganda carried on by the major states involved. It was natural that they would wish to publish only materials favorable to their side of the conflict and to exclude, so far as possible, any news favorable to the enemy, whether expressing the enemy's viewpoint on the conflict or recording victories of the enemy. It was also necessary to keep information from falling into the hands of the enemy. Not only newspapers and books were censored, but also the letters sent by soldiers to their relatives and friends.[59]

The system of censorship, though relaxed somewhat, was continued after the first World War. Then came the rise of totalitarian states in Russia, Italy, Germany, and elsewhere, and the suppression of democracy in many states which did not openly espouse either Fascism or Communism. In the totalitarian states there was no pretense of freedom of the press. The people were told only those things which the government wished to tell them. Moreover, these states became extremely zealous in selecting the news which was sent abroad. They wished to have not

---

[59] See J. R. Mock, *Censorship, 1917*, Princeton University Press, 1941.

only their own citizens but the rest of the world read only materials favorable to their policies. As a consequence, the blight of censorship descended upon most of Europe.

It is worth while to describe the elaborate machinery for propaganda and censorship which was set up in Nazi Germany, as an example of the rigorous control created over thought and culture in totalitarian countries. The Ministry for Propaganda and People's Enlightenment is divided into nine main departments: Administration and Law, Propaganda, Radio, Press, Film, Theater, Defense, Writing, Music, and the Plastic Arts. The Ministry has thirty-one regional offices scattered throughout Germany, and all of the nine departments are represented in each of the thirty-one regional offices. The Ministry for Propaganda supplies much of the material which is put out in all these fields, and nothing can be written, said, or done that is not approved by the Ministry. In this way, complete censorship is exerted over German thought and culture in the interest of protecting and strengthening the Nazi ideology. The Minister of Propaganda is Dr. Paul Joseph Goebbels, who has held his office since it was established after the Nazis came into power.

Further control over Nazi culture is exerted by the National Chamber of Culture, which is divided into seven constituent chambers: Music, Arts, Theater, Literature, Press, Radio and Film. Each of these supervises the cultural activities falling within its field throughout all Germany. Each one is further subdivided. Dr. Goebbels is also president of the National Chamber of Culture, which is thus linked closely with the Propaganda Ministry.

In addition to these extensive organizations, two other ministries are directly related to the regimentation of Nazi mentality. One is the Ministry for Ecclesiastical Affairs, which has charge of all religious matters, and the other is the Ministry for Science, Education, and National Culture, which has control over educational activities. It is obvious that this comprehensive machinery makes possible a meticulous supervision over all phases of German thought and culture.

Much the same situation with respect to censorship exists in Latin America and the Orient as in totalitarian countries in Europe. Prior to the current war with China, Japan was more tolerant of news dispatches sent out of the country than were most other non-democratic states. But today Japan has an airtight censorship over all news.

Even in the United States, a censorship over the material given out to the newspapers, unparalleled in our history prior to the first World War, existed unimpaired down to our entry into the second World War. The situation has been described by Eugene J. Young in his revealing work, *Looking Behind the Censorships:*

> Even free America has its own censorships. Once upon a time, as I knew, it was possible for a newsman to wander about Washington and talk freely to any official about his work and his ideas of government. A bureau chief might not agree with his superior and would say so One head of a department might take issue with another. Out of their frankness much discussion—which was often

good for the country—could be aroused. The public got most of the facts essential for the formation of clear judgments.

The World War brought about a change. It was necessary to keep our plans and preparations secret, lest the enemy profit. Censorship rules were drawn up by the War Department and were accepted by the press. In the various departments having to do with the war central bureaus were established. Subordinates were told they must send any news to these bureaus and must not talk to correspondents. There were many leaks but, in general, outgivings were controlled by the high authorities.

After the war this system was found to be highly agreeable to the men in power. They could manipulate information to suit their own ends and those of the administration in power. So the central bureaus were continued under Presidents Harding, Coolidge, Hoover and Roosevelt. In the last of these administrations they were turned not only into censorial organs but into high pressure propaganda agencies. In the depression it was necessary to find work for many writers, among others of the millions who had been thrown out of jobs, and hundreds of these were put into the departments at Washington and their branches. They have busily turned out matter favorable to their bosses and, under direction, have suppressed facts that might be unfavorable. It has been virtually impossible, for instance, to get many important details of the expenditures of the billions of dollars of relief money.

With such domestic matters, however, I am not concerned. What is of importance here is the censorship exercised by our State Department. Of that it can be said there is no more rigid system of silence anywhere in the world. The press can learn virtually nothing of what is being done in our foreign relations until the moment arrives when the Department decides to issue its announcement in its own wording. There have been important occasions when I thought the American people should know what was going on and I have learned through London or Paris what the Washington authorities were doing. But in the matter of Far Eastern negotiations or activities it is impossible to find out anything until officials choose to speak or events bring their own revelations.[60]

The general engulfing of the world by news censorship in the 'thirties is admirably summarized in the following paragraph by O. W. Riegel:

In summary, the world is moving rapidly into an era of universal obstruction of the free flow of information and opinion. In the name of nationalism, the fetish of the decade, freedom of speech and the press has already been denied to approximately nine-tenths of the world's population, including the populations of Russia, China, Japan, Germany, Italy, Austria, most colonial possessions, and smaller states in the Balkans and South America. Interference with the traditional function of the press as a purveyor of unbiased information is increasing in other countries which preserve meaningless guarantees of freedom of speech and the press in their constitutions and statutes.

Everywhere, the importance of regimenting the public mind for national progress and defense has been recognized, and the times are witnessing an unprecedented professionalization of propaganda activities in the form of press bureaus, press experts, the semidiplomatic status of newspapermen, the emphasis of economic and social compulsions affecting the journalist, and the organization of programs to inculcate chauvinistic patriotism.

The League of Nations partakes of the character of a counter propaganda agency, and its prestige has lately been losing ground. The existence of a nonpolitical, fact-finding organization for the dissemination of world news is becoming progressively more impossible, and the immediate prospect is a checkerboard

[60] Lippincott, 1938, pp. 32–34.

of nationalistic states whose populations are forced to obey the whims of their political masters by the deliberate manipulation of public opinion.[61]

It has been suggested that foreign correspondents might escape from the censorship by appealing to the representatives of their own government in foreign lands. But it has been amply shown that this expedient is entirely futile. Few ambassadors, ministers, or consuls will jeopardize their standing in a foreign country by lodging a protest against the prevailing censorship rules. Time and time again, major governments of the world have sat calmly by while competent correspondents of papers in their own country have been ousted from foreign states, simply because they desired to tell some part of the truth with respect to what was going on therein. The helplessness of the foreign correspondents, in the face of the censorship which has settled down over the world, has been admirably described and analyzed by the journalist George Seldes in his important book, *You Can't Print That.* It is obvious that all that has been said here about censorship of the press in Europe and elsewhere applies equally to the radio. Where news is shut off in the press, it is as fully excluded from the air.

The success of democracy depends upon the ability of the average citizen to get hold of the facts about public affairs. Today in the greater part of the world, the truth cannot be read by the citizen, and what he does read and hear is rarely the truth. Likewise, the censorship gives citizens a perverted notion of world affairs, stimulates arrogant patriotism, and increases the danger of war. As Riegel puts the matter:

> Modern man's curiosity concerning events outside of his own immediate circle and community is satisfied by a day-by-day diet of news, and the character of an average man's views on political questions will be affected by his news diet in the same way that the condition of his physical body is affected by the kind of foodstuffs he eats. The analogy is inadequate in this sense, that a man who malnourishes his body on a diet exclusively of whiskey or sugar is injuring chiefly himself, while a man who lives on an unbalanced diet of news is not only injuring himself but is a source of danger to everyone with whom he comes into contact.[62]

The outbreak of the second World War in September, 1939, brought the censorship of foreign news to completion. But the American press insisted on news, whether it could be obtained or not. The result was a vast amount of fiction. Battles were invented on the Western Front from September, 1939, to May, 1940. Gross exaggerations were published after extended hostilities actually broke out in April, 1940. Reporters were not allowed to go to the front in the Russo-Finnish war in the winter of 1939–40. Hence the most grotesque stories were printed, such as the one of whole regiments of Russian soldiers frozen in their tracks, still grasping their rifles. Absurd stories about Nazi Fifth Column activities in Norway, France, and elsewhere were spread, following the initial notorious exaggerations of Fifth Column plotting in Norway. The

---

[61] O. W. Riegel, *Mobilizing for Chaos*, Yale Press, 1934, pp. 167–168.
[62] *Ibid.*, pp. 108–109.

Fifth Column stories replaced the atrocity tales of the first World War. It was alleged that Holland was betrayed by Nazi agents who had been circumcised and sent into Holland in the guise of Jewish refugees. Numerous stories of attempted invasions of Britain by the Nazis were published, some stating that the Nazis were burned wholesale when oil poured on the Channel waters was set afire. Germans were portrayed as having occupied the Balkans months before they did so. Periodically, stories were printed representing a definite rift between Stalin and Hitler. The papers often printed a formal notice that European news was censored, but they published such highly censored news as though it had been free, comprehensive, and authentic.[62a]

As interventionist sentiment and Administration policies brought the United States closer to war, non-interventionist material was derided and cold-shouldered by most of the press and the radio broadcasting stations. It was alleged that the federal government had already drawn up plans for an elaborate system of wartime censorship.[63] Soon after we entered the War on December 8, 1941, a sweeping system of government censorship of the press, radio, and moving-pictures was set up under the direction of Byron Price of the Associated Press. Special assistants were provided to supervise the press and radio, and Lowell Mellett was named coördinator of moving-picture activity. In February, 1942, Attorney-General Biddle moved for even more drastic censorship, in the form of a "National Secrets" bill.

Moving-Picture Censorship. The great importance of moving pictures in modern communication and entertainment makes the problem of movie censorship one of much significance for the American public. In a slashing criticism of the existing system of censorship, in their book *Censored: The Private Life of the Movie,* Morris L. Ernst and Pare Lorentz, two distinguished and competent students of the movies, denounce movie censorship as perhaps the greatest racket in America today. They describe the movies as the "hen-pecked" product of a group of vacuous and idle female busybodies, who lack both intelligence and vision. On the other hand, we find the Catholic watchdog, Martin Quigley, in his *Decency in Motion Pictures,* denouncing the present type of movie censorship as inadequate and permitting the exhibition of grossly and diversely immoral films. He represents the point of view of the Catholic element, which, organized in the Legion of Decency, has been particularly active in recent years in attempting to bring about more rigorous censorship of the films. There is much to be said for both of these points of view, when one considers the group for which each is a spokesman. Ernst and Lorentz represent the point of view of open-minded adults, who view the movies as a potential instrument for the production of a high grade of art and intellectual stimulation. Mr.

[62a] See Institute for Propaganda Analysis, *Bulletin,* "Russia, Finland, and the U.S.A.," April 30, 1940; and "The Fifth Column," *ibid.,* July 8, 1940.

[63] See Walter Davenport, "You Can't Say That," in *Collier's,* February 15, 1941.

Quigley has in mind the possibly disastrous effects of movies upon children, especially children of average and sub-normal mentality. That the Catholics are still alert in their effort to censor the movies may be seen from the attack on Greta Garbo's picture "Two-Faced Woman" by the Legion of Decency in the autumn and winter of 1941.

The legality of motion picture censorship was established by a Supreme Court decision in 1915, which ruled that movies fall in the class with circuses rather than newspapers, and hence are legitimately subject to public and private censorship.[64] The censorship of films has extended to an almost incredible degree. A decade ago the censors in New York State deleted or rejected nearly 40 per cent of all feature films submitted to them, thus throwing out or censoring more than a third of all the important films. And it should be kept in mind that a very considerable self-censorship had already been imposed by the producers in making the films. The producers have no inclination to waste their money in making films, however excellent, which they are sure will be rejected.

The extent of this censorship indicates the arbitrary and unpredictable character of film censorship. After years of experience, the most skillful producers were only able to guess with an accuracy of approximately 60 per cent what the censors would do to their product. There is no reason to believe that the State Board of Censorship in New York is any more narrow-minded than other censors. Indeed, it is probably somewhat more tolerant than other state and local boards of review.[65]

Domestic motion-picture censorship in the United States has until recently been in the hands of three different groups. The first is the National Board of Review, organized in New York State in 1909.[66] It was originally founded by the Peoples Institute of New York City with the noblest intentions. It assumed, at one and the same time, to protect morals and avoid censorship. It proposed to review films and suggest to producers items that might well be left out. It is supported mainly by the Daughters of the American Revolution, the International Catholic Alumnae, the Parent-Teachers Association, and the General Federation of Women's Clubs. Some of the members functioned directly in connection with the production of films, making suggestions to the producers and Will Hays as to what should be left out of the film before it is offered for exhibition. The Board also passed on completed films and rated the works of even such immortals as Shakespeare and Dickens as "good," "educational," "subversive to morality," and so on. Though without legal authority, it exerted a powerful influence over motion picture exhibition. In the state of Florida and in the City of Boston, for example, it was illegal to exhibit a film which did not have the approval of the

---

[64] See Ernst and Lindey, *The Censor Marches On*, p. 78.

[65] The mortality of films at the hands of the New York censors has improved somewhat in the last ten years. In 1938, it rejected or deleted 135 feature pictures out of 952.

[66] On the National Board of Review, see Ernst and Lorentz, *Censored*, Cape and Smith, 1930, Chap. IV. For the organization of the Board, see pp. 106–107.

National Board of Review. It invaded most localities of the United States through local "better films committees," which are, for the most part, made up of individuals especially on the alert to protect the conventional moral traditions and practices. The National Board of Review has recently disbanded.

In Hollywood itself we have the famous organization, the Motion Picture Producers and Distributors of America, organized in 1922 under the direction of Will Hays, who is frequently referred to as "the Bishop of Hollywood." He draws a salary of $100,000 a year. This organization was set up by the motion picture producers themselves to provide for censorship at the source of production and thus head off more drastic and foolish censorship later on. Faced by the threat of federal censorship and boycott, the Hays organization adopted, in 1930, a Production Code dictated by Catholic critics of the movies. It was revised in 1934.[67] Mr. Hays' organization passes upon all entertainment films produced for commercial purposes in the United States. On the one hand, it advises the producers to omit what it regards as objectionable features, when viewed from the standpoint of the movie clientele, particularly of those interested in the censorship of films. On the other, it tries to placate the censors and assure them that it has deeply at heart the responsibility of seeing to it that only safe and sane movies are released for exhibition. Considering the difficulties of its position, it has done fairly well in the way of protecting the public from more vicious and extreme forms of censorship. Ernst and Lindey give the following sample of the way in which the Hollywood Code works out in practice:

> The administration has been responsible for shelving a number of projected films, among them Shaw's *Saint Joan*, James M. Cain's *The Postman Always Rings Twice*, and Sinclair Lewis' *It Can't Happen Here*. During 1937 it reviewed no less than 6,663 full-length domestic feature scripts and pictures, and ordered innumerable cuts and changes. It tabooed scenes showing kisses on the neck and shoulder, ladies removing or adjusting stockings in the presence of men, men touching ladies' legs, men and girls lying together on a bed.[68]

Finally, we have the state boards of censorship in some six states. While there are some open-minded and intelligent members of these boards, they are made up, for the most part, of minor politicians and busybodies. These six state boards do most of the open censoring. Their work, on the whole, is incompetent, hurried, superficial, and arbitrary. In New York State, the Board, which is officially lodged in the State Education Department, has at times been so busy that it has had to call in state troopers to help them to review the films. On the whole, they tend to remove even moderate sex-realism, and, what is more menacing, to discourage frankness in regard to war, political graft, and social oppression. These six states which have boards of censors are

---

[67] For details of the Code, see Ernst and Lindey, *The Censor Marches On*, pp. 86 ff.

[68] From *The Censor Marches On*, by Morris L. Ernst and Alexander Lindey, copyright, 1939, 1940, reprinted by permission from Doubleday, Doran and Company, Inc., p. 91.

New York, Pennsylvania, Maryland, Kansas, Virginia and Ohio. The fact that six populous key states have state boards of censors affects motion-picture production for the country as a whole. There might as well be forty-eight state boards, for producers cannot afford to prepare separate versions of pictures. They are guided by what the state boards are likely to accept.[69]

The most effective exposure of the activities of state boards of censorship was the monograph *What Shocked the Censors,* published by the National Council on Freedom from Censorship. It was a complete record of the cuts in motion-picture films, from January, 1932, to March, 1933, by the New York State censors, who are considered the most enlightened of the six boards. The character and essential futility of their work is thus summarized:

> Virtue must always be rewarded; sin and crime always punished—even if only at the tail-end of lurid reels of vice and violence. Life must not be treated as it really is, but as bureaucratic moralists think it should be. Moral lessons must be taught—if not in newspapers and magazines, and on the stage, at least in the movies. But the producers have learned to get away with almost anything suggestive or immoral, if it only has the proper moral ending.[70]

State boards have frequently rejected altogether films which have been approved by the National Board of Review. A notorious case was that of the film "High Treason," which was highly recommended by the National Board of Review. This film had no sex element in it whatever. It was a peace movie dealing with the problem of war and international organization. Its general theme was the triumph of international organization against world war. It was a highly practical and valuable presentation of the cause of peace and world organization. It was charged, in the case of the rejection of the film by the Pennsylvania State Board, that the Pennsylvania steel industries had exerted pressure because they were opposed to anything which promoted the cause of peace and disarmament. At any rate, it could hardly be alleged that this film was rejected because it would in any way corrupt the morals of youth. In 1937, considerable excitement was raised by the rejection of the film "Spain in Flames" because it was alleged that it presented too favorable a view of the Loyalist government. Other important films which have been banned were "Narcotics," a portrayal of the drug traffic; "Witchcraft," the story of superstition through the ages; "Polygamy," an account of polygamous practices in early Utah and Arizona; and "The Birth of a Baby," a non-obscene educational film. "Scarface," the best of the gangster films, was held up for months and it cost over $100,000 to patch it up to suit the censors. In 1938, another picture of Spain, "Blockade," was extensively banned by local censors. As a general practice, innumerable and often incredible cuts are made in most of the significant pictures.

---

[69] For a description of the work of the state boards of censors, see Ernst and Lorentz, *Censored,* Chap. II.

[70] *Op. cit.,* p. 15.

The moral history of a film may be fairly described as follows: A story is offered to a producer, and if it is regarded as promising material it is put in the form of a brief and sent to the studio. If the production heads are interested in it, a preliminary motion-picture version is prepared and further investigated as to its availability for production. If it is accepted the script is completed, being incidentally edited and censored by the producers in the process. It is then submitted to Will Hays' organization, which views it from the standpoint of its probable reception by the various censorship organizations. An elaborate code was drawn up, as we have seen, for the Hays' organization in 1930, containing extensive stipulations as to the details of films which will be acceptable. Most producers take heed of these stipulations, and prepare their scripts in accordance with the regulations. The Hays' organization takes care of any oversight in this regard. It may also suggest more drastic changes, in the light of the current temper of censorship opinion in the country. Of late years it has had to take serious account of the growing Catholic demand for drastic censorship of films, and of the drive against social liberalism. We have already noted that Mr. Hays has also been advised until recently by twelve club women in Hollywood, who represented the National Board of Review and affiliated organizations. When a script has been returned to the producers by Mr. Hays' organization, the filming is done, and the Hays' organization reviews the final product. If so ordered, further deletions are then made. The film can then be released for distribution and exhibition.

Until recently, the film then had to run the gauntlet of the National Board of Review and the state and local censors. The National Board has disbanded, but the state and local censors still persist. We have already described the bannings and mutilations by state censorship boards imposed on films that have already been elaborately censored by the producers and the Hays' organization. Local censors, such as the mayors of cities, ban and cut still further. Despite all this, there is still a persistent demand from many sources for even more drastic censorship.

The degree to which the censors have intimidated the producers is well illustrated by the experience of Ernst and Lorentz in gathering the material for their book on movie censorship. While most producers are personally indignant over censorship rules, they all refused to impart to Ernst and Lorentz a single bit of information about their maltreatment by censors. The large body of information used by Ernst and Lorentz was obtained from Will Hays' office mainly by strategy and subterfuge. The producers long refused to reveal the full details of the Producers Code. They were afraid to make any public protest or to have it known that they resented their treatment. They feared that to do so would lead to retaliation in the way of malicious cutting of the films by the censors. The exhibitors have even less nerve than the producers in protesting censorship.[71]

---

[71] See Ernst and Lindey, *The Censor Marches On*, pp. 75–76.

The net result of this complex web of censorship is that the best we can expect from commercial films is passably diverting entertainment. Items which might suggest thinking about social justice are as rigorously excluded as immorality. Occasionally, however, a worth-while film, from the standpoint of its sociological import, may slip by. A notable example was "I am a Fugitive from a Georgia Chain Gang." This film was due, however, mainly to the particular social interest and adventuresomeness of Warner Brothers, and it was extensively deleted before it was exhibited. At times, some passages critical of the existing order are permitted to slip by, as for example in "The Lost Horizon" and "Mr. Deeds Goes to Town." The March of Time films also occasionally embody material that is highly critical by implication. We have already pointed out how the foreign market for films has exerted a disastrous influence upon movies shown in this country. The suppression of "It Can't Happen Here" by Metro-Goldwyn-Mayer indicates that down to 1939 no picture was likely to be produced in this country which was critical of Fascism, even an imaginary Fascist régime in the United States.

By and large, the elaborate movie censorship does not always eliminate those items which are morally objectionable, in any sensible interpretation of this term. Most of the evil effects discerned by the investigators employed by the Motion Picture Research Council, to which we have already referred, were produced by movies which had run the gauntlet of the censors.[72] Intellectual and moral banality, rather than moral soundness and the stimulation of personal improvement and social betterment seem to be the net result of censorship to date. It has wrecked the prospect that the movies will ever be an intellectual force, promoting social thought and human betterment, so long as the present system of censorship persists.

Obscenity, or alleged obscenity, was the basis for most of the early censorship of the movies, but there has been a steady tendency in the last decade to shift the emphasis to the suppression of sound social criticism:

> Fear of sex is on the wane. The new specter is "subversive" ideas. The censors are no longer concerned with sex alone; political censorship is the new goal.
>
> It cannot be stressed too strongly that state regulation of the screen was set up at the outset specifically to combat indecency. The law is now being perverted to uses that were never contemplated [73]

A good summary critique of the stupidity and futility of movie censorship has been offered by the Metropolitan Motion Picture Council, a research organization formerly affiliated with the National Board of Review. It charges that movie censorship is:

1. An aspersion on public morality.
2. An insult to American intelligence.

---

[72] See above, pp. 512–514.

[73] From *The Censor Marches On*, by Morris L. Ernst and Alexander Lindey, copyright, 1939, 1940, reprinted by permission from Doubleday, Doran and Company, Inc., p. 108.

3. An excuse for indirect taxation of the industry.
4. An opportunity to dispense political patronage.
5. An obstacle to the production of truly entertaining adult films.
6. A violation of the Bill of Rights.
7. An ideal instrument for the promotion of bigotry and intolerance and a possible implementing of Fascism, Nazism, and Communism.[74]

In addition to above-described private and state censorship of films produced in this country, the federal government exercises a censorship by deciding what foreign films can be brought into this country. The customs officials exercise this power of exclusion, as they do in regard to literature imported into the United States. Some of the best and most artistic of foreign films have been excluded from the country in this way.[75] When we entered the War in December, 1941, federal censorship of motion pictures was set up. A veteran newspaperman and presidential aide, Lowell Mellett, was appointed coördinator of motion pictures to supervise their activities and output.

Radio Censorship. The influence of the radio renders the question of the freedom of the air of great social significance. This is especially and emphatically so, since today freedom of the air is vitally related to freedom of speech. So much larger an audience can be reached by radio than in any public meeting that if one is denied access to the air he and his cause are at a fatal disadvantage. In other words, freedom of speech today is not so much freedom of the soap-box or platform as it is freedom to use the broadcasting facilities of radio.[76]

There is no doubt that radio creates new responsibilities and considerations with respect to freedom of speech. In addressing a public meeting, the speaker is dealing with an audience which has voluntarily come to hear him. The radio speaker, however, may intrude his ideas into a household that has no inclination to listen. They may be brought before children as well as adults. To be sure, owners of radios can turn him off by a twist of the dial, but there is no denying the fact that free speech on the radio is actually something different from free speech from a soap-box on a street corner. This fact has been well expressed by Owen D. Young:

> Freedom of speech for the man whose voice can be heard a few hundred feet is one thing. Freedom of speech for the man whose voice can be heard around the world is another. . . . The preservation of free speech now depends upon the exercise of a wise discretion by him who undertakes to speak. . . .

No one can take any exception to this as a statement of principle; but unfortunately, in practice, "a wise discretion on the air" means a high degree of sensitivity with respect to the vested economic and religious interests. The liberal or radical is the person who has to be discreet.

---

[74] *Ibid.*, p. 254.

[75] For details of this censorship and the films excluded, see Ernst and Lindey, *The Censor Marches On*, pp. 83–84, 97–98, 100–103, 108–109.

[76] For intelligent discussions of radio censorship, see Mitchell Dawson, "Censorship on the Air," in *American Mercury*, March, 1934; M. F. Kassner and Lucien Zacharoff, *Radio Is Censored*, American Civil Liberties Union, November, 1936; and "New Horizons in Radio," *The Annals*, January, 1941, pp. 37–46, 69–75, 93–96, 102–115.

It is rare that any limitation is placed upon the grossest excesses of conservatism and reaction. Moreover, steps are taken to see to it that few radicals or noted progressives are ever given a chance to be either discreet or indiscreet over the air. Scores of illustrious reactionaries give vent to their conservative views every week over the air. But when President William S. Paley of Columbia Broadcasting System decided to give Earl Browder, a Communist, a chance to speak over the air, it created great excitement.

Radio censorship, which is extensive and effective, if very smooth and adroit, is executed in the following ways:[77] (1) by refusal to sell time on the air or to fulfill contracts; (2) by the demand for copies of speeches in advance, to be censored as the station authorities deem best; (3) by the threat of drowning out or cutting off the speaker in the midst of a program when he utters indiscreet remarks or digresses from his manuscript; and (4) by the relegation of supposedly dangerous speakers to early morning hours, when all but radio maniacs are in bed. Radio censorship often extends to unbelievable trivialities. For example, the Columbia Broadcasting System once denied the air to a famous fisherman who proposed to recommend fishing for trout with worms, even citing in his support Calvin Coolidge, who was then President of the United States. It was feared that this would alienate fly fishermen. One of the major systems canceled a proposed broadcast by a distinguished scholar on the Malthusian law of population, fearing that it might offend certain religious groups. General Johnson was forbidden to the use the word *syphilis* in a broadcast.

It has long been the policy of radio to exclude controversial material from the air. Interpreted in any literal sense, this would exclude almost any subject one might think of. Fierce controversies are raging over even the most abstruse aspects of electromechanics and astrophysics. In practice, the term *controversial* is limited to religious, social, economic, and political doctrines. Actually, the test of what is controversial on the radio runs pretty close to the primitive conception of taboo. Those things are controversial which are subversive of conservative opinion and institutions, namely, any questioning of our religion, sex conventions, patriotism, or the capitalistic system. Yet there is plenty of talk over the air on all of these subjects. There are many religious programs from daybreak to bedtime. One of our great religious organizations gives over much of its time on the air to denunciation of divorce, birth control, and modern views of sex. Patriotism is extolled and pacifism is derided by eminent defenders of the public weal. The virtues of capitalism, general and particular, are daily pointed out with thoroughness and deep conviction. Therefore, it seems that "controversy" on the air really means the progressive views on religion, sex, peace, and the economic order. Clarence

---

[77] For the Broadcasters' Code, see Ernst and Lindey, *The Censor Marches On*, pp. 126, 313–316.

Darrow could not talk against religion, but Dr. S. Parkes Cadman or any eminent Catholic theologian could freely speak for it. Even Harry Emerson Fosdick was denied the right to speak on birth control. But there is no record of any objection to vigorous denunciation of birth control on the air. Pacifists have had their talks cut short, when they were able to get on the air at all, but there is no record of turning off a valiant patrioteer. Communism is frequently assaulted, but no eminent Communist resident in this country was invited to defend the Russian experiment before June, 1941.

When he was president of the National Broadcasting Company, M. E. Aylesworth stated that he would allow representatives of various sides to controversial questions to have access to NBC programs, but he added that they must be official and representative speakers. In other words, William Green and Philip Murray might speak for organized labor, but not John L. Lewis, Norman Thomas, or A. J. Muste. NBC has an Advisory Council to determine what material and speakers are "representative." But there are few eminent liberals on the Council. Mr. Aylesworth, a shrewd man, advised broadcasting companies to put a liberal or radical on the air occasionally, so as to preserve the illusion of fairness and liberality. This may fairly be regarded as the general formula which is followed, with much caution.

One of the dangers to the freedom of the air has been alleged to be the monopolistic character of radio broadcasting. That there is a real danger in this fact cannot very well be denied, but the big companies have behaved far better than the smaller local stations with respect to permitting liberal expressions over the air. The Town Meeting of the Air is delivered under NBC auspices. And it was the Columbia Broadcasting System that first allowed a leading Communist, Earl Browder, to speak over a major chain. This situation is to be expected, because it is a well-known fact that big business is far more enlightened than little business.

The logic in the situation with regard to radio is clear enough. The great broadcasting chains can exclude critical opinion from the air if they please to do so. But they cannot alter the actual facts in the economic, social, and political scene in the United States. The facts will ultimately control the destiny of the country and of radio. We have two alternatives: (1) Full knowledge of the facts, free discussion from different angles of opinion, constant readjustment, and peaceful settlement of class struggles; or (2) deceit, censorship, sullen resentment, and, ultimately, resort to force and revolution. The interests of the masters of the air are clearly with the promotion of the first alternative, which can only be accomplished by promoting free discussion on the air—and elsewhere. The American Civil Liberties Union has laid out a program with respect to the freedom of the air:

1. That all radio stations, in return for the free franchise granted by the government, be required to set aside desirable time for the presentation of public issues. No requirement is made as to the forms of programs; merely that the time be made available without cost for such a purpose.

2. That whenever a radio station puts on one side of a controversial issue, at least one other side shall be given an opportunity to be heard on equal terms.
3. That stations but not speakers shall be relieved from responsibility for libel or slander on programs given on free time. This will encourage stations to put on controversial topics, and will do away with the necessity of prior censorship of manuscripts.
4. That stations shall keep records of all applications for time refused, as well as granted, open "to reasonable public inspection," so that station policies may be checked and censorship recorded.

In addition to the censorship of radio by the broadcasting companies, the federal government exerts, as we have seen, through the Federal Communications Commission, wide control over the air. It determines the number of channels and stations which are allowed, licenses the stations, and may revoke licenses. It also has gone on record as to its ideas respecting "meritorious" and "non-meritorious" programs. It has revoked some licenses, for example, the station of the anti-Catholic preacher, Rev. Robert P. Shuler, in California, and that of the goat-gland therapist, Dr. J. R. Brinkley, in Kansas. It reprimanded and threatened even the powerful NBC for the skit "Adam and Eve," put on by Charley McCarthy and Mae West. The FCC threatened station WAAB of Boston and renewed its license only after the station had agreed to conform to governmental opinion and policies.[78] A drastic censorship of radio was provided in December, 1941, after we entered the War, and a code of "wartime practices" for radio was issued on January 16, 1942. Not only is there censorship of news over the radio, but interviews and quiz programs have been sharply curtailed or eliminated altogether. So has request music and weather announcements.

Remedies for Prejudice, Propaganda, and Censorship

We may now consider briefly the question of possible remedies for the growth of prejudice, propaganda, and censorship in our era. This is more than a mere academic question, since the very future of civilization depends upon the possibility of promoting the cause of tolerance and truth in our complicated age. If prejudices, ever more effectively inculcated by propaganda, are to rule the world, the outlook for civilization is dark indeed.

In totalitarian states, there seems to be no remedy whatever for the spread of prejudice, the overpowering force of propaganda, and the blight of censorship. The latter are the very bone and marrow of such states. Even such a drastic measure as the assassination of a dictator would accomplish little in countries like Germany and Russia. The systems of society and government are so well established there that they would most certainly endure without the presence of Hitler, Mussolini or Stalin. The system of public education and propaganda existing in these coun-

[78] See David Lawrence, "Censorship by the Communications Commission," in *Column Review*, February, 1941, pp. 88–90.

tries increases the prejudices of the population. The rigorous system of censorship shuts off all possibility of criticism, and the exposure of prevailing prejudices through counter-propaganda is entirely out of the question. With respect to these totalitarian states we can only await the trend of world events. The latter may lead to the overthrow of such states or to the moderating of the propaganda and censorship existing therein.

In the few important countries of the world, which retain at least some semblance of democracy, it will still be possible to prevent the triumph of totalitarianism and censorship if adequate reform measures are adopted with sufficient expedition. But democracies must understand that they cannot safely suppress any type of propaganda, even propaganda for totalitarianism and censorship. The first step toward the suppression of propaganda in democracy is also the first step toward totalitarianism, and the censorship which goes with the latter. This fact has been eloquently stated by Gerald Johnson in the *Virginia Quarterly Review:*

> When it is proposed to suppress propaganda—that is the moment to erect a barricade. Propaganda is a word of evil repute. It is a word that is bitter on the tongues of many honest men. Nevertheless, the right to spread propaganda must be defended to the death by all men who love liberty, for it is a two-sided word, and what is your propaganda is my free speech.
>
> It may be a sad fact, to many it seems to be an almost intolerable fact, but it is a fact that we cannot guarantee the freedom of Alfred M. Landon without guaranteeing that of Earl Browder, too; and in a country which puts the Communist candidate in jail for trying to make a political speech, it is always possible that the Republican, or any other candidate, might some day be jailed for the same offense.
>
> The moment any candidate, however idiotic, is suppressed, that moment we make it theoretically possible to gain an apparent consent of the governed by fraud, and the foundation of our system is no longer safe; but as long as we defend resolutely the right of every silly ass to spread nonsense, we make doubly secure our own right to speak words of wisdom, beauty and truth [79]

The steps to be followed in a democracy, if we wish to reduce prejudice and propaganda are perfectly evident. In the words of Clyde R. Miller, we must keep the channels for the communication of ideas thoroughly open and accessible to all classes. We must give everyone a chance to express himself, taking special care to see to it that those who oppose us have complete freedom of expression.

An important remedial measure is to expose clearly for the benefit of the public the nature, methods, and devices of propaganda. To expose propaganda is not difficult. The most subtle propagandists are mere babes in the woods, when their output is subjected to critical analysis by trained psychological experts. The Institute for Propaganda Analysis has laid their methods bare and exposed their devices with crystal clarity. In such books as those by Messrs. Lumley, Doob, Riegel, Seldes, Rorty, Jastrow, Albig, and others, the propagandists are held up where the public can look them over in a most revealing fashion.

---

[79] "When to Build a Barricade," in *Virginia Quarterly Review*, Spring, 1938, p. 176.

The great difficulty is to get such illuminating material into the hands of the public, so that they can be protected against the subtle wiles of propagandists. This is a problem, indeed, since the propagandists have a strangle hold on the press, the radio, the movies, and many of the more important forums. H. G. Wells has said that civilization, today, is "a race between catastrophe and education." The salvation of public opinion from complete domination by prejudice and propaganda is very truly a race between the propagandists and those who seek to expose them. Unfortunately, the dice are today loaded almost exclusively in favor of the former. The propagandists are neither profound nor fundamentally clever. As Joseph Jastrow has written:

> What the persuaders and inspirers say is neither brilliant nor convincing. It is only that you who fall for it are too easy-going in belief. You figure that although this system and that scheme may not be all true, still there must be something in it. But why be content with a scrap of truth salvaged from a dump? The essential truth is not in any part of it. So far as they are sincere, the messages are trivial, commonplace, wordy and as suspect as a raised check—being worth far less than their face value—if, indeed, they are good at all.[80]

Yet, banality and mendacity, when in command of the avenues of communication, have far greater power than the widest learning and the most penetrating intelligence, when the latter are denied facilities for reaching any considerable public.

Propaganda can be good as well as bad. Analysis is needed to determine what is good and what is bad. In the United States, the measuring-stick must be the relation of propaganda to democratic principles, broken down into their specific and salient realities. The honest propagandist, serving democratic purposes, does not object to analysis. Other propagandists fear and resent analysis. They seek to keep all salutary analysis of propaganda out of the schools, newspapers, radio, and moving pictures.

Americans should be especially on their guard against the menace of censorship, especially in the light of the tragic lessons afforded by the experience of Europe in the last twenty years. Never has it been more true that the "price of liberty is eternal vigilance." It was only a little over ten years ago that Germany was a republic, with a government more democratic and liberal than that of the United States. It was, in name at least, a socialist government. Yet, in the course of a few years, it was transformed into a dictatorship as autocratic and censorial as any absolute monarchy of early modern times. The same kind of transformation can easily take place in our own country if we do not remain alert to the symptoms of intolerance, bigotry, and censorship, which are the harbingers of totalitarianism.[81] We have no automatic and spontaneous safeguards against totalitarianism. Indeed, in some ways we are better prepared to receive and cherish it than was Germany in 1932.

---

[80] Joseph Jastrow, *The Betrayal of Intelligence*, Greenberg, Publisher, Inc., 1938, pp. 13–14.

[81] See above, pp. 295 ff.

Nobody has more briefly and cogently stated the case against the intellectual stupidity and social futility of all censorship than has James Harvey Robinson:

I am opposed to all censorship, partly because we already have Draconian laws, and police willing to interfere on slight pretense in cases in which the public sense of propriety seems likely to be shocked; partly because, as Milton long ago pointed out, censors are pretty sure to be fools, for otherwise they would not consent to act. Then I *am a strong* believer in the fundamental value of sophistication. I would have boys and girls learn early about certain so-called "evils"—and rightly so-called—so that they can begin to reckon with them in time. I have no confidence in the suppression of every-day facts. We are much too skittish of honesty. When we declare that this or that will prove demoralizing, we rarely ask ourselves, demoralizing to whom and how? We have a sufficiently delicate machinery already to prevent the circulation of one of Thorstein Veblen's philosophic treatises and Mr. Cabell's highly esoteric romance. For further particulars see the late John Milton's "Areopagitica" *passim*. To judge by the conduct of some of our college heads the influence of this book is confined to a recognition of its noble phraseology, with little realization of the perennial value of the sentiments it contains.[82]

---

[82] From a letter to the editor, *Literary Digest*, June 23, 1923.

PART V

Family and Community Disorganization

CHAPTER XV

Marriage and the Family in Contemporary Society

The Historical Development of the Human Family

OUR SIMIAN heritage seems to provide some of the leading traits which account for the relative permanence of human mating. Man, with other simians, shares the unique physiological trait of having no distinct mating season. Among other animals the females are not usually susceptible to sex stimulation except during the mating season, and the males are sexually aggressive only when the females are receptive to their attentions during the mating period. The primates and other simians, on the contrary, are constantly accessible to sex stimulation. This trait naturally facilitated and encouraged permanent sex pairing.

Other simian traits are the tendency to bear fewer young than other animals and the longer period of helplessness on the part of offspring. These characteristics are particularly developed in the human race. Much has been made by anthropologists of the long period of dependence of the human child upon its mother. John Fiske, for example, attributed the very origins of organized human society to this fact.

Certain sociologists have tried to find unique qualities in the human pairing relation. They hold, for example, that man has an innate antipathy to incest and inbreeding, that there is an inborn feeling of modesty or shame with respect to sex matters, that the affection existing between human males and females is not encountered in lower animals, that chastity is universally insisted upon in the case of unmarried women and fidelity in the case of married women, and that human beings crave social approval of their sexual behavior. That many of these traits have dominated the historical family in most cases is evident, but this fact must be attributed to cultural factors rather than psychological or physiological qualities unique in the human race. Modesty, chastity, aversion to incest, social approval of sex activities, and the like, are purely cultural in their origin. None of these things can be called instinctive with man. They have been brought about by social experience and the growth of folkways.

Though human love is obviously different in degree from the affection shown in the pairing arrangements of even the higher apes, it can scarcely be demonstrated to be different in kind. Moreover, much of the difference in degree in the case of human love is a matter of culture.

rather than of biology. The human family, very obviously, rests upon physiological facts and tendencies which antedate the origins of the human race. The highly varied forms of sex relations and marriage among human beings are, however, a distinctly human contribution and an outgrowth of the cultural and institutional experience of the human race.

Before the rise of anthropology and historical sociology, it was thought that the monogamous family, namely, the permanent pairing of one male and one female, was characteristic of all peoples in all times. This was a fundamental Christian dogma. Every known form of family other than the monogamous arrangement was held to be exceptional and the work of the devil. Indeed, before the Christians, the Jews had denounced the polygyny (often erroneously known as polygamy) of the Gentile peoples, even though the man who was traditionally the wisest of all the Jews, Solomon, was exceptionally successful in bringing together one of the largest harems of recorded history.

When the science of anthropology, or the study of primitive peoples, came into being on the heels of Darwin's enunciation of the doctrine of evolution, the earlier theories of the prèdominance of monogamy were very roughly handled.[1] According to many anthropologists of the early evolutionary school, something pretty close to promiscuity prevailed in the first stages of primitive society, and there was little permanent mating. The first system of mating was group marriage, out of which polygyny arose. In the earliest period of polygyny, relationships in the family were traced through the mothers only. In due time, as a result of wife capture, wife purchase, and the economic conditions of pastoral life, this maternal system was transformed into the paternal family, in which relationships were traced through males, and the predominant power in the family was assumed by the males. Out of this paternal but polygynous family, monogamy gradually evolved as the final stage of family life.

Some of the early writers on family origins, such as the German-Swiss philologist J. J. Bachofen, alleged that there had not only been a maternal family but also a definite period in which women exerted the dominant authority in political and military life, the age of the so-called Matriarchate. Even in the twentieth century, reputable writers have revived something like this earlier notion of the evolution of monogamy from primitive promiscuity and later maternal rule. Especially notable in this connection was the voluminous work of Robert Briffault on *The Mothers*, published in 1927. His views were less extreme than those of the older anthropologists, but in a general way he upheld their notion of female ascendency in primitive society.

The dogmas of the older evolutionary anthropologists with respect to the gradual evolution of human monogamy out of a primordial promiscuity were first attacked in sweeping fashion by a Finnish anthropologist and sociologist, Edward Westermarck, who published the first edition of

[1] See above, pp. 44–45.

his famous *History of Human Marriage* in 1891. After an extensive survey of marriage relations among many primitive peoples, Westermarck contended that monogamy has been the prevalent type of human family relationship from the earliest days. Other forms of family arrangements Westermarck believed to be exceptional, even though frequent at certain times and places. Westermarck tried to support his theory by appeals to biology. He pointed to fairly permanent pairing relationships among the higher apes and laid special stress upon the prolongation of human infancy as a force making for human monogamy. Westermarck's conclusions have been generally accepted, with a few qualifications, as the accurate interpretation of the nature and development of the human family. They were the more convincing because Westermarck, a tolerant liberal on sexual matters, had no personal axe to grind in defending monogamy.

The theory that women once ruled over society—the notion of a so-called matriarchate—has been rather ruthlessly disposed of by scientific contemporary anthropologists. They have shown that most of the evidence upon which Bachofen and others relied to support any such contention was either unreliable or misinterpreted, or both. It is well known that, in primitive society, we have both maternal and paternal families, that is, families in which relationships are traced exclusively through the mother or solely through the father. But Franz Boas and his disciples have raised serious doubt as to whether the maternal family was always an older type than the paternal family, and they are even more inclined to doubt that the paternal family arose out of the maternal. It seems that historic conditions, in time, favored the paternal family. Briffault's work gave evidence of immense industry and great learning, but his efforts to rehabilitate the older notions about human promiscuity and the predominance of maternal society have been undermined by Bronislaw Malinowski, Robert H. Lowie, and other present-day anthropologists. Malinowski's books on *The Father in Primitive Psychology* (1927) and *The Sexual Life of Savages* (1929) are a convincing answer to Briffault's notions. The attempt of Mathilde and Mathis Vaerting to rehabilitate the theory of the matriarchate on sentimental and feminist grounds in their book, *The Dominant Sex* (1923), is even less convincing than Briffault's erudite labors.

Anthropologists warn against reading back into primitive times our own notions with respect to the monogamous family. In historic times the monogamous family has been the basic social unit, dominating sex habits, and controlling many other forms of social usage. But in primitive society it frequently did not exert any such clear dominion over social life. The monogamous family was often affected by many other social usages—for example, by the marriage class system among the natives of Australia and by other complicated relationship systems in primitive society. Further, the clan and gens system directly modified the status of the monogamous family among primitives. The clan and gens system proclaimed a fictitious relationship among all members of a clan or gens,

even though any direct blood relationship was non-existent in many cases. Therefore, while monogamy has always dominated the marriage scene, we must not think of primitive monogamy as being identical in social status and functions with the monogamy of the rural Christian family prior to the Industrial Revolution.

There have been other types of family relationships, most notable among them being polyandry and polygyny. Polyandry means the marriage of one woman to several men, who may or may not be brothers. In Tibet, where it was usual for several brothers to marry one woman, the elder brother usually enjoyed certain special privileges and powers. In other polyandrous situations the husbands might have equal rights to their common wife. Polyandry has been relatively rare as a form of human family. The main explanation offered for its existence is that it best serves the sex needs of man in regions where nature is extremely unproductive and the resources of the community do not permit universal monogamy—where one man finds it difficult to support a family. Polyandry has also been explained as being due to an excess of males in any given locality, but this is probably more unusual as a cause than the barren character of natural resources.

In contrast to polyandry, polygyny, or the marriage of one man to several women, has usually been produced by exceptional riches and prosperity. In no instance has polygyny prevailed among all the inhabitants of any given region. It has almost always been restricted to the more wealthy in the population. It has persisted right down to our own day in a sub-rosa and non-institutionalized mode of expression, namely in the frequent tendency of rich males to support, besides an institutionalized wife and family, one or more mistresses.

A number of clearly evident factors have tended to encourage polygyny. Sexual ardor, adventuresomeness, the desire for display and prestige, and the zeal for novelty on the part of man have almost invariably provided strong psychological motivations for polygyny. Among primitive peoples, and in early historic societies, the capture of women in war made it natural for victorious males to appropriate a number of captive women. Slavery also facilitated polygyny; attractive slave women often became concubines of their masters, who were already equipped with an institutionalized family.

Political and military considerations have also been operative. Polygyny made it possible for the males of the ruling class to beget many more children than would have been possible under a monogamous system. Polygyny was also frequently conferred as a reward for military valor and strategic prowess. Religion often rationalized and approved the prevailing practice of polygyny among the ruling class of society, whom the priests desired to placate and favor, in return for support of the prevailing cult.

Of all the moral influences which have helped to undermine polygyny as a fairly open and general practice among wealthy males, the Hebrew and Christian religions have probably been the most powerful. But

they have more usually driven it underground into non-institutionalized manifestations rather than completely extinguished it. Male sexual ardor has proved too powerful for any type of religion thoroughly to uproot or completely to discipline.

While the Jewish and Christian religions have supplied the chief moral sanction for monogamy, and have exerted the main psychological pressure in its favor, many other factors have tended to make it the predominant type of family. The extremes of poverty and prosperity which favor polyandry or polygyny, respectively, have not been characteristic of human society as a whole. Also, the relative equality of the two sexes in numbers has inevitably encouraged monogamous forms of pairing. Moreover, monogamy facilitates devotion to children, since both parents can give their undivided attention to the offspring of a single woman. Monogamy also tends to develop sentimental affection. The monogamous family is a more cohesive and restricted form of social unit and simplifies blood relationships. Monogamy also creates far better protection and much greater solicitude for the wife than can prevail under polygyny. When, to these many natural advantages of monogamy, was added the sanction of an authoritative religious system, it is not difficult to understand why monogamy has predominated among the western Christian civilizations.

In the ancient Near Orient, the monogamous family was prevalent among the masses, with polygyny relatively common among the richer males. The position of women in Egypt was a favored one, not matched in subsequent history until very recent times. Many queens ruled the country, and, more than that, the property and inheritance rights of women were fully recognized. Perhaps most important of all was the fact that property was inherited through the mother:

> Egypt had kept very ancient traditions of the eminent right of women to inheritance . . . the wife, though subordinate in fact, was independent by right. . . . The wife of a prince gave her sons the right to rule. The wife of royal race was the keeper of the royal heritage and transmitted the right of kingship to her children alone.[2]

It is thought by many Egyptologists that these facts indicate the prevalence of the maternal family and matrilineal relationships in prehistoric Egypt.

Among the Semites of early western Asia, the paternal system dominated and rigorous patriarchal authority frequently evolved. Polygyny was very common among Oriental Semites other than the Hebrews, and the latter were unable to stamp it out entirely within their own domains. One of the chief contributions of the Hebrews to the history of the family was their sanctification of monogamy and the introduction therein of strong patriarchal tendencies revealed in the Old Testament. The authoritarian family, which emphasized both monogamy and male dominion

---

[2] Alexandre Moret, *The Nile and Egyptian Civilization*, Knopf, 1921, p. 305.

and was adopted by the Christian Church in the later Roman Empire, is primarily a heritage from the Hebrews. But polygyny continued to prevail in the Orient from ancient times to our own. It was common among the Persians and also among the Arab sheiks. From these sources it was taken up by Islam and was practiced by the richer Muslims from the days of Mohammed himself to our own time. Only in 1926 was it abolished in Turkey, with the introduction of the new social system by Mustapha Kemal.

Among the Greeks, particularly the Attic Greeks, the family occupied a rather special position. It was rather thoroughly divorced from the elements of romance and sentiment, thus showing that the monogamous family can prevail without any romantic foundation. The Greek family was a purely practical affair, which existed primarily for the purpose of breeding and rearing children. The Greek wife was kept in the home and denied any legitimate sexual freedom outside. There was much sex freedom for the Greek men, who found their romantic attachments outside the family with mistresses of a high intellectual order or satisfied their promiscuous sex cravings through relations with prostitutes. In Sparta, male adultery was given a quasi-institutional sanction as a method of producing more male children, who were highly prized as future members of the Spartan army and military caste.

The Roman family passed through a notable historical evolution. It started out as a rather extreme manifestation of patriarchal monogamy, in which the father or eldest living male had almost absolute authority over his wife and children, even to the extent of inflicting death for what were considered legitimate reasons. Adultery on the part of the wife was severely punished and divorce was almost literally unheard of. Religious, social, and military considerations made the early Roman family extremely cohesive.

During the later Republic and the early Empire, this type of Roman family all but disappeared. The free Roman peasantry, which provided the social and economic foundation for the patriarchal Roman family, were almost extinguished as a result of wars, the growth of great estates, and the working of the land by slave gangs. With the growth of wealth, as a result of conquest and commerce, the richer Romans desired to free themselves from the older restrictions upon promiscuity. The presence of many beautiful captives and slave women encouraged their zeal in this regard. The dispossessed peasants and others who flocked to the cities, especially Rome, became an urban rabble, herded together in miserable slums and apartments.

These conditions undermined the old religious and patriarchal family of early rural Rome among the urban masses. Marriage was no longer a sanctified social institution, but became a civil contract. There was a [illegible]d development of a sort of feminist movement at this time, giving [illegible] women the ri[illegible] to hold some property and other new privileges [illegible]ch made for a [illegible]ater degree of female independence. It was natural that divorce would become far more common under these conditions. In-

deed, it became extremely prevalent, particularly among the upper classes, and not even Augustus was able to check its prevalence. There was a great deal of vice among the city rabble.

The downfall of the old Roman family was most marked at the end of the Republic and during the first century of the Empire. During the latter part of the Roman period, marriage was once more restored, at least among the masses, to its former sanctity and cohesiveness. The predominance of Christian ideals during the later Roman Empire has suggested to scholars that we must qualify the older view that the Roman Empire disintegrated because of the downfall of the Roman family and the increase of sexual promiscuity. The Empire actually fell apart during those centuries when the Christian influence was most effective in checking the immorality of the Romans. But, no doubt, the conditions which had prevailed before the Christian triumph exerted a powerful influence for many generations thereafter.

Under the influence of Paul, Augustine, and other sex purists, marriage was made a sacrament and brought under ecclesiastical dominion. Divorce was outlawed, though separation and the annulment of marriage were sanctioned. Patriarchal parental authority was encouraged by church doctrine. The chastity of women was extolled, and virginity became a veritable cult. The fact that medieval life was primarily rural made it possible for the church to carry through the revolution in morals and family relationships with relative success. Country life is far more favorable to authoritarian monogamy than the more complicated conditions of city life. The chivalrous ideals with respect to noblewomen eased the conscience of feudal lords, who ravished unprotected non-noblewomen almost at will. By forbidding marriage of the clergy, the Catholics deprived religious leaders of the benefits of family life, at the same time ridding them of its responsibilities. While the formal celibacy of the clergy was taken for granted during the medieval period, it was not uncommon for priests, monks, and friars to maintain concubines, and to have children by them. The church frowned on this but was not able to eliminate the practice until after the reforms which accompanied the Counter-Reformation.

Protestantism brought with it a number of important changes with respect to sex practices and ideals. It was as strongly against sexual sin and promiscuity as were the Catholics, but it believed that the celibacy of the clergy increased rather than reduced clerical immorality. Inasmuch as the Protestant leaders drew many of their moral ideals from the Old Testament rather than the New, they tended to stress patriarchal authority in the family. With the Calvinistic emphasis on thrift, it was natural that the economic value of the housewife would not be overlooked. And the Calvinistic stress upon the moral virtues of hard work was emphasized as of particular relevance for the wife. The Protestant ideal of the good wife was one who was both obedient unto her husband and passionately devoted to industry and thrift. The Protestants laid considerable stress upon the values of education. Since there were few

public schools for the masses, the family long had to assume most of the responsibility for such education as the average child received.

The Protestant theories with regard to the family were brought to America and received their most complete development on the rural frontier. The sparsity of population and the isolation of the rural family in America made the family the center of economic, social, educational, and recreational life. Dangers from natural and human enemies encouraged parental authority, discipline, and respect. The economic value of the family was very great, because there was intense need for the labor of women and children. Social contacts being relatively few, the family divided with the rural church the chief place in social, intellectual, and recreational life. And the time spent in the family was far in excess of that devoted to the worship of God, even in those days when families frequently spent all day Sunday in adoration of the Deity. The predominant importance of the family during some two centuries of American rural life gained for it a preëminent place in our institutional equipment and our respect. The authoritative rural family became identified with the absolute ideal in matrimonial arrangements.

The Break-up of the Traditional Patriarchal Rural Family

The traditional patriarchal monogamy is now undergoing thorough reconstruction in our urban era. The divorce rate has increased steadily in the last half century and today there is one divorce for every six marriages in our country. Family desertions are extremely common, though such evidence as we possess about their number does not indicate that they are increasing as rapidly as divorce. As divorce becomes easier, desertion is less necessary or attractive, for the legal responsibilities of family life are not obliterated by desertion. We have already pointed out that there is a much greater prevalence of sexual freedom outside of the family than was common a half century ago. Many of the functions of the family are now taken over by other agencies.[3] In certain circles of life, especially in cities, children are no longer an economic asset but a notable financial liability. Some of the most sacred ideals of the older family life and sexual morality are today often regarded with much lightheartedness, especially on the part of the younger generation.

Among the major reasons for the undermining of the traditional family are the economic developments associated with modern industrialism, and the growth of a secular outlook which challenges the authoritarian religious foundations of the conventional family. While the latter has been most influential in changing our attitudes toward the family, there is little doubt that economic influences have been more immediately and comprehensively potent in actually bringing about the downfall of the old rural family. The latter is no longer the center of economic

[3] See below, pp. 645–648.

life. Many more people buy their food than produce it. Most goods are now made in factories and purchased from distributors. The work of women and children becomes progressively less important to the family in an urban era. Further, legislation limiting the work of women and children, especially the latter, has made it less possible for these younger persons to contribute to the income of the family group. Indeed, in urban life, children are generally a serious liability, so far as family finances are concerned. Industrialism made possible the remunerative employment of women and thus gave them an economic independence which they have never previously known as a class. Hence, millions of them no longer have to depend upon a husband for their maintenance.

Of all the indirect effects of modern industrialism upon the older family, it is probable that the rise of city life has been the most demoralizing. Almost everything used by the city family is produced outside the family circle. All of the food materials are thus provided, and frequently much of the cooking is done in commercial bakeries. The delicatessen shop is slowly but surely crowding out the kitchen in the urban family. Indeed, many city families eat almost exclusively in restaurants, so that not only the kitchen, but the dining-room as well has been taken out of the home. Likewise, amusement and recreation are sought mainly outside the family circle. The radio and television have modified this somewhat, but it is likely that novel forms of outside entertainment will also appear to offset this.

Social work and child welfare activities crowd in upon the former functions and responsibilities of the family. In Russia, elaborate provisions have been made to enable a nursing mother to work in factories and leave her infant under expert care at public expense. In the United States, day nurseries have been established in many cities where the working mother can leave her child of pre-kindergarten age. Public schools and kindergartens have usurped the educational function of the traditional family. If city life has made children a liability, the growing popularity, effectiveness, and accessibility of birth control devices have made it ever easier to dodge the responsibility of child bearing. They also encourage the seeking of sexual satisfactions without the contracting of the responsibilities of matrimony. The social radicalism promoted by modern industrialism has developed a philosophy antagonistic to the conventional family. Early in the seventeenth century a radical friar, Campanella, called attention to the fact that the family is the chief bulwark of the institution of private property. The radicals, therefore, often sought to break down the sanctity of the family.

Secularism has directly attacked supernatural religion, which provided the intellectual and moral foundations of the traditional family. Thoroughgoing secularism denies the existence of any form of supernatural sanction for any type of social institution, family or other. Probably the most important influence of secularism upon the modern family is the divorce of sex from sin. For the first time since the days of Augustine, the notion of the sinfulness of sex has been candidly and sharply assailed.

The divorce of sex from supernaturalism made this attitude inevitable. It is held that no form of sex activity can be regarded as an affront to the gods or likely to place human souls in jeopardy. The family and other sex practices are judged by their contributions to human welfare, here and now. Secularism is not necessarily hostile to the family as a means of satisfactorily handling the problems of sex and reproduction. Indeed, it recommends monogamy as the normal and most satisfying method. But it is certainly comprehensively hostile to the tyranny of indissoluble monogamy. The growth of secularism has removed the repugnance from the employment of birth control devices, for it wipes away any such notion as the traditional religious view that birth control is also "soul control" and prevents immortal souls from coming into existence. Secularism also sanctions sex satisfaction outside the family when individual and social well-being may be promoted thereby. It is quite possible that the growth of secularism may ultimately lead to a family system more in accord with scientific facts and social realities than the old-time monogamy. If so, it will increase the success and stability of family life. But certainly, the secular outlook has thus far exerted a corrosive and disintegrating influence upon the traditional family and its moral bulwarks.

An able student of contemporary family problems, William F. Ogburn, has suggested that the best way of discovering the degree to which the old rural family has declined is to investigate what has happened, of late, to the traditional functions of the authoritarian family.[4] He lists seven of these functions: (1) affectional; (2) economic; (3) educational; (4) protective; (5) recreational; (6) family status; and (7) religious.

The affectional function has been less hard hit than the older family functions and is probably the most powerful function today. But its weakness is shown by the fact that about one family in six ends in divorce, that there are many more family desertions, and that innumerable unhappy families persist without resorting to divorce.

That the economic function of the family is being undermined by modern technology and urban life may be seen from relevant statistics. The output of bakeries increased four times as much between 1914 and 1925 as did the general population. During the same period, the products of canning factories and other food factories increased over six times as much as the population. From 1900 to 1920, the number of restaurant-keepers and waiters increased about four times as much as the population. The number of delicatessen stores increased about three times as rapidly as the population. The amount of work done in laundries increased nearly four times as rapidly as the population from 1914 to 1925. The sales of sewing-machines for home use have also markedly declined since 1914. So have the number of domestic servants employed in the home, in spite of the great increase in wealth between 1914 and

[4] W. F. Ogburn, "Decline of the American Family," *The New York Times Magazine*, February 17, 1929.

1929. The number of married women per capita in the population that are gainfully employed has more than doubled since 1900. Indeed, about one out of every four women employed outside the home is a married woman.

Education has become almost entirely a function of the schools. The number of teachers has increased more than twice as rapidly as has the number of parents since 1870. Children are being taken into the schools at an earlier age and for longer periods—the school year increased from 78 days in 1870 to 136 days in 1926. The protective function of the family is also being appropriated by the state. The number of policemen and other official protective functionaries has increased by over 75 per cent since 1910—about four times as rapidly as the population. Juvenile courts and social legislation affecting children are other extensions of the protective function beyond the sphere of the family. In a later chapter, dealing with recreation, we shall show how fully the recreational function has passed beyond the family. Bridge-playing and listening to the radio are about the only forms of recreation which remain primarily centered in the home.

Family status is changing. Fewer persons live in separate houses; more live in city apartments, which cramp the living habits of the former rural family. Children are no longer the aid and protection they once were. They tend to disperse, and the parents rely more and more on insurance and annuities to protect them in old age. The state has also stepped in with old age insurance.

As secularism undermined the religious functions of the family, religious exercises in the home became less frequent. Automobiles, movies, and other secular diversions help this secularizing trend. All in all, we may agree with Professor Ogburn's general conclusion:

> There is no doubt that the family, as a social institution, is declining This is the conclusion from a series of quantitative studies. Many of us do not realize that the family is declining or even changing. For we are accustomed to think of the family as we do of the Rock of Ages, something that in the nature of things must always remain essentially unchanged as the foundation of society, otherwise civilization itself would not exist. And then when the day-by-day changes are slight we do not notice them. It is when we return after a long absence that we can see the cumulative changes that have occurred, better than those who have not been away.[5]

The problem of marriage and a home in a changing civilization is, naturally, receiving more than usually serious attention from others than alarmed traditionalists and purists. Enlightened persons recognize the transition through which home and family life is passing and admit that this is not unrelated to the increase of divorce, desertion, juvenile crime, juvenile drunkenness, and other evidences of social demoralization. The home is invaded and challenged by new distractions and amusements. Marriage itself has become strikingly unstable. According to United

[5] Ogburn, *loc. cit.*

States government statistics, the average family lasts for only six years and eight months.

Social historians recognize the broad economic and institutional changes which have helped bring about the instability of marriage and the revolution of the home. The growth of modern industrialism, the rise of the factory system, the entry of women into industry, the progress of universal education, the appearance of the single standard for the sexes, the impact of the automobile upon the social life and habits, and the like, have, as we noted above, all played their part. But along with these go the personal attitudes of those who approach the altar seeking holy wedlock. Some light will certainly be thrown on the complex problems of modern marriage by a study of the state of mind and expectations of those upon the eve of marriage. The Marital Relations Institute of New York submitted over 40,000 questionnaires to couples applying for marriage licenses in major cities of the United States, extending all the way from New York to San Francisco. The most important questions asked were:

1. Why are you marrying?
2. What do you expect out of marriage?
3. How long do you think your marriage will last?
4. Do you expect to raise a family?
5. Do you expect to help support your home? (Asked of women only.)

Five thousand men and 13,000 women answered the questionnaire. The lack of consideration of the purpose and justification of marriages was brought out by the answer to question 1. Only 1,620, or 9 per cent of those who replied to the questionnaire, even attempted to answer this question. Apparently over nine tenths of the couples could offer no logical explanation. About half of the small fraction that did answer claimed that they were doing so for love. About a fourth of those who answered the question said frankly they were marrying for security. An amusing incident of this justification lay in the fact that about a third of those who claimed that they were marrying for financial security were men.

Less than one per cent of those who answered declared that they were marrying for the purpose of bearing children. This means that less than one tenth of one per cent of those who answered the questionnaire as a whole were marrying for the clear purpose of rearing progeny.

As to what the couples expected out of marriage, "financial security" and "a good home" ran neck-and-neck for first place among answers to question 2. These far out-distanced romance and the like. Four women candidly and sardonically declared that they expected "nothing."

As to how long the expectant couples believed that their marriages would last, the estimates ranged from "forever" to two years. The average of all answers submitted to this question produced a composite figure of a little over 16 years, indicating nearly a 300 per cent optimism when compared with government figures as to the duration of the average marriage in this country today.

Though only a small fraction gave the bearing of children as their primary purpose, a larger per cent answered that they expected to raise a family. The men seemed far more interested in propagation than the women: some 82 per cent of the men and only 21 per cent of the women intended to raise a family.

The inroads on the theory that woman's place is in the home were revealed by the fact that some 43 per cent of the women who answered question 5 expected to help support their homes by work outside.

Thus leading reasons for the instability of marriage seem to be the absence of intelligent or rational consideration of the object of matrimony, and the incidental place of children in the marriage urge. The chief stabilizing influence would appear to be the zeal for economic security, but this is mitigated by the fact that so many women express their intention to contribute toward the support of the home. Such women are highly unlikely to submit for long to an unpleasant or oppressive home environment.

Feminism and the Changing Status of the Sexes

A social result of the Industrial Revolution has been the growing independence of women and the changing status of the sexes. In primitive society, women often took a prominent part in social relationships and industrial operations, even though there were few, if any, examples of the matriarchate that anthropologists once believed to exist. But, from the so-called dawn of history down to the Industrial Revolution, civilization was male-dominated, if not literally "man-made." The Industrial Revolution slowly but surely upset this state of affairs.

The underlying cause of the revolution in the status of the sexes was not any rational or altruistic conception of the equality of women on the part of the men. The whole issue turned on the fact that the new mechanical methods of production opened the way for widespread employment of women, who were quite able to watch and tend the new machinery. We have already noted in Chapter IV the deplorable conditions under which women first worked in the new factories of England.

The entry of women into industry progressed steadily in each country after the Industrial Revolution reached it. In Germany, the number of women workers increased from 5,500,000 in 1882 to 11,400,000 in 1925; in France, from 6,400,000 in 1896 to 8,600,000 in 1921; in England from 3,800,000 in 1881 to 5,700,000 in 1921. A century before 1881, few women were employed in the English factories.

Some statistics will indicate the growing employment of women in the United States since 1870. In that year some 13.1 per cent of all women over ten years of age were gainfully employed. In 1880 the percentage had increased to 14.7; in 1890 to 17.4; in 1900 to 18.8; and in 1910 to 23.4. By 1920 the figure had dropped slightly, to 21.1; and there was a rise in 1930, to 22.0. The apparent decline in 1920 was not actual, but the result of a difference in computation. In 1920, there were some

8,549,511 women wage-earners in this country; and in 1930 the census listed some 10,752,116 women and girls as gainfully employed. The percentage of married women employed outside the home has also increased —from 5.6 per cent in 1890, to 11.7 in 1930. The table on page 615 describes in greater detail the remarkable entry of American women into industry since 1870.

The industrial status of women also improved. In 1870, 60.7 per cent of all women gainfully employed outside of agriculture were servants of one kind or another. In 1920, only 18.2 per cent were listed as servants. The occupational distribution of the 10,752,000 American women gainfully employed in 1930 was as follows: Domestic and personal service, 29.6 per cent; clerical, 18.5 per cent; manufacturing and mechanical, 17.5; professional, 14.2 per cent; trade, 9 per cent; agriculture, 8.5 per cent; and transportation, 2.6 per cent. The greatest increase has been in business and the professions. Higher education of women has helped here. Half of the graduates of the better colleges for women are gainfully employed.

The wages and salaries paid to women still remain, however, relatively low. The average weekly wage of all women employed in American manufacturing industries was approximately $12 in the half-year from July to December, 1933, the first half-year of "New Deal" wage scales. Even before the depression, the California minimum wage of $16 a week for experienced women workers was regarded as high. In representative American industries the earnings of women have been from 20 to 70 per cent below men's earnings, having averaged about 41 per cent. By and large, the mass of American women workers cannot maintain decent living standards on the wages they receive. Government figures show that the average income of working wives in families with an annual income of $1,000 or under is $205. Of the nearly 700,000 women working in New York as wage-earners and in the professions, only 7 per cent earned over $60 a week even in boom times. A careful study of the income of women in business and the professions in the mid-1930's indicated that the median yearly salary was $1,548; that 88 per cent earned less than $2,500 yearly; that only 6 per cent earned over $3,000; and that only 1.3 per cent earned over $5,000.

There are three main reasons for the lower salaries and wages of women: (1) Their physical strength does not permit them to carry on some of the heavy mechanical trades for which men receive relatively high wages. (2) There is a lack of labor organization among most women workers, so that they lose the advantages of collective bargaining. (3) Many women hope to marry and will accept low pay rather than fight for better conditions, because they believe that their industrial situation is a temporary one. Nevertheless, the condition of the working woman today is better than it was a half century ago. Women held their jobs during the depression better than men did, largely because unemployment was less severe in the clothing industries than in the heavy industries where men predominated. Another reason was the lower wages

NUMBERS OF WOMEN IN POPULATION AND IN GAINFUL OCCUPATIONS IN DECENNIAL CENSUS YEARS 1870 TO 1930 [6]

Occupation [1]	1870	1880	1890	1900	1910	1920	1930
	Population						
Women 10 years old and over—Number	13,970,079	18,025,627	23,060,900	28,246,384	34,552,712	40,449,346	48,773,249
Percent increase over 1870		29 0	65 1	102.2	147.3	189.5	249.1
	Gainfully-Occupied Women						
Women 10 years old and over—Number	1,836,288	2,647.157	4,005,532	5,319,397	8,075,772	8,549,511	10,752,116
Per cent of woman population 10 years old and over	13.1	14.7	17 4	18 8	23 4	21.1	22.0
Per cent increase over 1870		44.2	118 1	189.7	339 8	365 6	485.5
Agriculture	396,784	594.385	769.785	976.842	[2] 1,806,624	[2] 1,083,146	909,939
Forestry and fishing	35	65	323	675	557	673	329
Extraction of minerals	47	120	489	1,202	1,094	2,864	759
Manufacturing and mechanical industries	353,895	630,523	1.024,975	1,308,114	1.820,847	1.930,352	1,886,307
Transportation and communication [3]	920	2,433	11.925	27,744	115,347	224,270	281,204
Trade [4]	17,387	53,209	95,451	215,319	472.703	671,983	962,680
Public service (not elsewhere classified) [3]	1,017	5.354	5.154	8,998	4,836	10,586	17,583
Professional service	92,120	177.193	309,013	436,695	734,752	1,017,030	1,526,234
Domestic and personal service	972,118	1,176,459	1,667.372	2,083.477	2,530,403	2,186,682	3,180,251
Clerical occupations [4]	1.965	7,416	121,045	260,331	588,609	1,421,925	1,986,830

[1] Because of necessary revision from time to time in the occupational classification by the Bureau of the Census, the Women's Bureau has rearranged certain of the published data to make them comparable with the 1930 figures.

[2] A large over-enumeration in 1910 (due to a misinterpretation of instructions) and a considerable under-enumeration in 1920 (due to a change in census date, from spring to midwinter) largely explain the very great changes in these years

[3] In 1910, postmasters were transferred from Public Service (not elsewhere classified) to Transportation and Communication. They cannot be separated for the earlier years.

[4] In the earlier years there was a confusion between salespersons and "clerks" in stores that affected the figures for Trade and for Clerical occupations. No adjustment of the figures has been possible.

[6] From the *Encyclopaedia Americana*, Vol. 29, p. 459.

of women at the outset of the depression.[7] The Wages and Hours Act of 1938 was of some assistance to women in insuring them better minimum incomes.

The relatively unfortunate position of women industrially was one of the main reasons for their demand for political equality. By getting the vote, they hoped to pass laws that would elevate their status and do away with their disabilities. In spite of the growth of democracy since 1825, only New Zealand enacted woman suffrage before 1900, taking this step in 1893. Australia followed suit in 1902, as did Finland in 1906, Norway in 1913, Denmark in 1915, and Sweden in 1921. The devotion and sacrifices of women in the first World War hastened the granting of the suffrage elsewhere. England conceded limited suffrage rights in 1918 and completed the process in 1928 by giving the vote to all women over twenty-one years of age. The United States extended the right of suffrage to women through the Nineteenth Amendment in 1920. Most of the new constitutions of postwar Europe embodied woman suffrage. Russia established it in 1917, and Germany in 1918.

The political equality of women received a setback with the growth of dictatorship in Europe. The patriarchal male attitude reasserted itself, and the tendency was to declare once again that woman's place is in the home, raising many children to make good soldiers.

Besides having the right to vote, women have taken important public offices. We have had women Congressmen and governors—even a woman Senator. Frances Perkins became a cabinet member in March, 1933.

Women have quite generally been admitted to jury service. Many of them are now practicing law. Florence Allen was appointed to the United States Circuit Court of Appeals—the second highest court in the land—by President Roosevelt in 1934.

Their attainment of political equality has spurred women on to secure legal and economic equality. In the United States, for example, in spite of woman suffrage, men are in a favored position, so far as legal and property rights are concerned. In most states the husband has special rights in his claims on his wife's property and services. He can legally absolutely control her services in the home and to a considerable extent elsewhere. He is the "natural guardian" of their children and has special powers over them. These privileges are offset to some extent by the fact that the husband still pays alimony in case of divorce. In recent years in France, according to André Maurois:

> A married woman . . . cannot have a bank account without getting authorization from her husband. Though she may manage a large business while her husband does nothing, she can make no important agreement without obtaining his signature. If she is a wage-earner, her husband has a claim on her pay. If she desires a passport for foreign travel, she must have her husband's consent.[8]

The State of Wisconsin set a precedent by passing an Equal Rights law in 1921, which declared that women should "have the same rights and

[7] See S. A. Stouffer and P. F. Lazarsfeld, *Research Memorandum on the Family in the Depression*, Social Science Research Council, 1937.

[8] *The New York Times*, April 8, 1934, Sec. VI, p. 5.

privileges under the law as men in the exercise of suffrage, freedom of contract, choice of residence for voting purposes, jury service, holding office, holding and conveying property, care and custody of children, and in all other respects." This act has not been widely imitated as yet, though the Russian, Spanish, and Mexican revolutions conferred full equality on women. There can be no true equality between the sexes, however, until the law takes cognizance of the special burden imposed upon women in being the childbearing sex and offers appropriate protection to motherhood. In Russia alone has the law done so fully, and this is one of the reasons why the position of woman has been higher in Soviet Russia than in any other important country.

The first great feminist was Mary Wollstonecraft (1759–1797), who defended women's rights at the very close of the eighteenth century. A century later, Emmeline Pankhurst and her daughter Sylvia led the struggle in England for equal suffrage. In the United States, Elizabeth Cady Stanton (1815–1902), Susan B. Anthony (1820–1906), Belva Lockwood (1830–1917), Victoria Woodhull (1838–1927), Carrie Chapman Catt (1859–), and others have taken the lead in working for woman suffrage and other phases of the recognition of women. The most thoroughgoing advocate of the rights of women has been a Russian crusader, Alexandra Kollontay, who argued for economic and legal equality and also for full sexual equality. She has lived to see many of her ideals put into practice in Russia since 1917. In Sweden, Ellen Key (1849–1926) valiantly upheld women's rights and was especially noted for her courage in discussing sex problems. The birth-control movement, a great boon to women, has been valiantly supported by Marie Stopes in England and Margaret Sanger in the United States.

The rise of feminism has involved a movement for greater freedom of women in sexual relations. Since human culture and society have been mainly male-dominated down to the era of modern industrialism and secularism, it was natural that men should assume a great deal of sex freedom which they denied to women. Further, men required some means of insuring themselves against conferring their property upon another man's son. There thus grew up the "double standard" of sexual morality. There was one standard of relatively free sex action for men and another standard for women. The latter carried with it definite restrictions.

The more aggressive feminists have attacked with some vigor this double standard in both idea and practice. They asserted that woman should have exactly the same freedom as that which man claims for himself. They maintained that a single standard of morality should prevail for both sexes. Instead of demanding that man limit his sex activities, in harmony with the restricted field which he left open to woman in this matter, the feminist exponents of the single standard more usually insisted that women enjoy the wider freedom that has hitherto been a male prerogative.

The position of such feminists is more valid on moral grounds than when based on psychological and sociological considerations. No fair person will deny that woman should have just as much freedom in these

matters as men. But the biological and psychological differences between men and women are such as to preclude the practicality of exactly the same conduct for both sexes, even in the freest kind of society. The danger of pregnancy in free sexual relations is a risk which women alone have to run. Women have to bear children, a function denied to the male, whatever his psychological inclinations. This produces the family complex on the part of woman, which does not exist in so strong a form in the male. The sex complex of women is much more complicated, comprehensive, and diffused than male sexual attitudes. Only a pathological female could have exactly the same form of sexual motivation and aspirations as the normal male. Further, there seems to be some ground for the assertion that the physiological basis of man's sexual attitudes makes him more inclined to what is conventionally known as promiscuity. These are practical facts which cannot be set aside by any emotional zeal for freedom and equality. Women should be free to do as they wish in such matters, but for them to hope to duplicate precisely male sex attitudes and behavior would be as great folly as for males to decide that they will usurp the child-bearing function.

An important social effect of the emancipation of woman has been the inroads that feminine independence and economic initiative have made upon the patriarchal home. The latter dominated human society for centuries when life was primarily agricultural or pastoral in its economic foundations and when women were absolutely dependent for their support upon men. Today, many women prefer the economic independence offered by industry and professions to marriage purchased at the price of economic dependence upon a man. Moreover, if a woman does not find her husband congenial, starvation no longer faces her if she leaves him and tries to earn her own living. Many young women have to support relatives and continue working to an age when marriage becomes relatively difficult to contract. Further, when a woman can exist by her own labors, she is likely to be more discriminating in the choice of a husband and may never find one to her liking.

In these and other ways, the Industrial Revolution and the entry of women into industry, trade, and the professions have led to a higher divorce rate, more family desertions, and to a diminished importance of the family as the elemental unit of society. It is logical that in Russia, where the industrialization and the emancipation of women have progressed further than anywhere else in the world, we find the old type of family life much less prominent than in agrarian or bourgeois countries. It is possible that Plato's idea that the state should exert primary control and supervision over children will ultimately gain greater headway.

A Brief History of Divorce Legislation and Practices

Divorce seems to have an antiquity as great as that of the family itself. The pairing arrangements of higher apes and of the earliest primitive

peoples were often broken up. In well-developed primitive society, divorce was common; but it was not usual to sanction it, except for some reasonable cause. Wives were divorced for barrenness, adultery, general laziness and shiftlessness, poor cooking, neglect of children, disagreeable personality, invalidism, and old age. Women were permitted to divorce their husbands for laziness, neglect, and cruelty. The economic value of wife and husband to each other in primitive society helped to limit the frequency of divorce. The woman needed a hunter and protector, while the man required somebody to do housework, agricultural labor, and other forms of manual occupation. These economic factors were stronger than either religion or romance in preserving family life in primitive times.

The high position of women in Egypt limited the freedom of the male in divorcing his wife, a practice which was fairly general in the rest of Oriental society where the patriarchal system prevailed. Among the Babylonians and Assyrians, the patriarchal system gave the male relative freedom to divorce his wife, but even here divorce for trivial causes was frowned upon. But adultery was universally recognized as an almost compulsory cause for divorce because of its menace to the efficacy of ancestor worship. An unrecognized bastard male heir would nullify the whole scheme of ancestor worship in any given family. The Jewish law, mainly drawn up in the patriarchal period, also gave the man great leeway in repudiating his wife and terminating the family arrangement. The Mosaic law declared that for good purpose a man could write his wife "a bill of divorcement, and give it in her hand and send her out of his house." Divorce was also permitted by the mutual consent of both parties, and the wife could divorce her husband for persistent cruelty, notorious immorality, and neglect. Mohammedan law and tradition generally favored the easy repudiation of a wife by her husband, though in certain Muslim areas divorce has been relatively rare. The wife could divorce her husband, but under greater restrictions and only for rather extreme cruelty or neglect. The Koran did, however, permit a wife to obtain a divorce with relative ease if she could obtain consent of her husband. When the divorce was a judicial proceeding, it was not granted until three months after the application.

In Attic Greece, divorce was relatively easy. Either the husband or the wife might have a bill of divorce drawn up and presented to an archon, who submitted the question to a jury. The sexual freedom allowed to the Greek husband, the economic value of his wife, and the domestic servility and dependence of the Greek wife, all seemed to have worked to minimize the actual frequency of divorce. In Sparta, divorce was restricted, because children were looked upon as the property of the state, and adultery was tacitly encouraged in order to increase the number of children. In early Rome, the patriarchal father could throw his wife out of his home at will, as a manifestation of his extensive authority. Formal divorce was permitted for infanticide, adultery, and sterility. The religious and economic conditions of the early Roman family, however, made divorce relatively infrequent. The law of the Twelve

Tables increased the freedom of Roman divorce. In the later Republic and the Empire, marriage came to be looked upon as primarily a civil contract. It could be terminated by mutual consent, as essentially a private agreement. Both men and women could dissolve marriage by the legal formality of a notification of intention to do so. Augustus tried to check the frequency of Roman divorce by imposing certain economic and social penalties, but divorce remained common throughout the Empire, and the legislation of Theodosius and Valentinian, in the middle of the fifth century contained no drastic restrictions. Men were given 15 grounds for divorce and women 12. On the whole, therefore, one may say that relative ease of divorce was provided for throughout classical civilization, though in practice the Romans availed themselves of the opportunity far more frequently than the Greeks. Greek notions of the family and the use of mistresses and prostitutes without any notable social stigma seemed to have worked in the interests of family stability.

Christianity, by making marriage a sacrament, exerted a powerful influence in the way of restricting the freedom of divorce. But, as we have just noted above, it was not able to influence Roman law in this regard for some centuries, the legislation of the middle of the fifth century A.D. being the most favorable of all to easy divorce. But, under Justinian in the sixth century, Christian theories prevailed in Roman law. The old practice of divorce by mutual consent was done away with and divorce was permitted only for certain specified and actually serious offenses, delinquencies, or deficiencies. For example, a husband was allowed to divorce his wife only for her failure to reveal plots against the state, plots against her husband's life, adultery, chronic social dissipation in the company of other men, running away from home, defying her husband by attendance at the circus or theater, and procuring abortion against her husband's will. In the canon law of the Roman Church, no true divorce was allowed. Only separation was permitted. Even this could be secured only through recourse to an ecclesiastical court. Then it was permitted only for adultery, perversion, impotence, cruelty, entrance into a religious order, and marriage within a tabooed degree of relationship.

The Roman Catholic substitute for divorce was what is known as annulment. This could be permitted on the ground that there had been some form of deception in regard to premarital sin, impotence, or other impediments to complete family life which had not been known to one or both of the parties prior to marriage. Therefore, the marriage had never actually been consummated and was null and void from the beginning. It may be observed that the theory of annulment was often broadly rationalized and rendered extremely flexible. In practice, it frequently amounted to easy divorce, especially among the nobility, who could make it financially worth while for the Church to take a lenient attitude. But in theory, at least, the Roman Catholic Church has never sanctioned absolute divorce, though it has always reserved to itself the legal right

to grant one. The number of annulments is not large today. There are estimated to be about 5,000 annually in the United States.

Through under Protestantism the attitude towards divorce was relaxed, freedom of divorce made only very gradual headway in Protestant countries. For example, though the Church of England was actually born out of the divorce case of Henry VIII, it has maintained a very stern attitude toward divorce right down through the reign of Edward VIII. The Protestant clergy were, however, highly favorable to increased political authority and the sovereignty of the state. Divorce tended to become a matter of civil rather than ecclesiastical law, though religious dogmas long retained a predominant influence over the content of civil legislation on family and divorce problems. In Germanic countries divorce was permitted for adultery, perversion, bigamy, murderous assault, desertion, and extreme cruelty, as well as for insanity and certain other more unusual causes. Under the Nazis there have been, paradoxically, both a tightening and a relaxation of divorce legislation, in conformity with the racial and eugenic program of the new régime. Marriage between robust "Aryans" is made rigid, and divorce is possible only for serious cause. On the other hand, mixed marriages (*e.g.*, of an "Aryan" and a Jew) and marriages of persons with an inheritable disease are readily annulled. France long opposed any relaxing of divorce laws, but in 1884 legislation was passed which permitted divorce for adultery, cruelty, disgrace, assault, and conviction for an infamous crime. Italy, strongly Catholic, had relatively strict divorce laws; Fascism strengthened them in the interest of a higher birth rate.

In Great Britain, down to 1857, absolute divorce could be secured only through an act of Parliament. In that year, legislation was passed to enable a husband to divorce his wife for adultery and the wife to divorce her husband for adultery, or adultery combined with bigamy, rape, perversion, or extreme cruelty. A Royal Commission recommended liberalization of divorce legislation in 1912. This was achieved by legislation in 1914, 1920, 1923, 1926, and 1930. The legislation of 1923 placed the sexes on terms of equality, and legislation of 1926 severely restricted newspaper publicity in regard to divorce cases. But the causes for divorce were not notably extended, with the result that there has been frequent fakery, perjury, and collusion in trumping up adultery evidence to secure divorce.

In the United States, divorce was discouraged by the religious influence in Colonial times, but the practices have relaxed since the Revolution. Divorce legislation differs among the states. There is no legal ground for divorce in South Carolina, but there are 14 recognized grounds for divorce in New Hampshire. In many states, including New York, the only usual legal ground for divorce is adultery. This has produced a vast amount of hypocrisy, subterfuge, perjury, and collusion, in some cases amounting to a veritable divorce racket which is morally more reprehensible than the free-and-open system which prevails in Nevada, where divorce can be procured on the flexible ground of extreme cruelty.

The best-known liberal and civilized divorce legislation is in the laws and practices of the Scandinavian countries, of American states like Nevada, Idaho, and Arkansas, of Mexico, and of Soviet Russia. In 1915 Sweden enacted a law based upon extended study of the whole divorce problem. It provided for divorce by mutual consent in all cases where persistent family discord exists. The parties must make an application, which must be followed by a year's separation accompanied by efforts at reconciliation under court authority. If the application is renewed after the passage of a year, the divorce is granted. Other special grounds are provided for immediate granting of divorce, without the lapse of the year specified in discord cases. The example of Sweden was followed in 1918 by Norway and in 1920 by Denmark. The radical government in Mexico eased up divorce legislation, and Soviet Russia provided for divorce by mutual consent or by the request of either party, without the necessity of specifying the grounds.[9] This relaxing Russian legislation was not followed by any overwhelming epidemic of divorces, though the rate rose somewhat. The divorce rate in the Scandinavian countries, in Mexico, and in Soviet Russia is far lower than that which has prevailed in the United States since the first World War. The divorce legislation of the Scandinavian countries, Mexico, and Soviet Russia is epoch-making in that it is the first legislation of the sort in human history which has been separated from religious considerations and has been based upon scientific facts and social investigation.

The Extent and Prevalence of Divorce in Contemporary America

The outstanding fact about divorce is its steady increase in most civilized countries during the last generation. Japan is an exception; she once had easy divorce laws but later made it difficult. The following table shows the tendencies since 1890: [10]

DIVORCES PER 100,000 POPULATION					
	1890	1900	1910	1920	1935
United States	53	73	92	139	171
Japan	269	143	113	94	70
France	17	25	37	71	50
Germany	13	15	24	63	74
Sweden	8	10	16	29	63
England and Wales	1	2	3	17	41

[9] Recent changes, prompted by military sentiments, have modified the absolute freedom of divorce in Russia

[10] J. P. Lichtenberger, *Divorce: A Social Interpretation*, McGraw-Hill, 1931, p. 110. The figures for 1935 were kindly computed for me by Professor Frank H. Hankins, from W. F. Willcox, *Studies in American Demography*, Cornell University Press, 1940, p. 342; *League of Nations Yearbook*, 1940; and S. A. Stouffer and L. M. Spencer, "Recent Increases in Marriage and Divorce," *American Journal of Sociology*, January, 1939, pp. 551–554.

Some true comprehension of the instability of the monogamous family in America today can be gleaned from the following table, in which marriage rates, divorce rates, and divorces per marriage are assembled:

MARRIAGES AND DIVORCES PER 1,000 OF THE POPULATION

Year	*Marriages per 1,000 Population* [11]	*Divorces per 1,000 Population* [12]	*Ratio of Marriage to Divorce* [13]
1890	8 72	0 53	16.3
1895	8 57	0 58	14 6
1900	9 01	0 73	12 3
1905	9 60	0 81	11 9
1910	10 25	0 92	11 0
1915	10 67	1 07	9 9
1920	10 83	1 39	7 7
1925	10 52	1 55	6 7
1935	10 41	1 71	6 09
1937	11 00	1 90	5 78
1940	11 80		

The divorce rate more than tripled within 45 years. There was exactly one divorce to every six marriages in 1935. Should divorce continue to increase at the present rate, there will soon be one divorce for every marriage, and marriages will have little permanence. Let us hope that, before this happens, marriage and the family will be brought under scientific and sociological controls that will eliminate a number of the factors which work most powerfully today to increase the divorce rate, especially ignorance of the major facts and responsibilities of sex.

The divorce rate by states varies greatly, mainly as a result of their widely different divorce laws. The following table shows the frequency of divorce in the ten highest and the ten lowest states in 1929:

DIVORCE RATE PER 100,000 OF THE POPULATION, 1929 [14]

Highest		*Lowest*	
Nevada	28 1	South Carolina	0.00
Oklahoma	3 48	District of Columbia	0.24
Oregon	3 38	New York	0 41
Texas	3.20	North Carolina	0.55
Wyoming	3 15	Delaware	0 73
Washington	2 90	New Jersey	0 75
Montana	2 77	Connecticut	0 77
California	2 74	Pennsylvania ..	0.82
Missouri	2 72	North Dakota	0.83
Arkansas	2 67	Massachusetts	0.84

It is obvious that the extremely high rate for Nevada is due to the short residence requirement of six weeks for outsiders who wish to avail themselves of the civilized Nevada legislation. The overwhelming

---

[11] Lichtenberger, *Divorce: A Social Interpretation*, McGraw-Hill, 1931, p. 146.
[12] *Ibid*, p. 143.
[13] *Ibid*, p 152
[14] *Ibid*, p 114 Detailed divorce statistics for recent years in the United States are difficult to obtain, since their regular collection ended with the year 1932.

majority of the divorces granted in Nevada are awarded to non-residents. The divorce rate for permanent residents of Nevada is very low, only about 5 per cent of the total divorces granted in the state being given to actual Nevada residents—another proof that ease of divorce does not lead to divorce excesses.

The instability of the monogamous family in the United States is even greater than divorce statistics would indicate, for there are thousands of desertions which never come into the courts as the basis for a definite divorce action. As Ernest R. Mowrer has pointed out in his notable book on *Family Discord*, desertion is the "poor man's divorce." Desertion is especially prevalent in the poverty group. Divorce, on the other hand, is confined mainly to the middle and upper classes. We shall devote a later section to a consideration of the extent and causes of family desertion.

A number of explanations have been offered for the marked increase of divorce in the United States. Bertrand Russell, for example, thinks that "family feeling is extremely weak here, and the frequency of divorce is a consequence of this fact. Where family feeling is strong, for example in France, divorce will be comparatively rare, even if it is equally easy."[15] Divorce is a symptom of deeper social trends, which have undermined the moral and economic basis of the monogamous family. Adultery, cruelty, and desertion may not be more prevalent today than sixty years ago. We have no way of telling. It is possible that the lessening of the social taboos and the general easing up of conventions have given many couples the courage to come out into the open and end their incompatibility by legal divorce. Moreover, divorce has also been made cheaper in many areas.

The growth of industry and the increase of wealth in the United States in the twentieth century undoubtedly provide one explanation of the phenomenon of increasing divorce. As we pointed out in an earlier chapter, general social cohesion and, consequently, family cohesion, has declined, while all classes have been infected with an eagerness to live on an ever-rising scale. The unhappiness produced by readjustments and disappointed ambitions has had its repercussions in the family, particularly in the case of young married couples. A psychological explanation for increased divorce is the strong feeling of individualism among contemporary men and women. This has reacted against the tolerant give-and-take attitude required in the monogamous family relationship. Concurrently, female emancipation bolstered woman's ego and independence, and helped to destroy the paternal type of family. The feminist movement, while not handing woman a passport to license, has made her more self-assertive and endangered the old type of family stability. Equally demoralizing to stable marriage is woman's increasing participation in industry, to which we have already called attention. For the

[15] *Marriage and Morals*, Liveright, 1929, p. 23.

urban working class, the home has tended to become little more than a night lodging-place. When the effects of the prevailing zeal for pleasure and the abnormal life in tenement or apartment house dwellings are added, it can be seen that the conventional family life, particularly in urban centers, is fading away. Since industrialism has been undermining the home for many years, we now have a generation of undomesticated children who, in turn, when they marry, are prone to form unstable unions.

Bertrand Russell insists that the modern father is losing his former position in society. Among the proletariat, he is so busy earning a living that he rarely sees his children, and when he does see them, usually on Sundays, he scarcely knows how to behave towards them. Further, Lord Russell observes that the state is increasingly taking over parental responsibilities, most emphatically among the submerged classes, where the father frequently cannot afford to feed or clothe his offspring decently. Incidentally, it may be noted that the depression after 1929 produced a very notable increase in desertion. The family courts are clogged. Children, bred in the shadow of "home relief," are losing that pride in the father which used to be a natural heritage. The paternal status in the family has certainly decayed as contemporary civilization has progressed. This is true both among the upper classes, where family instability seems most marked, and among the lower classes, where poverty does not permit the father to be much of a parent. Among the middle classes at present the father is of most importance, for so long as he earns a good income he can provide adequately for his offspring and he has a certain amount of leisure to devote to their development. A greater sense of family responsibility, too, has remained here than among the richer classes.

Another vital factor in the increase of divorce, frequently overlooked, is that we have strict formal standards of sexual morality. Hence infidelity is commonly regarded as the greatest transgression, and the wronged partner in the family usually feels that both pride and decency require a divorce action. In a country like France, fidelity is not considered the most important factor for the success of a marriage, and adultery is not so likely to provoke the husband or wife, when it is discovered, to petition for divorce. In France, each member of the family is more free to follow the dictates of his conscience and wishes, and the family is not so frequently split and shattered through divorce and separation. In short, the stress laid by our mores on sexual fidelity as the indispensable factor in the marital relationship develops a spirit of hypocrisy in marriage which, combined with the amazing ignorance of sex, is a large factor in divorce.

The Causes of Divorce in the United States

The formal causes for the granting of divorces in the United States from 1887 to 1929 are presented in the table on page 626.

REASONS FOR GRANTING DIVORCES, 1887–1929[16]

Cause	1887–1906	1916	1922	1929
Cruelty	21.8%	28.3%	34.5%	40.8%
Desertion	38.9	36.8	32.8	29 6
Adultery	16.3	11.5	10.9	8.3
Combination of Causes	9.4	8.6	8 7	6.8
Failure to Provide	3.7	4.7	4.2	3.9
Drunkenness	3 9	3 4	1 0	1.8
Others	6.1	6.8	7.8	8.8

These formal causes of divorce, which are listed as the legal grounds in actual divorce cases, are frequently accepted by writers as the literal and true causes of family instability. To do so is, however, extremely naïve, and such authors give a misleading view of the major causes of divorce.

In the first place, the cause which is offered in court is, all too frequently, entirely fictitious and dictated solely by legal and other considerations which make it convenient to advance that particular ground for a divorce. In New York State, for example, where adultery is the only usual ground on which divorce is granted, the applicant must allege adultery by the other party. Consequently, it is extremely common to frame a case of fictitious adultery, to be brought into court as evidence. If friends will not perform this service, there are professional adultery "fixers" of both sexes who will stage the frame-up. They are known to every good divorce lawyer. Hence adultery may be the ground advanced to cover a score of different reasons for wishing the divorce. In Nevada, the most common ground for divorce is "extreme cruelty." This suffices as an adequate legal cause and is, at the same time, less likely than most others to afford the basis for sensational newspaper publicity. The fact that Nevada and several other states with relatively easy divorce laws accept "cruelty" as a legal basis for divorce accounts for the great increase in cruelty as a formal cause for demanding divorce and as a ground for granting it.

Even where the cause for divorce alleged in court is a real cause, it is all too frequently a purely superficial one. Suppose, for example, that the cause alleged is desertion and that a husband has actually deserted his wife in the case. The real cause for divorce lies in the reason for desertion. Was it from sheer boredom, the result of frequent quarrels, the product of sexual incompatibility, or the effect of chronic economic impoverishment? Moreover, if it was boredom, why was the man bored? We cannot accept as adequate the answer once given by a Negro defendant in such a case, to the effect that "Well, Jedge, Ah done guess Ah's just lost mah taste fur that ar woman." For the real causes of divorce we thus have to turn to studies of sex life and family instability, such as have been made by G. B. Hamilton, Katharine Bement Davis, Dorothy Bromfield Bromley, Ernest R. Groves, W. F. Ogburn, W. F. Robie, and

[16] Lichtenberger, *Divorce: A Social Interpretation*, McGraw-Hill, 1931, p. 131.

others, and to statistics of family income and studies of family budgets.

Probably the greatest reason for the downfall of the monogamous marriage and the emergence of a desire for divorce is found in the current ease of marriage. In most states, marriage can be contracted almost instantaneously. Marriages which are entered into as a result of a week-end flair for adventure or during a period of intoxication are not likely to prove successful or enduring.

Another often neglected but important incitement to divorce is brought about when marriages are entered into without any particular enthusiasm on the part of one of the persons involved. These marriages may proceed out of kindheartedness and an unwillingness to rebuff pathetic affection and intense devotion. In such cases, it is frequent that the man has not even realized he has proposed marriage. Some casual remark has been misinterpreted; the man finds himself trapped in an embarrassing situation and does not have the courage to be candid. Sinclair Lewis's portrayal of how Babbitt entered into his engagement and marriage is a more frequent occurrence than the ordinary layman appreciates. Women also frequently give an impression of consent to a proposal when they had no such intention, a soft answer being employed to turn aside disappointment; and find themselves so implicitly committed to marriage that they enter into it. Marriage and the family impose enough difficulties and responsibilities upon those who enter upon the conjugal estate with great initial enthusiasm. Where this is lacking, there is likely to be resentment and restlessness from the beginning.

The failure to have children seems to promote divorce and family instability, especially where there are few other cohesive forces. In 1928, some 63 per cent of all divorces were granted to parties where there were no children involved. Some 20.5 per cent of the divorces were given in cases where there was only one child. One authority has estimated that 70 per cent of childless marriages in the United States ultimately wind up in the divorce court. The impact of increasing divorce upon children is, thus, less serious than many suppose, since there are few children in the families broken up by divorce.

Studies of family discord and instability reveal the frequency of economic causes. The pride of the wife and her natural desire for display suffer severely when her husband cannot provide enough income for even the necessities. A man may become disgruntled with his wife because she does not maintain a neat and tidy home and an attractive table, though the responsibility for this failure may rest primarily upon his own inadequacy as a provider. The mechanism of "projection" frequently comes into play here. The guilty party does not recognize his faults and blames his partner for the inadequacies. Economic insecurity and worries put the nerves of both husband and wife on edge and lead to quarrels, a sense of discouragement and futility, and an unwholesome atmosphere in the home. At times, the economic inadequacy becomes so great that it is literally impossible to keep the home together.

Certainly, one of the most important causes of family instability is

basic sexual ignorance. Husbands are all too frequently over-aggressive and brutal at the outset. Wives suffer from emotional frigidity, morbid fears, and psychological unpreparedness. Sinclair Lewis's portrayal of the wedding night of Elmer Gantry provides an excellent illustration of a deplorably frequent situation. Closely related to sex ignorance is the matter of sexual incompatibility, a fact which is likely to become known only after the marriage relationship has been made. Another associated cause of unsatisfactory marriage relations is venereal disease, whether known or unknown to one or the other of the partners before marriage. A husband may imagine that he has been cured of gonorrhea, but has a chronic case and infects his wife after marriage. Or a woman may be suffering from syphilis, knowingly or unknowingly, and the husband does not discover it until the wife has a series of stillbirths.

Though this fact is rarely mentioned in any divorce statistics or publicity, it is pretty generally agreed by expert students that sexual ignorance and incompatibility are the foremost causes of marital discord. Judge George A. Bartlett, one of the most experienced of the Reno divorce court judges, who presided over more than 20,000 divorce cases, was of the opinion that more marriages fail because of sexual incapacity or ignorance on the part of one or both of the partners than from any other cause: "Of all the factors that contribute to happy marriage, the sex factor is by far the most important. Successful lovers weather storms that would crush frail semi-platonic unions."

But many marriages, which are originally founded upon romantic enthusiasm and in which the sexual adjustment is satisfactory, go on the rocks because of unsatisfactory technique in the way of keeping the monogamous relationship attractive. This problem has become prevalent primarily as the result of the leisure brought about by the machine. Formerly, when almost the entire energy and time of husband and wife were devoted to satisfying the family needs, it was hardly necessary to find in each other a stimulating companion. With leisure time, the deadly intimacy of the average monogamous relationship is a menace to the marriage. If one were to sit down and design the situation most perfectly adapted to the destruction of the sentiment and novelty so essential to long-continued amorousness, he would arrive at something bearing a very close resemblance to the monogamous family, as at present conducted. It is difficult to refute the facts pointed out by H. L. Mencken in the following quotation:

> Monogamous marriage, by its very conditions, tends to break down strangeness [between the sexes]. It forces the two contracting parties into an intimacy that is too persistent and unmitigated; they are in contact at too many points, and too steadily. By and by, all the mystery of the relation is gone, and they stand in the unsexed position of brother and sister. Thus that 'maximum of temptation' of which Shaw speaks has within itself the seeds of its own decay. A husband begins by kissing a pretty girl, his wife; it is pleasant to have her so handy and so willing. He ends by making Machiavellian efforts to avoid kissing the every-day sharer of his meals, books, bath towels, pocketbook, relatives, ambitions, secrets, malaises and business; a proceeding about as romantic as having

his boots blacked. The thing is too horribly dismal for words. Not all the native sentimentalism of man can overcome the distaste and boredom that get into it. Not all the histrionic capacity of woman can attach any appearance of gusto and spontaneity to it.[17]

As we have pointed out in an earlier section of the chapter, the increasing independence of woman has been a significant cause of the increase of divorce. Women are no longer subjected to economic slavery at the hands of husbands. Many a woman, if she does not like her husband or if he is a poor provider, need not continue to suffer from domestic unhappiness or impoverishment. She can get out and earn her own living, divorcing her unsatisfactory spouse and remaining independent of him, until she makes a more satisfactory marriage. The lessening of public opprobrium against divorce and the tendency to accept it more as a matter of course has undoubtedly made divorce somewhat more frequent. But it can hardly be alleged that this is an underlying cause of divorce. It simply makes dissatisfied parties to a marriage less reluctant to take public steps to terminate the unsatisfactory union. The decline of supernatural religion has eliminated for many the fear of hellfire as an inhibition against starting a divorce action.

There are other real causes of divorce, but those which we have listed above—ease of marriage, indifference to marriage at the outset, childlessness, economic insecurity, the growing economic independence of women, sexual maladjustment, monogamous boredom, a more tolerant public opinion relative to divorce, and the decline of supernatural religion as a brake on divorce—account for the overwhelming majority of divorces and desertions, and the many unhappy families where divorce never actually takes place. The latter instances are frequently overlooked by students of marital problems, but, as Ludwig Lewisohn suggested in his book, *Don Juan*, they may account for a far greater degree of human misery and suffering than complete marital ruptures involving divorce.

Some Remedies for Divorce and Family Instability

The rational solutions of the deplorable prevalence of divorce today are naturally suggested by the foregoing realistic approach to the causes of divorce. In the first place, marriage should be made more difficult. Only companionate marriage of youth, if this ever becomes prevalent, should be permitted to be initiated without prolonged reflection. But even a companionate marriage should not be contracted lightheartedly. So slight a restriction as the New York State law, which required a delay of 72 hours between the acquisition of the marriage license and the wedding ceremony, reduced the number of marriages in the state by 6,610 during the first year of its operation. At least, there was this decrease in the number of marriages in 1937, and certainly it could be attributed mainly to the chastening effect of the new law. It would seem reasonable

[17] Mencken, *In Defense of Women*, Knopf, 1922, pp. 109–110.

to suggest that a six-month period might be required between the declaration of intent to marry and the consummation of this intention. If Sweden can demand that married couples wait a year to decide whether or not they wish a divorce, certainly it is not excessive to demand that half this time be required for reflection on the part of those who are going to undertake an experiment with far more serious social consequences than divorce. Nothing much can be done about marriages which are unwisely contracted as a result of pity or kindheartedness, without benefit of either passion or enthusiasm. This is purely a personal matter which can hardly be reached either by public education or legislation. It may well be emphasized, however, that a broken heart over a broken engagement is less pathetic than an unsuccessful marriage and a broken heart after divorce.

We can never expect any satisfactory solution of the problem of divorce and desertion unless we make it possible for all able-bodied and energetic persons to earn a decent and respectable livelihood. Few families, however satisfactorily adjusted in other respects, can successfully weather prolonged misery and impoverishment. Even if there is no actual desertion or divorce, there is bound to be much suffering and discontent. Moreover, children cannot be adequately cared for in the midst of economic inadequacy and insecurity. Just how we shall be able to realize this adequate income for all is quite another question, but we have already made it plain that we have the natural resources and technological equipment in the United States to provide plenty for everybody with the greatest of ease.

Perhaps the most important remedy for divorce is realistic sex education with respect to the facts and responsibilities of the marriage relationship. And it is highly desirable that this education be acquired before marriage. A few weeks of bungling may undermine what might otherwise be a thoroughly satisfactory marriage. If we wish to keep the monogamous family intact, marriage manuals like those by W. F. Robie and his successors will probably accomplish far more than many volumes of savage legislation against divorce. The sex purists, who are most violent against freedom of divorce and are most scandalized by its prevalence, are themselves mainly responsible for the existence of mental attitudes and ignorance which bring about more family discord than any other single cause. As a phase of sex education, there should be thorough instruction in birth control methods. Many a family is undermined because of being burdened by children who come before the family is ready to take care of them, or arrive in too great numbers to be handled in an average family situation. Compulsory medical examination of both parties before a marriage license is granted would go far toward removing the factor of venereal disease as a cause of marital difficulties.

Much more should be accomplished in the way of improving the attractiveness and novelty of monogamous situations. Many of the more repellent forms of that familiarity which breeds indifference, if not contempt, could be avoided by those who are keenly alive to the realities.

Marion Cox once suggested that periodic vacations from marriage relations should be provided for.[18] Students of sex relations and pairing arrangements among apes have found that this works well in stabilizing primate affections and keeping the pairing arrangement intact. It might achieve as much for human beings. But it will prove difficult to accomplish much in the way of improving the attractiveness of monogamy unless decent living standards can be secured and maintained. There is little possibility of novelty and surprise where a large family is packed into a slum apartment or a run-down farm dwelling.

Many have sensibly suggested that we emphasize the work of the domestic relations courts rather than place so much reliance upon divorce courts in the handling of marital problems. There is much to be said in support of this proposal. A reconciliation may often be substituted for what would otherwise be separation, desertion, and divorce. Unfortunately, the domestic relations courts have hitherto been almost wholly concerned with discovering the family basis of juvenile delinquency.

It is obvious that no good will be achieved in any campaign against divorce by attempting to reduce the economic independence of women or to whip up public opinion against divorce, even if such results were possible in our day.

Much interest has developed of late in marriage counselors, family advice bureaus, and family clinics. In these, an effort is made to discover the causes of marital discord, and to reduce or remove them by the application of psychology and social work principles. One of the most successful of these clinics is the Bureau of Marriage Counsel and Education, which has been maintained for some years in New York City by Dr. Valeria H. Parker. It has been stated that Dr. Parker has prevented over 2,500 divorces in four years. Certainly, much can be done when the chief cause of discord is not rooted in factors such as economic stress and sterility, which lie beyond the reach or control of the counselor. On the other hand, there is always the danger that, despite good intentions, the basic principles of social science may be violated in these clinics. This danger has been well stated by Kingsley Davis, who concludes that to regard family clinics "as applying scientific efficacy to the tragic problems of personal relations strikes me as a violation of fact."[19]

When it comes to the matter of suggesting divorce legislation, it would probably be difficult to propose anything more satisfactory than the Scandinavian laws. These provided for divorce in all cases of marital discord after a year of reflection. Temporary anger, sulking, or despondency are not likely to endure for a year. Where the application was renewed after the passage of twelve months it was assumed that the family should be put asunder, making due provision for proper support

---

[18] Mencken, *In Defense of Women*, pp. 110–112.

[19] Dr. Parker's work is described with enthusiasm by Greta Palmer in an article entitled "Marriage Repair Shop," in the *Survey Graphic*, January, 1942; Professor Davis's qualms are embodied in an article on "A Critique of the Family Clinic Idea," in the *American Sociological Review*, April, 1936, pp. 236 ff.

of dependent children. The Scandinavian legislation also made possible immediate divorce for causes sufficiently serious to warrant expeditious action. Some more radically inclined persons recommended following the lead of Soviet Russia, which made divorce immediately available upon the desire of either party. It seems to the writer that the Swedish procedure is preferable, though the Russian practices are certainly far saner than such absurdities at the other extreme as the legislation of South Carolina.[20]

It is often asserted that easy divorce inevitably leads to a veritable tidal wave of divorces. The evidence does not bear out any such assertion. The divorces in Sweden only increased from 847 in 1915 to 1,040 in 1917, and 1,310 in 1920, the latter being an insignificant figure in proportion to the total population of Sweden. In Soviet Russia as a whole, under the freest possible divorce procedure, the divorces per capita were less than those in the United States. Sex education, sexual freedom, and economic security for the whole body of the people had evidently proved more effective in Russia in preventing a high divorce rate than has severe restrictive legislation in many other countries. The experience of the State of Nevada is also highly illuminating. It is literally true that, so far as the legal aspects are concerned, a permanent resident of Nevada may decide at the breakfast table that he wishes a divorce, and may procure one before luncheon. Yet the percentage of divorces per capita among the permanent residents of Nevada is lower than the per capita divorce rate in New York State, with adultery as the sole loophole for those who seek divorce.

Any intelligent solution of the divorce problem must carry with it the termination of the abuses of the alimony racket. This is one of the two leading rackets connected with divorce, the first being the collusion and fixing of evidence, particularly evidence of adultery. At the present time, the alimony racket is a fertile field for cultivation by thrifty and ruthless gold-diggers. They snare wealthy husbands, live with them long enough to provide a semblance of honest intent, sue for divorce, and get awarded a large alimony—sometimes as much as one third of the husband's income. Often these large alimonies are awarded when the wife who secures the divorce is perfectly able to take care of herself. Aside from the purely racketeering aspects of alimony procedure, there are other abuses in the contemporary practice. Alimony for the divorced wife has more logic in it, in case the husband divorces the wife, but alimony is very frequently given today when the wife asks for the divorce of her own volition. While no sane person can doubt the moral right of granting reasonable alimony to a dependent divorced woman, providing the marriage relationship has been long enduring, there is little justification for alimony payments to a young and recently married woman who is perfectly capable of caring for herself. The courts, all too often, fail to consider the question of need and desert when awarding

[20] There is no legal ground for divorce in South Carolina.

alimony. One of the most illogical abuses in the alimony situation is the frequent practice of incarcerating husbands for nonpayment of alimony. This is akin to imprisonment for debt, which has long since been abandoned as ethically reprehensible and financially illogical.

Alimony is no new principle or practice. It goes back to the earliest historical times. The principle definitely appears in the Code of Hammurabi, some two thousand years before Christ. Such practices were developed more thoroughly by the Greeks and Romans, though in cases of divorce by mutual consent the parties involved had to make their own private arrangements about such matters. The medieval church strongly influenced the development of alimony practices. Since it regarded the family as indissoluble, alimony payments were made perpetual. The Protestant cults introduced into alimony definitely punitive concepts, alimony being a punishment for the guilt of the husband. This concept has survived, since the courts tend to base the amount of alimony more upon the degree of the husband's guilt than upon the needs of the divorced wife. The more enlightened divorce codes of our day have eliminated the earlier concepts and abuses with respect to alimony. Sweden allows alimony only in cases of actual want. In Soviet Russia, where divorce by mutual consent has prevailed, any question of payment to one of the parties is a matter for private arrangement without any legal compulsion. Certain American states, such as Massachusetts, North Dakota, and Ohio have granted the husband the right to alimony under certain specific conditions, where the husband is the injured party in the divorce case. Few expert students of the alimony question approve the granting of alimony to both sexes as a solution of the problem. This device is simply a manifestation of the old error that two wrongs can make a right.

Any sane solution of the problem of alimony would require that the punitive aspects of alimony be completely wiped away and that imprisonment for nonpayment for alimony be terminated. The matter of alimony awards should be determined wholly by the needs of the dependent wife and children. Legitimate rights of both of these should be fully protected in divorce cases, though there should never be alimony payments that would encourage the divorced woman to avoid seeking remunerative work or satisfactory marriage. Least of all, should a divorced woman be allowed to collect alimony from a former husband after she has remarried. At present, alimony does not automatically cease upon the remarriage of the divorced woman. There have been cases where married women have collected alimony from two or more former husbands at the same time.

The Future of the Family

Few social problems are more solemnly discussed than that of the future of the human family. There are many who predict that it will ultimately disappear, but even if this should prove to be true it will not take place for many generations to come. One should be clear just what is meant by the discussion of the future of the family and the possibility

of its disappearance. That which is seriously threatened by contemporary developments is the old rural patriarchal family and the notion of indissoluble monogamy. Definite pairing arrangements between males and females do not appear to be in the slightest jeopardy. In fact, there are more marriages, and, hence at least more temporary families, than ever before in history. This is notably true of the United States, where, as we have seen, the marriage rate is increasing rapidly. If companionate marriage is introduced, the marriage rate will be even more markedly increased. Even the radical developments in Soviet Russia, which represented as drastic a social change as we may expect in the civilized world for many years to come, did not seem to have lessened the popularity of marriage. Therefore, while the older type of family, which came down from a pastoral and agricultural economy, does seem to be disintegrating and may disappear entirely, there appears to be no reason whatever for predicting the end of marriage or even any decline in its popularity. Indeed, if divorce becomes easier, it is likely that many persons who now recoil from the idea of assuming a life-long responsibility will be encouraged to contract matrimony and may be so entranced therewith as to be induced to continue the arrangement indefinitely. An interesting and amusing item in this connection is the announcement that, in 1940, 18,913 marriage licenses were issued in Reno, Nevada, while only 2,314 divorce suits were filed there.

The percentage of those married in the United States has increased in the last fifty years. In 1890, 53.9 per cent of the male population was married. In 1930, the figure stood at exactly 60 per cent. The percentage of married females in 1890 was 56.8, and in 1930 it had risen to 61.1 per cent. The marriage rate of 11.0 per 1,000 of the population in the United States in 1937 was relatively high. The marriage rate in Germany in 1937 was 9.1; in England, 8 7; in Italy, 8.7, in Canada, 7.9; and in France, 6.6.

The possibility of the extinction of the human family at some distant date in the future is, therefore, quite obviously a purely academic question. But immediate future tendencies in the family are a matter of real practical concern. As Anderson and Lindeman have suggested, the increased prevalence of urban life and the living conditions associated therewith are likely to bestow far greater importance upon the mother. Obviously, no changes in our cultural and social set-up will ever alter the biological fact that women must bear the children. Woman's biological function thus remains constant, whatever the degree or type of social changes affecting the family. On the other hand, as we have already noted, the father's importance in the family has been considerably lessened by recent cultural and social changes. Moreover, social workers have pointed out that keeping the mother and child together is a far more important matter than keeping the father present in the family.

It is quite possible that the state will step in and take over a good many of the father's responsibilities in the way of supporting mothers and children. It is obvious that the state and other agencies have already

intruded markedly into former family responsibilities and services.[21] The state now provides for the education of children. Public health agencies, nursing associations, child guidance clinics, recreational centers and many other child welfare bodies supply forms of aid to families which were formerly a purely domestic responsibility. The increasing prevalence of mothers' pensions is another indication that the state may assume an ever greater responsibility for supporting mothers and dependent children. The National Youth Administration helps to care for older children, and the Civilian Conservation Corps has also done much along this line. The permanent family, under male parental dominion, owed its cohesiveness and enduring qualities primarily to the fact that there were indispensable responsibilities which only the family could supply. Now that this set of conditions have been greatly modified we cannot doubt that such changes will have a marked effect upon the future of the family.

With the growing prevalence of Fascism and Communism it is perhaps relevant to inquire as to just what influences these new forms of political and economic life are likely to bring to bear upon the human family. In this respect, Fascism has produced many paradoxes and contradictions. The chief marital policy of Fascism is to increase the birth rate, so as to provide more children for future cannon fodder. Hence Fascism tends to encourage marriage by taxes on bachelors, the restriction of divorce, and so on. But its zeal for a larger population leads it to policies which work in the opposite direction. It encourages births out of wedlock and tends to eliminate the whole conception of bastardy. Mothers' pensions are favored to support unmarried mothers who have borne future soldiers. Fascism thus encourages the extremely radical notion that procreation outside of wedlock is socially tolerable if not commendable.

Communism has thus far favored free divorce, but marriage continues to be popular in Soviet Russia. As the military emergency in Soviet Russia has become more marked, there has been a definite inclination to clamp down on some of the earlier manifestations of sexual freedom. The government has, for example, assumed a less tolerant attitude toward abortions, and is following the Fascist program in encouraging a high birth rate. Soviet Russia appears likely to encourage the continuance of the family because it feels that the latter is indispensable to the desired increase of population for national defense.

If civilization survives the present world crisis, we may safely predict that the family will be greatly modified, but that marriage will continue to be as popular as ever, though undoubtedly readjusted in terms of social rationality. Affection will come to play a larger rôle in keeping the family together than sheer economic pressure. Hence those influences which increase affection, such as children, mutual interest, avoidance of excessive intimacy, and the like, will need to be stressed and encouraged. Super-

[21] See below, pp. 645–648.

naturalism, intolerance, ignorance, and dogma will have an ever lessening authority and influence over family life. The latter will be reconstructed in harmony with scientific facts and a reconsideration of social welfare. Such a readjustment must certainly involve thoroughgoing sex education, the sanction and encouragement of companionate marriages, and the imposition of greater restrictions and responsibilities upon permanent unions, rational divorce legislation and easier divorce, and the provision of economic conditions which will bestow upon the family the material foundations for an enduring and successful matrimonial arrangement. The family of the future will be kept together because the parties wish to have their marriage endure and because the family situation is worth preserving. If we desire to increase the number of marriages which can be both personally congenial and socially worth while, it will impose upon us the necessity of bringing about economic security and other general living conditions which are reasonably compatible with successful monogamy on the part of the masses.

The future of marriage, like the future of everything else in American life, is closely tied up with the second World War.[22] If Germany should win the war there would be increased prestige for the marriage practices of the Nazis. These are paradoxical. On the one hand, we find the Nazis praising the old-fashioned virtues of the home, and the mother as the docile parent of young Nazis. At the same time, they welcome the birth of children out of wedlock, in this way undermining the conventional family morality. It is probable, however, that Nazi support would be placed behind the old patriarchal family. The struggle for a large population is likely to subside in Germany after the war is over.

An Anglo-American-Russian victory, or a negotiated peace, coming fairly quickly, would bolster the family ethics of the United States and Britain and give them a greater opportunity to contest the future with Nazi and Soviet family ideas and practices.

Should an Anglo-American-Russian victory over Germany or a stalemate throw the Old World into the hands of Russia, there would be great gains for the unconventional family ideals and practices of the Soviet Union. These are the new sex ethics, separated entirely from religious control, namely, what we usually call "free love," easy divorce, and legalized abortion. But there is little reason to think that the family would be abandoned or that marriage would be less popular. The silly myth that Russia has approved communism in women is utterly without foundation. If a long stalemate and chaos come in the wake of war, we may look forward to the breakdown of the family and to generations of marital disorder, rapine, and lust.

Since there is a considerable prospect of a long war, we may profitably consider some obvious effects of war on marriage and the family. In the first place, war undermines the conventional sex and family mores.

[22] For authoritative discussions of war and the family, see J. H. S. Bossard, "War and the Family," *American Sociological Review*, June, 1941, pp. 330–344; and Willard Waller, "War and the Family" (a brochure), Dryden Press, 1940.

All is regarded as good which helps along victory. A special wartime morality exists for the soldier group. Unconventional sexual behavior was justified in the first World War as an aid to licking the Kaiser, and it may be so justified in the second World War as an important item in aiding the triumph over Hitler and the Mikado.

In the second place, families are at least temporarily broken up by war. Fathers, sons, and brothers go to war or to work in war industries. Women also often leave homes to engage in war work. Family income may be lessened and standards of living lowered. Economic bonds of the family are loosened. Divorces tend to increase and unconventional sex behavior is encouraged.

In the third place, more males than females are killed off in war and the sex ratio is upset, there tending to be an excess of females. The death of husbands and other male wage-earners produces serious emotional and economic situations. Chaotic economic conditions after war and inability to find husbands stimulate prostitution and unconventional sex unions.

In the fourth place, war, especially at the outset, stimulates hasty marriages, contracted on the spur of the moment or in a burst of idealism. These "marry-and-run" unions prove more unstable than marriages contracted in peace time. This is another way in which war contributes to marital instability.

In the fifth place, wars have usually made for a radical overhauling of the sexual folkways. This may prove a gain, but it is an expensive way to liberalize sexual ethics. As Professor Willard Waller has suggested, it is like burning down a house to get roast pig.

In the sixth place, the killing off of young men increases the difficulty of women in finding husbands and reduces the marriage and birth rates.

Finally, wars tend, at least temporarily, to elevate the economic and social status of women, and may gain for them new political rights.

On the whole, one may safely conclude that a long war will at least temporarily undermine conventional sexual morality and family life. In such a case, we cannot hope to escape from its demoralizing impact upon our family life and marriage institutions.

The Unmarried Adult

Discussions of sex and marriage problems frequently revolve solely about the consideration of the family and divorce. But a very considerable social problem is involved in the matter of the unmarried adult. There are, today, more single persons than divorced or deserted. In 1930, 34.1 per cent of the males, 15 years of age or older, were single and 26.4 per cent of the females, 15 years of age or older, were unmarried. There were thus over 25 millions in the American population, past the period of puberty, who were unmarried. In addition, there was a considerable contingent—over 7 million—of the widowed, deserted, and divorced. It is worthy of note that the proportion of the unmarried was

somewhat less in 1930 than at any other period since 1890. The increased rate of marriage in the United States has naturally decreased the relative proportion of the unmarried, since marriage has grown more rapidly of late than the general increase of the population. But a large residual element of unmarried still remains in the population.

A number of reasons have been assigned for the failure of so large a proportion of the population to enter into what Malthus called "the delights of domestic society." Economic inadequacy and insufficiency undoubtedly accounts for a considerable amount of non-marriage. There may not be sufficient income available to support children. This is particularly important today when children, under conditions of city life, have become an almost unmitigated financial liability.

The growth of economic and sexual freedom encourages and enables many to obtain their sex satisfactions outside of matrimony. The extensive entry of women into industry and the professions makes it unnecessary for an ever larger group of women to marry solely from pecuniary reasons. The proportion of gainfully occupied women, 15 years and older, who have entered industry and professions has increased very markedly in the last 50 years in the United States. Over half of these are single, widowed, or divorced. In 1930 there were 10,632,227 women in all occupations, of whom 5,734,825 were single and 1,826,100 widowed or divorced.

Many psychological factors help to explain the existence of the unmarried contingent of the population. Feelings of inferiority and other neurotic states may hold one back from seeking or securing matrimonial opportunities. Fixations on the parents and faulty sex education may effectively obstruct normal sexual aspirations and the consummation of conjugality. Serious disappointments in love may exert their influence, as well as entertaining too high ideals in the quest of a partner. Homosexuality and other sexual abnormalities very obviously stand in the way of normal marriage relationships.

We may now consider some of the major results of non-marriage. The most conspicuous one is the fact that a large group of persons of child-bearing age are not contributing to population growth. While there is a considerable amount of illegitimacy, procreation outside of wedlock is not institutionally accepted and non-marriage certainly contributes markedly to a lower birth rate than would exist if the unmarried had entered into conjugal relations. Whether this is a disaster or a benefit to society depends upon the social philosophy with which one approaches the population problem. But the existence of any large number of unmarried persons of high ability does have its effect in the way of lessening the potential level of population quality. If marriage be regarded as conferring upon the married an enviable state of mind and social surroundings, these advantages are obviously lost by the non-married. Yet, since many of those who remain unmarried are psychologically unfitted for normal marriage relations, their entry into wedlock might well produce more discord and unhappiness than satisfaction and well-being.

Certain authorities contend that various types of evils, particularly neurotic developments, arise from the absence of normal sexual relations on the part of the unmarried, but, as Dr. Ira S. Wile and others have pointed out, we must not assume that all the unmarried are celibate and innocent of sexual experience. Dr. Ellen Klatt studied a group of unmarried women and found that 18 per cent of those under 18 years of age, and over 60 per cent of those between 18 and 22 years of age had enjoyed some active form of sex experience. Dr. G. V. Hamilton investigated a group of professional men and women and found that 59 per cent of the men and 47 per cent of the women had had sexual relations before marriage. In some cases, this seems to have been a result of the fact that marriage was anticipated. Katharine B. Davis's study of the sex life of 1,200 unmarried college women revealed the fact that 61 per cent had practiced masturbation, over half beginning before the age of 15. Other studies have confirmed the impression that a large portion of the unmarried have normal but noninstitutionalized sexual relations, while many more practiced auto-erotic and homosexual relations. It is mainly among those who are both unmarried and celibate that we need fear any marked development of neurotic tendencies on account of the repression of the sex instinct. Nevertheless, there seems to be a regrettable number of this type in the population. But it must also be remembered that there are many who enter into marriage relations and develop neuroses because of their inability to initiate or sustain normal sex relations.

When we turn to the social pathology of the unmarried we find that the unmarried show a per capita preponderance among cases of dependency, mental instability, vagrancy, crime, and the patrons of prostitution. Except in the case of the latter, we cannot assign the responsibility directly to the unmarried state. We would expect to find a larger number of dependents among the unmarried because the economic inadequacy is a major cause of the failure to marry. Likewise, many fail to marry because they have been neurotic types from childhood. We cannot assume that all the unmarried neurotics are neurotic because of their failure to marry. Marriage responsibilities would be likely to make such types even more neurotic. In the same way, vagrancy is likely to be an outgrowth of mental instability and economic insufficiency, which are more a cause of failure to marry than a direct result thereof. It is only natural, however, to suppose that the absence of family responsibilities lessens the restraint upon vagrant tendencies. When we come to crime, it is logical to believe that absence of family restraints and responsibilities will remove some of the elements which deter people from committing crime. But it is frequently true that criminality arises from the very conditions of mental instability and poverty which prevent marriage. In the matter of vice and prostitution it may be safely assumed that the patronage of prostitutes is notably increased by the presence of a large number of unmarried males in the population. But studies have revealed the fact that prostitutes have many married customers. Moreover, with the growing freedom of sex relations, unmarried

males are satisfying their sex desires to an ever greater degree through relations with females not in the prostitute group.

A number of remedies suggest themselves for failure to marry and its unsound social and personal results. Higher wages and salaries and steadier employment are necessary, if we are going to make it possible for many of those now unmarried to support a family. So long as they are unable to do so it is better that they should not marry and beget a number of dependent or inadequately reared children. Sex education and mental hygiene services would help to eliminate many of the neurotic conditions which stand in the way of marriage today. Companionate marriage would offer a solution for those who are biologically and psychologically fitted to marry but cannot or do not wish to assume the responsibilities of a permanent union. If we wish to encourage procreation by the able unmarried, we shall have to do away with the various social penalties imposed upon illegitimacy and bastardy. The further development of a rational scheme of sex relations and mental hygiene facilities will naturally take care of a good many causes and cases of failure to marry. But there will be no permanent solution of the problem until we have a sufficient economic readjustment to provide the material basis for successful conjugality on the part of all able-bodied and mentally healthy citizens.

Widows and Deserted Women

The number of widows in American society has increased along with the general growth of population, but there is probably no more widowhood per capita than at earlier periods in our history. In 1930 there were over 4,700,000 widowed females and over 2,000,000 widowed males. It is estimated that some 400,000 newly widowed females are added annually as a result of deaths of husbands from various causes. The preponderance of widowed females is easily explained. Males are more numerous in industry and are otherwise more exposed to the dangers in moving about in contemporary life. Hence more males are killed in accidents, travel, and in ordinary occupational activities. Moreover, males who have lost their wives find it easier to contract a second marriage, because age and widowhood seem to be less of a handicap to a man than to a woman.

The deaths which produce widowhood result from a few outstanding causes. About six deaths out of every ten prior to old age, which cost the life of the male wage-earner, are produced by tuberculosis, influenza-pneumonia, heart disease and high blood pressure, and accidents. Cancer and syphilis also play an important rôle in this mortality. Most of the recent progress in reducing the mortality which leads to widowhood has taken place in the successful attack upon pneumonia and tuberculosis. The other leading causes of mortality still remain relatively constant, though we may expect notable progress to be made in the next few years in reducing the number of deaths caused by syphilis.

There are a number of deplorable personal and social effects of widow-

hood. The problem of dependency is aggravated as a result of the loss of the earnings of the breadwinner. But the problems of a bereaved home are more than economic. If the mother has to leave the home to secure employment, or children have to go to work earlier than desirable, it is difficult to provide for a normal and desirable type of home life and education. The emotional difficulties of widowhood are serious and numerous. The sorrow frequently brings a serious psychological shock. Family associations are broken up. Sex starvation frequently results. The transferring of all affection from the husband to the children may create important difficulties of a psychological nature for both mother and children. This is particularly the case if there is only one child. Mental breakdowns and sheer dependency represent the extreme forms of ravages created by widowhood.

The remedies for widowhood naturally fall under the heading of immediate relief and preventive measures. Until recently, younger widows and their children have ordinarily been taken care of by a system of outdoor relief, either by public or private agencies. Most of the elderly widows have been taken care of in private homes for the aged and in our almshouses. Children, dependent as a result of widowhood, have been cared for both through outdoor relief and through being placed in public or private institutions for orphaned children. A more adequate and civilized method of supporting widows and dependent children has been more recently provided by the system of widows' pensions. The first comprehensive mothers' pension law was passed in Illinois in 1911. By 1930, all states except Alabama, Georgia, South Carolina, and New Mexico had passed some sort of mothers' pension legislation, carrying with it an annual expenditure of about 30 million dollars as relief aid of this type. The Social Security Act of 1935 provided some federal and state aid to widows and dependent children. More liberal and uniform workmen's compensation laws will be essential to provide an adequate and immediate income for widows. Both personal and social insurance will need to be extended as a method of lessening the economic impact of the death of wage-earners. Savings and thrift should be encouraged, but this should be accompanied by assuring the solvency and reliability of banks. Many an American widow has lost the family savings because of our scandalous and numerous bank failures. Mental hygiene clinics have done something in the way of providing psychological relief in the case of both widows and children, but such facilities will need to be greatly extended before they will be adequate.

If we are to prevent widowhood, we must make possible better medical care for the masses. There will need to be improvements in preventive medicine and in our methods of dealing with certain fatal and hitherto unconquered diseases, and more stringent regulation of occupational and transportation hazards.

We have already noted that desertion has been called the poor man's divorce. We do not have the exact statistics with respect to the number of desertions which we possess with respect to divorce and widowhood.

But certain estimates enable us to know that there is a considerable volume of desertion. From one third to one half of the divorce cases brought to court list desertion as a cause of action. Whether desertion is the fundamental cause of the family discord, it is likely to be a contributing cause if so stated in the divorce proceeding. About 20 per cent of all expenditures for family relief go for aid to deserted women and their dependents. The most competent estimate that we have places the annual number of desertions in the United States at around 50,000.

The causes of family desertion are numerous and complicated, as is the case with the causes for divorce. But they boil down to two basic situations, namely, that family life is unattractive, or that, for one reason or another, it cannot be successfully continued. The causes of the latter situation are primarily economic insufficiency, personal inadequacy to meet the responsibilities of family life, and lack of proper technique for making marriage relations successful. The great majority of desertions are made by men. This is due to the fact that men depend less upon their wives for support and are more easily drawn away from family situations in quest of sexual novelty and new contacts.

There are a number of conditions which are most frequently associated with family desertion, many of which naturally grow out of the fact that it is mainly a lower-class phenomena. Deserters have been found who have an inadequate education in many cases. They rate high in lawlessness, some 20 per cent of them having court records. Many of the desertions are associated with hasty youthful marriages. Personal instability seems to play its part, since over 50 per cent of male deserters are repeaters at the process. Abnormal alcoholic indulgence is frequently associated with desertion. There is a relatively high proportion of feeble-minded and psychopathic among family deserters. Desertion is much more common in city families than in rural families, due to the fact that the family renders less indispensable services in the city than in the country and that there are more temptations in the city. Desertions are more likely to take place in the case of mixed marriages, where conflicts of race, religion, language, and the like exist, thus increasing the problems of family adjustment. In an important study of 1,500 representative cases of desertion Joanna C. Calcord found that about 76 per cent of the cases arose from various forms of sex difficulties and from the use of alcohol and narcotic drugs. Thirty-nine per cent was attributed to the former and 37 per cent to the latter cause. Temperamental causes and economic insufficiency accounted for the majority of the remaining cases.

The social problems arising out of desertion are not markedly different from those which grow out of bereavement and widowhood, except that the element of personal sorrow may be rather less.[23] Desertion imposes the same heavy burden upon relief agencies and legislation which take care of the destitution produced by desertion. The problems of the

[23] For an excellent discussion of desertion as a social problem, see Charles Zunser, "Family Desertion," in *Social Service Review*, June, 1932.

broken home, in relation to both mother and children, are the same as in the case of widowhood. In some cases, where there are no children, desertion may turn out to be a blessing rather than a calamity, since it may terminate a family relationship which involved more quarreling and discord than cordiality and satisfaction.

In attempting to solve the problem of desertion we must recognize that it is a field chiefly for economic reform, mental hygiene work, and sex education. As much as possible should be done to provide more adequate sex instruction, to bring the psychopathic types into contact with guidance clinics, and to increase the scope of the work of domestic relations courts. Legislation to prevent hasty marriages and to discourage altogether the marriages of the psychopathic and the feeble-minded is desirable. Special social work agencies to deal with desertion cases would be extremely helpful. It is particularly essential that any assistance intended for those already married should be brought to bear in the early years of marriage. There is little prospect of effective aid after the discord and quarreling have become chronic. More adequate income would prevent a number of cases of desertion, but this is a matter which lies beyond the reach of the social worker or the mental hygiene adviser.

Illegitimacy as a Social Problem

Illegitimacy is a surprisingly common phenomenon in modern countries. For example, in 1914 the illegitimate births in Austria amounted to 11.9 per cent of the total live births; in Denmark 11.5 per cent; in Bavaria 12.6 per cent; in Saxony 16 per cent; in Portugal 11 per cent; in Sweden 15.8 per cent. In certain of the European cities the rate was much higher. Over a five year period from 1905 to 1909 the illegitimacy rate in Budapest was 26.3, in Copenhagen 25.5; in Lyons 22.2; in Moscow 24; in Munich 27.8; in Paris 25.5; in Stockholm 33.5; in Vienna 30.1. These urban figures are somewhat inflated however, because a number of the illegitimate births in urban hospitals represent deliveries of rural mothers who come to the city for delivery, and the illegitimate birth is therefore registered in the city where the delivery takes place. Sexual freedom and the elimination of the whole conception of bastardy in Soviet Russia, and the desire to breed ample cannon fodder in Fascist countries, have of late tended to increase illegitimacy in European countries, as has also the confusion incident to the second World War.

In the United States, while the illegitimacy rate is growing fairly rapidly, it is still far below representative European rates, especially in the case of our white population. Among the Negroes the illegitimacy rate tends to equal that of the European states with the highest illegitimacy rates. In 1934, the illegitimacy rate for American Negroes was 15.15 per cent. Samuel J. Holmes has completed the latest authoritative survey of illegitimacy in the United States, that based upon 1934 figures. Taking into account both the white and the black population, the illegitimacy rate was 3.9 per cent. In other words, out of every thousand live births, 39 of the babies were born out of wedlock. There were 35,000 white

bastards and 43,000 black ones. But the ratio of bastardy was more than seven times higher among the blacks than it was among the whites. The rate for whites was 2.04 per cent and for blacks the 15.15 per cent mentioned above. Professor Holmes indicates that illegitimacy is definitely increasing in this country and accounts for the increase in the following ways: (1) over-confidence in the effectiveness of simple and inadequate birth control methods; (2) the economic effects of the depression which have checked the marriage rate and produced a certain amount of sexual and family demoralization; and (3) a lessening of the stigma attached to illegitimacy.

Among the direct causes of illegitimacy are sexual ignorance and inexperience, inadequate birth control devices or incomplete knowledge of how to use effective devices, pathological carelessness and indifference, intoxication and mental defect. There are other more general and indirect causes of illegitimacy. Such are increased sexual freedom, unaccompanied by adequate knowledge of birth control, low economic status which is often associated with ignorance, bad living conditions which make for sexual promiscuity, mental instability, and so on.

The burdens of illegitimacy fall most heavily upon the poor. With the rich it is chiefly a matter of personal inconvenience or social humiliation. Many of the evils associated with illegitimacy are as much due to social intolerance and wrong-headedness as to the personal responsibility of the parties directly involved. The antipathy toward the mother and illegitimate child and the tendency to make them both outcasts is an outrageous social error which should be speedily brought to an end in any civilized era. The fact that illegitimate children rank relatively high among the juvenile delinquents is also due mainly to the stigma which society places upon the illegitimate child and the handicaps which are thus imposed upon him. The fear of bearing an illegitimate child leads to many abortions, with the unfortunate physical results which frequently come therefrom. The economic problem of rearing an illegitimate child is also increased by the psychological obstacles which are added through social antipathy. If one eliminates the traditional aspect of sin, it is thus apparent that most of the evils associated with illegitimacy are socially created and all of them are aggravated by the archaic social attitude toward the problem. If this were changed the most important aspect of illegitimacy would be that of adequate economic support for the mother and child.

The remedial steps to be taken against illegitimacy are clearly indicated by the situation. There should be better sex education and particularly better instruction in the use of birth control methods. Improved economic conditions might enable many to marry who now find themselves unable to do so and hence risk illegitimacy through sex relations outside of wedlock. Wholesale sterilization of the feeble-minded would prevent the large volume of illegitimacy which is associated with feeble-minded parentage. Better education, especially instruction in sex matters and birth control, as well as the improvement of economic conditions,

would help to reduce the especially notable volume of illegitimacy among the Negroes in this country. Pending the time at which illegitimacy may be reduced in those cases where it is desirable to do so, the whole idea of bastardy, and the mental complexes associated therewith, should be completely swept away, as has already been done in Fascist countries and Soviet Russia. After an illegitimate child is born it is too late to accomplish anything by terrorizing the mother or humiliating the child. The child's future transcends any other consideration. His chances for development into a useful citizen must not be lessened as a result of antiquated ethical prejudices and mob psychology.

Child Problems and Child Care Outside the Family

Down to modern times the child contributed all of his labor to the family, and the family gave the child such attention as he received in the way of food, clothing and shelter, education, medical care, and the like. The family had nearly complete control of the child and received all his services in return. Now that the old authoritarian family is breaking up and the rural economy is being superseded by an urban industrial age, the family no longer provides complete care for children, does not exert full authority over children, and does not receive all of the services of children. We may look briefly at some ways in which the community and the state have stepped in to take over many responsibilities for the child which once fell to the family.

Great progress has been made in protecting the health of the child since a century ago, when the mother was usually delivered by a midwife and doctored her children through various herbs and syrups. The development of antiseptic methods in maternity cases and especially the recent introduction of the drug sulfanilamide has greatly reduced the number of maternity deaths at childbirth and saved many mothers to care for their children. The control of communicable diseases and the epidemic diseases of childhood have saved the lives of many thousands of children who formerly died from diphtheria, whooping cough, scarlet fever, and the like. Improved knowledge of nutritional science has greatly reduced deaths among young children. The community and the state have given special attention to providing public medical care for children. Clinics and state medicine in various forms have usually been made accessible to children long before they are generally extended to adults. Gymnasium work and supervised play have also made their contributions to the improvement of the physical health and resistance of children.

Even more solicitous has been the action of the more alert communities in looking after the mental health of children. This has been due largely to the fact that psychiatrists recognize the critical importance of childhood in relation to both mental health and disease. Psychological clinics for children appeared in this country as early as 1896. But the movement for mental health clinics for children, usually called child guidance clinics, did not really begin to get under way until the National Committee for Mental Hygiene was created in 1909. Then the movement

grew rapidly. By 1914 there were a hundred such clinics, and by 1930 there were over 500. A great stimulus to the movement was given in 1921, when the Commonwealth Fund provided money for setting up a large number of demonstration clinics in important cities throughout the country. These guidance clinics have been of great value in curbing mental disease and delinquency and in aiding educators in a more realistic handling of problem children.

A hundred years ago very few persons thought of limiting the labor of children. The parents were supposed to have full right to get as much work out of children as possible. If they were employed outside of the family, much the same notions held true. Beginning in 1842 public authority began to be asserted in protecting children from industrial exploitation. In that year the state of Massachusetts passed a law limiting the work of children under twelve to ten hours daily. But the movement for such protection developed very slowly and as late as 1938 only ten states adequately protected children from excessive hours of labor. Federal child labor laws were set aside by the Supreme Court in 1918 and 1922. An amendment to the federal constitution prohibiting child labor has been before the country since 1924. Recent decisions of the Supreme Court, such as *United States* vs. *Darby* (1941), indicate that the present bench would uphold federal legislation outlawing child labor.

That much needs to be done still in protecting children from economic exploitation is to be seen from the fact that in 1930 there were nearly 700,000 gainfully employed children under fifteen years of age. The Wages-and-Hours Act of 1938 sharply restricted the labor of children in industries engaged in interstate commerce, but there are still a large number employed in intrastate industries.

In addition to negative or restraining activities on the part of the government in relation to the labor of young children the federal government has in the last decade taken positive steps to provide employment or support for unemployed youth old enough to be permitted to work. The Civilian Conservation Corps has provided employment for over 2 million and further assistance has been rendered by the National Youth Administration.

A century ago orphaned and dependent children were taken care of mainly in almshouses and through what is known as indentures, that is, placing the children in families who agreed to support them in return for their labor. Both of these types of caring for dependent children were cruel and unsatisfactory. The almshouses made for demoralization; indenture invited exploitation.

In the middle of the last century the Children's Aid Society of New York began the important movement to take children out of almshouses and put them in foster homes without the abuse of indenture. In 1868 the Massachusetts Board of Charities introduced the practice of boarding out children at public expense. It is generally agreed that carefully selected foster homes are a better place for the dependent child than even very good orphanages. However, the latter are an enormous improvement over

the old almshouses and their administration is constantly improving. The census of dependent children in 1923 showed that out of the total of about 400,000 such children, 204,000 were in institutions, 121,000 in their own homes, 51,000 in free foster homes, and 22,000 in boarding homes.

Public care has been extended not only to dependent children but also to neglected children. In 1875 the Society for the Prevention of Cruelty to Children was founded to protect neglected children in New York. Similar societies sprang up in many other important cities. They brought cases of cruelty and exploitation of children to the courts, helped to punish the guilty, and made provisions for the welfare of the child. The progress which has been made in protecting children from abuse can be seen from the fact that in early days half the cases related directly to physical cruelty. Today these cases usually do not amount to more than 10 per cent of the total cases. In addition to protecting children from cruelty, the care of neglected children extends to the support of such children, and efforts to prevent them from falling into crime and vice.

In earlier days the family supplied most of the moral training and discipline for children. But with the decline of the rural family and the greater temptations of urban life, agencies had to be set up to keep children out of crime. Here the most important agencies have been the Child Guidance Clinics mentioned above and the clinics for juvenile delinquents and juvenile courts. The leading figure in promoting this movement has been Dr. William Healy. He established a juvenile psychopathic institute in connection with the juvenile court of Chicago in 1909. Later he went to Boston and continued his good work with the Judge Baker Foundation. This juvenile court movement under psychiatric guidance has made considerable headway in the last two decades. Frederic M. Thrasher and Clifford Shaw have aroused interest in preventing juvenile delinquency through coping with the gang problem of youth and the special dangers involved in rearing children in delinquency areas.

Formerly, the father and mother provided much of the education for the child (guided by the motto that to spare the rod spoils the child). Most of those who got any chance for an education received it in the miserably equipped rural schools. Beginning back in the eighties of the last century, G. Stanley Hall applied scientific psychological principles to the education of children. An effort was made to free education from the barbarous discipline of the traditional schools by John Dewey and others through what has come to be known as experimental schools and progressive education. Some kind of an education was made accessible for all through the extension of free public instruction for children after 1837. The introduction of mental tests has enabled us to classify children more effectively and to differentiate education in such a fashion as to make it more satisfactorily adjusted to superior children, average children, and retarded children. Vocational instruction is being provided more adequately for the last group. City schools early showed great improvement over the little red school house of the country. More recently the development of consolidated and centralized schools has revo-

lutionized the quality of instruction and the educational opportunities in rural schools.

Play, which used to be limited to the family groups, the neighborhood, and the rural school, has now been developed as a major community and national enterprise. Public recreational activities have developed on a vast scale and supervised play has grown by leaps and bounds. In 1938 there were about 1,300 communities carrying on public recreation, spending about 60 million dollars therefor. Over a third of them were aided by federal funds. Nevertheless, our recreational facilities for children are still woefully inadequate. There are about 8 million urban children who have little facility for play and few rural children have much opportunity for organized and supervised recreation. The consolidated rural schools have done something to remedy this situation, but so far the surface has only been scratched. There are certain organizations of youth devoted to recreation and character building, such as the Boy and Girl Scouts, Camp Fire Girls, Pioneer Youth, and the like.

Child welfare activities and organizations are numerous and extensive. Various health agencies look after the physical and mental health of children. Educators and social workers are concerned with seeing to it that children get a decent education. Criminologists and psychiatrists endeavor to break up gangs and save children from crime. Recreation organizers seek to provide a substitute for unhealthy forms of activity which might lead to delinquency and degeneracy.

Among the various associations which give special attention to child welfare are the Consumers League, the National Child Labor Committee, the Child Welfare League of America, the National Child Welfare Association, and the American Child Health Association. There are also various institutes of child welfare conducted by leading universities. The Federal Children's Bureau is devoted to research and education in the field of child welfare. Important national White House conferences on child welfare met in 1909 and 1930.

The preceding pages indicate the remarkable development of social organizations and agencies designed to supplement functions formerly assumed by the family. Their growth has paralleled the loosening of family ties and the decay of family responsibility on the heels of industrialization and urbanization. There is no reason to believe that extra-family activities and agencies will absorb all of the former social functions of the family, but it is already apparent that they are extensively supplementing the family in the control of children. The desirable future situation is better family control over those responsibilities which can best be executed by the family and a more complete development of those policies and agencies which are needed to supplement family activities in our complex society.

CHAPTER XVI

The Disintegration of Primary Groups and Community Disorganization

The Meaning of Community Life

AN ANALYSIS of community organization will be vague unless some underlying sociological concepts are clarified, since all efforts to create a new condition of social stability can succeed only after a thorough understanding of the causative factors involved in the decay of the former primary institutions.

The frequent use of the term *community* in the past few decades does not mean that a new basis for human association has been discovered. Group life was characteristic of human society as soon as a sufficient food supply for man and his herds would permit permanent settlement. The struggle to exist made it necessary for primitive society to be formed on tightly drawn lines. Kinship, based on blood ties, represented the most intimate of associations, but this kinship grouping was also extended to clans and tribes living in one area. The vital interest of making a living was sufficient to unite the members of one local group and, so long as the common interest remained, the group was cohesive. Primitive society thus represented partly isolated groups of people dependent on their own members. Unity of purpose was so necessary to the existence of a group that, as Ross observes, "In the ancient village community, every quarrel between individual members was treated as a community affair, even the bitter words uttered during a quarrel being considered an offense against the community. Every dispute was brought before arbiters, or in the gravest cases, before the folk mote."[1] As population increased, groups came in contact with others. The close bonds of association were weakened by the entrance of new interests, and kinship by blood ties was no longer the only social bond.

As the economic base of society broadened, associations along the lines of caste and class were formed and, with the increasing complexity of life, these associations were expanded. However broadened the contacts of individuals may be in a complex society, one fundamental fact is to be noted, namely, no individual can be independent of all others. All individuals are mutually dependent, and our whole "social order rests essen-

[1] E. A. Ross, *Principles of Sociology*, Revised Ed., Appleton-Century, 1930, p. 385.

tially upon the interaction and interdependency of people."[2] In primitive society this dependence was due to the need for coöperation in the struggle for existence, and involved intimate relationships. In complex modern society there still is interdependence because specialization and division of labor have made it impossible for individuals to exist alone. The combined efforts of all workers are needed to produce the goods that will be used by individual members of the group, but the associations have lost some of their intimate characteristics.

The word *community* has been loosely used to designate a group of people having a unity of purpose, or to be more specific, a group of people having the we-feeling and living in a common area. There have been so many definitions of the term that it is well to give definite content to the word. The rural sociologists have given the most painstaking thought to the term and have settled on the idea that community represents the smallest geographical unit that permits organized execution of the chief human activities.[3]

One accepted approach which does not limit community to a small social unit is recognition of a common purpose. This is a vague and philosophical concept. The common purpose is the real aim of community organization but it must be clearly defined. Stuart A. Queen gives a practical definition when he thinks of community as being a group which occupies a given territory and, through the exchange of service and goods, may be regarded as a coöperating unit.[4]

Even this definition is none too good, because under modern conditions no group of people can be self-supporting; nor do communities stay the same in size. The more the mobility of the population increases, through extended communication and transportation, the less usual it is for the local community to supply the needs of the group. The automobile has widened the scope of interest until rural people can shop in the city and not be dependent on their own local group.

The Rôle of Primary Groups in Social Life

The local community is a primary group—one which emphasizes the we-feeling. The concept of the primary group is so important to the whole community organization movement that a reference to C. H. Cooley's theory of the primary group is in order. The human infant is helpless for the first few years. It is the family which cares for him, and in the close circle he learns his first words and is taught the things he should and should not do. In other words, the mores and customs of the group are transmitted to him through the family. Therefore, by virtue of being born helpless into a group, man from birth to death is dependent on others. As the child grows older, he becomes part of a play or a small neighborhood group. Further association and coöperation here adjusts

[2] L. D. Osburn and M. H. Neumeyer, *The Community and Society*, American Book Company, 1933, p 81.
[3] J F Steiner, *Community Organization*, Appleton-Century, 1930, p. 18.
[4] "What Is a Community?" *Journal of Social Forces*, Vol. I, pp. 375-382.

him to the institutional pattern. Cooley in his *Social Organization* calls these intimate associations, or face-to-face relationships of man "the primary groups." [5]

In these primary groups the person acquires all the attributes which we think of as being human: that is, love, forebearance, sympathy, tolerance, coöperation, respect for others, and in short, all that is "super-organic," to use Spencer's and Kroeber's term:

> It is in a primary group that the child attains its first awareness of other persons and subsequently acquires self-consciousness. Here the sense of belonging and having a place and a role, which is the essence of personality, is first derived; and here, also, the child learns to talk and acquires its habits of obedience and self-assertion, or their opposites, as well as its moral judgments. It is in the family, the play group, the neighborhood, and other close relations, that the standards and traditions of the larger society, as well as those typical of primary groups are impressed most effectively [6]

The primary group is characterized by "one-ness" of purpose and sentiments of loyalty. This may also be said of groups that are not permanent, such as the loyalty of the mob to party or leader and other temporary groupings that have been formed in crises or temporary enthusiasms, but the term is used here to apply only to those groups which are recognized as being permanent institutions.

Since the primary groups have played an outstanding rôle in the development of the social process, they are vitally important in the socialization of the individual and the integrity and preservation of all our established institutions. The economic and the social changes of the past 150 years have produced sweeping changes in our way of living and the machine age, with its resultant transformations of life, has led to the partial breakdown of these fundamental primary groups. This important social problem has recently been analyzed with thoroughness by Ernest R. Mowrer in his *Disorganization: Personal and Social.*

The Disintegration of Primary Groups

Family Deterioration. The family has been the primary institution most resistant to social change, but the events of the past century have brought about such revolutionary changes in its composition and trends that some alarmists predict that the end of the family is near. We have already discussed the changed conditions of women since the Industrial Revolution and the growth of divorce. We shall here deal mainly with symptoms of family instability as a phase of the decay of primary groups. The large patriarchal family of olden times, with its close-knit cohesiveness and direct disciplinary influence on its members, has been replaced by a small individualized family group—a shocking change to the more conservative students of human relationships. Willistyne Goodsell points to the complete disappearance of "the great family" from our

---

[5] C. H. Cooley, *Social Organization*, pp 23 ff. See above, pp. 13 ff.
[6] E. T. Hiller, *Principles of Sociology*, Harper, 1933, p. 22.

modern picture.[7] By this is meant the group of closely related persons descended from the same grandfather or great-grandfather and residing in the same community. "The pioneer spirit, the love of adventuresome change of a pioneer people, has dispersed the old family stocks over the face of the American continent." She continues by saying that, with the dispersion of families, has come the decline, not only of unity and solidarity but also of even the honored meaning of the family: "Who in this hurried individualistic age of self-aggrandisement and self-expressions, holds up before youth the ideals and achievements of their ancestors, the honored place they carved out in social and political life, as did the Romans of old?"

The early American family represented the cohesive power of a primary institution. It rested on three bases: First, there was the economic and social importance of the home. Second, one notes the patriarchal authority of the husband and father, given to him by custom and law. Since public opinion and the conditions of life added to the force of law for the male's authority, it is small wonder that divorces were relatively unknown. Third, the dependence of all individuals on the united family was a prime factor in family stability, for no individual had status unless he was a member of a family group. Girls were expected to marry young and raise large families and a spinster's usual lot in life was to take care of the children of some more fortunate sister. Women, except in their family function, were almost helpless. This point must be stressed because of its importance to the whole discussion of the current lessening of family bonds. Women were subordinate to males in the domestic economy before the Industrial Revolution to the point where few women had economic, occupational, or legal freedom. To summarize the social influence of the American family:

> The American family was many things to its individual members. There was not only its economic importance, but other institutional functions of the family were at the same time strongly developed. It furnished protection to its members, with less aid from the community than is expected today; it might even, as in the case of feuds, carry on private wars. The authority of the father and husband was sufficient to settle within the family many of the problems of conduct. Religious instruction and ritual were a part of family life. For a successful marriage it was considered important that couples should have the same faith. In general, the home was the gathering place for play activities, though there were some community festivities. Educationally, the farm and home duties constituted a larger part of learning than did formal instruction in schools. Farm life furnished what we now call manual training, physical education, domestic science instruction and vocational guidance. The individual spent much of the daily cycle in the family setting, occupied in ways set by the family pattern.[8]

Today an impressive number of forces are at work to reduce the sanctity of the hearth fire to an interesting antique while the individual

---

[7] Goodsell, *Problems of the Family*, Appleton-Century, 1936, Revised Ed., p. 122.
[8] J. H. S. Bossard, *Social Change and Social Problems*, Harper, 1938, p. 597, quoted from W. F. Ogburn, *Recent Social Trends*, McGraw-Hill, 1930, Vol. I, p. 662.

family members scatter to search congenial associates and new ways to pass the time.

The divorce rate is one of the most convincing evidences of the breakdown of the patriarchal form of family life. All countries of the western world and particularly the United States have had, as we have seen, an alarming increase in the divorce rate in the past fifty years. The frequency of divorce has increased by more than threefold since 1890. In this year there were 53 divorces per 100,000 of the population, while in 1935 there were 171. In the latter year there was one divorce to every six marriages.[9] Miss Goodsell further continues with the statistical evidence by comparing the ratio of unbroken marriages to the population in 1912 and 1932. In that interval the number of unbroken marriages per thousand of the population fell from 9.57 to 6.59.[10]

J. P. Lichtenberger has shown how the increase in divorce rate, as early as the period 1870–1905, far outstripped the rate of population increase.[11] Analysis of the divorce statistics shows a steady increase in the number of divorces granted as petitions by the wife, indicating a growing refusal on the part of femininity to submit to situations which were once tolerated because of the force of the folkways and mores. We can glean few important sociological truths from scanning the formal legal causes of divorce. As has been observed, cruelty, one of the most frequent causes listed in petitions for divorce, is a blanket term which may extend all the way from lack of understanding to the actual infliction of physical blows.

Other analyses that have been made by the U. S. Bureau of Census on the salient features of divorces show that in 1932, 3.9% of divorces were granted to couples whose marriage had lasted under one year and that, of the total divorces, 35% were granted to persons whose marriages had lasted less than five years. And then, again, the same year, 1932, shows that 55% of all divorces were granted to couples who had no children. In other words, the decreasing desire for children and, consequently, the shrunken family makes the family influence decidedly less permanent.[12]

One more observation on divorce statistics is necessary for future reference. Available data show that the percentage of divorce in urban communities outstrips the rate in rural districts. We shall deal with this in detail later, but at this point, we can see that the social and economic conditions of the city, with its hurry, competition, and nervous strain coupled with the breakdown of moral standards and the indifference of the public in the matter of the individual's affairs, have been largely responsible for the increase in divorce and the threatened disappearance of American family life.[13] First place in the reasons for divorce must be

---

[9] See above, pp. 622 ff.
[10] Goodsell, *op. cit.*, p. 123.
[11] *Divorce: A Social Interpretation*, p. 143.
[12] Goodsell, *op. cit.*, p. 394 ff.
[13] See Ernest Groves and W. F. Ogburn, *American Marriage and Family Relationship*, Holt, 1928, p. 356.

assigned to the rapid urbanization of modern life, recent economic changes and the growing economic independence of woman, sexual ignorance and incompatibility on the part of the husband, wife, or both, and the current ease of contracting marriage.[14]

Added to the foregoing statistical evidence of the broken marital ties may be mentioned desertion. Though desertion has often been described as "the poor man's divorce," some students insist that it would be more correct to speak of desertion as the "poor man's vacation," since the deserting man does not as a rule consider his absences from home as anything so final and definite as divorce.[15]

Social workers give us our best information concerning the large number of men who, finding the economic burden at home too heavy, shake it off on the shoulders of welfare agencies and depart. Desertions have become more numerous since the depression days of 1929, as governmental agencies have marshaled their forces to take over the responsibilities of the individual heads of families. Some recent commentators have called attention to the increasing proportion of cases where the wife and mother deserts the family. This is probably a result of the newer freedom of women and the recent expansion of the occupational opportunities.

Laws passed to bring the erring husband back to compel his support of his wife and children have been of little effect. With no job, there can be no support, or if he is fortunate enough to secure a job, he may refuse to support his family. The only alternative is a jail sentence which removes both job and husband and places the family back on relief.

The weakened influence of the primary relationship may be seen further in the increase of juvenile delinquency. More than 200,000 children each year pass through our juvenile courts, representing 1% of children of juvenile court age.[16]

The breakdown of the family may be further traced to the economic changes following the Industrial Revolution. The center of production shifted from the home, which ceased to be of primary economic importance. The change went further than that. The growing of foodstuffs, canning, breadmaking, the fashioning of clothing, the concocting of home medicines—all of the coöperative enterprises which made for family self-sufficiency and the resulting cohesion—were removed from the family. Electricity for home use has made possible thousands of labor-saving devices that provide more leisure.

The urban impact, which is responsible for the change in size of homes, will be considered in detail later. The employment of women outside the home, as a logical result of the reduced economic rôle of women within the home and because of the increased cost of living, will be discussed later and need only be mentioned in this connection as a reason why the

[14] *Cf.* Lichtenberger, *Divorce*, Part II.

[15] Bossard, *Social Change and Social Problems*, p. 629, cited from Joanna Colcord, *Broken Homes*, Russell Sage Foundation, 1919, p. 7

[16] Bossard, *op. cit.*, p. 663, quoted from Joanna Colcord, *op. cit.*, p. 7.

home has lost in cohesiveness and influence. To cite Bossard, the social cohesion of the earlier form of family, cemented by joint participation in community enterprises is passing: "As a result its individual members have been liberated to pursue first, his or her own work and subsequently and increasingly, other aspects of their individual lives." [17] In summary, "the members of the family are torn asunder by different tasks, interests, contacts, and circles of friends. So far as the family holds the loyalty of its members, it does so in spite of their diversity of work." [18] In other words, the home of today is maintained not as a necessity but because we have found no other substitute for women as mothers, and no other place where, "we may act like we feel and when we feel like it." But the influence of the family as a basic social unit is fading away.

Breakdown of the Neighborhood. The second of the primary relationships that have been weakened as a result of the changes of the past 150 years is that of the neighborhood. The decay of the neighborhood has been closely associated with the increasing importance of city life. In the city, "identity of interests and a concern for the conditions of the neighborhood, except as they clearly affect personal, economic, and social affairs, tend to disappear. Modern methods of communication and transportation make possible a wide psycho-social and territorial range. The person's activities are not necessarily located in his home community nor are the participants of these activities, his neighbors. Locus becomes significant as a place of retirement from the varied stimuli of social activity, and neighboring tends to be redefined as unwarranted interest." [19]

The neighborhood spirit of a small isolated group was only an extension of the intimate characteristics of family association. A real neighbor was concerned with the affairs of others. Helping hands were given in time of trouble and distress. A family joy over the birth of a new baby, an engagement, wedding, or some good luck, was a signal for neighborhood rejoicing. Farmers exchanged work during harvest time. In a typical rural community where the wheat was ripe and ready for threshing, the news went forth to all the farmers and their wives for miles around, who gathered to help with the threshing. Wagons and teams of the neighborhood were all at the disposal of the threshing farmers. All hands went to work with a will. The threshing scene was one of frenzied, cheerful activity. Wagons hauling water plied back and forth, small boys of all ages and sizes darted around getting in the way but helping in their own fashion. On a single farm, there might be 25 or 30 farmers with as many teams all engaged in threshing, sacking, and loading grain, and stacking straw and carrying it to the barns.

But it was at noon time that the real community spirit was most evident. Since early morning the women of the neighborhood had been on hand to prepare the food for the noon day meal. They had come

---

[17] *Op. cit.*, p. 600.
[18] E. A. Ross, *op. cit.*, p. 606.
[19] Bessie A McClenahan, *The Changing Urban Neighborhood*, Univ. of California, Studies # 1, 1930, quoted from E. A. Ross, *Principles of Sociology*, p. 115.

armed with pans, kettles, tableclothes, and provisions. The tables were set on trestles under the trees and it was the job of the small girls to wave green branches to keep the flies away from the crowd, who gathered hot and goodnatured for the noon meal. Each farm woman vied with the others to supply a good meal for the threshers. The choicest of vegetables, jellies and preserves were opened; dozens of frying chickens and stacks of pies and cakes were absolute necessities for the threshing dinner. The work was cheerfully done, but the helpers expected a good meal and one thresher's helper was heard to remark, "I ain't never going to help there agin. The apple pie was so tough you couldn't cut it and there warn't enough sweetening in it for a cup of coffee." During the threshing season these gatherings were repeated until all the neighborhood wheat was in the barn or at the mill.

The coming of the mechanized machinery made it unnecessary for the neighborhood to coöperate in the threshing on each farm and put an end to this particular expression of neighborliness. One by one, the other neighborhood bonds have been loosened. Quilting parties, ice cream socials, the camp meeting, the corn bee—all have been made unnecessary in the farmer's life by the automobile and the radio and the other numerous mechanizations. Some remnants of neighborliness may still be found in the more remote communities, where modern interests and smooth highways have not as yet penetrated so completely. The stronger the urban and mechanical influence, the more complete the disappearance of the primary influence of neighborhood. In the place of the neighborhood, we find small interest-groups which have only the localized interests of their occupations or recreations to hold them together.

The community neighborliness, with its concern with the affairs of all, has been criticized because of its insistence on the observance of a rigid code of behavior. The nonconformist who refused to hold to this code found himself quickly ostracized. It was because of the old type neighborhood and its one-ness of mind on moral codes that the divorce rate in the United States remained low until urbanization occurred. No woman dared incur the disapproval of the community by divorcing her husband, even if she had ample justification for doing so. The home was a sacred institution and the neighborhood saw to it that the family, to all outward appearances, remained intact. The efforts of the past 20 years to revive the old neighborhood spirit by clubs, poultry associations, home-makers clubs, farm clubs, and other substitutes for the primary group are the surest proof that the influence of the primary group was a strong force for the good of the community.

The Decay of the Rural Play Group. As is to be expected, with the decline of the neighborhood the traditional play group was doomed. The old rural play group has been wiped out even more thoroughly than the rural family, which still continues to exist, though with much less cohesiveness than formerly. The rural play group was made up of the boys and girls in one family or in several neighboring families, or of those who attended the local district school. Theirs represented a simple and

direct type of games and recreation, in which all participated on a relatively equal plane. This play group not only supplied most of the recreation enjoyed by rural youngsters but also exercised a remarkable socializing influence. The games tended to inculcate a spirit of fair play, of healthy competition, and of well-earned exultation.

The simple rural play group has now all but disappeared. There are fewer children in both the family and the rural neighborhood. A smaller number of children attend district schools where those still persist. However, there has been a marked tendency in the more progressive states to do away with district schools altogether and send the children to new and improved centralized schools. In the centralized schools there is supervised play and better playground equipment and athletic paraphernalia. But the small play group has disintegrated. In the prescribed classroom gymnastics there is little element of play. In much of the real play most of the pupils are merely spectators who look on while the members of two ball teams, for example, contest their skill. Moreover, many neighborhoods are brought together in these centralized playgrounds and different cultures intermingle. Most of the children are originally strangers to each other. There remains little of the old psychic unity and spontaneity which prevailed in the small rural playground associations.[20]

The desire for play is not only neglected but often suppressed in the city. Space is at a premium and the dangers of playing on crowded city streets are all too much in evidence. Accordingly, youngsters are prone to gather on the street corners and get into mischief in their leisure hours. It was not until late in the nineteenth century that the socializing value of play was realized and the Play Movement proper really began.[21]

This breakdown of the primary relationships—the family, the neighborhood, and the rural play group—thus began with urbanization and the mechanization of life. Since urbanization is the chief cause of the disappearance, in our modern life, of the relationships which make for fundamental stability and which have been, as Cooley says, "the cradle of human nature," let us further examine the effects of this urban impact.

The Impact of Urban Life on Social Institutions

The power of the city to disrupt all former social organization is largely inherent in the causes of city growth. Any sound interpretation of the city will recognize the Industrial Revolution and its counterpart—the Agrarian Revolutions—as causal facts.

The mechanical devices of the nineteenth century substituted machines for hand work and differentiated manufacturing from agriculture, thereby producing a cleavage which has influenced all social institutions. The cultural lag which exists today in our social institutions is a result of the failure of man's institutions to keep pace with his material progress. The

---

[20] *Cf.*, J. F. Steiner, *America at Play*, McGraw-Hill, 1933.
[21] See below, pp. 831 ff.

factory system made necessary concentration of man power and, consequently, the unprecedented growth of urban population. However, concentration of population would have been impossible without improvements in communication and transportation, and without the agricultural revolution to furnish food and raw materials for the workers in the city factories. In other words, it would not be inaccurate to say that machines and factories made the industrial city necessary, while improved agriculture, transportation and trade have made it possible for large cities to exist with unparalleled frequency.[22]

The agricultural improvements made it possible to grow a larger amount of food than ever before. As farming became more efficient, fewer hands were needed and young men and women might go to seek employment in the cities. This shift began before 1914, and for 20 years thereafter there was a steady decline in the number of those engaged in agriculture.

It was not only an economic change that aided the growth of the city. That the cause of the city's growth was basically economic, there is no doubt, but the psychological and cultural lure of the city is one of the most important reasons for a steady migration. The city has been called "a state of mind." It is the place where life moves swiftly, with kaleidoscopic changes, exciting hazards, the lure of large rewards—offering a glamorous change to the monotony that characterized rural life before the coming of the automobile and the hard-surfaced road, and the radio. It was youth that was particularly dazzled by the city. Here ambition could have full scope; the desire for self-expression and recognition—in fact, all the fundamental desires of the individual, it seemed —might be realized in the city. Here competition is at its keenest, offering a challenge to those with energy. Rural life soon came to carry a stigma of the "hay-seed" and the "country bumpkin." It was only in the city that life might be lived to its fullest. The lag in rural culture has also been a cause of rural migration. Education, recreation, better conveniences, better churches are among the varied causes of cityward migration.

While all social types are thrown together within the urban community, social differentiations and barriers are found as great as those existing in feudal society. In the city, persons live massed together within close proximity, yet find themselves separated by a "social distance" such as exists nowhere else:

> In the village and the open country, where there are few distinctions based on social or economic status, the social distance between persons is usually not pronounced except perhaps in cases of significant racial or cultural differences. But in the city with its varied cultures, its multiplicity of behaviour patterns, its racial barriers and class distinctions, its extremes of poverty and wealth, social distance has widened even though spatial distance has narrowed.[23]

---

[22] *Cf.*, W. S. Thompson, *Population Problems*, McGraw-Hill, 1930, Chap. XVI.
[23] N. P. Gist and L. A. Halbert, *Urban Society*, Crowell, 1935, p. 266.

The impersonal relationships of the city have been cited as the cause of many of the major social problems prevailing in the family, industry, and education. But impersonal relations are inherent in the city itself. It is impossible to continue in urban life the intimate personal relationships of the small community. Diversified national groups, with different cultural patterns, mobility of groups, and congestion have all definitely prevented the extension of the spirit of neighborliness in the city, as in the local community:

> As Burgess has put it, mobility becomes "the pulse of the community" the best index of the state of metabolism of the city. Always does the rate of mobility affect social relationships within the community. Excessive mobility "with its increase in the number and intensity of stimulations, tends inevitably to confuse and to demoralize the person." It is conducive, in its extreme forms, to pathological behaviour and social disorganization; it hinders the functioning of the traditional forms of social control; it is disastrous to the development of community consciousness; it frequently means the pulverization of social relationship with the concomitant individualizations of behaviour patterns. In a word, it is inextricably linked with the social problems of the city, and the urban area that present these problems in an aggravated form are invariably areas of excessive mobility. But in its modified forms mobility means growth, integration, intellectual development. It is for this reason that mobility in the city may be either normal or pathological; may mean either integration or disintegration, depending on the number and kind of psychic stimulations and the state of mutability of the person who responds to these stimulations.[24]

The entire social basis of urban life is, of necessity, based primarily on a money economy. Life must be based on superficial social relationships, for there is neither time nor opportunity for intimate personal acquaintance. The city stereotype has been formed around the idea of not what the individual is, but what he can show. Accordingly, persons are placed in definite categories according to the rôle they play in the city—as intellectual, agitator, banker, society woman, man about town, and so on.[25]

But it is an impulse of human nature to wish to associate and, although primary groups have been broken down, especially in cities, many functional groups, service clubs, and fraternal organizations have arisen to satisfy, so far as possible, the desire for intimate social contact. The altruistic impulses and social consciousness which formerly functioned within the neighborhood structure of agrarian society now find their outlet in various urban organizations designed to promote some form of social uplift. In New York City alone there are over twelve hundred of these organizations which aim to serve others without remuneration. As the home has become less important in city civilization, these functional groups and civil centers have gained in relative influence. We have such functional organizations as chambers of commerce, labor union centrals, and the like. Service clubs of numerous types abound, and fraternal

---

[24] *Ibid., op. cit.*, p. 269.

[25] See Nels Anderson and E. C. Lindeman, *Urban Sociology*, Knopf, 1928, Chap. XII, for further characterization of these types.

organizations tend to thrive as a mode of providing social contacts for urban dwellers.[26]

Occupations in the city are many and varied, and the activities involved in earning a living are sufficient to condition individuals to the point where habits are formed that color their thoughts, their reactions, and their leisure time:

> It is more than a myth that the preacher, the teacher, the salesman, the politician, the farmer, and the entrepreneur conform to a type. Each reveals a mental slant having its genesis in the task of earning a livelihood. Since the prevailing occupation in the rural community is agriculture, it is not difficult to see where the diverse interests of the city dweller have led to a diversity of ideas which make community spirit difficult to form.[27]

Gist and Halbert properly emphasize the fact that it is difficult to develop a vigorous and unified community sentiment under such circumstances:

> It is obvious that with such diversity of social status, economic interest and cultural background, it is extremely difficult to bring about any community of interest or unity of attitude in urban public affairs. In rural communities, those who associated in schools, business, and the like, were drawn from a common cultural heritage, which their association perpetuated. In our cities, the population is either drawn from different parts of the same countries or from many different countries, or drawn from both. All have different types of mores, traditions and social habits. There is no continuity of tradition to perpetuate, or any common community standards to conform and apply.[28]

The competitive basis on which a money economy is planned is inimical to the spirit of neighborliness. The struggle in the city is one to reach a goal. With some, it is to pay the rent, light bills, and grocery bills; with others, it is to scale the social ladder of success. The average city person develops an attitude of aggressiveness and self-assertion as a protective device to keep him from being imposed on by others and to maintain his "rights." The result of this aggressiveness and forced impersonal attitude is to widen further the gulf or social distance between city dwellers. This makes the organization of a benevolent or community spirit difficult.

When we speak of "the family," we usually mean the traditional rural family, composed of parents, a large number of children, and a fixed abode. These units rested on a definite social and economic foundation. A father and husband were necessary to furnish a living and to be the head of the family. Women accepted their rôle as mothers and their dependence on their husbands. Children were an asset economically and were, therefore, welcome. These fundamental bases of the family have been destroyed by the city.

No longer is the family the economic, educational, protective, recreational, and affectional unit. Recreation and education, in large part, have gone from the home. The city family has become a consuming, not

---

[26] *Cf.*, Anderson and Lindeman, *op. cit.*, Part III.
[27] Gist and Halbert, *op. cit.*, p. 314.
[28] *Ibid.*, p. 315.

a producing agency. The shifting of productive and recreational interest outside the home has reduced the dependence of the members on each other and has weakened the bond which held the family together in a cohesive social unit. The father is becoming less important as a necessary wage earner. The emancipation of women and their entrance into industry has made urban women unwilling to assume the responsibilities that the rural mother did in raising a large family. The day nursery, maintained by relief agencies, churches, and benevolent societies as a place for working women to leave their children, has become a part of the city pattern. It represents an attempt to substitute for a mother's care. In short, children in the city have become a definite economic liability. Since few city dwellers can afford a home of even moderate size, they must be content with apartments or flats. Those of the poorer classes who have children urge them to find employment as soon as they are old enough, while the children of the well-to-do are turned over to maids or nurses or sent away to boarding-schools. There are too many distractions in the city and people are too busy to permit, even when apartments are large enough, the impromptu gatherings of the family and friends which provide the chief recreation of the rural family. To visit a friend in the city without first telephoning is considered a breach of good manners.

Individualism in the family is thus intensified by both the economic and the social pattern set by the city. This individualism is, in part, responsible for the changing attitude toward marriage. With woman's entrance into industry and her new legal freedom, plus the loss of the economic and social necessity of the home as a production unit, the attitude toward divorce has undergone a change. As we have seen, in the old rural community the attitude of the neighborhood was all important. To the neighborhood, a stable and well-integrated family was of vital importance. The wife who attempted or even desired to break her marriage ties or failed in her duty to her husband or her children was an object of public scorn. So powerful was the conventional code of the neighborhood that few women dared to brave its thundering disapproval.

In the modern city, however, the neighborhood spirit and censorship has all but disappeared. No longer is the neighborhood concerned with the individual families. Life is so intense, so hurried, the pull up the social and economic ladder is so urgent and time so short that there is little energy left to concern oneself with the affairs of the neighbors. The rate of mobility is such that scenes and social settings are constantly shifting. The neighborhood consciousness of its duty as the social mentor is naturally weakened. Only when the neighborhood remains a stable, unchanging unit is it a power in the shaping and molding of tradition.

The breakdown of the family, as a result of the urban impact, and the disappearance of the neighborhood have produced community disorganization and demoralization. The high rate of divorce and the large number of desertions are direct results of this breakdown. Juvenile court judges in our cities and investigators of crime assign a large proportion of

the blame for increased juvenile delinquency to the defective training of the young by parents. With the increase in individualization and of working parents, the children receive little of the disciplinary training of former days. This lack of training, accompanied by a lack of respect for parents and social obligations, makes them easy converts to anti-social practices. Unless they have a congenial home to play in, to live in, and something with which to occupy their leisure time, they are likely to drift into anti-social behavior from association with the gang on the street corners. Our reformatories and our penitentiaries are evidences of the lack of provision for the youth of our cities.

The disintegration of the urban family has been the result of its inability to adjust itself to the rapidly changing material world. Where there is a lag between an institutional pattern and social reality, disorganization will result. The family is in a period of transition and, while still monogamic in form, it is in confusion and chaos, as a result of the breakdown of the primary contacts so necessary to its cohesiveness.

How the Impact of City Life on the Country Has Affected Rural Life Patterns

We mentioned in an earlier section the Agrarian Revolution and its effect on the growth of the modern city. The farm and rural life once occupied a dominant place in society. The chief social institutions of modern times have been deeply influenced by rural life. When we talk of the family in a sociological sense we still mean essentially the rural family. Contemporary discussion of the weakening or downfall of the family refers, in reality, to changes in what has been the traditional rural kinship group. The rural population has provided the major support of the Christian church, especially of the Protestant church. The latter was the center of social life in the rural community. Country dwellers long remained immune to the discoveries in scholarship which undermined traditional views of the Bible and religion. Hence they have been a bulwark of Christian orthodoxy.[29]

In the last half-century, more and more of the rural population has been drawn to our urban centers. But improvements in communication and transportation have tended to urbanize the remaining rural elements. On the farm, machinery has supplanted, to a great extent, the need of hand labor. Therefore, fewer children are needed and the farm family of today, while larger than the urban family, has also felt the urban influence. Women are less dependent on men today. They can leave for the city, get jobs, and support themselves better than most farm wives and mothers. Then, too, country women are no longer needed in the same way as they were in the old rural family, where most of the production was in the home and women's labor was sorely needed. Divorce, while still not

[29] *Cf.*, H. B. Hawthorn, *The Sociology of Rural Life*, Century, 1926, Chaps. I-III, VI.

so common in rural areas as in cities, is beginning to be accepted to the extent that a divorcee is not considered a pariah.

The automobile has brought changes in life that have taken recreation from the rural home and placed it on an urban basis. Young folks can now drive into cities or small towns and go to the movies or a dance, and the community sing or husking-bee has lost most of its former lure. The radio brings the latest in news, music, drama and programs of every variety to the farm living-room. Up-to-date farm journals and metropolitan dailies bring the farmer in close contact with the city. The women no longer have to depend on Sears-Roebuck or Montgomery Ward catalogs for their glimpse into city fashions, but can go shopping to near-by cities by automobile, listen to the fashion hints over the radio, or get a breathless presentation from the newest moving picture.

The rural church, once a center of social life, has suffered severely from this urbanization. Revivals and Sunday services in the old days provided a meeting-place for the exchange of bits of gossip, and the swapping of ideas on the weather, crops, or politics. Many a romance was begun on the way home from a church meeting. Poor young preachers advocating either the Fundamentalist doctrine of fire and brimstone or Modernist social ideals are hardly able to distract the younger generation from the secular attractions of the city

The rural neighborhood is disappearing rapidly. Mechanization of labor has made sociability and mutual aid unnecessary. There is less need for coöperative help when the days of the tractor-combine have come. The rural community attempts to form clubs and cliques in imitation of city ways. The prevailing rural attitude is that of aping the city, and, as a result, the community has lost its cohesiveness and social unity, since it no longer lives with and for itself.

Rural education, which was formerly limited to what the district school could give, has been transformed. There are better buildings on a consolidated school plan, better trained teachers, who draw larger salaries and have the use of modern equipment. Buses carry the children to and from school; and no longer do farmers feel that it is necessary to keep their children home from school for needed labor or because it is too far for them to walk or go on horseback. The practical side of education is beginning to be stressed. Manual training courses in farm-husbandry and domestic science are coming to be a part of the rural curriculum.

The rural press has also undergone a remarkable transformation. The old country newspaper with its week-old national news and provincial outlook has been replaced by the up-to-date metropolitan daily. Good roads have made excellent rural news coverage possible. Farm journals are now of superior quality carrying the latest information concerning crops, livestock, and new methods of agriculture.

The radio is everywhere and, more than any one other single item, it has been responsible for the "urbanization" of country life. Amos and Andy, Rudy Vallee, Easy Aces, and the like, are as well known to the rural dweller as to his city neighbor. The cultural side of the radio has

made possible the familiarization of the farm family with the best—as well as the worst—in music.

The provincial attitude of the typical rural family, then, is being broken down by the same agencies that have made for the shallow superficiality of the city. The new rural personality stereotype is not clearly defined as is the urban personality type, because the urbanizing influences have not been operating so long or deeply on the rural life pattern, but their effects are clearly seen already. Some of the best of our rural youth have migrated to the city. Many of the superior men and women in American cities have had rural backgrounds. This means that the rural community now finds a paucity of leaders. The mentality of the average young man and woman in the rural community has been compared to that of a second-generation immigrant. They are in a disorganized state, pulled between two conflicting cultures.

We see, then, that the old rural strongholds—the home, the neighborhoods and the play group—have been undermined as a result of mechanization both in industry and agriculture. The farm family still exists and is a more stable unit than the urban family, but many of its former functions of discipline, domestic economy, recreation, and affection have been weakened and it has lost most of its cohesiveness as a stabilizing unit. The neighborhood, as a socializing agency, has been broken down by the automobile, good roads, mechanization, and the radio. These same forces have dissipated the play groups of the rural community, since there is less desire to play ball on the corner lot if a gangster movie is showing at the village or in the town 10 miles down the road. Therefore, the impact of urbanism has been sufficiently strong to undermine the primary institutions of both country and city.

It is a well-known truism that when one thing is removed and a gap left, there will be a replacement of some kind to fill up the vacuum. This is true in natural science. The principle also applies in the social sciences. Invasion and succession, according to Gist and Halbert, have their counterparts in human society:

> In a social organization where there is a relatively high rate of mobility and where competition is not only economic but cultural as well, groups of varying economic and cultural levels tend to displace each other, to change their ecological position as a result of the competitive process.[30]

Community Organization Supplants Primary Groups

Community organization has moved in to substitute for the gap left in the breakdown of the primary institutions. C. E. Rainwater, in discussing the rise of the play movement in the United States, says that the nineteenth century saw the complete deterioration of the neighborhood, but the twentieth is to see its reconstruction. It is through the medium of the organization of community forces in all phases that this recon-

[30] Gist and Halbert, *op. cit.*, p. 167.

struction is to be accomplished.[31] Most of the processes of urbanization have been hostile to such a reconstruction of community life. High population density, low rate of permanent residence, and the mixed national and cultural groups have all made for secondary groups and relationships which break down the primary units and are inimical to their rebuilding.

The extension of community organization into the field of the primary relationships has come about as a result of the gradual growth of group consciousness. As soon as the Industrial Revolution made changes in industry that concentrated a large number of workers in one place and produced division of labor and mass production, the rôle of the individual was minimized, because, in the world of machinery, no isolated individual could maintain himself successfully. This is the reason for the rise of corporations, syndicates, and mergers in the business world. In other words, the Industrial Revolution drove the first wedge into the fortress of the primary institutions but at the same time furnished a new technique to provide a substitute process.

The growing trend toward group solidarity is to be seen in the entrance of the government into what have hitherto been private affairs. Social legislation has advanced in a remarkable fashion to cover fields of activity that heretofore would have been considered a violation by government of the inalienable rights of an individual. Laws relating to housing, tenant regulation and supervision, child labor, child welfare, municipal parks, playgrounds and other public welfare measures are examples of the recognition of the new approach to the field of group responsibility.

The significance of the group approach in community life may be seen from the attitude assumed by education. Education is no longer a purely individual matter. It is now conceived to be a community responsibility for definite standards to be upheld so that education for the masses can be made effective. The modern emphasis is on fitting the child into the community rather than mere training of the individual. Vocational guidance, manual training, domestic science, and the social studies are examples of this group approach. The force of the group in the community is nowhere better demonstrated than in the field of public welfare. Unless the entire community functions fairly well as a group in the matter of alleviating poverty or righting maladjustments, the entire program is doomed and the community as a whole suffers.

The group approach to the whole field of social work is a new emphasis. Gone is the old idea that the individual is wholly responsible if he fails to make a living or if he drifts into anti-social conduct. The new theory is that society, in its malfunctioning, is partly responsible. Social agencies have employed this philosophy in their approach to the giving of aid. A complete picture of the personal background, environ-

[31] *The Play Movement in the United States*, University of Chicago Press, 1922, p. 522.

ment, employment, friends, clubs, lodges, and use of leisure time is obtained before any help is given. In other words, the individual is placed against his group or community picture rather than viewed as an entity. The application of group responsibility may be seen in the field of crime and juvenile delinquency. The entire procedure of the juvenile court revolves around placing the child in the right sort of group relationships.[32]

All these community activities need not imply that the idea is now prevalent that the individual has no responsibility for his actions. They simply mean that there is a growing realization that the environment exercises a definite effect on the individual. Illness, unemployment, and delinquent conduct are no longer considered as unrelated factors in the individual's life, but are to be regarded as group or community problems, as well. So long as men lived under a system of domestic economy where each family or gild was a separate unity and not dependent on other units, or so long as the welfare of the whole was not at stake, group actions on social matters were all but unheard of. But as soon as modern industry produced a situation of fine balance between all social units, it was to the interest of the whole that the welfare of individuals be made a concern of the group. People living in cities have found it to their advantage to combine their mutual strength and assets and work together on some common needs. Community of interest is found in the provisions made to protect the group from fire and theft through the fire and police departments. Municipally owned public utilities are a recognition of this group approach. In other words, concentration of population, changes of economy, and the rise of cities made the group approach to social problems necessary.

The existence of the social worker offers the best evidence of the substitution of community emphasis for primary relationships. So long as men lived in small groups and moved in more or less isolated units, the spirit of mutual aid and neighborliness operated. There was less need for formal organization to aid distress. But with the growing detachment of individuals from their primary groups, the neighborhoods and the family, came the need for group social work.

The creed of the social worker, working in the new community perspective, is to be found in the philosophy of Karl de Schweinitz, in his *Art of Helping People Out of Trouble:*[33] that all persons have one problem in life—adjustment to environment. This problem is solved only if a working relationship and correlation are achieved between the things that are the self of the individual, and the experiences, opportunities, and material elements, which are the environment. It is then the job of the social worker to make it possible for the individual to integrate his personality, so that he will be able to fit naturally into his social environment. This also means that the social workers must understand the community and its possibilities, in order to be of service to those who are dependent upon them for adjustment to the new life-patterns.

[32] Steiner, *Community Organization*, p 8.
[33] Houghton Mifflin, 1924.

PART VI

Institutions Promoting Richer Living

CHAPTER XVII

The Contemporary Crisis in Religion and Morals

Some Phases of the Development of Religion

The Nature and Social Importance of Religion. Before proceeding to discuss the origins of religion, we should submit at least a few preliminary definitions. We must not accept the various modern sophisticated attitudes toward religion as an interpretation of what religion has meant down the ages. Who, for example, could have any quarrel with religion, when viewed as Edward Scribner Ames defines it in his *Religion* (1929), namely, as the search for, and realization of, the highest conceivable social values? If one identifies religion with all social decency and justice, one creates a conception of religion that is necessarily highly attractive. But such a definition is not accurate as a historical picture of the nature and practices of religion, nor is it a reliable description of organized religion, even today.

Whatever religion may become in the future, it has always embraced, in the past, man's interpretation of the nature of the hypothetical supernatural world. It includes the resulting efforts man has made to avail himself of the supposedly beneficent intervention of the friendly supernatural powers and to ward off the assumed malevolent influences of evil supernatural beings. In other words, religion has, thus far, been man's effort to adjust himself to the supernatural world in such a manner as to secure the maximum benefits and the minimum disasters therefrom.

Religion has also exerted a tremendous influence upon other institutions. Religion and morals have always been closely intertwined. Indeed, morals have, so far, literally been applied religion. Moral conduct has been designed to please the gods rather than to serve man directly and efficiently. For many thousands of years religion exerted a large influence over economic life. Man believed that he had to placate the gods to be successful in his economic efforts. The gods were supposed to provide good hunting and fishing grounds, to increase the supply of fish and game, to insure fertility for vegetation and animals, and to ward off evil spirits which might do harm to flocks and crops. Economic institutions and practices were believed to be revealed and favored by the gods. Religious dogmas have stimulated and controlled economic activities and systems from primitive times to our own. Property has often been believed to have divine sanction, and attempts to control it in the interest of society have been branded as wicked and sinful.

Politics and government were long based upon religion. The priest-

hood blessed and approved existing forms of government. Early kings were regarded as ruling through the will of gods. They were themselves regarded as semi-divine. In the Middle Ages, the Church sought to control government in matters relating to religion and morals. Even in early modern times, absolute monarchs asserted that they ruled by divine right. In our own day, we confer a sort of divine sanction upon our constitutions. Divine blessing is still invoked in behalf of our governmental agents. Revolution, political radicalism, and social change have usually been cursed by the custodians of religion.

For many thousands of years, education was little more than the transmission of religious beliefs and sacred usages under priestly auspices. In pagan times, the priesthood exerted a considerable influence over many phases of education. During the Middle Ages education was primarily in the hands of the Church. Even in our day, there are a great many church schools, and religious education is still a prominent item in modern instruction. Art originated as a phase of religious mythology, and until recent times art was used primarily to glorify the gods, to teach religious lessons, and to portray religious figures and scenes. Ecclesiastical structures have always constituted an important element in architecture. Our conception of the gods and important religious personages have grown primarily out of their portrayal in art. Early literature was chiefly religious. The most widely-read books of all history have been the sacred literature of the great religious systems. Even much of secular literature has revolved around religious themes. Religion has given color to all of the great stages of cultural evolution.

The Potency of Religion. It is almost impossible to exaggerate the extensive rôle that religion played in the life of primitive man. His conception of the universe rested almost entirely upon the assumption of supernatural forces and powers. To him, knowledge and religion were almost identical. Few of the important daily activities, whether economic or recreational, were carried on except under proper religious auspices. Primitive industry was almost literally applied religion. For instance, among the primitive Todas in India today, religion centers around their herds of buffalo and dairy activities. Their whole dairy industry is controlled by religion and magical rites.

Much time and effort were devoted by primitive men and early historic peoples to propitiating the gods associated with agriculture and industry. For example, early Roman agriculture became a round of religious rituals; there were forty-five holy days each year devoted to placating or venerating agrarian deities. Among the Jews, Yahweh was originally a pastoral god who protected their flocks. The most important gods of early peoples were those who were believed to preside over the fertility of flocks, and to provide good crops. Religion and industry went hand in hand among both the aborigines and ancient peoples. So did politics, warfare, and most social activities. Social customs were supposed to have been revealed by the gods. Primitive education was scarcely more than initiation into supernatural mysteries.

In brief, the life of a savage is cradled in mystery, and matured in the supernatural. The gods attend his birth, safeguard his youth, preside at every milestone of his existence—adolescence, initiation into manhood, marriage, sickness, and death. They shower him with their favors or crush him with their malice. Everything in primitive life is wrapped in supernaturalism. The sun is a god—later, the Greeks called him Phoebus Apollo, and he was drawn around the heavens in a magnificent chariot. The moon is a goddess—the Greeks, in their time, called her Artemis (Roman, Diana). The rivers, forests, winds, waves, flowers are invested with human attributes. The earth and all its phenomena have indwelling secret spirits, invisible, palpable, kind, ferocious, beneficent, malignant. The primitive mind invests these spirits with romance and drama, with comedy and tragedy. A mythology accumulates. The popular mythology of Greece—perhaps one of the most beautiful and attractive—is paralleled in part among even primitive tribes.

So powerful is the mystical or religious aspect of the uneducated mind that, in many respects, civilization advances only in the degree to which man frees himself from the spell of the supernatural, puts away his animism, taboos, fetishes, totems—as a growing child puts away its toys—and relies upon his intellect and observations to interpret the varying manifestations of nature and the activities of his own psyche.

Development of Religion in Primitive Society. How did the supernatural first enter man's mental world? The daily routine of primitive existence left many desires unfulfilled, many questions unanswered about nature and the human psyche. The supernatural hypothesis stepped in, made man feel more at home with nature, provided him with an answer to such simple and yet such difficult questions as: Why does the wind blow? Why does the sun race around the heavens? What makes lightning strike? What causes shadows, images, dreams? What brings on strong bodily sensations, particularly those associated with hunger and sex?

Modern man, equipped with some knowledge of the sciences, is able to give a convincing naturalistic explanation of almost everything which puzzled primitive man. We know why water flows, why rocks are dislodged from their natural foundations and crash down hillsides, why the wind blows, what sends the rain down into the ground and stimulates the growth of foliage, why the rivers become raging torrents, what causes bodily changes, and what produces stirring and pleasant sensations when one comes in contact with an attractive person of the opposite sex. Primitive man had to have recourse to the supernatural hypothesis to find plausible explanations of these, and many other questions.

Alexander Goldenweiser divides religious experience into three major phases: (1) the emotional thrill which comes from communion with the supernatural world and from contact with its occult powers; (2) the emotional satisfactions which come from participation in religious ritual, chiefly through worship and the invocation of magic; and (3) the intellectual convictions derived from theology, viewed as the conceptional

side of religion—the "reasoning out" of the mysteries of supernaturalism. There are, then, three main aspects of religion: the emotional, which gives driving force to religion; the activational, which expresses itself in religious rites and worship; and the conceptual, which rationalizes the preceding and ultimately develops into theology.

Primitive man, thus being unable to detect, as we can, the secret workings of nature, and also unable to unravel nature's laws, faced nature with a question mark. This question mark was an endless source of thrill-producing mysteries in the form of supernatural fictions.

Out of the basic hypothesis of a potent mysterious force which creates, controls, and replenishes the world arose ghost worship, animal worship, phallic worship, and the worship of nearly all the commonplace phenomena of nature. At the outset, the mysterious force, which was believed to guide the world, was not personified. It was looked upon as an impersonal supernatural power which accounted for the activities of the sun, moon, stars, waters, winds, men, plants, and animals. It was believed responsible for a wide range of experiences in savage life. The name now given to this impersonal supernatural power is *mana*—the term applied to it by the natives of Melanesia. Other primitive tribes recognize this vague but awesome power under the name of *manitou* (Algonquin Indians), *orenda* (Iroquois Indians), *wakan* (Sioux Indians), and so on. The gradual emergence of a belief in spirits from the concept of mana is exemplified by the theory of the Algonquins. Their *manitou* is capable of either a personal or an impersonal interpretation. Religion in this first period of impersonal supernaturalism has been called *animatism* by R. R. Marett.

Primitive man in due time visualized this supernatural power in terms of his own daily life and human relationships—where personalities prevail. Once man took this step, he was well on his way to the creation of the personnel and machinery of religion—spirits, gods, devils, and organized cults. This second stage of religious development, that in which people came to believe in individualized or personified spirits, was called *animism* by the famous English anthropologist Sir E. B. Tylor. Once man had invented the world of personified spirits, the basic framework of religion was well laid down. It was a logical step to assume that most pleasant and beneficial things come through the aid of good spirits, and disasters from evil spirits. In this way, the supernatural world was divided into the two contending camps of benevolent and wicked spirits.

Early historic man was familiar with established social ranks. Certain classes were servile, others aristocratic. Some were generous and noble, others mean and wicked. These categories were projected into the interpretation of the gods. Hence there arose a hierarchy of spirits. Some of the early historic races imagined that the supernatural world is controlled by a supreme benevolent spirit—God. He is continually assailed by a supreme evil spirit—Satan. Each has a host of underlings (angels or devils) fighting for his cause and obeying him as servants obey their master.

Religious thought has rarely, if ever, gone beyond this conception of a hierarchy of good and evil spirits. No great religious system ever developed into a literally pure monotheism. None has ever gone so far as to imagine a supreme God, absolutely isolated, without angels and underlings, alone controlling this vast universe.

Out of polytheism there came an elaborate primitive mythology. Since he was not hampered by considerations of exact scientific knowledge or formal logic, primitive man could ramble on from one absurd fancy to another.

The elevation of the notion of a hierarchy of good and evil spirits into a grand cosmological philosophy, representing the universe as an arena in which the principles of good and evil fight it out until good finally prevails, was the product of Persian theology, a matter which we shall deal with later.

Along with the hypothesis of a dynamic, creative, and all-pervading supernaturalism, primitive man brought into being our ideas of a human soul and human immortality. The primitive belief in animism implied that all nature, including man, is animate, that is, possesses a spirit or soul. There seemed to be special evidence to support the idea of a second self or human soul. Man could see his image in a pool of water. He might hear the echo of his voice. He had dreams in which his body seemed to undergo definite experiences and to move from the spot. Yet, on awakening, the body appeared not to have moved. Indeed, some primitive peoples have exceeded the Christians in the matter of postulating a human soul, for they have believed in a plurality of souls.

Closely related to this notion of a soul or spiritual self has been the belief in immortality, of which we have plenty of evidence among primitive peoples—not only among existing primitives but in the burial practices of extinct preliterate peoples. But they rarely believed in a purely spiritual immortality. They shared the orthodox Christian notion of a bodily resurrection. The grounds for the primitive belief in immortality were such things as the notion of a spiritual self which might survive death, the imagery and philosophy growing out of dream experiences, and the rationalized will to eternal existence, whether of the individual or of his relatives and friends.

The notion of rewards and punishments after death was a natural outgrowth of primitive moral codes, with their ideas of compensation, and of the hypothesis of good and evil spirits controlling life after death, as well as life on this earth. This idea was elaborated gradually. The historical philosophies associated with the complex conceptions of heaven and hell maintained by Christians and Muslims were, however, mainly a Persian contribution.

The activational side of primitive religious experience falls into two categories, namely, magic and worship. A number of the older anthropologists, particularly Sir J. G. Frazer, were inclined to distinguish magic from religion and to represent magic as primitive science. No reputable anthropologist any longer entertains this view of the matter.

Magic is that phase of primitive religious behavior which is devoted chiefly to the immediate realization of certain desired ends or objects. Primitive man imagined that he could gain his ends by coercing the gods according to a definite ritualistic contract that the gods had supposedly revealed and to which they had voluntarily agreed. If these occult formulas were accurately complied with, then the gods, according to the theory of magic, would hand over the desired results to the group. It was even believed by some primitive peoples that these wished-for results might be obtained, even without the participation of the gods, by virtue of the very potency of the magic rites themselves.

Worship, as distinguished from magic, is the ritualistic and ceremonial expression of man's attitude of awe, reverence, humility, and gratitude with respect to the supernatural world and its dominating powers. In both early and modern religious behavior, magic and worship have usually been extensively intertwined, rather than sharply differentiated. However, it is probably going too far to describe magic as the technique of primitive religion, as certain writers have done.

Some writers, especially the eminent French anthropologists Hubert and Mauss, have insisted that the chief difference between magic and worship is that magic is regarded as the bad, or socially disapproved, aspect of religious practices, while worship includes the socially proper manifestations.

Such a distinction can scarcely be maintained. Magic, by its very nature, had to be more occult, private, and technical than worship; but this does not mean that it was always socially tabooed. Certain pagan magical practices brought over into Christianity frequently had to be executed under cover, but these were very special cases. The notion, therefore, that magic is bad, or "black," is a late historical view, deeply colored by Christian prejudices against pagan magic, witchcraft, sorcery, and the like. This conception rarely prevailed in primitive society; there, magic was distinguished from worship primarily by its more practical and coercive character.

The Rise of Gods. The traditional notion represents man as made by God in His image. History, however, shows man making gods to conform to his own physical image, as well as to his mental imagery. As with religion in general, so with the deities in particular, early man accounted for the mysteries of earth by inventing a supernatural realm and its spirits. The gods were no more than glorified spirits. The whole supernaturalistic structure—the gods, their life and their doings—became simply a reflex of the real world—topographically, occupationally, technologically, and so forth. J. H. Dietrich summarizes the evolution of gods out of earlier animistic beliefs in this way:

> The recognition of the importance of some spirits over others, in connection with the gradual understanding of certain natural processes, led men to departmentalize and organize their deities, instead of ascribing a spirit to each and every object. Things are grouped together, and one god is thought to preside over a whole group. For example, they no longer think of a spirit in each tree,

but of a spirit presiding over all trees—the god of the forest; there is no longer a spirit in each stream but a god of streams; no longer a god of each sea, but a god of the seas. This stage of thought is best exemplified in the religion of the Greeks and the Romans.

By this time, man had developed a highly organized family and social life and this was carried over into the realm of the gods; so that the gods were related, and special functions and responsibilities assigned to each, and the importance of the god or goddess determined by the importance of the function. Man had also by now attained a much higher degree of culture and there came to be gods of the thought and emotional world, such as the goddess of wisdom and the goddess of love. Thus arose twelve major deities and the countless minor divinities of the pagan world, forming a well-organized pantheon of gods and goddesses.[1]

Man has shown a tendency to create gods to preside over all experiences of vital importance to the individual and the group. Consequently, the number and character of the gods devised by any people depend upon the emotional experiences of the members of that group. Some experiences are universal, such as fertility, hunger, and life and death. Therefore, we find certain universal deities that appear among the gods of every people. Many experiences, however, are peculiar to a people because of the differences in living conditions brought about by the specific divergencies in geographical environment. Thus there arise wide variations in the nature and functions of regional deities.

All we can say in the way of a sweeping generalization is that wherever, in early civilization, there was an emotional experience of great importance to the race, man had the raw material out of which a god might be—and usually was—created.

We may consider first those gods who owe their existence to experiences common to all men. One such body of experience grows out of the reproductive instinct. The sexual urge is responsible for a great number of deities in all pantheons. Household gods are numerous, and have their assigned functions. But reproduction is something which goes far beyond the perpetuation and increase of the human race. It involves all nature. Therefore, man created potent gods of fertility, of life and death, and rebirth. Noticing that the female seems to be the all-important factor in human reproduction, man frequently created female deities or goddesses to embody the generalized concept of fertility and reproduction. Because of the vital importance of the growth of vegetation and the increase of domestic animals, the fertility goddesses loomed large in the religion and mythology of early peoples. Such were Isthar (Astarte) of the Babylonians, Kubaba of the Hittites (later known as Cybele), Demeter of the Greeks, and Tellus of the Romans.

For each of the important crises in life, such as birth, puberty, marriage, sickness, and death, a god was usually provided for man's protection. There are also natural occurrences, such as seasonal changes and the passage of day into night and night into day, which all men observe.

---

[1] *How the Gods Were Made*, privately printed, 1926, p. 10; *cf.* Joseph McCabe, *How Man Made God*, Haldeman-Julius, 1931.

Accordingly, every pantheon has deities for seasons and for light and darkness. Further, strong drink and drugs produce strange and powerful reactions. Consequently, we find among the Greeks Dionysus, the vine god, and in India a god for Soma, a powerful liquor made from leaves of a mountain plant.

As a result of special geographic circumstances, gods of the mountains, plains, desert, forest, or the sea are given varying degrees of importance, according to the habitat of the different peoples. Each occupation and industry is usually presided over by a god. Hunters, shepherds, and agricultural peoples have always invented deities appropriate to their several occupations. Moreover, the shepherd especially depends on animal fertility, the farmer on weather, the fisherman on the sea. Gods are provided to look after each of these needs. There is also a tendency to deify animals—those upon which, for any reason, man depends, as well as those he especially fears.

The multiplicity of gods in early civilizations is difficult for us to understand today. Take, for instance, Roman household gods. First there was Vesta, the goddess of the hearth, the center of family worship. Next came the *di penates*, or gods of the family storeroom. Then there was the god of the paterfamilias, the procreative power which continued the family's existence—a sort of symbol of the germ plasm; the god of the door or threshold, called Janus; and finally, the *lar familiaris*, or the spirit of the boundaries of the family domain. Added to these, of course, was the great number of Roman public gods.

Man deifies man as well as nature. Most consciously he tends to give ancestors and the heroes of the past divine attributes, much as we glorify George Washington and the founders of our country. The political head of society was often deified in early civilization; so were military heroes.

Not only does man create gods and assign them certain functions, he even invests them with moral attributes. In this process, too, the facts are exactly the opposite of what is usually believed. It is generally assumed that God created and revealed our moral codes. The Decalogue was handed to Moses on Mount Sinai, right and wrong are decided upon in heaven, and so on. As a matter of fact, man has always projected his own moral beliefs on the gods. He has attributed to the gods the origin of the folkways that were gradually worked out by each social group in the course of its life experiences.

This is admirably illustrated by the Old Testament God, Yahweh, who first appeared as a crude supernatural power symbolized by upright stones—a phallic symbol. He then developed into a ruthless tribal divinity of desert nomads, bidding his followers savagely to destroy these enemies who worshiped gods other than Yahweh. Ultimately, Yahweh became a universal providence, directing the affairs of nature and man and controlling the course of history.

In preliterary times, the gods were the product of man's unrestrained imagination. As culture developed and man learned to write, his deities were given more precise and permanent attributes. We shall have occa-

sion to illustrate this trend as we describe the pantheons of historical peoples.

Fundamental Religious Concepts and Practices. First and foremost in primitive religious thought is the realm of things sacred, those things which are charged with the mystical *mana*, the vague but potent source of supernatural power. Usually, sacred things can be handled safely only by specialists in mystery, priests or medicine men (shamans). Nearly all individual, social, and industrial activities were under the spell of the supernatural, and so the shaman, or medicine man, was very powerful in primeval society.

Closely allied to the concept of sacredness are the notions of clean and unclean. In most cases, these terms have no relation to considerations of hygiene or aesthetics, but are connected with ideas of safety and danger. A "clean" thing is free of the supernatural or of danger therefrom. It is safe. Contact with it does not expose one to mysterious risks and possible disasters. The unclean is steeped in mystery. Evil forces play around it. Contamination with it may bring tragedy. Only proper religious rites, administered by "authorized" persons, may, at times, make the unclean become clean and safe.

Next we may look at the concept of sacrifice, a highly important rite, combining both magic and worship. The purposes of sacrifice are varied. It may be a way of offering thanks to the gods—one gives them a share of his crops, or cattle. At other times, sacrifice serves to bring gods and votaries together, thereby cementing the bond between them and renewing the covenant. Sacrifice may also be used to increase the volume of mana or spiritual grace in the community or to bring the social group into contact with its mysterious operations.

Sacrifice takes on varied forms. In "theophagy" a worshiper may eat the symbol of the god, or the god's representative, man or animal, thereby imbibing the mana residing in that which is consumed. On the whole, sacrifice usually expresses gratitude and loyalty to the gods, or it is indulged in for the sake of securing supernatural aid in times of stress.

Taboo is the fundamental primitive means of executing social control. It aims to make human life safe. The gods are supposed to indicate what types of conduct they approve, and what they disapprove. Disapproved acts are taboo—forbidden. If one never violates taboos, he is likely to remain in the favor of the gods, thus receiving and retaining spiritual grace. There may be taboos against marrying certain people, eating certain animals (consider the Jewish dietary laws), working on certain days (the Christian Sunday, for instance, or Jewish Sabbath), coming into contact with strangers (Jewish dislike of Gentiles), and so on. In a word, taboos are the "don'ts"—the red lights—of primitive society.

Fetishism pervades primitive religion. It is the worship of objects which are believed to harbor spirits and therefore bring good luck. In a few instances, however, fetishism does not involve the residence of a spirit in an object. In western Africa, for example, the magical power

relative to the Creation and the Deluge, originally came from Babylonian sources, while it was believed by the late James H. Breasted, and others, that the Messianic hope of the Jews originated in Egyptian social philosophy, whence the Jews borrowed it.

From the Persians came what was perhaps the most influential of all the elements that entered into Christianity—namely, the notion of the overwhelming importance of the life to come. The Persians were the first to provide elaborate and dogmatic answers to the eternal question: Why did the universe and man come into existence? They believed that God had created the universe as an arena where the principles of good and evil could engage in decisive combat, and where the triumph of good over evil might be overwhelmingly demonstrated. Those who had believed in the principle of good, represented by Ormuzd, the Persian God, would be rewarded by a life of immortal happiness in the world to come. Those who had been foolish enough to pin their hopes on the forces of evil, championed by Ahriman, the Persian devil, would be thrown into a lake of fire and brimstone.

The Persians were probably the first people to whom the future life was a matter of all-absorbing interest. There was little thought of future punishment in early Jewish theology. Sheol was regarded as a vague place of the dead, retribution having already taken place in this world. Not until the Jews were influenced by the Persians, as reflected in the apocryphal Book of Enoch, did they develop the idea of future torment. The Greeks and Romans believed in a sort of drab and indifferent afterlife in Hades, where men were neither sad nor glad, though certain specially hideous criminals might receive appropriate punishment.

The Persian eschatology made the next world a challenge to conduct in this world. Indifference to the future life was no longer possible, since the good would be forever blessed and the wicked eternally punished.

Christianity derived its idea of immortality from Persia partly through direct contact with competing Persian religions like Mithraism and Manichaeism, and partly from the Jews of pre-Christian days. These Jews had taken over the Persian beliefs, as is particularly evident in the Book of Enoch and other late Jewish literature.

The Persians, through Mithraism, contributed, in addition, the famous light-and-darkness symbolism, associating light with good, and darkness with evil. Incidentally, they supplied the particular date chosen for Christmas. The twenty-fifth day of December was the day of the great Mithraic feast celebrating the returning strength of their sun god after the winter solstice. From Mithraism also, rather than from the traditional Jewish Sabbath, was derived Sunday, with its taboo on work. Many Christian rites, such as the use of bells, candles, and the like, were imitated from Mithraic usage; whence likewise came the blood symbolism in baptism.

Into Christianity were also drafted elements of Manichaeism, a strange compound of Persian, Babylonian, and Buddhist religions, founded by

Manes of Ctesiphon (A.D. 215–272). It laid special stress on renunciation of the flesh, the vividness of heaven and hell, and the symbolism of light and darkness. Manichaeism, we may note, persisted down to late medieval times among the Cathari of Italy, the Albigenses of southern France, and certain Bulgarian sects, such as the Bogomiles. The philosopher Pierre Bayle (1647–1706) thought well of it in modern times.

The Greeks left innumerable impressions on Christianity. Scholarly Greeks converted to Christianity could not rest satisfied with the real Jesus, portrayed as an unlettered village workman, whose intimates and disciples were fishermen. They had to exalt him to high metaphysical rank, where he could rival the Platonic *logos*, the source of all truth. Hence Christian theology became essentially Greek metaphysics, restated and revalued in relation to the person and mission of Jesus. In Gnosticism, a logical but extreme development of this metaphysical interpretation, Jesus all but ceased to be a person and became an abstract philosophical principle, an illuminating and redeeming revelation of religious truth and prophecy. Most of the great heresies of the early church were little more than unofficial Hellenized views of Jesus' nature and mission.

The moral austerity of Christianity drew heavily upon the Stoic eulogy of moral earnestness. The Stoics also contributed their cosmopolitan outlook, and their attitude of mental resignation before the all-pervading will of God, as expressed in nature and the life experiences of man. Neoplatonism provided Christianity with its underlying mental atmosphere—the contention that an attitude of faith and credulity most befit a religious person and that they are the means of attaining contact with the Infinite. It thus stimulated Christian mysticism. Finally, when Aristotle was rediscovered by the Middle Ages and approved by the church, Hellenic logic laid the foundations for the mature body of Catholic doctrine—Scholasticism.

Christian ritual was borrowed in part from the Greek mysteries. The holiest of Christian rites, the Eucharist, was invented by Paul as an imitation of the sacred meal of the Eleusinian mysteries. Baptism and the brilliant Christian liturgy and ritual were drawn primarily from Hellenistic orientalism. Greek rhetoric furnished the models for Christian preaching, and the original name of a Christian church—*ecclesia*—was of Greek origin.

Rome brought to Christianity its genius for organization and administration. Roman law, adapted to religious cases, became the famous Canon Law of the medieval church. When the Christian church spread around the Mediterranean world it took over the system of administration used by the Roman emperors. It even adopted many of the administrative districts and titles. The title of bishop, for example, had been that of the leading civil officer of the Roman municipalities in the East—the ancient equivalent of a mayor.

The Romans also made important contributions to Christian ritual. Roman rites dealing with birth, puberty, marriage, and death—milestones

of life especially safeguarded in Roman religion—passed over into Christian baptism, confirmation, the sacramental wedding, and the ecclesiastical funeral. Roman notions of *religio*, embracing attitudes of awe, anxiety, and piety, and the conception of the sacred as something given over to God, also exerted a real influence on Christian doctrine.

Finally, when Christianity was accepted by the barbarians of northern Europe, the primitive beliefs, rites, and festivals of these backward peoples were carried over into their new religion and a fusion between the two resulted. The antique primitivism in Christianity, which had survived from the preliterary period, was thus merged with the currently primitive culture of the barbarian converts.

The foregoing does not exhaust the accretions to Christianity drawn from many sources. But it does show how the composite character of the new religion gave it a potential appeal to many areas, cultures, sects, and linguistic stocks. It was the most syncretic, and therefore the most attractive, of all the cults which competed for favor in the later Roman Empire.

At first, there was a tendency to regard Christianity as a religion for the Jews only. A special vision was required to convert Peter to the idea that Christianity should be spread over the whole pagan world. This attitude is mirrored in the Gospel according to Matthew and the conflict it engendered is shown in the Book of Acts. Paul proclaimed the universal purpose of Christianity once and forever, and it appears in the Acts, the Pauline Epistles, and the Gospel according to Luke, which was written under Pauline influence.

The Christians made the most of their missionary opportunities. One of the great advantages of conversion to Christianity in the early days was that it offered a chance to live one's daily life in a pagan society and, at the same time, claim communion in the kingdom of God and look forward to salvation in the world to come. The idea that all Christians in the first and second centuries lived like terror-stricken refugees is quite false. Only during periods of persecution were they driven underground —and then only in certain places.

No torture Rome could devise, and the Latins have been past masters in the art, could halt the flow of converts. By A.D. 300 there were so many Christians that persecution seemed pointless. Christianity had become an organized defiance of imperial law. In 311, the Emperor Galerius revoked the edict of persecution of 303 and introduced an era of tolerance. In 313, Constantine the Great issued the famous Edict of Milan, which legalized Christianity. In 325 he called the great Council Nicea, which adjusted for a time the doctrinal dispute between the Arians and the Athanasians by deciding in favor of the latter and settling the problem of the Trinity.

After Constantine's death, paganism was practically doomed. Christians were favored over pagans. By the time of the famous code of Theodosius II (438) Christianity had become a religious monopoly defended by the state. The worship of heathen gods was forbidden. The

Christians turned the tables on their enemies and soon more than evened the score through vigorous persecution of the pagans.

Far and away the most important medieval institution was the Catholic Church, which became thoroughly enmeshed in the feudal system. Some of the most powerful feudal lords were abbots, bishops, and archbishops. The Roman Catholic Church has been usually and quite rightly regarded as a spiritual agency designed to procure salvation. But assuring salvation for its millions of communicants necessitated an elaborate administrative and financial organization. At its height, there were over 500,000 clergy in the church:

> The Church was essentially an organized state, thoroughly centralized, with one supreme head and a complete gradation of officials; with a comprehensive system of law courts for trying cases, with penalties covering all crimes, and with prisons for punishing offenders. It demanded an allegiance from all its members somewhat like that existing today between subjects and a state. It developed one official language, the Latin, which was used to conduct its business everywhere. Thus all western Europe was one great religious association from which it was treason to revolt. Canon law punished such a crime with death, public opinion sanctioned it, and the secular arm executed the sentence.[2]

It is clear, then, that, in addition to its spiritual prestige and prerogatives, the Catholic church of the Middle Ages was a vast international state of greater territorial extent and financial resources than any secular power of the period. From parish to provinces, all united under the jurisdiction of the Holy See, it not only embraced much the larger part of Europe but also boasted colonies of converts in Africa and Asia.

The foregoing view of the medieval church helps us to understand the nature of the Protestant revolution. It was not simply an attempt to modify the doctrine of the Church. It was far more truly a political and economic secession from the great international ecclesiastical state, motivated principally by the desire to be free from its financial exactions.

Protestantism and Rationalism. It is commonly supposed by both devout Protestants and Catholics that the Protestant Reformation brought into existence a type of Christianity profoundly different from Roman Catholicism. We may appropriately investigate this conviction, first briefly looking into the actual changes introduced.[3]

In the first place, the Protestants stamped out what they regarded as the leading aspects of ecclesiastical corruption. They suppressed completely the sale of indulgences. They strove for a simpler and more direct form of worship. They particularly attacked those phases of Catholic worship and ritual which were based on the doctrine of salvation by good works. They abolished the veneration of relics, the adoration of images, and the practice of making pilgrimages to holy places. They profoundly modified the central Catholic doctrine of transubstantiation

---

[2] A. C. Flick, *The Rise of the Medieval Church*, Putnam, 1909, pp. 603–604.

[3] For a sympathetic interpretation, see Burris Jenkins, *The World's Debt to Protestantism*, Stratford, 1930.

in the sacrament of the Mass by denying the miraculous transformation of the bread and wine into the actual body and blood of Jesus. The Lutherans, however, accepted "consubstantiation" or the "corporeal presence." The Bible, rather than the dogmas of the Church fathers and Catholic theologians, became the guide of the Protestant Christian in his religious devotions. The Protestants denied the necessity of a mediating priesthood to bring the believer into contact with God. The Protestants contended that a Christian could secure God's attention directly through personal worship and prayer. Thus, they put special emphasis on the importance of the individual conscience in matters religious.

The degree to which Protestantism differed, even in matters religious, from the parent Catholic church greatly depended upon the particular Protestant sect. With the early Lutherans and Angelicans the divergence from Catholicism in worship was relatively slight—in spite of doctrinal differences. On the other hand, the more radical religious groups, such as the Anabaptists and the later evangelical sects, almost completely abandoned the old Catholic rites and practices.

Nevertheless, as the able German church historian Ernst Troeltsch has made very clear, the fundamental religious differences between the Catholics and even the radical Protestants were not extensive. This fact was commonly overlooked in the fierce partisanship which characterized the controversies between Catholics and Protestants. Both Catholics and orthodox Protestants fully accepted the whole Christian Epic, as outlined in the Old and New Testaments. The Bible was the central sacred book of their religion. Catholics and Protestants alike were primarily concerned with making a proper adjustment to the supernatural world and with securing the salvation of the individual soul in the world to come. The medieval doctrines of heaven and hell were adopted with no marked change by all Protestants. To Luther in particular, the devil and his hosts became more real and fearful beings. Evangelical divines of the eighteenth and nineteenth centuries tended to lay far more stress upon the horrors of hell and the dangers of damnation than Catholic theologians of pre-Reformation days. Moreover, the Protestants were just as alert and severe as Catholics in their denunciation of sceptics and freethinkers. It is no exaggeration to say that, upon at least 95 per cent of all matters of strictly religious import, Catholics and Protestants were in agreement. They were also about equally antagonistic to the inroads of theological liberalism and secular scepticism.

Protestants have taken great pride in having discarded many allegedly idolatrous Catholic practices. But they weakened the emotional power of their churches by depriving them of the most potent appeal of the Catholic church: its visual and auricular imagery. The rich emotion-bearing ritual and liturgy of the Catholic church were far better calculated to attract and hold a mass of faithful believers than the metaphysical dogmatism of Calvin or the vocal emotionalism of other Protestant cults. This is even more apparent today than it was in the

sixteenth century. The intellectual classes, to whom the Calvinistic metaphysics and doctrinal sermons appealed, have now generally discarded all types of orthodoxy and found other forms of intellectual interest. In its non-religious aspects, Protestantism was notable for the impetus it gave to nationalism, capitalism, and the spirit of business enterprise.

During the seventeenth and eighteenth centuries, certain intellectual leaders in Europe and America brought into being a somewhat different attitude toward religion than had prevailed in either the Protestant or the Catholic camp. The philosopher John Locke (1632–1704) insisted that religion should be a matter of reason rather than emotion and blind faith. But he remained loyal to Protestant Christianity. More advanced were the so-called Deists, a group of religious liberals, extending in their influence from Lord Herbert of Cherbury (1583–1645) to Thomas Paine and Thomas Jefferson, who lived nearly two centuries later. Other important writers in this group were Anthony Collins, Thomas Woolston, and Matthew Tindal. The Christians had believed in the uniqueness and arbitrariness of their religion, but the Deists held that the true religion must be universal and reasonable. The Deists were greatly influenced by the new natural science and tended to identify nature with God and such natural laws as that of gravitation with divine laws. Essentially, the Deistic religious beliefs were the following: (1) God exists; (2) it is desirable to worship God; (3) the chief end of worship is to promote better living; (4) this implies and requires repentance of sins; and (5) there is a future life, in which man will be dealt with according to his conduct here on earth. It will thus be apparent that the Deists were devout believers in God, the divinity of Jesus, and the future life. But they rejected both Catholic and Protestant Christianity, which they regarded as a departure from the true teachings of Jesus.

Some philosophers of this period, such as the Frenchman Pierre Bayle, and the Englishman David Hume, went further than the Deists and raised serious doubts as to the validity of religion, the existence of God, and the future life. But they did not dogmatically deny God's existence. They roughly resembled the Agnostics of our day. Some other thinkers, such as Baron d'Holbach, went the whole way to overt atheism and frankly denied the existence of God. It was at this time also that Hobbes, Spinoza, Simon, Astruc, and others began the criticism of the Bible, which was ultimately to give us an accurate historical notion of the origin and nature of this work. These developments are interesting mainly as a phase of the history of human thought. The great mass of the people remained steadfast in the orthodox Catholic or Protestant faith.

In the century following 1750, there was a reaction against the liberal religious views we have just described briefly. Romanticism, led by Herder, Fichte, Schelling, Schleiermacher and others, represented a philosophical onslaught against rationalism. It laid great stress on man's emotional life and on the all-important nature of deep religious feeling

and vivid personal religious experience. The Christian Evidences movement, dating from William Paley and others in the latter part of the eighteenth century, assaulted Deism and scepticism and appealed to nature, as God's handiwork, to vindicate the existence and creative activity of a personal God. The Oxford movement in England was designed to revive spirituality in the Angelican church. By the middle of the nineteenth century the religious temper of Europe was far more devout than it had been in the days of Voltaire.

At the same time, the foundations were being laid for a new revolt against orthodox religion more serious and comprehensive than any which had ever taken place in the previous history of man. This was founded upon the new natural science, including the doctrine of evolution, sceptical philosophy, biblical scholarship, anthropology, and cultural history. Some alert writers have compared the present period with the first centuries of the Roman Empire, which was an age of dissolution of ancient faiths and the development of new forms of religious doctrines. This comparison does not seem to hold in any comprehensive fashion, since the present era presents a challenge to religion far more sweeping and serious than anything which transpired in the classical age. The religious situation which arose in the Mediterranean world at the close of the Roman republic represented merely a challenge to some of the existing religions and attested the decay of certain older faiths. That revolution was not in any sense whatever a challenge to supernatural religion itself, for the dying religions were replaced by others as pregnant with superstition and supernaturalism as were the religions of ancient Greece or of early agricultural Rome. Even bitter critics of religion, such as Lucretius, believed firmly in the existence of gods, but held that the latter had no interest in mankind.

Today, the situation is far different. We are now in possession of a body of knowledge and a resulting set of intellectual and social attitudes which offer a challenge not merely to orthodox Catholicism and Fundamentalist Protestantism but to supernatural religions of any sort whatsoever. There has never been a religious crisis of this kind before, and any attempt to make precise comparisons with the past are here bound to be misleading and distorting. Even the extreme classical assailants of pagan religions, like Lucretius, had no such basis for the critical attitude as have the contemporary sceptics. The bitter attack of Lucretius upon supernatural religion was based mainly upon assumptions and intuitions as incapable of proof at the time as were the most extreme pietistic views of his age.

Contemporary science, especially astrophysics, renders the whole set of assumptions underlying the anthropomorphic and geocentric supernaturalism of the past archaic and unsupportable. Our scientific and historical knowledge has undermined the holy books of all peoples. The development of biblical criticism has discredited the dogma of the direct revelation and unique nature of the Hebrew Bible. Textual scholarship has been equally devastating to the sacred scriptures which form the

literary basis of the other world religions. Most devastating of all has been the removal by psychology of all mystery from religious experience.

It avails one nothing to deny these things, for they are literally undeniable. We must face the implied intellectual revolution honestly and see what is to be done about it. Nor does it suffice to get angry at a writer who brings forward these truths, so unpleasant to many of a pious turn of mind. No individual writer is to blame for these changes. If one becomes indignant over the intellectual progress of the last century he must logically direct his anger comprehensively against the combined results of the researches of the natural scientists, cultural historians, textual critics, and social scientists of the era.

Outstanding Religious Groups in the Twentieth Century

We have briefly surveyed the origins and development of religious thought and attitudes to the opening of the twentieth century. We may now take a brief inventory of the prevailing types of religious attitudes. The marked divergencies in the beliefs of the major religious groups of our day are explained by the wide differences in the degree to which members of the community have entered into the intellectual currents of modern times. Some have been profoundly influenced by science and critical philosophy, while others have remained essentially oblivious to them. Others fall between these two extremes.

In western Christendom today we find essentially the following groupings: the completely orthodox, the Devout Modernists, and the Advanced Modernists. The completely orthodox believe in a personal God, accept the Bible as the literal word of God, proclaim the complete divinity of Jesus, and believe in the personal immortality of the human soul. This group is still numerous, particularly among the agricultural groups and among the lower middle class in urban populations, who accept without question the whole Christian Epic: the biblical God, the theory of a special creation about six thousand years ago, the deluge, the theory of the chosen race, the Messianic hope, the vicarious sacrifice and messiahship of Jesus, the divinity of Jesus, a literal future life, and the reality of heaven and hell. These ideas are shared by orthodox Catholics and Protestants alike. They have modified but slightly the general complex of religious faith held by St. Paul, Augustine, or Luther.

Among the Protestants in the United States, a large group of these orthodox believers founded a movement which is known as Fundamentalism. There was an inevitable tendency for teachings of an unsettling character finally to seep down to the masses. Alarmed, the latter organized to repel scepticism and unbelief. Consequently, during and following the first World War, ultra-orthodox organizations began to spring up—the Christian Fundamentals League, the League of Evangelical Students, various Bible institutes, and many anti-scientific societies. But

the most comprehensive organization was the World's Christian Fundamentals Association, founded in 1918 by the Rev. William B. Riley of Minneapolis, the leader of American Fundamentalism. The aggressive clerical leaders of American Fundamentalism have been Riley, Curtis L. Laws, J. C. Massee, R. A. Torrey, John Roach Straton, Mark A. Matthews, J. Gresham Machen, and J. Frank Norris.

The Fundamentalist platform embodies the following five "minimum basic doctrines": "(1) the inerrancy and infallibility of the Bible; (2) the virgin birth and the complete deity of Christ Jesus; (3) the resurrection of the same body of Jesus which was three days buried; (4) the substitutionary atonement of Jesus for the sins of the world; (5) the second coming of Jesus in bodily form, according to the Scriptures." Mr. Riley insisted upon adding to the above a firm belief in a literal heaven and hell. He was joined by Mr. Straton.

The Fundamentalists organized a number of anti-scientific societies and warred against those scientific teachings which seemed to threaten orthodoxy. They succeeded in placing anti-evolution laws on the statute books of three American states and narrowly missed success in a number of others. The most dramatic episode in the history of American Fundamentalism was the Scopes trial in Tennessee in the summer of 1925, in which William Jennings Bryan joined in a legal duel with the great agnostic, Clarence Darrow. Tennessee had passed a law forbidding the teaching of evolution in the schools. The Fundamentalists arrested a young high school teacher named J. T. Scopes on the charge of teaching evolution. His trial attracted great interest. Mr. Bryan, who led the prosecution, died of excessive heat and overeating during the closing days of the trial, and American Fundamentalism lost its most powerful and colorful champion. During the trial Bryan expounded the fundamentalist conviction that it is not what science proves to be the truth, but rather what the majority of the people want to believe which should dominate in a democracy. The fundamentalist attitude toward modern science is illustrated by the following pronouncement of Edward Y. Clarke, former Imperial Wizard of the Ku Klux Klan, and one of the leaders in the battle against evolution: "In another two years, from Maine to California and from the Great Lakes to the Gulf, there will be lighted in this country countless bonfires, devouring these damnable and detestable books on evolution."

The Fundamentalists and other orthodox groups have one undoubted source of strength which cannot be claimed by the more liberal Christians. This is the clarity and logic of their position, once we grant their assumptions. This consideration has been ably stated by John Herman Randall:

> Orthodoxy has, moreover, an intellectual power that liberalism has so far lacked. In the face of uncertainty and confusion, the muddled thinking and mingling of contradictory ideas, that so abound in modernist circles, its theological tenets stand out with clarity and precision. In accepting them there is no vague hoping to eat one's cake and still have it. The orthodox know just where they

stand. Particularly is this true of the refined and elaborate thought of Catholic philosophy. The Church has never countenanced what it calls fideism, reliance on sentiment and emotion alone. It has recognized that a great body of men can be united only by a faith that is clear-cut and objective. It has always stood for rationalism, and today its rationalistic philosophy has a great appeal for those disheartened by the irritationalism and voluntarism of modern thought. To be sure, it has always dictated the authoritative premises; but that in itself has much to recommend it over mere personal prejudice and bias.

So markedly does the clarity of orthodoxy contrast with the confusion and more or less unconscious hypocrisy of liberalism, that more radical minds who have broken with traditional religion completely are apt to respect the orthodox believer more highly than the muddled modernist. They do not speak his language; but they can understand what he means, and appreciate the power of the experience he expresses. Nothing is more difficult for the outsider to sympathize with, than the attempt to combine two loyalties; nothing harder to understand than the man who remains within the church without believing, who recites the creed with mental denial.[4]

The Devout Modernists represent a group within Christendom which has made an effort to come to terms with science and scholarship, especially the science and scholarship of the nineteenth century. They at least formally accept the doctrine of evolution and the conclusions of historical and textual criticism with respect to the nature of the Bible, which they frankly admit is a work written by man. But they regard the Bible as a unique work on religion. Most of them believe firmly in God, interpreted in a paternal pattern, and regard Jesus as a unique and divinely inspired religious leader. They still maintain a respectful attitude toward the immortality of the soul, though many of them no longer believe in a literal heaven and hell. They tend to regard the experience of religious conversion as a proof of the divine character of religion and as something close to the miraculous. They have been drawn almost entirely from the ranks of the Protestants, all devout Catholics still adhering resolutely to the tenets of orthodoxy.

The most complete and authoritative revelation of the nature of the beliefs of the devout modernist element in American Christianity is contained in the very important work of George Herbert Betts, *The Beliefs of Seven Hundred Ministers*.[5] A systematic questionnaire was submitted to 500 liberal ministers and 200 students in theological seminaries. Of the 500 ministers, 100 per cent believed that God exists; 98 per cent believed that the relation of God to man is best expressed by the word "Father"; 95 per cent believed that God is a being with personal attributes, complete and perfect in all moral qualities; 71 per cent believed that Jesus was born of a virgin without a human father; 82 per cent believed that while on earth Jesus possessed and used his powers to restore the dead to life. Some 84 per cent believed that after Jesus was dead and buried he actually rose from the dead, leaving the tomb empty; 92

[4] J. H. Randall, *Religion and the Modern World*, Henry Holt, 1929, p. 145.
[5] Abington Press, 1929.

per cent believed that there is a continuance of life after death; 62 per cent believed in the literal resurrection of the body; 61 per cent believed that a considerable part of the human race will suffer eternal punishment because of their rejection of Christ; 66 per cent believed that Jesus will come again to judge all mankind, both living and dead; 60 per cent believed that death and suffering were brought into the world by the disobedience of Adam and Eve and that man was originally in a state of complete moral perfection, which he lost by his disobedience and fall; 64 per cent believed that prayer has the power to change conditions in nature, such as drought; 83 per cent believed that prayer for others directly affects their lives whether or not they know that such prayer is being offered; 94 per cent believed that God now acts upon or operates in human lives through the agency and person of the Holy Spirit; 47 per cent believed that the creation of the world occurred in the manner and time recorded in Genesis; 57 per cent believed that heaven exists as an actual place or location. These answers clearly show that, when they are pinned down to specific points, most of the devout modernist ministers stick pretty close to orthodox notions of Christian essentials and prove that essential orthodoxy is by no means "a man of straw" in the United States, as is so frequently asserted by liberal ministers when orthodox beliefs are being challenged or attacked.

The replies received from the theological students revealed a considerably greater departure from orthodoxy. For example, whereas 60 per cent of the ministers declared for the belief in the Devil as an actual person, only 9 per cent of the theological students took this view. Whereas 56 per cent of the ministers held that, in biblical times, God exhibited himself to persons in a manner which no longer occurs, only 13 per cent of the theological students accepted such a statement. Whereas 55 per cent of the ministers held that the Bible was written by men chosen and supernaturally endowed by God for that purpose and by Him given the exact message they were to write, only 8 per cent of the theological students concurred in this position. Whereas 38 per cent of the ministers held that the Bible is wholly free from legend or myth, only 4 per cent of the theological students shared this viewpoint. Whereas over 50 per cent of the ministers believed that heaven and hell exist as actual locations, only 11 per cent of the theological students so believed. Whereas 62 per cent of the ministers believed in the resurrection of the body, only 18 per cent of the theological students retained this belief. Whereas 53 per cent of the ministers believed that all men, being sons of Adam, are born with natures wholly perverse, sinful, and depraved, only 13 per cent of the theological students supported this attitude. Whereas 46 per cent of the ministers held that in order to be a Christian it is necessary and essential to believe in the virgin birth of Jesus, only 3 per cent of the theological students gave their assent to this viewpoint.

However, in regard to 11 crucial items out of the 56 in the question-

naire, more than three quarters of both the ministers and theological students definitely concurred. We print below these 11 items, with the percentage of those who gave an affirmative to the propositions advanced:

1. There is a supreme being; God exists. (100%)
3. God is omnipotent. (80%)
4. God's relation to man is that of Father. (98%)
8. God controls the universe through his personal presence and power. (82%)
13. God is a being with personal attributes, complete and perfect in all moral qualities. (90%)
27. Jesus while on earth was subject to temptation as are other men. (97%)
28. Jesus met his problems and difficulties using only those powers and resources available to all men. (76%)
29. Jesus lived a life on earth without sin. (87%)
39. Life continues after death. (95%)
48. Forgiveness of sin is essential to a right relationship with God. (96%)
52. God operates on human lives through the agency and person of the Holy Spirit. (91%)

The Advanced Modernists represent a thorough departure from orthodox beliefs. The more conservative members of this group, while completely rejecting the notion of any divine inspiration of the Bible and the divinity of Jesus, still retain a shadowy loyalty to Christianity and a formal belief in the existence of God. Such are the radical wing among the Congregationalists and the more conservative Unitarians and Universalists.

Any formal connection with Christianity was repudiated by the Ethical Culture Society founded in 1876 by Felix Adler. The organization did, however, maintain a respectful attitude toward theism and the teachings of Jesus. In the vanguard of the Advanced Modernists we find the group who call themselves Humanists, because they base their doctrines upon the service of man rather than the worship of God. Most of their adherents have come from Unitarian and Universalist circles. They take an agnostic position, neither denying nor affirming the existence of God. They accept without question even the most disconcerting revelations of science and scholarship. They view the Bible as surely one of the great historic works on religion, but one having no greater claim to divine authorship than the Koran. They not only reject the divinity of Jesus but accord him no special uniqueness as a human religious teacher. They have built up a religion solely around man himself, with the aim of utilizing religion as a means of promoting human well-being here and now. They frankly reject the idea of personal immortality and any hope or fear of the future life. The leaders of this movement have been John H. Dietrich, A. Eustace Haydon, Charles Francis Potter, Curtis W. Reese, A. C. Dieffenbach, John Haynes Holmes, E. B. Backus, T. C. Abell, Edwin H. Wilson, and A. W. Slaten. The Humanist position has been supported by able philosophers, such as John Dewey, James H. Tufts, J. H. Leuba, Roy W. Sellers, O. L. Reiser, Max C. Otto, John Herman Randall, Durant Drake, and Corliss Lamont. Dr. Charles Francis Potter has pro-

vided us with a ten-point contrast between the views of orthodox Christianity and those espoused by Humanism:

CHRISTIANITY	HUMANISM
God created the world and man.	The world and man evolved.
Hell is a place of eternal torment for the wicked.	Suffering is the natural result of breaking the laws of right living.
Heaven is the place where good people go when they die.	Doing right brings its own satisfaction.
The chief end of man is to glorify God.	The chief end of man is to improve himself, both as an individual and as a race.
Religion has to do with the supernatural.	Religion has to do with the natural. The so-called supernatural is only the not-yet-understood natural.
Man is inherently evil and a worm of the dust.	Man is inherently good and has infinite possibilities.
Man should submit to the will of God.	Man should not submit to injustice or suffering without protest and should endeavor to remove its causes.
Salvation comes from outside of man.	Improvement comes from within. No man or god can save another man.
The ideas of sin, salvation, redemption, prayer, and worship are important.	These ideas are unimportant in religion.
The truth is to be found in one religion only.	There are truths in all religions and outside of religion.

The most extreme deviation from orthodox Christianity is to be found among the Atheists. They vehemently deny the existence of God and take a hostile attitude toward all forms of supernatural religion. They are not, however, necessarily opposed to the effort of the Humanists to create a social religion devoted to improving the welfare of man here on earth. The leaders of American Atheism have been Joseph Lewis and his Free Thinkers Society, and Charles B. Smith and his American Associated for the Advancement of Atheism. The Atheists have few actual and enthusiastic followers. The many who have become sceptical of all the tenets of orthodoxy are usually completely indifferent to religion. They seldom become affiliated with any organizations attacking religion. They take little interest in either pro-religious or anti-religious activities and organizations.

There have been certain special religious developments in the United States in the last century or so, such as the Mormon church, the Salvation Army, Christian Science, the New Oxford Movement, and the like. The first three of these groups mentioned above are essentially orthodox in their religious concepts, the Salvation Army sharing the views of other Christian Fundamentalists. The New Oxford Movement, which has de-

veloped mainly since the World War under the leadership of the Rev. Frank N. D. Buchman, represents a sort of neo-romanticism, laying stress upon the emotions and the highly personal element in religion and making an adroit use of the erotic element in religious conversion and religious association. The social tendencies of the movement are conservative, if not reactionary.

Approximately one half of all Americans above the age of 13 are not affiliated with any form of religious organization.

The Conflict of Religion with Modern Science

Much has been written about the conflict between religion and science. Andrew D. White wrote a very popular and thoughtful work dealing comprehensively with the history of this important subject.[6] There can be no intelligent discussion of the relation of religion to science unless we differentiate between the attitudes of the various religious groups discussed. A complete conflict exists between fundamentalist religion and modern science, and no conflict whatever between the latter and Humanism.

It is obvious that many doctrines of Fundamentalism and other forms of Christian orthodoxy are contradictory to the teachings of natural and social science. The orthodox dogmas with respect to the certainty and personal nature of God, the geocentric theory of the universe, the doctrine of a special and recent creation of the universe and everything therein, the notion that human life exists primarily to secure forgiveness from sin and a blessed immortality, the certainty of a literal and personal immortality, and the assurance of a specific heaven and hell are all incompatible with the rudiments of modern science. It is true that orthodoxy does not forbid activity in certain fields of science, such as geography, comparative anatomy, botany, and nature study, but it does vigorously oppose those forms of scientific activity which in any way threaten the integrity of the Christian epic. For the most part, the orthodox are entirely ignorant of the more unsettling aspects of contemporary science, such as astro-physics, relativity, and psychiatry. Hence they have not actively opposed these developments. They have centered their attack chiefly upon Biblical scholarship and the doctrine of evolution. Even these are very incompletely understood by the orthodox.

The tenets of the Devout Modernists indicate that even this group is fundamentally aligned with beliefs which are incompatible with scientific discoveries. The more enlightened of the Devout Modernists have made their peace with certain general phases of nineteenth-century science, but they have failed to come to grips with the even more unsettling scientific revelations of the twentieth. For example, they accept the general theory of evolution, but they have not digested the implications of contemporary astro-physics. A book like Harlow Shapley's *Flights from Chaos* offers

---

[6] *A History of the Warfare of Science with Theology in Christendom*, 2 vols., Appleton-Century, 1896.

a more sweeping challenge to Christianity than did Darwin's *Origin of Species*. Other phases of modern science of which the Devout Modernists have not taken proper account are the new quantum physics and relativity, the naturalistic explanation of human conduct provided by scientific psychology, the wholly secular explanation of religious conversion provided by modern psychiatry, and the sociological interpretation of the origin and nature of social institutions, moral codes, and human conduct. In any showdown, the Devout Modernists tend to line up with the Fundamentalists and orthodox against the Advanced Modernists. As recently as 1929, a very liberal and intelligent Devout Modernist, President Henry Slone Coffin of Union Theological Seminary, called upon all the faithful to rally and smite Humanism as "the scourge of Christendom." The comprehensive conflict between Devout Modernism and the attitudes and revelations of twentieth-century science have been well stated by John Herman Randall:

> In the light of the present situation, we can see that the 19th century philosophies and liberal theologies made no real adjustment to the spirit of science. They were rebelling, with the idealistic thinkers of the Romantic era, against the narrowness and dogmatism of Newtonian science; they naturally sought further truth in another realm by another method. Even when they welcomed evolution, they never saw the real implications of its insistence on man's biological setting in a natural environment; they made of it another Romantic faith, with no comprehension of what it ultimately meant. They never really absorbed the spirit of science.
>
> This whole intellectual attitude and apparatus of liberal religious thinking, still dominant, with few exceptions, in modernist circles, is irrelevant today. It is irrelevant intellectually, because contemporary philosophical thinking has passed beyond idealism, has passed beyond creative evolution, has passed beyond the will to believe. Thinkers today are no longer escaping from Newtonian science; they have transformed the harsh mechanism of the 19th century into a scientific world that has a place for all the levels of human experience, and concepts for dealing with them intellectually. Philosophers are today exploring the implications of man's biological experience, of the new physics, of the new sciences of man. The present generation has seen new philosophies that base themselves frankly on an acceptance of the scientific spirit and method, supersede the older idealism and evolutionary faiths. For the most part, liberal religious leaders are still offering to men whose intellectual techniques have thus changed, a religious attitude and a philosophical interpretation of the religious life a hundred years out of date.
>
> This attitude is still suspicious of science. It endeavors to limit its scope, to set bounds to the realm where its methods will apply. There must be truths beyond science, approaches to reality that will discover, not only values and meanings, but facts and descriptions, where scientific verification is impotent. Liberals have pared away their faith in a supernatural governance of the world until less and less is left; like the young woman who produced a baby with no apparent father, they apologize that it is after all a very little baby. They are still afraid to accept the modern scientific philosophies that frankly acknowledge the implications of biology, psychology, anthropology, and physics, that above all welcome the tentative and investigating spirit of scientific thinking. Philosophers have worked out a naturalistic interpretation of experience that gives full scope to all the verifiable needs of the moral and spiritual life. Religious leaders are still ignorant of what has been accomplished, or are afraid to follow.
>
> Moreover, the moral optimism of religious liberalism, its individualism, its reliance on the divinity of man and nature, is a weak weapon with which to face

the ethical demands of modern society. It insists on the comfortable reality of God and Heaven, but it shrinks from the harder facts of the Devil and Hell. It is apt to assume complacently that all is right with the world, and to gloss over the disagreeable call to make it better. It lends itself far more easily to the smug middle-class worship of prosperity than to the vital religious impulses at the basis of our humanitarian and social faiths. . .

Judged, therefore, in the light of present intellectual and social needs, it can hardly be said that the mediating compromise of liberal religion in recent times has been as successful as the great historic reconstructions of the past. Most modernist leaders are still thinking in terms that are irrelevant to the serious thought of today; they are merely acquiescing in the passing social and moral ideals of the day, with little attempt at illuminating criticism. It is apparent to the sympathetic observer that such religious thought and life is still serving well those who have in their own lives broken from rigid orthodoxy. But it is equally apparent that present-day modernism must undergo great transformations before it can hope to satisfy the religious needs of our civilization.[7]

Many friends of conventional religion have taken heart of late because certain eminent scientists have assumed the rôle of liberal theologians. Among the best known have been the English mathematician, Alfred N. Whitehead, the able English astro-physicist, Arthur S. Eddington, the eminent British biologist, the late J. Arthur Thomson, the brilliant American physicists, Robert A. Millikan and the late Michael I. Pupin, the prominent zoölogist, the late Henry Fairfield Osborn, and the Harvard geologist, Kirtley F. Mather. These men, and many others of their kind, have valiantly proclaimed that there is no conflict between science and religion. A particularly confident expression of this point of view was set forth by the late Professor M. I. Pupin:

Science is making us better Christians.

Science teaches us that the Universe is guided by an intelligent Divinity.

Science is teaching men how to coöperate intelligently with God; it is teaching men what his laws are and how to obey them.

Science is proving that the human soul is the greatest thing in the Universe; the supreme purpose of the Creator.

Science is leading us closer and closer to God

Science has made us better homes and is teaching us how to make a better democracy and a better social life; it is thus preparing us for the greatest spiritual, artistic and intellectual life that men have ever known

Science does not contradict belief in the immortality of the human soul.

Science is revealing God in greater and greater glory, and teaches us that in time we may possibly even see Him face to face . . .

President Nicholas Murray Butler, of Columbia University, is reported to have said recently that, while talking with Dr. Pupin, he felt that he was witnessing the curtain being lifted upon a new and brighter world· "I believe he would make you feel the same way, and I should like to convey that feeling to you through his own words."[8]

It is usually assumed that these scientists speak with as much authority upon religion as they do upon science. But James Harvey Robinson has suggested that their views on religion are nothing more than a hangover

---

[7] Randall, *op. cit.*, pp. 124–126.

[8] Cited by A. E. Wiggam, *Exploring Your Mind with the Psychologists*, Bobbs Merrill, 1930, pp. 385–386.

of their youthful impressions, which they share with William Jennings Bryan and Billy Sunday:

Bryan exhibited through his life no more knowledge of religious matters than he could have easily acquired at ten years of age. Sermons of the commoner sort contain only what both preacher and audience accepted before they were grown up. Religion does not tend to mature in most cases. It is what we learned at our mother's knee. In later life we are preoccupied with business and amusement, and there is no time to keep up with the course of religious investigation, even if we had the slightest disposition to do so. Billy Sunday talks as a big husky boy to other boys and girls. Even distinguished scientific men solemnly discuss the relation of religion to science, when, if they but stopped to think, they would find that they were assuming that they know all about religion, without having given it much thought since childhood; although they would readily admit that after a lifetime's work they knew very little about science.[9]

The essential innocence of these apologetic scientists with respect to the bearing of scientific discoveries upon religion has been forcefully stated by John Herman Randall, Jr.:

It is true that many physicists have recently blossomed forth as liberal theologians. Aware that modern physics has abandoned doctrines that were once hostile to religious claims, they imagine that there is no further conflict between religion and science. But they are abysmally ignorant of all that anthropology and psychology have discovered about the nature of religion itself. They are ignorant of the serious philosophies that have built upon such data. They do not realize that the present conflict of religious faith with science is no longer with a scientific explanation of the world, but with a scientific explanation of religion. The really revolutionary effect of the scientific faith on religion today is not its new view of the universe, but its new view of religion. Reinterpretations of religious belief have been unimportant compared with reinterpretations of religion itself. For those who share them, it has become impossible to view religion as a divine revelation entrusted to man. It has even become impossible to see it as a relation between man and a cosmic deity. Religion has rather appeared a human enterprise, an organization of human life, an experience, a social bond and an aspiration.[10]

Moreover, when one of these scientific reconcilers gives thoughtful attention to religion, it is usually found that he does not have in mind orthodoxy but some abstruse form of philosophical contemplation. A. N. Whitehead has frequently been held up as one of the eminent scientists who support contemporary religion. But we actually find that few Atheists have been more severe in their judgment of orthodoxy than has Professor Whitehead. This will appear from his characterization of the religions of the past, including historical Christianity:

History, down to the present day, is a melancholy record of the horrors which can attend religion: human sacrifice, and in particular the slaughter of children, cannibalism, sensual orgies, abject superstition, hatred as between races, the maintenance of degrading customs, hysteria, bigotry, can all be laid at its charge. Religion is the last refuge of human savagery.[11]

---

[9] *The Human Comedy*, Harper, 1937, pp. 318–319.
[10] J. H. Randall, Jr., in *Current History*, June, 1929, p. 360.
[11] *Religion in the Making*, Macmillan, 1926.

The fundamental incompatibility between all forms of conventional religion and the methods and attitudes of natural science has been effectively stated by Clifford Kirkpatrick:

It should be noted that it is rather the method and philosophy of science than science itself which is incompatible with religion, although the facts of science certainly contradict the belief phase of most religions, especially the Hebrew-Babylonian account of creation and cosmology. Science rests upon certain practical and useful philosophical assumptions and as a rule develops through the efforts of men using certain methods and entertaining certain attitudes. These assumptions, methods, and attitudes are so closely associated with the conceptual system of science itself that the whole sociologically, if not logically, constitutes a single culture pattern. Let us examine some of the contrasts between religion and this culture pattern formed by the union of naturalistic philosophy, the scientific method, and the body of science

(1) Science is nourished by the active use of the scientific method involving observation, experimentation, induction, deduction, and verification. Religion rests upon passive faith.

(2) Science is based upon the principle of induction which is the assumption that a repetition of events implies a further repetition of these events. Furthermore, in spite of the scepticism of Hume and his follower, Pearson, scientists usually assume an external reality organized in an orderly manner. In brief, science is associated with a philosophy of determinism, the assumption that there are no uncaused phenomena, that given a certain set of conditions a certain result must inevitably follow. Religion, on the other hand, commonly if not invariably implies the existence of powers which interfere by miracle and revelation with the laws of the universe.

(3) Science recognizes no personal powers in the universe responsive to the prayers and needs of men. Belief in mysterious powers which constitutes, according to our definition, the conceptual aspect of religion is usually an animistic belief in personal powers. Science in effect denies the existence of spiritual beings which religion affirms.

(4) Science is critical and agnostic while religion is credulous. The scientist accepts nothing save proven existential facts of fruitful hypotheses, while for the conventionally religious person faith is a virtue and doubt a vice.

(5) Science is based upon disciplined thought which demands exact definitions and precise terms as well as a logical manipulation of concepts. Religion makes use of vague symbolism and of terms which are suffused with emotion and serve as a means of communicating feeling rather than an intellectual currency.

(6) Science deals only with observations, that is to say, existential facts and their relationships rather than with judgments or values. Religion, on the other hand, in common with philosophy, deals with values. Dean Inge would deny this point, claiming that the attributes of ultimate reality are values and that even science is based on such values as coherence, uniformity and commensurability. As has been previously pointed out, culture patterns such as that of religion merge into one another and yet there is a difference of no small degree between science and religion in this respect.

(7) Science represses rationalization, wishful thinking and the various forms of bias, while religion gives expression to such attitudes and modes of thought.

(8) The thought content of science is dynamic, ever changing in the direction of new harmonies. Religious belief tends to harden into dogma and to remain static even in the face of changing conditions.

(9) In its emotional aspects likewise, the naturalistic-scientific culture pattern stands contrasted to that of religion. With scientific achievement there comes an expansion of the ego, a sense of triumph at having wrested from nature some of her cherished secrets. It is true that Newton pictured himself as a child picking up the brighter pebbles along the shores of the vast ocean of truth, and

scientists of a mystical turn of mind have entered into humble communion with nature. Nevertheless, in religion there tends to be a greater contraction of the ego and reverence passes readily to awe, self-abasement, a feeling of loss of personality and of absolute dependence. One might venture a guess that scientists tend to the extrovert, and the religiously-minded to the introvert type, but this is mere speculation with vague terms.

(10) The scientist while aware of the wondrous in the universe is inclined to deny the existence of mystery and seeks to remove it in so far as possible by research. Religion on the other hand is bathed in mystery which it often cherishes for its own sake.

(11) In regard to overt behavior as well as thought and feeling, science stands in contrast to religion. The scientist moving calmly among the instruments of his laboratory hardly reminds one of a participant in a Saturnalian orgy or even of the priest presiding over the miracle of transubstantiation. Ritual, on the other hand, deals with objects and processes steeped in emotional value. Even if the ritual be lifeless and devoid of its original emotional appeal it still stands contrasted to scientific procedure in that it is stereotyped and formal, while experimental methods are ever changing in response to the new problems on the frontier of knowledge.

If it be objected that these contrasts do not mean incompatibility, since science and religion have coëxisted and scientists have been religious, it is necessary to define the term incompatibility more closely. Within the individual personality two patterns of thought, feeling and overt behavior are incompatible when there is mental conflict and reciprocal modification of the systems under conditions in which the patterns are not dissociated or compartmentalized one from another. If the biologist who is an evolutionist, a mechanist and a thoroughgoing determinist in his laboratory is, while in church, a believer in special creation, the Virgin Birth, miracles and bodily resurrection of the dead, it is only because two aspects of his personality are separated. If brought into contact in the course of discussion or during preparation of a statement of his views, a reorganization would be necessary.[12]

There is little possibility for conflict between Advanced Modernism and science, particularly between Humanism and science, because Humanists frankly base their religion upon the findings of contemporary science, especially those phases of science which deal most directly with man. Occasionally, an Advanced Modernist exhibits a certain yearning for the doctrine of free will, but, in general, this group has brought its thought thoroughly into keeping with scientific attitudes and discoveries. However, the Advanced Modernists are numerically only the merest drop in the bucket when compared with the more than 54 millions listed as religious believers and church communicants in the United States. There are, for example, only a little over 60,000 Unitarians in the country. There are about 55,000 Universalists, so that it is probable that there are not more than 150,000 church-going Advanced Modernists in the country as a whole, to make a very liberal estimate.

Therefore, it is apparent that there is a marked conflict between science and the religious beliefs of the overwhelming majority of religious communicants in the United States today. Except in the case of the militant Fundamentalists and certain of the more aggressive of the Catholic group,

---

[12] Reprinted by permission from *Religion in Human Affairs*, by C. Kirkpatrick, published by John Wiley & Sons, Inc., 1929, pp. 469–472.

however, this conflict between religion and science does not normally take the form of vigorous practical opposition to scientific activities. Scientists are rarely openly persecuted for their beliefs today. Herein lies the great difference between our age and the previous millennium or more. However, the scholars who attempt to popularize modern scientific notions or to show their implications for religion and ethics are in danger of dismissal from many institutions of learning and of exclusion from many others. The promulgation of scientific views in the public schools is still highly precarious when they touch upon human and social problems. Exposition of the implications of the biological, psychological, and social sciences is far more hazardous than the teaching of the physical sciences. The latter are almost immune from religious interference in the United States today.

A common rationalization by the timid and evasive among both religionists and scientists is the assertion that there is no real conflict between science and religion; whatever conflict there is lies between science and theology. This is akin to saying that while there is no conflict between religion and medicine, there may be a conflict between religion and surgery. As we have made clear earlier in this chapter, one cannot separate religion from theology. Theology is the conceptual or intellectual side of religion, that which formulates the ideas underlying and rationalizing religious practices. It is obvious that science, as a body of intellectual concepts, is most likely to contact, and come into conflict with religion through the field of theology. Any conflict between science and theology is necessarily a conflict between science and religion.

The Humanizing of Religion

One of the most commendable religious developments in recent times has been the growing concern of religion with the well-being of man here on earth. As we have noted, the Humanists are solely interested in this phase of religious activity. But those groups primarily concerned with the soul of man and his destiny in the future life are also showing an increasing interest in the improvement of human conditions here on earth. An epoch-making event in the history of Catholic policy came in 1891 when Pope Leo XIII issued his famous encyclical, *Rerum Novarum*, expressing solicitude for the welfare of labor. The Catholic Social Welfare Council, led by Father John A. Ryan, has taken an active part in supporting progressive social legislation in the United States. Certain Catholic leaders have, however, placed religious strategy ahead of human welfare as is evidenced by the opposition of powerful members of the Catholic hierarchy to the pending child labor amendment. Indeed, even Father Ryan has made it clear that when the dogmas of the Church conflict with social reform movements as, for instance, with birth-control, the former take precedence.

Among the Protestants, the Methodist denomination has, of late, shown a special concern with the relief of poverty and such changes in the economic order as are necessary to increase the income of the masses and to

lessen unemployment. Bishop Francis J. McConnell has been an outstanding leader in this movement. He was the chief bulwark standing behind the famous *Report on the Steel Strike of 1919*, made by the Interchurch World Movement. But the power of reactionary economic forces over American religion was made evident through the fact that, after this report was made, the Inter-church World Movement was broken up.

A number of leaders in social reform have concluded that organized Christianity is fundamentally opposed to social change and social betterment. Hence they propose to appeal over the head of organized Christianity to what they believe to be the revolutionary teachings of Jesus. The leaders of this group are such men as Kirby Page, Sherwood Eddy, Harry Ward, Jerome Davis, Charles Ellwood, S. Ralph Harlow and David D. Vaughan. The most aggressive figure in this movement is Sherwood Eddy, who thus summarizes his program:

> Believing in Jesus' way of life and in his all-inclusive principle of love as the full sharing of life, I therefore determine to apply this principle in all the relationships of life:
>
> (1) To live simply and sacrificially, avoiding waste and luxury. To make the purpose of my life the making of men rather than the making of money. Not to grow rich in a poor world by laying up treasures for myself but to share all with my fellow men. To apply the golden rule in all my relationships.
>
> (2) To practice brotherhood toward all. To remember that every human being is a person of infinite worth, deserving the fullest opportunity for self-development. To participate in no secret order or fraternity if it tends to exclusiveness, prejudice or strife. To seek justice for every man without distinction of caste or color.
>
> (3) To make peace where there is strife; to seek to outlaw war, "the world's chief collective sin," as piracy and slavery have already been outlawed, substituting a positive program of international justice and good will.
>
> (4) To redeem the social order; to test its evils by the principle of love and fearlessly to challenge them as Jesus challenged the money-changers in the temple. To endeavor to replace them by the constructive building of a new social order, the Kingdom of God on earth. If a student, to apply this purpose immediately to the problems of our campus; to seek education as training for service rather than the mere enjoyment of privilege, the attainment of grades or the achievement of cheap "success"; to tolerate no dishonest practices in classroom, athletics or college elections; to maintain no relationships with my fellows, men or women, which violate absolute purity or debase the divine value of personality. Since I realize my inability to achieve this way of life unaided:
>
> (5) To seek a new discovery of God which will release within my life new springs of power such as men in the past have experienced when they rediscovered the religion of Jesus.

A still more liberal view of religion heartily approves such a program of social betterment, but criticizes its sponsors for insisting that it must be inspired by the teachings of Jesus. This point was made very effectively by Paul Blanshard, in commenting upon the attitude of Harry F. Ward:

> What I object to in his treatment is the constant dragging in of "the ethic of Jesus." Is it necessary for a professor in a theological seminary to pretend that a sound economic morality must come from Jesus? Anyone who reads the Gospels with an impartial eye will discover that Jesus's teaching concerning eco-

nomic values was confused, fragmentary, and quite inapplicable to a world of tickers, billionaires, and communists. What Mr. Ward really means by the "ethic of Jesus" is the ethic of Harry F. Ward, and I don't see why he should be so modest about saying so.[13]

The Humanists go the whole way in humanizing religion and declare it unnecessary to appeal to Jesus to justify a program of social reform, designed to improve the earthly well-being of man. They believe in the supreme worth of man, and hold that better social conditions are justified by the beneficent effect upon man himself. This attitude of Humanism has been summarized by John H. Dietrich:

1. Humanism believes in the supreme worth of human life, and that man therefore must be treated as an end, not as a means to some other end. Man is the highest product of the creative process which comes within our knowledge, and therefore Humanism recognizes nothing which commands a higher allegiance. . . .
2. Humanism is the effort to understand human experience by means of human inquiry. This stands in direct contrast to the method of the older religions, which is known as revelation. . . .
3. Humanism is the effort to enrich human experience to the utmost capacity of man and of his environment; that is, the primary concern of Humanism is human development. It has no blind faith in the perfectibility of man, but it believes that his present condition can be immeasurably improved. . . .
4. Humanism accepts the responsibility for the conditions of human life and relies entirely upon human effort for their improvement. The Humanist makes no attempt to shove the responsibility for the present miserable conditions of human life onto some God or some cosmic order. He fully realizes that the situation is in our own hands, and that practically all the evils of the world have been brought upon men by themselves. . . .
5. He frankly assumes the responsibility for the way in which our social life is regulated, and knows that if such flagrant and horrible miscarriages of justice as we have recently witnessed are to be avoided, man himself must create the machinery.[14]

The Humanists courageously advocate specific measures which they believe are essential to the creation of a civilized social order. As good a statement of these as any is set forth by Charles Francis Potter:

1. The cultivation of international and inter-racial amity.
2. The legalizing of birth control.
3. The improvement and extension of education.
4. The raising of cultural standards.
5. The correlation of cultural agencies.
6. The defense of freedom of speech.
7. The encouragement of art, music, drama, the dance, and all other means of self-expression.
8. The elevation of the ethical standards of moving pictures.
9. The promotion of public health.
10. The checking of standardization in cases where it injures the individual.
11. The improvement of methods of dealing with criminals.
12. The improvement of means of communication.
13. The abolition of religious subsidies.
14. The improvement of industrial conditions.
15. The extension of social insurance.

---

[13] *The Nation*, July 10, 1929.
[14] "The Advance of Humanism," Sermon, privately printed, October, 1927.

16. The establishment of full sex equality.
17. The extension of child welfare measures.
18. The purification of politics.
19. The abolition of special privilege.
20. The conservation of natural resources for the people.
21. The substitution of temperance for prohibition.[15]

Religion has never been primarily interested in the welfare of man. It has relied almost exclusively upon supernatural power, and, since the rise of Christianity, it has been chiefly concerned with the future life. Humanism repudiates the slightest thought of supernatural assistance and is entirely concerned with bettering human conditions here and now. It is, however, a real question whether so rational a religion, divorced from the supernatural, can sufficiently grip the imagination of man to gain many followers.

Some students of religion believe that, if we ever have any popular secular religions in the future, they will take the form of Fascism and Communism, which are organized for mass emotional appeal. Fascism and Communism have shown many similarities to the older religions Communism has its Trinity—with Marx, the Father; Lenin, the Son; and Stalin, the Holy Ghost—its sacred places, its saints and especially sanctified groups or classes, and a dogmatic (Marxian) philosophy of history comparable to the Christian Epic. The Nazis have deified Hitler, made saints of the men killed in the party's struggle for power, and revived the ancient Aryan mythology, in conjunction with their secular program and propaganda.

The Rôle of Religion and the Church in Modern Life

It follows, as a matter of course, that the great changes brought about in the intellectual status of orthodox religion and Devout Modernism by science and critical thought make it desirable to reëxamine the place of religion and the function of the church in contemporary society.

In the first place, it is evident that the clergyman can no longer pretend to be a competent expert in the way of discovering the nature, will, and operations of any possible cosmic God. The theologian, at best, can be only a competent second- or third-hand interpreter of the facts and implications about the cosmos and its laws gathered by specialists in science and philosophy. In the old days, when it was thought that God might be reached and understood through prayer, sacrifice, or revelation, the clergyman or theologian was indeed the "man of God" who could make clear the will of the Deity to believers. But now, when God must be sought in terms of the findings of the test-tube, the compound microscope, the interferometer, the radium tube, and Einstein's equations, the average clergyman is hopelessly out of place in the search. Therefore,

---

[15] *Humanism, a New Religion*, Simon and Schuster, 1930, pp. 124–125.

the intelligent and educated theologians must surrender their age-long pretension to special, if not unique, competence in clearing up the problem of the nature of God and His laws. They can, at best, be little more than ringside spectators of the observatory and the laboratory.

We may concede the contention that theology is a very important phase of religion, but we can scarcely admit that there is today any function for the independent and sovereign theologian. The presentation of "orderly and systematic ideas about religion" must now be looked upon as the province of the social scientist and social philosopher.

Next to the revelation of the nature of God and His ways, the most honored function of the minister has been to unravel God's will with respect to human conduct. He then could indicate the absolute principles which should guide personal morality, in order that the soul of the individual might be assured of an ultimate refuge in the New Jerusalem. This was a perfectly rational and logical function for religion when it was commonly assumed: (1) that the purpose of moral conduct is to insure the salvation of the soul, and (2) that the supreme and complete guide to moral living is to be discovered in Holy Scriptures.

There seems to be no ground whatever for the orthodox views of a bodily or spiritual immortality and the imminence of a literal heaven and hell. Hence the basic objective of right living can no longer be regarded as the assurance of spiritual salvation. On the contrary, the scientists' discoveries have shown that the fundamental purpose of the good life is to secure the maximum amount of happiness for the greatest possible number here upon this earth.

Extensive research has shown the Bible to be not a series of divine revelations but a historical record of an evolving culture. It is plain, therefore, that accurate guidance to the good life in our complex society cannot be sought in the Scriptures or provided by specialists in Holy Writ. The moral code of the future must be supplied by the specialists in mundane happiness, namely, biologists, physiologists, psychiatrists, educators, social scientists, and the students and practitioners of esthetics.

Some who frankly admit the incompetence of the clergyman and the theologian in the way of providing original and conclusive guidance to the best conduct for a happy life on earth contend, nevertheless, that religion can exercise a very valuable service in interpreting and popularizing the findings of scientific specialists. This may be true, to a certain extent, but many qualifications would have to be noted. Many phases of guidance to complete human happiness would necessarily be a highly technical and individual matter, to be handled by medical and other experts in relation to individual cases and problems, and would scarcely be adapted to comprehensive general interpretation or exhortation.

A case can be made for the service which may be rendered by religion in inculcating an interest in, and respect for, such broad and scarcely debatable moral conceptions as justice, honesty, pacifism, coöperation, kindliness, and beauty. Kirsopp Lake has stated the case for the desirability of having religion relinquish interest in sumptuary moral control

and assume responsibility for the advancement of more profound and general moral principles:

> One man may find much comfort in tobacco, while another may injure himself by smoking: one may err by playing too much, and another by never playing at all. I doubt whether the men of tomorrow will try to interfere with each other on these points, knowing that the thing which matters is ability to do good work, and that one man can do his best work in one way, another otherwise. Many of the things Puritans condemn are strictly indifferent. The religion of tomorrow will recognize this, it will give good advice to individuals, but not lay down general rules for universal observance.
>
> On the other hand, it may have a sterner standard in business, industry and finance. It may insist more loudly that honesty applies to the spirit of business, not merely to its letter. It may even demand that men must be as trustworthy in advertisements, business announcements and journalistic reporting as they are in private affairs. For these are the questions of morals which are the issues of life and death for the future. They are not covered by the teaching of Jesus or of historic Christianity, for neither ever discussed problems which did not exist in their time. Some of the principles which have been laid down by them will play a part in the solution of these problems but probably others will also be needed, certainly the actual solutions will contain new elements, and the religion of tomorrow will have to look for them.[16]

However, it can scarcely be expected that the custodians of the modern order, who provide the chief pecuniary support for our religious institutions and organizations, will contribute with enthusiasm to a movement designed to cut at the root of many business principles and practices which they hold indispensable for the creation of wealth and power. Before religion could achieve much, it would be necessary to carry on a very positive program of education in the principles of social ethics, broadly conceived. Thus far, however, few clergymen so motivated have been able to maintain their ecclesiastical position long enough to make much headway. So far as the writer is aware, there has been no organized effort to draft the services of such men as Sherwood Eddy, Norman Thomas, Kirby Page, Bouck White, Jerome Davis, Ralph Harlow, Harry Ward, or David D. Vaughan and to induct them into the pastorates of great metropolitan churches.

The supervision of religion over recreation, which has, in the past, been exercised chiefly in making arbitrary decisions as to what are immoral and what are moral forms of recreation, and in closely scrutinizing and controlling the activities of individuals in these fields, must now be challenged. The orthodox religious criteria as to moral and immoral forms of recreation were not based upon physiological, psychological, or social grounds, but upon theological considerations which have little or no validity in the light of modern knowledge. Religion, having no direct competence in the matter of determining the nature of moral and immoral conduct in the light of modern secularism, obviously cannot apply its decisions in this field to the realm of recreation. Recreation, like morality, with which it has been so closely associated in the past, is a field for

---

[16] *The Religion of Yesterday and Tomorrow*, Houghton Mifflin, 1925, p. 173.

the secular expert and must be handed over to biologists, medical experts, psychologists, social scientists and esthetes. Religion, at most, could scarcely go further than to proclaim the general desirability of healthy and adequate exercise and the exhibition of a proper spirit of good sportsmanship.

Another function of religion in the past which has received much support relates to its esthetic services. It is held that the ritual, pageantry, and liturgy of the church provide a relatively economical and highly valuable esthetic service to the community. This is, of course, an argument which can be far better justified from the Catholic standpoint than from the Protestant, as the Protestant churches have given up most of the splendor of the Catholic service. This argument boils down to the allegation that the church is in a position to "put on a better show" for the price than any comparable secular organization. While there was much to be said in support of this view in regard to the services of the church in earlier periods, this function may be, and indeed is, achieved more adequately by various secular enterprises, such as the opera, the theatre, the movies, the art museums, various types of public pageantry, and community art activities. Further, many contend that the attitude of fear, awe, and solemnity generated by religious ritual and pageantry produces a fundamentally unhealthy state of mind which, to a large degree, offsets the esthetic service contributed thereby.

An interesting interpretation of the function of religion has been set forth by John Cowper Powys. He believes that religion enables the sceptic to attain a poetic contemplation of the great illusions of humanity. This certainly constitutes a noble and dignified statement of the case for religion, and there are doubtless many who find that religion, thus conceived, gives life a deeper and richer content. Yet one can scarcely imagine that this view of religion will give satisfaction to any large number of individuals. Not one person in a thousand who approach religion from a sentimental viewpoint can attain Mr. Powys' scepticism. On the other hand, few who are as sceptical as Mr. Powys are capable of a sentimental attitude toward religion. Further, if one believes that religion should be the dynamic basis of effective social reform, Mr. Powys' negativistic conception of religion is completely unadapted to fulfilling this function.

It would seem definitely established that the conventional functions of traditional religion have nearly evaporated in the light of contemporary knowledge and intellectual attitudes. The theologian is no longer needed to chart out and control the supernatural world and supernatural powers, inasmuch as the existence of such entities can scarcely be established. Further, the theologian cannot by himself locate, describe, or interpret the new cosmic God believed to be implied in the discoveries of modern science. Neither can the theologian supply detailed moral guidance in indicating how man must live to achieve maximum happiness here on earth. Nor can the church support its ancient pretensions to guiding and controlling recreation or in supplying popular pageantry. This raises the

important question as to what religion can legitimately engage upon, in harmony with the tenets of an open-minded and contemporaneous secular attitude.

The most reasonable field for the operation of religion in contemporary society seems to lie in providing for the mass organization of the group sentiment of mankind in support of the larger principles of kindliness, sympathy, right, justice, honesty, decency and beauty. Just what constitute the essentials of right, justice, and so on, would have to be determined by the appropriate scientific and esthetic experts. These experts, however, have little potency or opportunity in arousing ardent popular support for their findings. Religion has, thus far, been the most powerful agency in stirring and directing the collective will of mankind. Therefore, we may probably contend with safety that the function of a liberalized religion, divested of its archaic supernaturalism, would be to serve as the public propaganda adjunct of social science and esthetics. The social sciences and esthetics would supply specific guidance as to what ought to be done; religion would produce the emotional motive power essential to the translation of abstract theory into practical action. There would, however, be ever present the problem of restraining this educational propaganda to keep it in thorough conformity with the recommendations of science and art. The function of religion, then, would be to organize the mass mind and group activities in such a fashion as to benefit secular society and not to please God as he has been understood and expounded in the orthodox religions of the past.

To the author the problem is whether religion can successfully carry out the foregoing social service. The issue is primarily one of whether an organization hitherto almost exclusively devoted to the understanding, control, and exploitation of the supernatural world can be completely transformed into an institution devoted entirely to the task of increasing the secular happiness of mankind here on earth. Such a transformation would imply a complete revolution in the premises and activities of religion. The question is, fundamentally, whether religion organized on a large scale can exist without a sense of mystery and a fear of the unknown. The thrill of the mysterious has been the core of all organized religions in the past. We have nothing to give us any convincing assurance that religion can persist without this dominating element of mystery and fear. Confucianism is often listed as an exception to this rule, but Confucianism is really a sublime ethical philosophy, not an emotional mass religion.

Certain writers contend that there will always remain a certain fringe of mystery in the way of unsolved problems, as well as the general mystery inherent in the riddle of the universe. Yet, as Professor Shotwell has well indicated in his *Religious Revolution of Today*, the mysteries of modern science are quite different in their premises, manifestations, and psychic effects from the conventional religious mystery, based upon an emotional reaction to a hypothetical supernatural world. The reaction to the mysteries of science does not promote that group-forming tendency which Lester F. Ward, Hankins, Durkheim, and others have shown to be

so characteristic an effect of supernatural religion. Abstruse scientific perplexities and the riddle of the universe may promote complex forms of cerebral effort, but they are not likely to evoke a sentimental thrill or to generate a crusading passion in human assemblages.

Indeed, some leading social scientists contend that the divergence between the old supernaturalism and the new secular program is so great that no real common ground can be found. Hence they argue that we should not contaminate the new secular type of ethical enterprise by calling it religion. This is certainly a consideration entitled to receive serious thought. The chief defense for the application of the term religion to the secular program is that it will soften the shock of the transition if we preserve the older terminology. Whether or not this justifies the retention of the term religion for a conception different from its usual connotation, the writer will not assume to say. Another argument for preserving the religious terminology is that we should thereby be able to make use of existing ecclesiastical organization and equipment. However, existing religious institutions may be so attached to outworn conceptions and practices as to make them more of a liability than an asset to religious reconstruction. Those who have surrendered traditional notions of religion and yet are unwilling to admit that religion must become the inspirational basis of social ethics generally display confused thinking. They tend to flounder hopelessly in search of a hypothetical area for religious activity, intermediate between adjustment to the supernatural world and the betterment of human society. Such confusion has particularly been the bane of the more radical wing of the Devout Modernists. The recent writings of Reinhold Niebuhr are probably the most conspicuous example of this confusion and logical contradiction in Devout Modernist theology.

Many believe that religion, of whatever variety, is bound to pass away and that its place will be taken by various secular cults organized about some particular social and economic program; in short, that religion will be supplanted by devotion to the ideals of capitalism (through Rotary, Kiwanis, and other Service Clubs), Fascism, Communism, Socialism, Anarchism, and so on. These secular programs may have the power to enlist that group-forming tendency and to invoke those group loyalties which Hankins, Ward, Durkheim, and others look upon as the essential core of religion. Many of the Russians, for example, seem to have found as much satisfaction in devotion to the Bolshevist principles as they formerly did in subservience to the dogmas of the Greek Catholic church. We can only say, in this regard, that time alone will tell whether socio-economic dogmas and cults will usurp the position formerly occupied by religion.

In his extremely interesting work on *Religion Coming of Age*, Roy W. Sellars adopts a thoroughly secular and critical point of view, which will commend his book to all emancipated intellects. He concludes, however, that we must stand with the existing churches and attempt to achieve religious reconstruction, moral reform, and social progress through these

present-day ecclesiastical organizations and institutions. Though he does not attempt to defend the existing creeds and sectarian divisions of the Christian Church, his theory raises the very interesting question as to whether a truly contemporaneously-minded person can stand by the churches even if he desires to do so. We may admit the potential value of exploiting the existing resources in the way of ecclesiastical equipment and running machinery, but it is a moot question as to whether we can win over such resources to the cause and service of the new rational religion. Adjustments of this sort, at any rate, call for a degree of compromise that is usually destructive to intellectual integrity and the consistent maintenance of a thoroughly up-to-date attitude. Some of our greatest Modernist preachers are compelled to stultify their theology and repress their innate liberalism, in order to make a working success of their church and pastoral duties.

In the former agrarian age, the church was the center of community life and of much social recreation. It could rely not only upon the fear of the unknown but also upon man's craving for sociability. The rise of urban life has substituted other forms of social outlet for those the church formerly supplied. As a result, instead of being indispensable to the social life of man, the church has become today very largely an irksome distraction from his other social obligations and recreational interests. This matter has been handled very intelligently and lucidly in Walter Lippmann's notable book, *A Preface to Morals*.[17] There is little doubt that the automobile and radio have, in various ways, been more effective in undermining the old religious morality than all the preachings and writings of sceptics and Modernists. The disintegrating influence of these new secular interests is especially deadly and effective because of its indirect nature. John Herman Randall, Jr., in *Current History* has given us an illuminating summary of the effect of these new secular interests upon the old religion:

> Yet industrialism and city life have been far more subversive than all the scientific theories put together. We are all too familiar with theological difficulties. We are apt to overlook the real religious revolution of the past forty years, the crowding of religion into a minor place by the host of secular faiths and interests. For every man alienated from the Church by scientific ideas, there are dozens dissatisfied with its social attitudes, and hundreds who, with no intellectual doubts, have found their lives fully occupied with the other interests and diversions of the machine age. What does it matter that earnest men have found a way to combine older beliefs with the spirit of science, if those beliefs have ceased to express anything vital in men's experience, if the older religious faith is irrelevant to all they really care for? A truly intelligent Fundamentalist, indeed, would leave biology alone as of little influence. He would instead try to abolish the automobiles and movies and Sunday papers and golf links that are emptying our churches. Even when the Church embraces the new interests, it seems to be playing a losing game. There is little of specifically religious significance in the manifold activities of the modern institutional church; a dance for the building fund is less of a religious experience than a festival in honor of the patron saint. And any minister knows that his "social activities" spring less from real

[17] Macmillan, 1929.

need than from the fervent desire to attract and hold members. The church itself has been secularized. Its very members continue a half-hearted support, from motives of traditional attachment, of personal loyalty to the minister, of social prestige, because they do not want to live in a churchless community.[18]

Unquestionably, another important cause of the lessening of the prestige and influence of the church is to be discerned in the decline of the intellectual caliber of the clergy. There was a time in America when the clergy constituted the real intellectual aristocracy of the country. Today, no such claim can be advanced for the contemporary American clergy, as a group, though the church does continue to bring some powerful intellects into her service.

The church must further face the rivalry of new techniques for the dissemination of religious and ethical doctrines. The pulpit once possessed something like a monopoly of the discussion of religious and other moral and public issues. Today, we have an extensive development of the public lecture forum, university extension courses, and institutions for adult education, to say nothing of the press, which, as a strong social factor, is primarily a product of the last half century. Many believe that if religion is to be secularized and devoted to the cause of social betterment, the lecture platform and the public forum are better suited than the church as a medium for disseminating ethical doctrines. Then there are not a few progressive experts in religious education who contend that, if the public schools were properly conducted, they would perform the function of character education, for the instruction in which we have hitherto formally relied primarily upon the church.

The publicity given to religion and the churches by radio services is partly offset by the fact that many people who feel the need of religious guidance may stay in their homes and listen to the radio instead of attending, and contributing to, the local places of worship. Formerly, a man of religious inclinations was dependent upon the local parson. However intolerable the homiletic exercises of this local man of God, there was no feasible escape. Today, the same person may turn on his radio and listen to one of the ablest and most distinguished preachers in the country. Further, the radio offers him greater economies of time and effort. He may sit down comfortably in an easy chair, light his pipe, and turn on the radio only at the moment when the preacher begins his discourse. The appeal of the radio is, of course, rendered the more effective today since, as we have seen above, there is no significant social incentive to church attendance as there was in the days of the old rural neighborhood.

The radio services are likely to have the most serious effect upon the attendance and financial support of the Protestant churches. The Protestant cults have tended to concentrate worship primarily in the preaching service, which is peculiarly well-adapted to broadcasting. On the other hand, the elaborate ritual and liturgy of the Catholic church can scarcely be reproduced with full effect over the radio. But television may solve even this problem.

---

[18] *Loc. cit.*, June, 1929.

Even friendly observers are impressed with the degree to which the church devotes itself primarily to the perpetuation of its organization and the preservation of its status rather than to the improvement of human well-being and the spiritual uplift of its communicants. A representative exposition of this point of view was contained in an article by Rollo Walter Brown on "An Observer Warns the Church" in *Harper's*.[19]

In the first place, Professor Brown contends that the church is closely geared to the economic interests of its parishioners. He says that he has found through long experience and careful checking that he can predict the nature of the sermons which will be preached in any given church by the length of the wheel-base of the automobiles parked in front of it:

> A long-wheel-base church still means much preaching about "the manifold blessings of life," the rewards of honest thrift, the beauty of Christian fellowship —only nice people are there—the glory of giving something out of our abundance, the sanctity of the faith of our saintly fathers and mothers, and much reading of inspirational poetry.
>
> A middle-wheel-base church means strong words for tolerance, plenty of admonitions that we must not be too hurtful with our convictions, reminders that compromise is the law of the practical world, and informing lecture-sermons on non-controversial subjects.
>
> And a short-wheel-base church means indignation, demands for a shifting of the burden of life, many examples of the sins of the greedy, and the reading of forgotten radical quotations from Abraham Lincoln or some other known champion of the people.
>
> To believe that any one of these wheel-bases expresses the way of life of Jesus would be difficult enough But how could anybody, by any possible stretch of the imagination, believe they all do? Somewhere along the way the church has experienced a disintegration of all singleness of purpose.[20]

Attention is also called to the pomp and ceremony. "Just what would Jesus think of the spectacle of a military memorial mass in the Harvard football stadium, with photographs flashed over the country that look like nothing so much as a Hitler review, and with reports dramatically telling how the quiet of the Sunday morning air was rent by the roar of cannon announcing consecration?"

While Jesus himself was a reformer, Professor Brown contends that the church is not only opposed to reform but attempts to wipe out reformers, as the vested interests attempted to wipe out Jesus in his day:

> If a newspaper editor who writes on Spain sees some good in the People's Front, then the thing to do is to have representatives of the church see if he cannot quietly be removed to a position where he cannot be heard. Or if a college president in all honesty comes out for social changes that would possibly affect the pocketbooks of men in the denomination that supports the college, then the trustees hire somebody to pray over the matter for them, and for some reason—any reason but the real one—decide that the president has special abilities better suited to a less influential post. That saves all the trouble of having the facts examined.

---

[19] October, 1937
[20] Brown, *loc. cit.*

Professor Brown maintains that the church is even afraid of its own liberal spokesmen, that it is afraid of the masses, the very type to which Jesus ministered, and is afraid of youth, and the spirit of youth. He warns it to wake up and preach a vital message before it is too late:

> There may yet be time. But if the church uses up its energy in the business of making itself solid, if it occupies itself with wars of one kind or another, if nobody rises up to give the philosophy of Jesus a fair chance in the church and through its representatives, the church may well face a more tragic eclipse than any that it has imagined for itself at the hands of external enemies.

In spite of the serious and diversified effects of contemporary life upon religion and the churches, the American churches were able to keep up with the social procession, so far as formal membership and the value of church property were concerned, down to 1926. Except for the Roman Catholic Church, the figures for the 1936 religious census indicated a decline in the fortunes of the church. Membership grew slightly, but almost wholly among the Catholics and not anywhere near in proportion to the increase of population. The value of church property declined and there was an alarming falling off in church expenditures and in the number of churches.

In 1936, there were 199,302 churches and synagogues in the country, as against 232,154 in 1926. The total membership of all churches was 55,807,366, as compared with 54,807,366 in 1926. In 1926, the membership listed as being of age 13 and over was approximately 37 millions or about 55 per cent of the total population of that age. The proportion of church membership in this age group was somewhat lower in 1936 than in 1906, 1916, and 1926. Far and away the largest single group in the church membership population were the Catholics, who numbered 19,914,937, as compared with 18,600,000 in 1926. The total value of church property in 1936 was $3,411,875,000, as against $3,839,500,000 in 1926. Church expenditures in 1936 were $518,953,000, a marked drop from the figure of $817,214,000 in 1926. That the hold of the church upon youth may be slipping is suggested by the fact that Sunday School membership has fallen off when compared with the growth of population. The Protestants still far outnumber the Catholics, but the latter are holding their ground better. As Boyd Barrett has pointed out in his important book, *Rome Stoops to Conquer*,[21] the Catholic church is today concentrating upon the United States as its great hope for future expansion.

Though the clergymen are losing their relative prestige in American intellectual life, they are better trained than at any time in the past. Yet, in 1926, only 5 out of 8 ministers in white denominations claimed to be graduates of either a college or a seminary. Only one out of 4 Negro ministers was thus educated.

Perhaps the most notable recent developments in the history of the church are those associated with social activity and philanthropy. Socio-

---

[21] Messner, 1935.

religious organizations, such as the Y.M.C.A. (2,493,756 members), the Y.M.H.A. (450,000 members), and the Knights of Columbus (409,393 members), have grown markedly in membership, in financial resources, and in expenditures since 1900. The churches are spending more money than ever before in maintaining schools, orphanages, hospitals, and other forms of charitable enterprise.

The Protestants have recognized the weaknesses growing out of disunity and a number of movements have been established to promote mergers of various sects. The Interchurch World Movement sought to unite Protestants in various forms of coöperative endeavor, but the controversy over the steel strike of 1919 and other types of friction led to its collapse in 1920. In rural communities, economic pressure has forced the abandonment of many churches and the creation of federated and community churches—a healthy development. We have already mentioned the rise of the radio and its relation to the local attendance and support of churches.

The strongest organization of the Protestant groups in this country today is the Federal Council of the Churches of Christ in America, founded in 1908, with a formal membership of 24 million. It has not eliminated sectarianism but it has been able to bring about some unified activity in behalf of peace and social justice. While the Catholic church can probably depend upon its organization and discipline to maintain its prestige for some time to come, the power and influence of the Protestant churches will probably depend upon the degree to which they take an active and constructive part in public affairs.

Religion, Morals, and Crime

One of the most persistent arguments in behalf of religion, especially orthodox religion, is that the latter acts as a collective policeman. Without the coercive influence of religion, it is said, society would soon disintegrate into anarchy, violence, and rapine. Cardinal O'Connell of Boston has well expressed this position: "The only thing that keeps the human race in some sort of plausible order is the overpowering content of God upon the minds of man. . . . When religion goes, only one thing can follow logically—the bayonet." The moralizing influence of orthodox religion, which we usually take for granted, is, however, by no means a demonstrated fact. The unreliability and selfishness of most ostentatiously pious persons is notorious and readily explained by the psychologist. However, only recently have thoroughgoing studies of the actual effect of religion upon conduct been made. The information gathered by scientists seems to discredit the conventional notion that orthodoxy powerfully promotes such desirable moral traits as honesty, reliability, and unselfishness. J. H. Leuba showed that the majority of prominent American academicians and men of science had discarded orthodoxy but it will be conceded, even by those most critical of the intelligentsia, that the professorial class is distinguished for its docile and law-abiding behavior.

It is obvious that the only way to arrive at any finality of judgment is to carry on a prolonged series of psychological investigations into the actual processes of character formation, in order thus to ascertain the relative influence of religion therein. Such a project was carried out under the auspices of the Institute of Social and Religious Research in New York City. The investigation was directed by Hugh Hartshorne of Columbia University and Mark A. May of Yale. The first volume, *Studies in Deceit,* indicated that orthodox religious training, either Christian or Jewish, did not promote honesty and reliability. To the contrary, children who had been exposed to progressive educational methods, based upon secular premises and the exploitation of modern psychology, appeared to have a far better record as to honesty and dependability.

In reporting the results of an elaborate test of more than three thousand children, at a meeting of the International Congress of Psychology, P. R. Hightower showed definitely that the tendency of the children tested to lie, cheat, and the like, was in direct proportion—not in inverse ratio—to their knowledge of the Bible and scriptural precepts. He concluded that: "mere knowledge of the Bible of itself is not sufficient to insure proper character attitudes." At the same meeting, T. H. Howells reported that religiously orthodox college students seemed less capable of dealing with problems of conduct than the liberal and sophisticated students, and were much more susceptible to irrational suggestion. It does not appear, therefore, that religion and religious education exert any notable influence in promoting better moral conduct of even a conventional sort.

It is commonly believed that no man would be safe on the broad streets at high noon, were it not for the shadow of the church spire and the influence of religion in keeping alive a fear of the hereafter and helping to build character. However, a considerable amount of factual information fails to substantiate this belief.[22] In his *Religion and Roguery,* Frank Steiner analyzed recent statistics of convicts in the penitentiaries of the United States. He found that 84 per cent claimed Christian affiliation. Out of 85,000 convicts, 5,389 were of the Jewish faith. There were only 8,000 "unchurched," and 150 avowed infidels.

The distinguished Dutch sociologist and criminologist, W. A. Bonger, made a careful statistical study of the relation between religious affiliation and criminality in the Netherlands. He found that the Roman Catholics came first in the ratio of criminality, the Protestants second, the Jews third, and the free-thinkers lowest of all. Carl Murchison examined the religious state of the inmates of the Maryland penitentiary. He found that there was a far larger proportion of church members in the prison than in the general population of the state. In his work on "The Church and Crime in the United States," Dr. C. V. Dunn investigated the religious connections of inmates of 27 penitentiaries and 19 reform schools. He

---

[22] John R. Miner, "Do Churches Prevent Crime," *The American Mercury,* January, 1932. See also Swancara, *The Obstruction of Justice by Religion,* Chaps. VII-VIII.

found that 71.8 per cent of the prisoners were members of Catholic or Protestant churches. Yet only 46.6 per cent of the total population of the United States are members of any religious body.[22a]

This great apparent preponderance of the allegedly religious persons in penitentiary populations may be due in some degree to false statements on the part of inmates. Convicts may, in some cases, fake religious connections in the hope of making a more favorable impression on the authorities. But this consideration is not adequate to upset the obvious fact that a decisive majority of our criminals are persons who have been brought up in orthodox religious surroundings.

Another way of approaching the problem is to try to find the correlation, if any, between the amount of criminality in any region and the proportion of church membership therein. This is possible to compute on the basis of the information published by the Bureau of the Census. Such an investigation was made and published in *Human Biology*.[23] On the whole, it was found that there was little relationship between the proportion of church members in any given state and the volume of crime. Likewise, a high percentage of membership in any particular religious denomination seemed to have little bearing on the amount of existing crime. However, there was an apparent correlation between certain types of religion and homicide. In states with a high percentage of Roman Catholics there are few homicides. In those where Methodists and Baptists predominate we find a high proportion of homicides. However, general social conditions may have as much to do with the homicide situation as the religious set-up. If so, this would in itself prove that religion has little unique power to enforce the "thou shalt not kill" clause of the Scriptures.

Summing up, then, prison populations show an overwhelming majority of those who claim religious affiliations. In the population at large, a high percentage of church membership has no apparent influence in suppressing criminality in the community. Therefore, pending further study, we may accept Dr. Miner's conclusion that "there is little evidence that the churches play any major part in the prevention of crime."

Historical Attitudes Toward Ethics and Conduct

As we have suggested earlier in the chapter, religion has been closely associated in the past with the problems and practices of morality. We may appropriately conclude this chapter by a discussion of the development of ethical theory and its impending reconstruction in the light of science and critical philosophy.

In primitive society there was no true ethical theory beyond the universal assumption of the divine origin of all folkways and customs. The

---

[22a] *Annals of the American Academy*, 1926, pp. 200–228.
[23] September, 1931.

prevailing doctrine was that custom is sacred and must be blindly and unthinkingly obeyed. The very idea of a critical theory of ethics would be repugnant to primitive people.[24]

Nor did sceptical theorizing about conduct in the ancient Near East become a matter of practical import, even though an occasional sage or prophet produced, from time to time, incisive observations on the subject. Such were the Egyptian social critics about 2000 B.C., and the Hebrew prophets. The accepted view was that "what is, is right." Right was embodied in customs handed down from an earlier day by sumptuary legislation and royal proclamations. The "why" or the justice of a precept was a subject which the discreet person never investigated too closely. Indeed, it was assumed, as in primitive society, that the existing codes constituted the will of the gods, and violation invited national as well as personal disaster.

With the Attic Greeks the animistic and theological explanations of conduct were in part abandoned by intellectuals in favor of a metaphysical approach to the problem. Socrates and Plato contended that there were certain transcendental, permanent, and immutable norms of right and justice—metaphysical realities which existed anterior to man and independent of any particular time or place. These eternal verities might be discovered and defined by careful philosophical study. Aristotle introduced a much more rational and secular theory of ethics. He maintained that the chief human good and the true end of life is happiness. The best life is a well-rounded existence, guided by reason and virtue. He advocated intellectual restraint which would guide the individual into a happy mean between irrational indulgence and ascetic self-denial. The speculative life of wisdom was regarded by Aristotle as the most perfect and divine, but he thought that it should be tempered by a discreet cultivation of the social graces and the satisfaction of normal human desires. The Stoics combined metaphysics and revelation. The wisdom of God, in the form of the *logos*, was believed to permeate the cosmos. Man might appropriate some small portion of this divine wisdom through his rational powers, thus learning the divine wishes as to the intricacies of personal conduct. This metaphysical mode of approach to the problems of conduct has persisted to our own day, though the progressive philosophers like James, Dewey, James H. Tufts, Durant Drake, and Bertrand Russell have severely challenged it. The most striking and original step in ethical theory taken by the Greek thinkers appeared in the writings of the Sophists and Epicureans, who recognized the relativity of our ideas of what is right and wrong, how they are derived from custom, and their service in promoting social discipline.

While the Christians retained much of the Hellenic metaphysics in their ultimate theology, their ethical doctrines resembled the primitive and oriental attitude, namely, the belief in the specific revelation of codes

[24] See above, pp. 17 ff., 29 ff.

of conduct, based upon infallible religious texts. The orthodox early Christian did not arrive at his conclusions in regard to ethical theory through careful, analytical reasoning. He felt it necessary only to read the Mosaic Code and certain New Testament writings, especially the ethical precepts of the Pauline Epistles. To these were later added the commentaries of the Church Fathers. But, in any case, the source of guidance was explicit revelation and authoritative command. The metaphysical and logical approach to religion, which became rather more important in the medieval Scholastic period, influenced theology far more than it did the theories and practices in regard to conduct. What were believed to be the commands or wishes of God in any matter of behavior have remained to this day the universal source of formal guidance to orthodox Christians in the field of conduct. The Protestants, however, laid more stress upon the severe and austere teachings of the Old Testament as the source of moral guidance. The Puritans put special emphasis upon rigorous personal morality, as an overcompensation for their somewhat dubious economic and commercial ventures in piracy, the slave trade, the rum trade, kidnapping and the like.

The period of Rationalism, in early modern times, was characterized by the growth of an empirical and pragmatic attitude towards the sources of ethical guidance and the validity of codes of conduct—a position resembling the Sophistic and Epicurean approach. There also developed among the Deists a new type of metaphysic, drawn from the Newtonian natural science and celestial mechanics. This view contended that proper human conduct, like the motion and paths of the planets and all other processes and manifestations of nature, was based upon a universal natural norm, order, or law, which was of divine origin.

While the Deists believed that conduct should be based upon the laws of nature, they identified God with nature, thus retaining an essentially theistic view of morality. David Hume, who founded what is known as Hedonism in ethics, and laid the basis for utilitarianism, more than any other writer between the Greek period and his own age, was responsible for the divorce of ethics from theology. He held that the only test of true morality is its contribution to the increase of human happiness here and now. He suggested an empirical and experimental attitude towards morality by holding that we must study the effects of different forms of conduct upon human happiness.

There were also certain important anticipations of the purely esthetic approach to moral problems in the writings of Montaigne, the third Earl of Shaftesbury, and others. They regarded moral conduct as an expression of good taste and an appreciation of the true and the beautiful. In the works of Voltaire, Montesquieu and Adam Ferguson, we find a foreshadowing of the ethnographic approach to problems of conduct and ethical codes, exemplified in our own era by Spencer, Ratzel, Sumner, Frazer, Westermarck, Briffault, and others. According to this view of ethics, whatever is done in any area is believed to be right by the inhabitants. Right is relative to time and place, rather than anything

absolute.[25] In Adam Smith's *Theory of Moral Sentiments* there appeared the first systematic effort to construct an ethical theory upon psychological premises. Smith explained morality on the basis of reflective sympathy. An observer tends to project himself into the situation of another and to imagine how he would feel under the same circumstances. Hence we are naturally impelled to do those things which will promote happiness and avert sorrow. His ideas can be described as an extension of the Golden Rule.

The Romanticist and Idealist philosophers, who flourished in the century following 1750, revived the religious sanctions of morality. The most famous of these ethical doctrines was expressed by Immanuel Kant. He denied that morality should be judged by its social effects or social utility. Instead, he promulgated the concept of the "categorical imperative," or the theory of unconditioned and obligatory morality. We should not be guided in our behavior by the expectation of immediate benefits or penalties. Rather, we must live in such a manner that our lives may seem, in our small way, an imitation of the moral law of the universe. This was a veritable deification of the abstract sense of duty. Others, like Schleiermacher, went even further, and contended that the only true guide to moral life was to be found in the study and imitation of the life of Jesus.

The most important advance in ethical theory in the half century following Kant was the development of Utilitarianism by Jeremy Bentham and his disciples. This notion was founded upon a definite psychological basis—the famous felicific calculus. Man was represented as a consciously calculating animal, carefully and discriminatingly hesitating before every choice. He was believed to weigh the relative possibilities of pleasurable satisfaction or pain, likely to result from each and every act. Socially considered, this form of ethics tested the ethical justification of any act by its prospect of contributing to the "greatest happiness for the greatest number." When interpreted in harmony with the discoveries of differential biology and psychology, such an ethical standard may be regarded as perhaps the best general statement yet made for sound moral behavior. But its specific psychological foundation—the felicific calculus—has been proved by Graham Wallas and others to be quite obviously fallacious.[26] Further, it provided no adequate technique for actually discovering the precise nature of the "greatest happiness."

Closely related to the ethics of the utilitarian school was the sociological theory of conduct, which took form in the writings of Comte, Post, Spencer, Bagehot, and Ward around the middle third of the nineteenth century. They accepted, either tacitly or explicitly, the utilitarian "greatest happiness" criterion as to the validity of forms of conduct. But they sought

---

[25] See above, pp. 29 ff.

[26] Wallas, *Human Nature in Politics*, Knopf, 1921. See also, W. C. Mitchell, "Bentham's Felicific Calculus," in *Political Science Quarterly*, June, 1918.

the origins of such conduct in social evolution, natural selection, and the survival value of institutions. The evolutionary process, they held, tends to favor socially desirable forms of conduct, and to eliminate the undesirable and detrimental. This evolutionary trend in sociological ethics, together with Darwinian evolutionary biology, gave rise to a naturalistic school of evolutionary ethical theory, represented by such men as Lecky, Stephen, Fiske, Hobhouse, Westermarck, Sumner, and others. Biology replaced theology as the guide to, and appraiser of, human conduct.

Many of these later trends in the study of codes of conduct laid the foundations for a real science of conduct. But no one of these approaches provided any real mode of finding out just what forms of conduct produce the greatest happiness for the greatest number. The means for such a discovery were laid by sciences such as biology, chemistry, psychology, medicine, and psychiatry, and by esthetics.

Sociologists should quickly have exploited this opportunity, but most of them were extremely tardy in so doing, preferring to build up semimetaphysical systems of sociology or to construct elaborate rationalized defenses of their own orthodox ethical beliefs. Socially-minded psychiatrists and educators were the first to provide, through mental hygiene, a concerted and well-organized effort to get at the facts essential to the formulation of any valid code for individual and social conduct. Slowly and very recently, some of the more progressive sociologists have taken cognizance of these developments, as has been demonstrated by the works of Thomas, Ogburn, Groves, Bernard, and Young. When, and only when, the proper liaison has been established between esthetics, mental hygiene, and sociology, will there at last be provided, after several generations of coöperative study, a real science of conduct.

The Genesis of Moral Codes

One of the best modern statements of the conventional supernatural and metaphysical theory of ethics and the nature of moral codes is contained in Louis T. More's *The Dogma of Evolution:* [27]

> As for the facts and laws of morality, it is conceded that they have been known for thousands of years. . . . Thus moral progress is not coincident with scientific achievement or even causally related to it. If morals were merely an adaptation to our environment, or if they were conventions of society, then they should rise and fall with the rhythm of rational and scientific progress. Instead of such variation, the standards of morality remain fixed and eternal truths.

The manner in which moral codes actually develop has been admirably described, among others, by Wilfred Trotter and William Graham Sumner.[28] In the process of social evolution, one of the chief requirements of survival has been group cohesion and discipline. It has been secured at the price of individual conformity to the commands of the group. The group, or herd, has always been swift and severe in its punishment of the

[27] Princeton University Press, 1925.
[28] See above, Chaps. I–II.

nonconformist. Primitive man regards his institutions and their supporting superstitions as the product of a special divine revelation. As Sumner puts it: "The folkways are habits of the individual and customs of the society which arise from efforts to satisfy needs; they are intertwined with goblinism and demonism and primitive notions of luck, and so they win traditional authority. They become regulative for succeeding generations and take on the character of a social force. . . . At every turn we find evidence that the mores can make anything right and prevent the condemnation of anything." [29]

We may be sure that much of the potential originality and inventiveness of the human race has been eliminated through the extinction of the more daring and independent members of the group. The codes of conduct which the herd has enforced with rigor and savagery have never been carefully thought out or experimentally tested modes of behavior. They were, rather, the crude products of superstition and the trial-and-error methods, whereby man has been able to effect some kind of working adjustment to his environment and to the perpetuation of his kind. This origin of the manners and customs of humanity is amply demonstrated by innumerable ethnographic studies which reveal the great diversity of human practices in every range of conduct and type of behavior.

In this manner arose those standards of conduct which the average person designates as "the old, sturdy virtues of manhood and womanhood," "the tried wisdom of the ages," "the sanctity of the fathers," "the enduring and permanent foundations of our institutions," and other rhetorical elaborations. Only the historical and sociological approach to the study of ethical codes can make completely clear the misleading character of such convictions.

At the same time, it does not follow, as some would seem to believe, that all customs thus acquired are necessarily wholly unscientific or harmful. The evolutionary and selective processes have tended, in a rough general manner, to eliminate those groups which have the least efficient codes and institutions. The fact that most earlier civilizations have disintegrated may legitimately lead to the suspicion that the evolutionary process has proved that earlier mores, considered collectively, were inadequate and led ultimately to the downfall of the cultures with which they were associated. However, certain specific customs within the general cultural complex may accidentally have been sound and conducive to social strength and cohesion.

Directly connected with the metaphysical and supernatural conception in regard to the derivation and nature of moral codes is the prevailing notion as to how man becomes conscious of right and wrong, and is able to seek the former and avoid the latter. The orthodox and popular view is that there is some metaphysical entity, called the "conscience," implanted in every human breast. Its "still, small voice" reveals to man God's

[29] See above, pp. 29 ff.

uniform, invariable, and immutable will on all questions, from throwing dice to casting a vote for president of the United States. It was always difficult to harmonize this conception with the observed fact that, in certain areas, this inner conviction led some to prepare for a respectable career by head-hunting and others, in a different part of the globe, by committing to memory the catechism of the Roman Catholic church. Nor was it easily possible to explain why God allowed the "still, small voice" to speak in many and diverse ways to individuals in the same cultural group. Any divergence of conduct from that approved by the majority of the herd was explained by the hypothesis of the devil and his influence.

This older view of a mysterious conscience has been replaced in modern dynamic psychology by the concept of the censor and the conditioned-reflex. From earliest infancy, the contact of the child with parents, relatives, friends, and associates brings a varied but potent body of information. These experiences inculcate ideas, concepts, and attitudes which determine his notions of what is right and wrong. In this way, the ideas and practices of the great and little herds, with which the individual comes into contact, are translated into individual belief and action. There is little probability that our convictions as to right and wrong, thus derived, bear any close relation to the scientific facts in the circumstances. Herd opinion and activities have never yet been founded upon scientific investigation or statistical verification. But they do represent what our herds believe to be right, and, hence, they constitute a practical guide to life in a given community. The "still, small voice," then, appears, upon adequate investigation, not to be the voice of God, but, as Professor James Harvey Robinson once facetiously expressed it, "the still, small voice of the herd."

The Essentials of a Rational Moral Code

The supernatural and irrational nature of our conventional ethical codes and their rationalized defense can probably best be made clear by contrasting with them our attitudes towards matters which have already been brought within the range of scientific analysis and control. If we are ill in any manner or degree, suffer from toothache, have a leak in the plumbing, need a garage erected, require some overhauling of the motor in our car, or desire a radio set installed, we are at once impressed with the reasonableness and necessity of conferring with a trained specialist in the field—a physician, dentist, plumber, mechanic, or electrician. Yet, we are willing to accept as valid judgments upon the extremely complex problems of conduct the standards enunciated, approved, and enforced by persons utterly lacking in scientific training.

This inconsistency is even worse than it might seem at first sight, since the foregoing problems for the solution of which we would normally have recourse to a scientist or technician, are extremely simple, when compared with the matter of solving scientifically the problems of conduct. The wholehearted coöperation of a large number of scientific experts would

be essential to arrive at any reliable verdict on any ethical problem. To formulate even the most tentative body of ethical doctrine, which could be expected to possess any scientific validity and command the respect of a critical and sceptical intellect, we would require the collaboration of highly intelligent and thoroughly trained respresentatives of chemistry, biology, physiology, medicine, psychiatry, psychology, sociology, economics, esthetics, and history. To deal with the further problem of the application and enforcement of a code of conduct we would need the aid of the political scientists and the students of jurisprudence, education, and journalism.

Two things, then, are perhaps the most conspicuous about the sources of guidance for the "good life" in terms of a contemporaneous view of things: (1) the multiplicity of those secular sciences and fields of endeavor which must be drawn upon, and (2) the essential exclusion of the theologian in this process. The theologian, in the modern scheme of things, has no more propriety in morals and esthetics than in engineering or physical chemistry. The Bible, as such, need not be approached with any more reverential awe respecting its injunctions with regard to human conduct than we might bring to it when studying the history of medicine or cosmology. If the Ten Commandments are to be obeyed today, it is only because their precepts and advice may be proved to square with the best natural and social science of the present time. They must be subjected to the same objective scientific scrutiny as that which we would apply to the cosmology of Genesis or the medical views in Leviticus.

The new cosmic perspective and biblical criticism, indeed, rule out of civilized nomenclature one of the basic categories of all religious and metaphysical morality, namely, sin. One may admit the existence of immorality and crime, but scarcely sin, which is, by technical definition, a willful and direct affront to God—a violation of the explicitly revealed will of God. Modern science has shown it to be difficult to prove the very existence of God, and even more of a problem to show any direct solicitude of God for our petty and ephemeral planet. Biblical criticism, the history of religion, and cultural history have revealed the fact that we can, in no direct and literal sense, look upon the Bible or any other existing holy book as surely embodying the revealed will of God. Consequently, if we do not and cannot know the nature of the will of God in regard to human behavior, we cannot very well know when we are violating it. In other words, sin is scientifically indefinable and unknowable. Hence, sin goes into the limbo along with such ancient superstitions as witchcraft and sacrifice.

It is, of course, true that many acts hitherto branded as sinful may be socially harmful, but such action should be scientifically rechristened as immoral or criminal, and we should, as rapidly as possible, dispense with such an anachronistic term as "sin," even in popular phraseology. In this way only will sin "vanish from the world!"

It can be conceded that the sense of sin is a genuine human experience with many persons, and, hence, it exists as a psychological reality. The

psychoanalysts have, however, shown that the "sense of sin" is a psychophysical attribute of adolescent mental development.

In attempting to formulate tentatively the essentials of an efficient and sound ethical system it would be necessary first to consider man as an animal, and to catalogue the various drives, instincts, impulses, and motives which dominate him as a member of the biological world. It would then be essential to investigate how far, with regard to man purely as an individual, the direct and immediate expression of these drives and impulses, with the satisfactions thus produced, is desirable and beneficial, and to what degree it is detrimental and should be repressed, diverted, or sublimated. But man cannot be considered solely as an isolated animal, existing in a primitive or pre-cultural age. He must be viewed as a member of an advanced and cultivated society, with intimate and complicated social relationships, obligations, and responsibilities.

The decision as to what is best for him, as an isolated animal, must, then, be modified in the light of his social environment. However, any lessening of man's organic efficiency and quality must necessarily ultimately weaken and undermine his social institutions. A proper balance must be struck between those forms of conduct which secure the greatest amount of physical vigor and psychic efficiency and those which will produce the most notable cultural achievements. That there may be some clash and necessity for compromise here need not be doubted, but it is highly probable that there is actually far less divergence than is usually assumed between those forms of conduct which advance the physical well-being of a nation and those which impel it to higher ranges of cultural progress.

Our notions of efficiency in the determination of ethical conduct must be broad enough to include a consideration of esthetics and the dictates of "the true and beautiful." Indeed, there is much ground upon which to support the contention of the Earl of Shaftesbury in the early eighteenth century that virtue and morals are a fine art, and that the esthetic criteria of conduct are perhaps the most valid of all.[30] In fact, it might be desirable to give up entirely the old category of *morals* or morality, and substitute a term more accurately descriptive of the new objective, namely, *morale*. As the late G. Stanley Hall has put it:

> If there is any chief end of man, any goal or destiny supreme over all others . . . it is simply this—to keep ourselves, body and soul, and our environment, physical, social, industrial, etc., always at the tip-top of condition. This super-hygiene is best designated as *morale* . . . It is the only truly divine power that ever was or will be. Hence it follows that morale thus conceived is the one and only true religion of the present and the future, and its doctrines are the only true theology. Every individual situation and institution, every race, nation, class, or group is best graded as ascendent or decadent by its morale.[31]

---

[30] See below, pp 838 ff.

[31] *Morale, the Supreme Standard of Life and Conduct*, Appleton-Century, 1919, pp. 1-2.

The body of such moral practice, or the foundations of morale, would be far more comprehensive than anything now prevailing. It would not be limited to formal correctness with respect to an archaic attitude towards sex, but would promote the principles of honesty, justice, sympathy, and kindliness in all aspects of life. Probably more would also be made of the distinction between the conventionally "moral" man and "the man of honor," with the latter as the preferable ideal. H. L. Mencken has well distinguished between these two types by his definition of the man of honor as a person who sincerely regrets having committed a disreputable act, even if he has not been detected in it.

The difficultly of working out such an approximately perfect system of conduct, particularly in its applicability to individual guidance, is indicated by the great differences in ability, taste, and pliability of man. We have, more or less, assumed in the above discussion the uniformity of the population in ability and native endowment, and have implied that some valid code of conduct can be worked out which will be equally applicable to all persons. All men have been represented in pietistic tradition as equal before God. But, as Aristotle intuitively perceived, and Galton, Pearson, Terman, and their associates and disciples have proved, this is one of the most obvious fallacies of popular social, political, and ethical thought. Wide variations in capacity and personal control appear to be the most important single fact about the human race, thus showing that mankind conforms to the general implications of the normal frequency curve, descriptive of the variations generally observable throughout the whole realm of nature. Therefore, certain kinds of conduct which will not be harmful for the abler members of society; which, indeed, may be positively desirable and beneficial for them, may be dangerous for their less capable fellow-citizens, relatively lacking in poise, self-control, and intellectual discrimination. There are vast differences among men and women in physical size, strength, endurance, tastes, and needs. It is obviously as silly to prescribe for universal observance a meticulously precise and uniform code of conduct as it would be to decree that every man must wear the same size of hat and every woman the same size of shoe. Some general uniformities may wisely be laid down, provided they square with sound science and esthetics, but modern science emphasizes the folly of demanding identical conduct on the part of all mankind.

Pluralism, as Montaigne suggested centuries ago, thus becomes a problem for advanced ethical theory quite as much as for political theory. It raises the problem of man's being his "brother's keeper" with different implications. Hitherto, it has been assumed that a genius should repress his desires, cramp and paralyze his personality, and destroy much of his power for creative work, so that a dozen morons may possibly obtain a hypothetical harp in a suppositious New Jerusalem. In the light of the fact that all human progress has been due primarily to the work of the able few, the modern student of ethical theory will probably assert that it is better to sacrifice a thousand morons rather than seriously to handi-

cap a single genius. But whether or not one accepts this generalization, the problem remains one of adjusting any scientific moral code to the extensive variations in human capacity.

And again, no scientifically-oriented person would expect that anything more than an approximation to an intelligent system of ethics could be worked out by pure analysis, even by the most competent group of coöperating scientists in all the relevant fields. We would need to survey history, to discover, so far as possible, the effect of various forms of conduct in the past. Above all, we would require an experimental study of the effects of our new code when applied, with the end in view of constant revision as experience dictates the necessity for alterations.

The tenets of such a program could not be more revolutionary than the very assumptions of the program—the notion of a tentative and experimental attitude in regard to conduct. The view that conduct is not divinely inspired, but socially determined, and should be frequently revised and adapted to changing social and cultural conditions is diametrically opposed to all orthodox views of ethical theory and practice. And the proposal embraced in the above discussion regarding the possibility of actually bringing together an adequate group of scientists to construct a scientific body of ethical doctrine, and then getting it accepted by the mass of mankind, may be fanciful and utopian. Progress in the direction of a scientific, esthetic and experimental attitude toward conduct will, in all probability, be achieved only very slowly, unconsciously, and in a highly piecemeal fashion.

The aim of the writer will have been executed if he has: (1) made clear the extremely complicated and technical nature of the quest for a sound ethical code; and (2) shown how grotesque it is for us to approve the views on ethics held by the average metaphysician, clergyman, vice-crusader, housewife, or Main Street gossip. Yet such notions are today the sovereign guides of conduct for the majority of mankind, and it is difficult for even the ablest of the race to disregard them with impunity Even otherwise highly emancipated and cultivated persons like James Truslow Adams urge their continued dominion over man.[32]

The whole problem of ethical reconstruction is, however, something of more than academic or curious import. Nothing could be more erroneous than the assumption that, with the growing complexity of human society and the decline of supernaturalism, we can dispense with a serious consideration of the problems of conduct. There can be no question that we are today in far greater need of a sound body of morality and an ample morale than at any earlier time in history. An unscientific and inefficient standard of conduct was far less dangerous in a static, simple, agrarian society than it is in the complex, dynamic urban age of today. And it will probably be necessary to enforce the desirable new standards rather more rigidly than previously.

---

[32] See his chapter in *Living Philosophies*, Simon and Schuster, 1932, pp. 153 ff., on "Why Be Good?"

Before we go far in this direction, however, we shall need to discover by scientific means the nature of a valid code of conduct and make sure that we are not trying to enforce a system which would be socially disastrous. It will further be necessary to understand that to enforce standards of conduct may be futile unless preceded by an adequate campaign of public education. If man fails to meet the responsibility, the wreck of our civilization will doubtless be the penalty which we shall pay for the lack of a sound moral code, as our predecessors have invariably paid it in previous ages.

The foregoing discussion should certainly make apparent how dangerous and inaccurate it is to maintain a distinction between "character" and intelligence. There are, to be sure, many examples of men of high intelligence who are utterly lacking in a sense of honor or decency, or in fundamental honesty and fairness, in exactly the same way that there are many arrogant scoundrels among the clergy of the United States and among foreign missionaries. But to assume that this constitutes any basis for divorcing intelligence from morality is as absurd as it would be to conclude that no clergyman or missionary could be moral.

While there may be intelligent men who are not moral, there can certainly be no truly moral men who are not intelligent, unless one means by morality unreasoning obedience to the dictates of the herd. If one accepts this latter as the criterion of moral conduct, then many animals and most insects are far more highly moral than any man. Indeed, one can probably say that there is no completely intelligent person who is not, at the same time, moral in the scientific sense of that term. Any deviation from sound morality would constitute, to that degree, evidence of shortcomings in his intelligence.

CHAPTER XVIII

Education in the Social Crisis

The Vital Importance of Education Today

We have already suggested that mankind is now in one of the great transitional periods of human history, comparable to the dawn of history, to the breakup of classical civilization with the decline of the Roman Empire, or to the disintegration of medieval society with the rise of modern times between 1500 and 1800. In this transitional age the most striking thing about our culture is the vast gulf which exists between the mechanical era in which we live and the outworn institutions by which we attempt to control our new empire of machines.[1] We are proud of our material equipment in proportion to its being thoroughly up to the minute in model and performance; but we almost seem to take pride in our thinking and institutions in the degree to which they are out of date and inadequate to meet the emergencies of the present. Only when we have become as ashamed of an out-of-date idea or institution as we are of an out-moded bathtub or radio will there be much prospect of our taking steps to build a civilized social order.

We even encourage this already serious discrepancy between our material life and our social thinking. We give every conceivable reward and encouragement to those who seek to invent new machines. On the other hand we persecute, threaten, or even cast into jail those who would invent the new social machinery that we must have if civilization is to be maintained. We honor our Edisons but laugh to scorn our "brain trusts" in government and economics.

All our contemporary problems are secondary manifestations of this gulf between the two aspects of our civilization. Because we have failed to improve our political institutions, in keeping with the changes in the last century, we now find ourselves faced by the desperate situation arising out of the bellicosity of great national states and the inadequacies of democracy and capitalism in meeting the complicated problems of our industrial age. The answer to this is "crisis government," which means some form of dictatorship. In the economic field, the failure of capitalism to insure productive efficiency, to provide for a fair distribution of the social income, and to check the speculative manipulations of finance, has already so undermined the capitalistic system as to call for the intervention of force and Fascism in most of the important states of the

[1] See above, Chap. III.

world. In the economic realm, Fascism is the answer to the crisis in capitalism, as, in its political expression, it is the answer to the crisis in democracy. It is often asserted that the only sound solution of our social problems is to be found in education. This is probably true, but it will require a different system of education from that which is now in operation.

The men who made the first World War, those who threw us into it, those responsible for the great depression of 1929, and those who brought on and extended the second World War were literally the best that our educational system could produce; and their works are as much as we can reasonably expect from this type of education.

The world finds itself today in a serious social, economic, and political crisis. We must go ahead or backward. All sane persons want civilization to move ahead rather than collapse. Education can provide the only safe and assured leadership toward progress and prosperity.

If we are going to move ahead we have a clear choice—and only this choice—between orderly progress, under intelligent guidance, or revolution, violence, and a gambling chance with the future. If we choose orderly social advance, we must rely more and more upon the educational direction of the social process. The problems of today have become so complicated and technical that only well-educated public servants can hope to deal with them effectively.

If education is going to assume a more important rôle in public affairs, it must set its own house in order and prepare itself for realistic instruction in terms of contemporary facts. The present system of education is inadequate to supply the type of leadership which is necessary in the current world crisis. It failed to live up to the responsibilities of the last generation. It did not save the world from war or depression.

We must eliminate useless antiquities from the curriculum, stress the realities of the twentieth century, and offer protection to members of the teaching profession who expound courageously and honestly the facts as they see them.

The social studies present the only cogent information that can enable us to bridge the gulf between machines and institutions. More time should be given to the social studies; also, their content must be made more vital and be linked up with the immediate problems of our day. We must provide security for the teachers of the social studies, for it is here that most of the heresy-hunts are waged. No teacher is in much danger analyzing the binomial theorem, but the teacher who resolutely describes our economic and political system is constantly flirting with dismissal.

Education is our best safeguard—almost our only safeguard—against Fascism and Communism, and the foremost bulwark of democracy. The more courageous and realistic it is, the better will it serve such purposes. If it is cowardly, evasive, and time-serving, it cannot aspire to vigorous leadership. Indeed, it will only contribute to the inevitability of general misery and chaos. If the latter comes, education will share in it to a particularly disastrous degree. In an era of social decline and

barbarism, there is little place for education. Let those who are sceptical about this statement study the history of the Dark Ages. And let those who are sceptical about the return of another Dark Age study world events of the last fifteen years.

Some Landmarks in the History of Education

With our present great educational plant and our compulsory education for all children, it is difficult for us to realize that it has been only about 100 years since we began to provide schools for all children, even in the most highly civilized countries. Free public education for youth has been a product of contemporary civilization.

Yet education, even though it was not provided in schools, has existed since prehistoric times and cave-man culture. The social customs, beliefs, and manual arts which prevailed in any primitive group were taught to the children from an early age. At certain special times there were also formal ceremonies devoted to giving information about religious and moral folkways. These were the famous initiation rites of primitive society. The general purpose of primitive education was to inculcate the wisdom of the elders, and great respect was developed therefor. It was from primitive society that we derived our paralyzing respect for the knowledge of the past, or, what has been called by Herbert Spencer, "the dead hand."

In ancient oriental times the "wisdom" of the past was handed down by the priesthood, in conjunction with the family education. Instruction in the mechanical arts came chiefly from skilled workmen in homes and shops. It is in this age that we discover the origins of natural and applied science. This arose chiefly in association with practical activities, such as surveying and the study of the rise and fall of water levels. Even medicine and surgery were regarded chiefly as skilled crafts. Since the great mass of the people could neither read nor write, such education as they received in matters of folkways, religion, and morals was imparted by word of mouth. However, some great libraries were collected, and educational centers were established where scholars could gather and dispense the information they possessed.

Among the ancient Greeks we find the origins of formal education, though this was limited to the children of citizens. The youth among the slaves and foreigners picked up such education as was given them in a purely informal manner. In Sparta, we find the origins of rigorous discipline in education and the stressing of military training and loyalty to the state. The boys were thrown into barracks at an early age, given severe physical training, and taught the arts of war. There was little literary education beyond chanting ancient laws and passages from Homer. Bravery, brutality, and loyalty to the state were the essentials of Spartan education.

In ancient Athens, a broader conception prevailed. Physical education, music, reading, and writing were the main subjects prescribed for

the Athenian boys. The copying and memorizing of passages from the Greek classics constituted the chief literary education. At the age of 18, the boys were placed in the army and given two years of military training. Those who were trained for public life were given more extended instruction in rhetoric, literature, and logic. The ability to make a florid speech and to carry on oral argument was regarded as indispensable to a successful life in politics. It was from the Greeks that we derived the educational dogma that rhetorical talent and literary flourishes are the chief marks of an educated man. Universities first appeared among the Greeks at Athens, Alexandria, and Rhodes. Here scholars gathered and produced those contributions to philosophy and natural science for which the Greeks were justly famous. The Sophists earnestly tried to bring Greek education down to earth and to give it a practical cast. But they met the same opposition from conservative pedants that comparable educational reformers have encountered in our day.

The Romans were influenced in their educational ideals by the Greeks, as they were in all other phases of their intellectual life. Elementary and secondary education were mainly designed to prepare one for a study of rhetoric, and instruction in the latter remained the basic preparation for successful public life. Toward the end of the Roman Empire, a precise and stereotyped curriculum was provided for general literary education, the so-called seven liberal arts: namely grammar, rhetoric, and logic (the *trivium*), and arithmetic, geometry, astronomy, and music (the *quadrivium*). While it had been in practical use for a long time, this curriculum was first formally outlined by Martinus Capella, a pedantic scholar who is thought to have lived in the fourth century A.D. With certain modifications and elaborations, this curriculum has remained the basis of formal education from Roman times to our own day. Our Bachelor of Arts degree in the colleges is derived from it directly.

In the Middle Ages there were remarkable changes in education, as compared with the situation in Greece and Rome. A great part of the learning of classical antiquity was lost, as a result of the general decline of culture in the later Roman period and the early Middle Ages. Education was far more limited than it had been under the Greeks and Romans, and its content was far less reliable. Moreover, education was primarily devoted to the promotion of religion and the salvation of the soul rather than to training for public life. The greater part of education for public life was provided in the castle society of the feudal system, where the young nobles were trained for future knights and lords. The schools did, however, offer some instruction which was useful in public life, particularly training as scribes and secretaries. Most of the learned men were churchmen, especially the monks; for a long time the schools were almost exclusively in the hands of the church. Even after universities were established, the churchmen usually retained a dominant control over their organization and activities.

Education was chiefly devoted to instruction in the *trivium*. The textbooks were incredibly brief and dull, usually the merest compilations

which medieval monks had condensed from the works of Greek and Roman scholars. In addition to these were the textbooks in theology which had been supplied by the church fathers and medieval theologians. Most of the teachers in the schools and universities were monks. In short, the great mass of the people in the Middle Ages were illiterate and had no literary education whatsoever, except when rarely provided in a crude form of family instruction. The formal schools were devoted chiefly to training clergymen for religious practices. Even the training of lawyers and doctors in the medieval universities was based on abstract logic and authority rather than upon a scientific study of cases.

One of the most interesting developments in medieval education was that associated with the rise of universities in the twelfth and thirteenth centuries. A French monk, Peter Abelard (1074–1142), showed that an understanding of logic was absolutely indispensable to a proper mastery of theology. Since the latter was looked upon as the queen of the sciences, it was necessary to leave no stone unturned to improve its content. Consequently, the earlier universities were devoted primarily to training in logic and its accessories, such as grammar and rhetoric. The general spirit of medieval education is well expressed in the phrase to the effect that "the sword of God's words is forged by grammer, sharpened by logic, and burnished by rhetoric, but only theology can use it." Only a few courses, devoted to training in the art of writing letters, executing legal forms, drawing up proclamations, making out bills, and the like, offered much practical and secular education during the medieval period in undergraduate courses. Graduate instruction in law and medicine represented a secular element in the educational system, but even these were usually taught by the same logical method that dominated theology.

The universities were based upon the form of organization already provided by the medieval industrial corporations or guilds. Indeed, the very words *college* and *university* came from the titles of these medieval guilds: namely, *universitas* and *collegium*. The Bachelor of Arts degree was given for proficiency in the seven liberal arts, particularly the *trivium*. Contrary to the general impression, it was not related to any mastery of the Greek and Latin languages and literatures. Even instruction in law and medicine was given according to the same canons and doctrines of logic that were employed in theology. A great deal of the formal baggage of education—such as the official titles of professors, deans, rectors, and the like; periodic examinations, academic degrees, academic regalia and ritual; and the severe and solemn conceptions of academic dignity and good taste—has all been a heritage from the medieval university.

From medieval times is derived the traditional importance of religion in education and the religious ends of education. Moreover, churchmen often remained in charge of schools down to the present century. In Catholic schools and universities, the clergy, monks, and nuns are in charge of instruction. Only recently has theology been dislodged by natural and social science from its position as the queen of the sciences.

From the later Middle Ages and early modern times we derived the traditional respect for classical languages and literature which dominated educational philosophy and procedure right down into the twentieth century. The first step toward reviving the study of Greek and Roman literature came in the early fifteenth century, as a healthy revolt against the sterility and other-worldliness of medieval education. Educational pioneers like Vittorino da Feltre (1378–1446) revived the broad educational interests of Greece and Rome under the label of the so-called "humanities." The latter were supposed to involve the information necessary to produce a cultivated man of the world, including physical training. The classical languages and literatures were regarded as a central feature in this type of education. They were at first merely the means to a laudable end, but in due time they became an end in themselves. Cicero cast a tremendous spell over the school teachers of the early modern age, and it was not long before the humanities degenerated into a slavish linguistic enterprise devoted to a mastery of the involved Latin language of Cicero. Perhaps the most influential leader in this degradation of the classics was Johannes Sturm (1507–1589), principal of the famous classical school at Strassburg. This trend was followed all over western Europe and the study of the classics became little more than a pedantic excursion into intellectual slavery, in which the beauties of the classical literatures and culture were lost sight of amidst the punitive mazes of classical syntax.

The educational philosophy that accompanied this sterile instruction was entirely compatible with it: namely, the theory that the will should be developed through gloom in the schoolroom, accompanied by plenty of physical punishment. One highly successful teacher, for example, proudly computed that during his career he had given 911,527 strokes with a stick, 124,000 lashes with a whip, 136,715 slaps with the hand, and 1,115,800 boxes on the ear.

In the seventeenth and eighteenth centuries, a number of educational doctrines of great importance for the later progress of a realistic and socialized education were enunciated. The first outstanding educational theorist of modern times was Johann Amos Comenius (1592–1670), author of a famous book known as *The Great Didactic*. He protested against the tyranny of logic and of classical syntax alike. He believed that the subject matter of education should be adapted to the mental age of the child, holding that instruction should be both natural and pleasant. He was one of the first to demand universal education for both boys and girls. It was not until the late nineteenth century that these ideals were rather thoroughly adopted in educational procedure. The eminent philosopher John Locke laid great stress upon rational education as a means of developing a well-trained mind, and suggested the value of manual training for the children of the poor. Voltaire assailed both classical syntax and religious instruction. In the middle of the eighteenth century, the French reformer Claude Helvétius anticipated the democratic educators of the nineteenth century by defending the right of the masses to a

thorough education. He was one of the first to believe that the lower classes were mentally just as capable as the upper classes.

One of the most influential books ever written in the history of education was Rousseau's *Émile* (1762), a devastating criticism of the sterility and artificiality of the conventional schools of his day. He believed that rational education is chiefly a matter of giving a wise direction to the natural curiosity of the child. He advocated adaption of educational practice to human nature and stressed universal education. Rousseau's ideas exerted a great influence on educational reforms in the nineteenth century. They were introduced into formal pedagogy by Basedow, Pestalozzi, Herbart, and Froebel. The education of women found its first loyal advocate in the French reformer Condorcet (1743–1794). The revolt against the worship of the classics in the universities was aided by Christian Thomasius, a Leipzig professor of the early eighteenth century. A tendency toward realism and utility in education appeared when technical schools began to be founded, around the middle of the eighteenth century. Though most of these advanced theories were not generally accepted until the nineteenth and twentieth centuries, many of our more important educational philosophies date back to the period between Comenius and Rousseau.

The nineteenth century was a period of remarkable educational ferment and revolution. The power of the church over education was broken. Public education under state auspices became more usual. Frederick the Great established a public school system for Prussia, and in 1794 a law was passed establishing free compulsory education in that country. France flirted with public education throughout the nineteenth century and finally established free compulsory education in 1882. England lagged behind, and it was not until 1918 that an adequate public school system was provided there.

The leaders of the struggle for free public education in the United States were James Gordon Carter, Horace Mann, and Henry Barnard. They were thorough democrats and believed that democracy could not be successfully operated without free public instruction. Aided by Carter's legislative efforts, Mann was able to set up the first department of public instruction in Massachusetts in 1837. This departure was widely imitated after the Civil War.

But these early reformers, who led in making education available to the masses, committed one tragic sin of omission. They failed to give due consideration to the content of the education needed to fit the masses to operate a democracy. Instead of devising a curriculum suitable to democratic objectives and experiences, they permitted teachers to continue a type of instruction which had been worked out by educators of the fifteenth century for the purpose of instructing the children of the decadent feudal nobility and the rising urban bourgeoisie. Hence we failed for a century to train American children for life in a democracy, and by the time we realized the mistake, it was all but too late to correct the error. Fascism was just around the corner.

Teachers were, however, better trained, and were enabled to develop a more intelligent attitude toward the mentality of the child. Friedrich Froebel (1782–1852), a disciple of Rousseau, first established the kindergarten for the training of very young children. Scientific child study, based upon the new psychology, was introduced by educators such as G. Stanley Hall. Normal schools and teachers' colleges arose to provide formal instruction in pedagogical science. Sociology showed the relation of schools and education to a better understanding of human society and suggested ways of guiding social change in an efficient and non-violent manner.

Some headway was made in uprooting the stereotyped curriculum which we had inherited from the Middle Ages and the Humanists. The vernacular languages and literatures challenged the dominion of the classics. Natural science gradually forced its way into the universities and ultimately into the schools. In the latter part of the nineteenth century the social sciences also gained considerable respect in the colleges and universities, though they were generally neglected in the schools. Greater flexibility and rationality in education were provided by the elective system, first introduced in a limited way by President Charles W. Eliot at Harvard University in 1869. This allowed students to have some freedom in selecting the subjects they proposed to study.

The twentieth century has brought many interesting innovations in education. The public support of education has enabled us to build a physical plant devoted to the instruction of youth. The average high school building in a small American city is a very impressive structure compared to the greatest of medieval universities. We have developed educational machinery which has enabled us to carry on mass education in an ever more smooth and convenient fashion. Millions of children now attend school, in the place of the few thousands who were lucky enough to get an education in earlier centuries.

It is doubtful, however, that mass education is well adapted for the more capable or the more retarded children. Indeed, it is contended that mass education even restricts and limits the natural impulses and capabilities of the average pupil. Hence, we have had experimental schools devoted both to instruction and to a study of the mind of the child. Leaders in this movement have been Francis Parker and John Dewey. An Italian educator, Maria Montessori, went far beyond Froebel in her study of the child mind and her reforms of the kindergarten system. Even more sweeping was the development of what is known as the Progressive Education Movement, a revolt against the formalities and artificialities of mass education and ordinary school administration. Progressive education aims to combine sane and realistic instruction with the provision of an educational experience so pleasant that children will enjoy attending school. An extreme example of this reaction is the Dalton system of instruction, where pupils study those subjects they wish, when and as they desire to do so. The mental hygiene movement and the scientific study of feeble-mindedness have provided better in-

struction for retarded children. Mentally defective children can make commendable progress in the manual arts. A revolution has taken place in higher education. In the nineteenth century it was a rare person who had a chance to attend a college or university. Today, there are 1,350,000 students in our colleges and universities, about 190,000 being graduated each year.

While far too much of the old stereotyped "liberal" curriculum remains, there have been important changes in the scope of education in the twentieth century. The social sciences have become more popular in colleges and universities and are also now being widely introduced into schools. The evidences of the possible downfall of capitalism and democracy have led thoughtful persons to consider how far an inadequate educational system has been responsible therefor. Hence more stress has been laid upon realistic social science as a means of appraising existing institutions and of guiding us more safely along the path of social change. But the social sciences have not progressed rapidly enough or been sufficiently exploited in education to enable our social institutions to keep pace with our machinery, thus creating the unfortunate situation we mentioned at the outset of this chapter.

With the development of Fascism, Communism, and the totalitarian states in Europe, education has been made a vehicle of political propaganda and of economic change. It is also inculcating an attitude of super-patriotism which bodes ill for the future peace and safety of humanity. In Russia we have the first notable instance of an educational policy and system devoted primarily to the instruction and well-being of the lower classes.

The foregoing brief survey of the development of education indicates the major landmarks in the evolution of educational theory and practice and will enable us to discuss with greater insight the outstanding problems of contemporary education.

Mass Education: Plant, Administration, and Curriculum

One of the major influences of democracy on education was to bring about mass education and to make the latter virtually a manifestation of big business. It became an ever firmer conviction that democracy requires mass education. This impulse, together with humanitarian influences, led to the passage of many state laws forbidding child labor. An ever larger number of children were thus free to attend school. Compulsory education laws were passed, and free education was made the opportunity of every American child. The expenses of school attendance were, more and more, taken over by public authorities, often to the extent of providing children with their textbooks and transportation to and from school.

Hence, it is not surprising that, by 1936, there were enrolled in American schools and institutions of higher learning approximately 30,600,000 of American youth, with some 1,073,000 teachers required to give instruc-

tion.[2] About one fourth of the whole population of the country is thus, at any time, primarily absorbed in the business of education. In 1900, there were only 696,000 pupils in secondary schools, while this number had jumped to 6,425,000 in 1936. The number of public high schools increased from 16,300 in 1918 to 25,652 in 1936. The students in American institutions of higher education numbered some 237,000 in 1900, and 1,208,000 in 1936, an increase of about 350 per cent. The population of the country as a whole had increased only 83 per cent in these 36 years.

While the overwhelming majority of pupils in elementary and secondary schools are enrolled in public institutions, there are still a considerable number in private schools. In 1933, there were 1,772,428 pupils in private elementary schools and 280,176 in private secondary schools. Those enrolled in Catholic elementary schools made up over 95 per cent of the total, and those enrolled in Catholic secondary schools constituted over 66 per cent of all attending private secondary schools. The Catholic control over the minds of millions of school pupils greatly increases the power and cohesiveness of the Catholic church in the United States. This situation has been criticized by many students of education, particularly in view of the fact that the Catholics have also, in many cities, asserted a dominant influence over the public schools, while endeavoring to keep as many Catholic children as possible in parochial schools.

The table on page 736, from the *Statistical Summary of Education, 1935–36*, compiled by the United States Office of Education, give a comprehensive picture of the "business of education" in the United States in 1936.

The graphs on page 737, compiled by the United States Office of Education, indicate the remarkable growth of educational activity and enrollment in the United States from 1890 to 1936.

To those familiar with the days of the little red school house, the village academies, and our quaint, primitive college campuses of a generation back, the extent and nature of the present physical plant devoted to American education are almost incredible. The total value of all public school property rose from 550 million dollars in 1900 to over $6,731,000,000 in 1936. The total value of all educational property in the United States in 1936, including private schools and institutions of higher learning, was $10,115,744,000, with an additional $2,237,340,000 in endowments and trust funds, making a grand total of $12,353,084,000. The increase in the value of public school property was far greater than the growth of school enrollment. In 1900 the value of public school property per pupil stood at $35, while in 1930 it stood at $241. This increase in the value of school plant was also accompanied by a remarkable improvement in the size and design of school buildings. The most important development here was the abandonment of small, especially one-room, schools, and the building of consolidated or centralized school

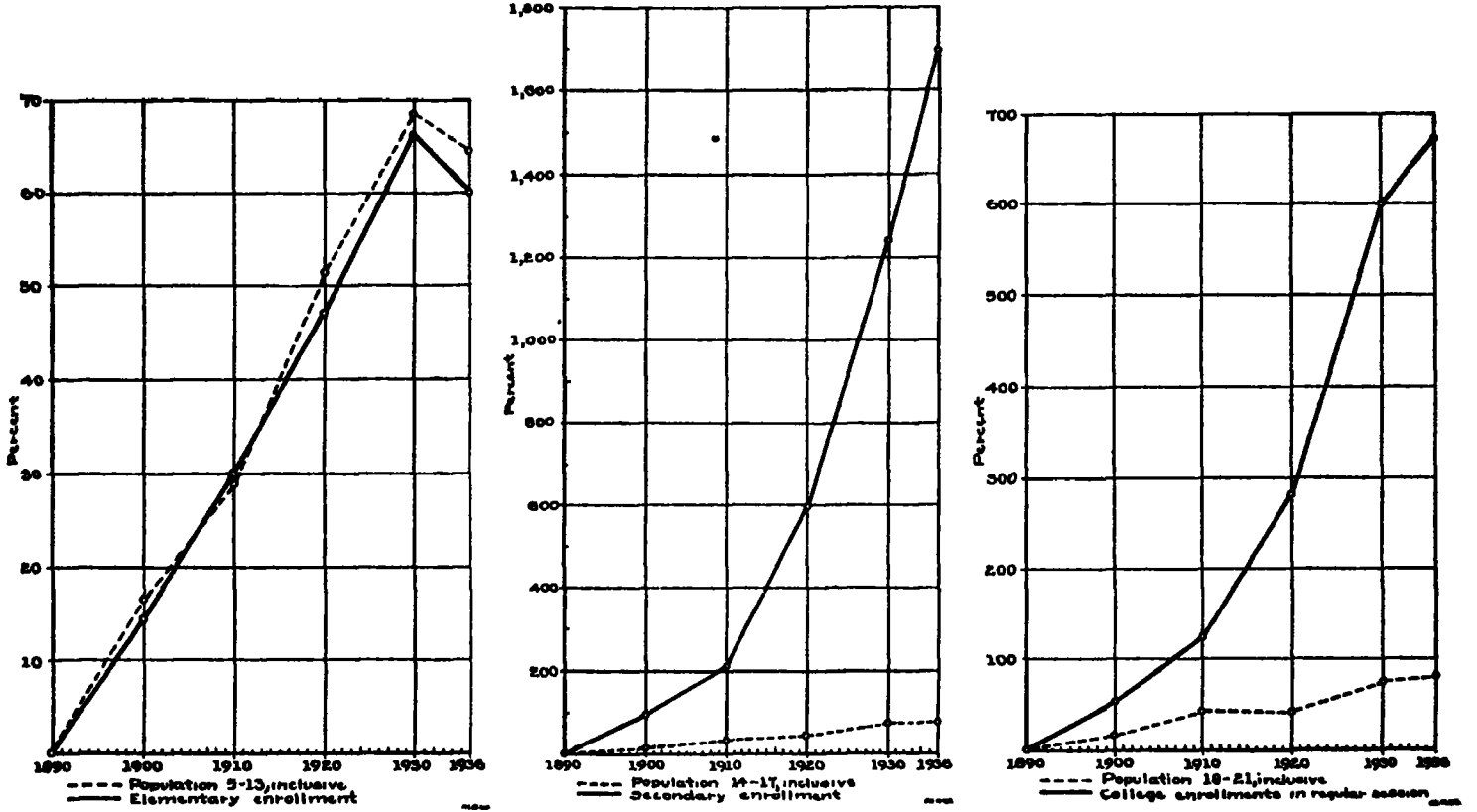
[2] The highest enrollment was 32,392,749, in 1934.

SCHOOL AND COLLEGE ENROLLMENTS ACCORDING TO PUBLIC AND PRIVATE CONTROL, 1935-36
DAY SCHOOLS (SUMMER SESSIONS EXCLUDED)

	Public			Private			Total		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
1	2	3	4	5	6	7	8	9	10
Kindergarten	304,044	302,709	606,753	18,635	19,171	37,806	322,679	321,880	644,559
Kindergarten in residential schools for exceptional children	2,979	3,279	6,258	849	564	1,413	3,828	3,843	7,671
Elementary schools (including elementary grades in junior high schools)	10,151,148	9,634,660	19,785,808	1,111,731	1,101,929	2,213,660	11,262,879	10,736,589	21,999,468
Elementary "training schools" in colleges	23,146	27,742	50,888	4,811	7,080	11,891	27,957	34,822	62,779
Elementary in residential schools for exceptional children	28,237	17,825	46,060	6,144	3,670	9,814	34,379	21,495	55,874
Total, elementary and kindergarten	10,509,552	9,986,215	20,495,767	1,142,170	1,132,414	2,274,584	11,651,722	11,118,629	22,770,351
Secondary (high schools and academies)	2,948,795	3,025,772	5,974,537	175,374	211,935	387,309	3,124,139	3,237,707	6,361,846
Preparatory departments of colleges	4,789	2,980	7,769	11,173	10,109	21,282	15,962	13,089	29,051
Secondary "training schools" in colleges	13,108	15,384	28,492	2,523	3,056	5,579	15,631	18,440	34,071
Secondary in residential schools for exceptional children	5,890	3,580	9,470	850	415	1,265	6,740	3,995	10,735
Total, secondary	2,972,582	3,047,716	6,020,268	189,920	225,515	415,435	3,162,472	3,273,231	6,435,703
Teachers colleges and normal schools (excluding secondary students)	49,706	88,407	138,113	1,785	5,569	7,354	51,491	93,976	145,467
Universities, colleges, and professional schools (excluding preparatory students)	300,670	175,348	476,018	357,511	229,231	586,742	658,181	404,579	1,062,760
Total, higher education	350,376	263,755	614,131	359,296	234,800	594,096	709,672	498,555	1,208,227
Federal schools for Indians[1]	..	.	24,205	..	..	..	..	..	24,205
Private commercial and business schools (1933)[2]	..	..	..	27,638	48,602	76,240	27,638	48,602	76,240
Schools of nursing (not part of universities and colleges)[3]	..	..	..	..	..	..	666	72,055	72,751
Grand total (of distributed items)	13,832,480	13,297,686	27,130,166	1,719,024	1,641,381	3,360,355	15,551,504	14,939,017	30,490,521
Grand total, continental United States (including undistributed items)	..	..	27,154,371	..	..	3,360,355	..	..	30,587,477
Included in above figures:									
City school systems	6,582,298	6,388,810	12,971,108	..	..	..	6,582,298	6,388,810	12,971,108
Residential schools for exceptional children									
Blind	..	..	4,713	..	..	1,138	..	..	5,851
Deaf	..	..	11,300	..	..	4,066	..	..	15,366
Delinquent	..	..	26,941	..	..	4,233	..	..	31,174
Feeble-minded	..	..	18,834	..	..	3,055	..	..	21,889

[1] 50,328 additional Indians enrolled in public-school systems and 7,998 in private schools at Federal expense.
[2] Pupils in day classes only.
[3] Cannot be distributed into public and private classification.

Increased Enrollment in Educational Institutions, 1890–1936



From Biennial Survey of Education, 1934–36.

plants. By 1930 there were over 16,000 such consolidated schools, their number increasing at the rate of about 1,000 a year. There still remain, however, about 110,000 one-room schools in the country, usually providing inferior instruction. They are decreasing at a rate of over 3,000 each year.

School buildings are more scientifically and artistically built than ever before. The modern school building is no longer a sort of cross between a church and a jail, with respect to architectural design. Nor is it built without much consideration for light, ventilation, and heating. In our day, the better school architecture is a combination of good engineering, architectural talent, and school hygiene. Educational experts are now allowed to make suggestions as to proper school design. School buildings are not only functionally adapted to the needs of instruction, but are also constructed to insure hygiene, comfort, and convenience. They combine beauty and utility. School yards are made to provide recreational facilities and proper access to sunlight. In the place of a drab collection of dingy classrooms and a few office cubicles, we find auditoriums, gymnasiums, libraries, shops of many kinds, art studios, suites for health officers and nurses, cafeterias, rest rooms, and the like.

While our normal schools, colleges, and universities—the institutions of higher learning—do not represent such a tremendous outlay for plant as the public schools, they are, nevertheless, extremely impressive from the physical point of view. There were 1,690 accredited institutions of higher learning in the United States in 1938. Some 600 were publicly controlled, and 1,090 privately controlled. They represented a plant investment of some $2,556,000,000, with an annual bill for upkeep of about 70 million dollars. Their endowment in 1938 was some $1,721,000,000. Their receipts, in 1938, amounted to over 550 million dollars, as compared to a paltry 40 million dollars in 1900, the latter figure even including additions to endowment during the year 1900, while the 1938 figure is exclusive of endowment gifts, which amounted to about 50 million dollars in that year. Expenditures in 1938 were in excess of 545 millions. There were in 1938 approximately 1,350,000 students attending these institutions of higher learning, with about 190,000 receiving degrees each year. There were 123,677 full-time faculty members.

Our students in institutions of higher learning thus constitute over one per cent of the total population of the country, and about 15 per cent of the youth of college age. At the turn of the century, a college or university with a thousand students was a large institution. Today a number of universities have more than 10,000 full-time students; two have over 15,000 full-time students; and six have a total yearly attendance of full and part-time students combined of over 15,000 each. New York University has a total registration of over 35,000. In the eastern United States, most institutions of higher learning, are, aside from normal schools and teachers colleges, mainly private institutions. In the west, most of the more important institutions are state colleges and universities.

The physical plant of our larger and richer universities has shown an

even more remarkable transformation than our public school buildings. A generation back, many of our campuses possessed buildings of architectural beauty, purity, and quiet dignity, but few of them were like the vast and impressive structures that we find on our campuses today. Some of these are attractively designed; a few are artistic gems, such as the Harkness Quadrangle at Yale, the new Harvard dormitories, the Michigan Law Court, and Willard Straight Hall at Cornell. Some university dormitories present an impressiveness and elegance not matched elsewhere except in the dwellings of multi-millionaires and great metropolitan hotels. As one observer has sardonically remarked, the most elaborate innovations in university architecture have been impressive and expensive sleeping quarters. The campuses are also embellished by privately owned fraternity houses, often very expensive and pretentious. The most striking architectural additions to our campuses in recent years have been the many buildings erected in state colleges and universities through federal PWA and WPA aid. Many of these institutions were previously somewhat dismal. However, many campuses still resemble architecturally some of our newer minimum security prisons. The extensive and pretentious architecture of our large universities stands out in striking contrast to the few and unimpressive buildings which constitute the physical plant of the majority of the more famous institutions of higher learning in Europe.

The sources of support of our vast institutions of higher learning make it difficult for the faculty to enjoy true independence of thought in many subjects, especially in the social sciences. Many private colleges and universities depend on endowments from the rich. Hence there is little enthusiasm for faculty criticism of the existing economic order. The state universities and normal schools are publicly supported, thus making it often precarious for professors to criticize existing party organizations and political machinery. The courageous professor may find himself between the devil of vested economic interests and the deep blue sea of political pressure and expediency.

The expenditures of our educational system are compatible with the extent of the plant and the enrollment of pupils. In 1900, the total expenditures of all public schools amounted to 215 million dollars. By 1936, the figure had grown to $2,232,000,000, or $74.48 per pupil. Even so, many authorities believe that the latter amount fell far short of what would be necessary to provide a thoroughly adequate educational system for American youth. It has been suggested that to bring about such a result would require an annual expenditure of at least 10 billion dollars. The most we have ever spent for public education was $2,605,000,000, in 1930. The first table on page 740, from the *Statistical Summary of Education, 1935–36,* presents a comprehensive picture of the expenditures for education, both public and private, in that year. In 1937–38, the total annual expenditures for public education in the continental United States were $2,564,418,760, of which sum $2,233,110,054 went for the support of elementary and secondary schools.

I

EXPENDITURES FOR SCHOOLS REPORTING, 1935–36 (INCLUDES CAPITAL OUTLAY)

Schools	Public	Private	Total
1	2	3	4
Elementary schools (including kindergarten)	$1,204,636,632	[1] $123,177,705	$1,327,874,337
High schools and academies	704,201,506	[1] 45,411,980	809,613,546
Universities, colleges, and professional schools (including preparatory departments) [2]	208,183,284	244,097,836	452,281,120
Teachers colleges and normal schools [3]	39,007,811	2,139,083	41,146,894
Schools for delinquents [4]	[5] 2,103,053	[5] 224,326	[5] 2,327,378
Schools for deaf [4]	[5] 870,190	[5] 1,992,321	[5] 2,862,511
Schools for blind [4]	[5] 1,020,706	[5] 352,218	[5] 1,372,924
Schools for mentally deficient [4]	[5] 3,683,919	[5] 283,318	[5] 3,967,237
Government schools for Indians [6]	8,468,076	.....	8,468,076
Total expenditures (continental United States)	**2,232,235,236**	**417,678,787**	**2,649,914,023**
Federal Government schools for natives of Alaska	622,221	.....	622,221
Territorial public school in Alaska	695,162	.....	695,162

[1] Estimated.
[2] $30,788,863 public, $57,062,946 private, and $87,851,809 total expenditures for auxiliary enterprises and activities not included.
[3] $7,163,877 public, $316,309 private, and $7,480,186 total expenditures for auxiliary enterprises and activities not included.
[4] State and private residential schools only; city public schools not included.
[5] Includes expenditures for instructional purposes, and capital outlay (not included previously), for schools reporting these items.
[6] Not including amount spent for tuition in public schools—$653,419.

II

NATIONAL INCOME, TAX COLLECTIONS, AND EXPENDITURES FOR PUBLIC EDUCATION, 1930 TO 1938

Year	Income payments to individuals	Total tax collections	Expenditures for public education	Per cent that tax collections were of total income	Per cent that school expenditures were of total income	Per cent that school expenditures were of tax collections
1	2	3	4	5	6	7
1930....	$74,566,000,000	$10,266,000,000	$2,605,699,000	13.8%	3.49%	25.4%
1931....	63,459,000,000	9,300,000,000	.....	14.7	...	...
1932....	49,275,000,000	8,147,000,000	2,456,985,000	16.5	4.99	30.2
1933....	46,878,000,000	7,501,000,000	.....	16 0	...	...
1934....	54,138,000,000	8,778,000,000	1,940,133,000	16 2	3.58	22.1
1935....	58,882,000,000	9,731,000,000	.....	16.5	...	...
1936....	68,051,000,000	10,507,000,000a	2,254,042,000	15 4	3 31	21.5
1937....	71,960,000,000	12,522,000,000a	.....	17.4	...	...
1938....	60,230,000,000	14,000,000,000b	2,564,419,000	21.1	3.87	18.3

Sources: Income payments from U. S. Department of Commerce, Bureau of Foreign and Domestic Commerce, Division of Economic Research, *Survey of Current Business*, Vol. 20, p. 17–18, October, 1940. Tax collections from National Industrial Conference Board, *Cost of Government in the United States, 1935–1937*, p. 33, and *Economic Almanac for 1940*, p. 341. Education expenditures from U. S. Office of Education, *Biennial Survey of Education, 1928–30, 1930–32, 1932–34, 1934–36, 1936–38*. (Figures for 1936–38 are advance data.)

The second table on page 740, compiled by the Research Division of the National Education Association, gives a comparative statement of National Income, Tax Collections, and Expenditures for Public Education since the Depression. It reveals the incredibly small proportion of the national income which is diverted to educational purposes.

In 1930, 54 per cent of school expenditures went for teachers' salaries, about 25 per cent for current operating expenses, about 3 per cent for textbooks and other related supplies, approximately 3.5 per cent for general administration and control, and 16 per cent for upkeep and other outlays. The following table from the *Biennial Survey of Education in the United States, 1934–1936*, reveals the distribution of the various items in the total expenditures for public education a half-decade later.

DISTRIBUTION OF EXPENDITURES FOR PUBLIC EDUCATION
1934 TO 1936

Item	Current expenditures (Excluding payments for outlays, bonds, and interest)	Total expenditures (Including current expenses, outlays, and interest)
General control	4.1	3 4
Instruction		
Salaries	69.2	58.5
Textbooks and supplies	4.1	3.4
Operation	10.2	
Maintenance	3 9	19.1
Auxiliary agencies	5 9	
Fixed charges	2 6	
Total	100.0	
Capital outlays		8.8
Interest		6.8
Total		100.0

The average salaries of school teachers showed a notable gain from 1914 to 1930. In 1914, the average salary was $525; in 1922, $1,166; in 1930, $1,420; in 1934, $1,227; and in 1938, $1,374. Of course, this gain over 1914 was in part offset by the increased cost of living, the latter being 66 per cent higher in 1930 than in 1914.

The administration of American schools has exhibited a great deal of looseness and diversity. The Federal government has never attempted to control or been willing to support American public education. The 48 states dominate the public educational system. The state systems as a whole show a great deal of diversity of control, and there is still further variation in each local community. A few states, originally led by Massachusetts and Horace Mann, worked out fairly good systems of public instruction before 1860, and other states have followed them as models to a considerable degree. Certain minimum standards are usually insisted upon by the state, but beyond this, much leeway is given to local school boards, usually composed of laymen with little educational knowl-

edge or insight. Least competent of all has been the control of one-room country school districts by rural trustees, who have usually lacked any knowledge whatever of educational problems. In over 30 states, the chief educational executive of the state is still popularly elected, thus putting the office at the mercy of party politics. In the better-administered states, there has been a marked trend to appoint the head of the state school system. Usually he is a man with some expert knowledge of pedagogy and considerable experience in educational administration. With the growth in the number and size of American cities, the city school boards have exerted an ever more important rôle in American public education. City school boards have recently reduced their size and are more inclined to accept expert advice in educational matters and to delegate technical responsibilities to trained experts. Most cities have a professional superintendent of schools. While much remains to be achieved in the way of securing expert and impartial educational administration in the United States, the progress along this line in the last forty years has been almost as notable as the growth of school enrollment and school plant.

Most of the funds needed to support our school system are raised by local taxation, though the amount of state aid to public schools has notably increased in the last quarter of a century. Federal aid has also grown during this period, but even by 1936 it amounted to only 1.2 per cent of the total. The following table, compiled by the Research

AMOUNT AND PER CENT OF PUBLIC ELEMENTARY- AND SECONDARY-SCHOOL REVENUE[a] FROM FEDERAL, STATE, AND LOCAL GOVERNMENTS IN 1920, 1930, 1934, AND 1938

Unit of Government	*1938*	*1934*	*1930*	*1920*
1	2	3	4	5
		Amount		
Federal	$26,535,473	$21,547,938	$7,333,834	$2,474,717
State	655,996,060	423,178,215	353,670,462	160,084,682
Local	1,540,052,863	1,365,553,792	1,726,708,457	807,560,899
Total	$2,222,584,396	$1,810,279,945	$2,087,712,753	$970,120,298
		Per Cent		
Federal	1.2	1.2	0.4	0.3
State	29.5	23.4	16.9	16.5
Local	69.3	75.4	82.7	83.2
Total	100.0	100.0	100.0	100.0

Source: U. S. Department of the Interior, Office of Education, *Biennial Survey of Education, 1918–1920, 1928–1930, 1932–1934, 1936–1938.* (Figures for 1936–1938 are advance data.)

[a] Revenue receipts only. State receipts from permanent funds and from school lands are included.

Division of the National Education Association, reveals the sources of the revenue expended for public education from 1920 to 1938, according to governmental units.

The extension of educational facilities and activities has brought about a greater demand for competently trained teachers. Normal schools and state teachers' colleges have increased in number. They have also improved their educational facilities and instruction. Admirably equipped professional teachers' colleges, in conjunction with the larger universities, have been provided. The most notable is Teachers College at Columbia University. Elaborately staffed and extensively attended summer schools enable teachers to extend their information and keep up to date through summer study. Many of the better school systems offer promotional and pecuniary rewards to teachers who carry on their studies in summer school and extension courses, along with their teaching work. More teachers have tended to carry on graduate work and professional study, so that there is a larger body of better trained teachers to choose from than has previously been the case. There has also been a notable extension of facilities for the supervision of teaching, thus giving special aid and counsel to inexperienced or relatively untrained teachers. The higher salaries paid and the more exacting requirements for teachers have led to an increase in the relative number of men teachers since the first World War. In spite of all this, much remains to be done in the way of improving the training of teachers. Approximately 25 per cent of the elementary school teachers have had less than two years of education beyond high school, and over 10 per cent of senior high school teachers have had less than four years of college work.

Effective teaching and disciplinary methods have been guided largely by educational psychology and scientific pedagogy. Punitive discipline has fallen into disrepute in the better schools; emphasis is laid upon arousing the interest and enthusiasm of pupils. It has been found that the learning process is facilitated if it is made pleasant enough to enlist the hearty coöperation of the pupil. School attendance is encouraged by a number of agreeable and helpful forms of extra-curricular activity, such as athletics, folk-dancing, and dramatic activities.

While the curriculum, from the elementary school to the graduate schools of our universities, is still archaic and traditional, it has certainly been notably improved in the twentieth century. We have already referred to these changes in connection with the colleges and universities. The most notable curricular innovation here in the nineteenth century was the growing attention and respect accorded the natural sciences. In the twentieth century, the greatest gains have been made by the social sciences, though these are still inadequately provided for.

In the secondary schools in 1890, most of the instruction was limited to English, Latin, Greek, French, German, algebra, geometry, physics, chemistry, and history. In 1930, instruction was offered in approximately fifty subjects, in the place of the ten that dominated the field forty years earlier. The decline in the relative attention given to the

classics and mathematics has been especially marked since the first World War. The drop in the number of courses offered in German was a temporary and pathological episode engendered by the first World War. This prejudice has been revived by the second World War, and it will probably be some decades before normal and desirable attention will once more be given to instruction in German.

For many decades, the secondary schools have been considered chiefly as a preparation for the professions or for college. The secondary schools are still prostituted to the requirements laid down for college entrance examinations; however, some secondary schools do prepare students for life in the twentieth century. This trend is shown by the greater variety of courses offered and their greater realism. Notable in this respect is the attention given to the social studies, to manual training and industrial arts, and to commercial education. The latter has been so extensively developed in some secondary schools that private commercial schools have suffered severely. Instruction in manual training in the high schools was aided by the passage of the Smith-Hughes law in 1917, providing for federal aid to vocational education under the supervision of the Federal Board for Vocational Education.

There have naturally been fewer radical changes in the curriculum of elementary schools. The "three R's" have to be studied in preparation for further educational work. Nevertheless, the elementary school curriculum has been broadened to include history and the social studies and various industrial arts. There has also been much experimentation with more effective and vital types of instruction, in which the studies are closely related to life situations and the everyday experiences of children. The health of children of all ages in the public schools is supervised, and at least some elementary instruction is given in the fundamentals of health and personal hygiene.

Special classes have been created for handicapped and retarded children, including the blind, deaf, subnormal, and feeble-minded. In some cases school facilities are made available during the entire year, thus eliminating the waste of plant facilities during the long summer vacation, the period when the educational plant may actually be operated with a minimum of expense. The summer vacation is a hold-over from a farming economy, in which the farmer needed his children at home to help him get in his hay and carry on harvesting activities. It is probable that, within another generation, the protracted summer vacation will be supplemented by briefer vacations between the quarters of a school year running through the entire twelve months. Year-around education in institutions of higher learning was first provided for by President Charles Rainey Harper at the University of Chicago in 1892. This institution has always operated on the quarter system instead of the usual semester plan. Many Western state universities now operate on the quarter system. The second World War is exerting a powerful influence in the direction of year-around operation of our colleges and universities, and the practice may persist in many places in post-war years.

A new type of institution is the junior high school, first launched in Berkeley, Cal., in 1909, and very widely developed since the first World War. In 1934, there were over 1,948 junior high schools, with an enrollment of over 1,220,000 pupils. Much time had previously been wasted in the seventh and eighth grades in perfunctory review of the material covered in earlier years. Attention is now given to efficient work before the seventh grade, and then the seventh and eighth grades are transformed into a junior high school, where instruction is given in subjects which have previously been restricted to the high school curriculum. There has been much experimentation with the curriculum of the junior high school, most gratifying being the unusual attention given to the social studies and industrial arts.

By taking care of subjects previously handled in the high school, the junior high school makes much more advanced work possible in the senior high school. The variety and quality of instruction in the better senior high schools is far superior to that given in colleges a half century ago. It is believed by many experts, such as Dean Louis Peckstein of the University of Cincinnati, that in due time the senior high school will supplant the conventional college, or at least the junior college. If so, this will bring about a condition resembling that in Europe, where the German Gymnasium and the French *Lycée* cover much the same ground as do the American colleges in the first two or three years of their work. After the European student finishes work in one of these institutions, he goes on into the university, which resembles our upper-class years in college and the work of the university graduate schools.

Junior colleges since the first World War increased from 46 in 1917 to 415 in 1936, with an enrollment of over 102,000. The junior colleges have taken over the work given in the first two years of the four-year college. The curriculum, however, is generally more up-to-date and experimental than the undergraduate curriculum of the conventional college. The functions and relationships of junior high school, senior high school, junior college, and four-year college are at present highly flexible and confused. It will take another generation to solve the problems they raise, but in the end we can expect a somewhat more rational distribution of functions and subject-matter.

The progress in human knowledge, the shifts in curricular material, and the social changes of our day have made it both natural and essential to consider the problem of adult education. Many persons were denied the privilege of college education in youth. Even those who had such an education now find it grievously out of date. Moreover, it is highly necessary to understand the social changes of our day, the reasons therefor, and possible means of guiding social change in a manner more beneficial to the mass of mankind. Only adult education can effectively meet such needs and problems. Certain institutions have been established to provide adult education, such as Cooper Union, especially its People's Institute, and the New School for Social Research in New York City. University extension courses, especially those conducted by large

metropolitan universities, have done much to facilitate adult education. The Public Forum movement has provided for some adult education, in default of more adequate facilities. Dr. John W. Studebaker, United States Commissioner of Education, has made a commendable effort to provide federal resources to support a well-planned forum movement throughout the United States. Labor organizations and groups have brought into existence many facilities for the education of the working class. Particularly worthy of mention are the Rand School of Social Science in New York City, Labor Temple, also in New York, and the educational work of the International Ladies Garment Workers.

Finally, there has been a notable extension of the scientific study of education, with the aim of suggesting better educational methods. Teachers College at Columbia University, a pioneer in this work, was much influenced by the educational philosophy of John Dewey. Some of our larger foundations, such as the Carnegie Foundation for the Advancement of Teaching, the General Education Board, the Rosenwald Fund, and the Commonwealth Fund, have spent money lavishly in the study of contemporary education. Unfortunately, such studies often view the problems of education from the vantage point of the vested interests in contemporary society. They are more interested in making education a bulwark of social stability than in developing it as a leading agent of intelligent social change. Hence they have been limited chiefly to investigations of the formalities and machinery of education rather than to a consideration of the rôle of education in social change and the relations of education to the social issues of our time.

Despite the extensive educational equipment and activity in the United States, there are a very large number of Americans who have not made, or been able to make, adequate use of these facilities. The census of 1940 revealed the fact that 10,105,000 persons over 25 years of age, or 13.5 per cent, had never gone beyond the fourth grade in school. Some 2,800,000, or 3.7 per cent, had never finished one year in school. Less than a quarter (24.1 per cent) had finished high school. Only 4.6 per cent were college graduates. The median number of years of school completed by those over 25 years of age was 8.4, slightly beyond the eighth grade. General Lewis B. Hershey, head of selective service, stated in May, 1942, that 250,000 physically fit young men, the equivalent of 15 divisions, had been rejected in the draft because of illiteracy and "mental backwardness." President Roosevelt was reported to be "startled by these figures."

Some Outstanding Defects of Contemporary Education

Education is still administered under a forbidding intellectual atmosphere. The punitive and penitential attitude still lies at the heart of conventional education, however much it may have been repudiated by

the more progressive types of professional educational psychology. This attitude towards education was never more crisply, pungently or candidly expressed than by President George Barton Cutten of Colgate University, when he observed that: "It doesn't matter what you study, so long as you hate it."

This type of educational motivation is an outgrowth of at least four fundamental causes. The first is the orthodox theological assumption that intellectual virtue can best be assured through its association with an attitude of solemnity and mental misery.

The second chief cause has been the rationalized defense of anachronistic subjects in the curriculum. Higher mathematics, a most valuable and practical preparation for applied science and technology, has usually been retained as a requirement in high schools and in liberal arts colleges. The classical languages, once the medium of expression for a great civilization, have come down into our day in the form of grammar and syntax, giving but little attention to the actual life, spirit, and achievements of the ancient Greeks and Romans. The advocates of mathematics and the classics have been forced to defend them on the ground of their alleged disciplinary value, with respect to both the intensity of mental effort demanded and the generally distasteful nature of the subject-matter.

A third cause has arisen from administrative economy and convenience. In order to standardize educational requirements and achievements and to grant degrees for approximately the same general volume and level of achievement, it has been necessary to work out set courses, a schematic curriculum, and a rigorous set of examinations. In this way, the authorities aim to test the quality of the work being done by students and to provide for the proper mass promotion of students through the educational machine.

To these three causes there should be added a fourth, namely, the old doctrine, drawn from theology and metaphysics, to the effect that the human will, so-called, can be trained in adequate fashion only if one is forced to perform many tasks for which he feels a profound disdain and acute dislike.

All of these attitudes were formulated long before the rise of modern dynamic and educational psychology. We now know that nothing is more fundamentally opposed to mental health and stimulating intellectual life than undue solemnity, psychic misery, and an overdeveloped sense of personal inferiority. Nor is there any psychological ground whatever for the belief that special and unique mental discipline can be derived from the study of a particular subject or group of subjects. If difficulty were to be the criterion of the value of a study, then we should supplant Greek and Latin by the languages of the Basque, Eskimo, and Chinese. Method, rather than subject-matter, creates mental discipline, in so far as this can be furthered by pedagogical influences. While we cannot hope to carry on any extensive system of education without at least a minimum of regimentation and administration, nevertheless, it is all too easy to convert the machinery for education into the actual goal of educa-

tion itself. The success of an educational plant is all too often judged on the basis of its size and the smoothness with which its machinery operates. The aim of the students is less often the mastery of the subject-matter of the course than the ability to "get by" in periodic examinations. Under such conditions the administrative aspect of education becomes a handicap rather than an aid to the learning process.

Modern psychology tells us that what was once known as "will power" can be much more certainly and surely attained by proper attention to the rational motivation of conduct than by forcing one to execute, for no good reason at all, a series of distasteful acts. When carried into the educational process, this punitive or penitential conception of mental discipline and will-training is much more likely to produce hostility towards the subject-matter, to develop paralyzing inhibitions, and to reduce mental vigor and capacity. Subjection of the youth of the land to the punitive philosophy of education and to the administrative machinery necessary to achieve education with the minimum amount of effort and expense has led young people, for the most part, to regard education, not as a privilege to be exploited with joy and enthusiasm, but as an imposition and a bore, to be evaded with the greatest ingenuity, irrespective of its financial cost to the individual student.

Closely associated with the punitive ideal is the solemnity-complex which dominates conventional pedagogy. The whole teaching process is assumed to be a gloomy and earnest affair. Light-hearted enthusiasm here is in as bad taste as a horse-laugh at a funeral. Hence it is not surprising that there is little life and vitality in contemporary education. Akin to this is the notion of academic dignity, partly an outgrowth of the solemnity-complex and partly a defense of teachers against embarrassing questions and intellectual familiarity from students.

It is disheartening to note the lack of real interest and enthusiasm on the part of most students; but, to explain it, we cannot rest satisfied with the hypothesis of the general cussedness of the younger generation. A good part of the explanation lies in the unfortunate conditioning of the mind of the student, from the days of the kindergarten to that on which the official committee accepts a printed dissertation presented for the Ph.D. degree. Until we supplant the punitive attitude by the recognition that active interest, rather than mental punishment, is the only rational motivation of dynamic educational practice, we need not expect that students in our schools and colleges will give evidence of that buoyant enthusiasm which is the cherished aspiration of progressive education.

Another reason for the lack of realism and interest in education and for the absence of enthusiasm on the part of students is the all too prevalent lack of special aptitude and gusto on the part of teachers. The teachers in public schools usually have some formal training in pedagogy and the psychology of education, but they are rarely put through any aptitude tests to determine their fitness for the career of instructing youth. Unless they are miserably incompetent in the matter of elementary classroom

discipline, they can usually hold their jobs, however stultifying their influence over pupils. Many, especially young women teachers, have no deep professional interest in teaching, and plan to teach only until they can find some other type of work or get married.

Personal and professional aptitude is even more lacking among college and university teachers. Many professors are learned and charming men and many are well fitted to do research and write books in their fields; but there is little or nothing in the requirements for the Ph.D. degree which has the most remote relation to capacity to impart information to students in competent and enthusiastic fashion. No professional group in modern society is so ill-prepared, indeed unprepared, for its responsibilities and duties as are teachers in institutions of higher learning. Some are superb teachers, but, if so, it is only a happy accident. Many go into college and university teaching solely because there is nothing else for them to do or because it offers a life of dignity, social distinction, relative leisure, and opportunity for scholarly research and reflection. It is obvious that bored or incompetent instructors cannot do much to arouse enthusiasm for learning on the part of students.

So long as our schools remain organizations given over chiefly to registering the disappointing effects of teaching rather than to assuring progress in learning, they will remain places which are mainly efficient in producing and recording educational failures. This general point of view was well expressed by the late James Harvey Robinson in his discussion of the motives and philosophy of the New School for Social Research, which he helped to found some years back as an institution designed to achieve educational ideals such as he had in mind:

> Teaching and learning are assumed to go hand in hand. But no one who is not professionally pledged to this assumption can fail to see that teaching commonly fails to produce learning, and that most we have learned has come without teaching, or in spite of it. The gestures and routine that make up teaching are familiar enough and can easily be acquired. Recitations, lectures, quizzes, periodical examinations, oral and written, textbooks, readings, themes, problems, laboratory work, culminating in diplomas and degrees *cum privilegiis ad eos pertinentibus*, form the daily business of tens of thousands of teachers and hundreds of thousands of boys and girls in thousands of smoothly working institutions dedicated to the instruction of the young. Teaching in all its various manifestations can readily be organized and administered.
>
> As for learning, that is quite another matter. It is highly elusive and no one has yet discovered any very secure ways of producing it. Being taught and learning are obviously on different psychological planes; they involve different processes and emotions; are subject to different stimuli and spring from different impulses. Our "institutions of learning" are essentially institutions for teaching. Teaching is easy but learning is hard and mysterious, and few there be that attain to it. It seldom forms the subject of discussion in faculty meetings where it is tacitly assumed that pupils and students rarely wish to learn, and that the main business in hand is to see that those obviously indifferent to being taught are suitably classified and promoted or degraded according to the prevailing rules of educational accountancy. . . .[8]

[8] *The Human Comedy*, Harper, 1936, pp. 361–362; see also below, pp. 769 ff., 777–778.

Another outstanding defect of contemporary education is our antiquated and archaic curriculum which, in spite of changes in the last half century, is still out of accord with the realities of contemporary life and the needs of the society of our day.

In most of our plans for the reform of the educational curriculum we refuse frankly to face the fact that much of our present-day educational philosophy and most of the curriculum represent a heritage from an ancient past, which is as ill-adapted to modern thought and needs as the ox-cart or the clepsydra. Consequently, most educational progress consists in attempting to engraft upon an archaic substructure an incongruous set of highly modern educational notions and a variety of novel subjects in the curriculum. The average high school or college of today is not unlike an ancient oriental ox-cart, to which have been subsequently attached fragments from Greek and Roman chariots, armor plate from the coat of mail of a medieval knight, the top from an early modern stagecoach, pneumatic tires, an automobile steering-gear, an airplane propeller, and a radio.

Such a combination as this, if actually exhibited to the average college president or dean, a conventional professor of pedagogy, or the usual run of school superintendents, would cause those normally solemn individuals to burst into hilarious laughter. They fail, however, to realize that the educational system and institutions over which they preside with such dignity and satisfaction are a no less amazing museum-piece, in which even the highly modern equipment is, to a degree, paralyzed by the anachronisms to which it is attached. It is rarely understood that, if one desires a modern educational machine, he must scrap the whole exhibit and build anew, on the basis of contemporary needs and knowledge, in exactly the same way that a technician, desiring an airplane, builds an airplane, and does not start by attaching a propeller and a gasoline tank to a Roman chariot.

The objectives of a large proportion of the older subjects in the curriculum can scarcely be sustained in the light of modern knowledge. Those subjects relating to religion have come down from the primitive oriental and medieval notion that the basic purpose of education is to make clear the will of God or the gods to mankind. The Greeks and Romans added to these primitive and oriental views great emphasis on the value of training in rhetoric and argumentation (public speaking) in order to provide the technique for achieving success in the political life of the classical period. The Middle Ages added a renewed emphasis upon religion and the supernatural in education. The Humanists contributed the notion that the classical languages embody the finest flower of secular learning and are unparalleled modes of literary expression. The invention of printing made possible the worship of the printed page. The democratic enthusiasm of the last century helped to establish the principle that everybody is entitled to an education and is equally capable of participating in a complete system of educational activity.

Scarcely one of these contentions can be successfully defended in the

light of our present knowledge and needs. We can hardly hope to ascertain the will of the gods. Statesmen are in much greater need of a knowledge of the processes of government and of the statistical facts relative to social problems than they are of an oratorical technique which will enable them to avoid the split infinitive or the dangling participle or to quote impressive passages from the ancient masters of oral prose. A man with Robert Moses' equipment must be regarded as better fitted to deal with the problems of government than the most exquisite orators of our own or earlier periods. The classics, far from being adequate to serve as the pivotal item in the whole curriculum of higher learning, really constitute but a minor element in the field of aesthetics. Modern differential biology and psychology, as well as educational experience, prove clearly enough that a considerable portion of mankind is unfitted by reason of defective endowment to participate in the higher ranges of educational endeavor.

It is hardly unfair to say that organized education today is really more interested in perpetuating the ignorance of the past than in acquainting the youth of the land with new and saving knowledge. The greater part of education in the past has been devoted to setting off its products from the rest of society, as either gentlemen or churchmen. Hence it is not surprising that, as Horace Kallen has suggested, our educational heritage provides a distraction from life rather than a realistic preparation to live successfully in the twentieth century.

We are living in the greatest social crisis in history and in one so complicated that we need, as never before, the counsel of organized intelligence, which should be another name for education. Yet education brings more inertia and confusion than clarity of vision and courage of leadership. The social sciences are inadequately developed and promoted. Their subject-matter is partially irrelevant and their tone is conservative. With democracy in headlong retreat throughout the modern world, we still refuse to provide realistic education in the principles of citizenship under democratic institutions. The evils which are sinking the ship of state are resolutely obscured. With one family out of every six going on the rocks and winding up in a divorce court, we still shy off from thoroughgoing sex education which might make the monogamous family something of a success.

Above all, we are opposed to so-called practical subjects. It is almost a dogma in respectable educational circles that anything which is directly useful to humanity cannot be truly educational. Any suggestion that we introduce more practical subjects in institutions of higher learning is usually vehemently opposed as only a first step toward transforming them into institutions for manual training. Indeed, in one fairly progressive women's college, known to the writer, exactly this objection was brought forward when it was proposed to outline a course of study designed to be helpful to the college graduates who hoped to become mothers and engage in family activities. No new subjects were proposed. All that was suggested was a logical organization of reputable courses already being

taught, but outlined in a natural sequence, designed to constitute four years of profitable academic work. It was denounced by the ethereal pedants on the faculty as a mere "housekeeping major," and regarded as akin to instruction in blacksmithing and cheese-making. At least half the subjects now being taught in our schools and universities have no useful relationship to life in the twentieth century. They may not be directly harmful in themselves, but they prevent adequate attention from being given to subject-matter upon which the future destiny of humanity very literally depends.

Another source of weakness and waste in contemporary education has been an inevitable outgrowth of mass education. The most economical and convenient way of carrying on mass education is to try to put all the children in the schools and colleges through the same curriculum and to handle them by the same educational machinery. The very mental tests which the educational experts have done so much to provide clearly reveal the futility of such procedure. They make it clear that the school population varies in intellectual capacity from morons to geniuses. Further, the vocational tests which educators have been improving during the last generation indicate the wide variety of special talents which it should be the function of education to recognize and encourage. Yet, we still attempt to prescribe the same subjects and modes of instruction for the moron, the average student, and the genius, for the student with a literary flourish and one with mechanical genius. While we have begun to introduce special classes for extremely handicapped and retarded children, we have only scratched the surface of the problem of differentiating education according to special abilities, functions, needs, and personal ambitions. Little has been done to take into account the special requirements and opportunities of the mentally superior children. Our failure to differentiate between those who simply go to college because it is the current style to do so and those who enter higher education because they really wish to learn something confuses our entire system of higher education.

In our effort to provide administrative machinery to facilitate mass-education, we have brought about a system that turns out duplicate models of mental docility, instead of promoting the growth of intellectual alertness and curiosity. The original and independent teacher finds himself restricted on every hand by the machinery of education. The progressive education movement has been, largely, a revolt against the limitations upon dynamic education imposed by the whole complex of administrative machinery.

The examination bogey also restricts mental alertness and enthusiasm. We must have some tests wherewith to determine the promotion of students in the educational process; but we have carried these to such an extreme that "education" is often a matter of successfully passing periodic examinations. Little attention is given to the quality of learning and to the amount of useful information that may remain in the mind of the student after he has passed an examination. Moreover, the fears

and inhibitions associated with examinations all too often impair the mental activity of even capable students.

Concentration upon frequent formal examinations as the chief test of the educational progress of students is one of the most deadly of pedagogical methods. Sooner or later, a means becomes transformed into an end. What is at best only a highly imperfect method of measuring intellectual advancement becomes the essence of the educational process. The better students look upon educational success as something which is demonstrated by an imposing string of "A's," while the mob regards the *summum bonum* as attained when they make the requisite number of "C's." There is no necessary connection between true learning, on the one hand, and the process of cramming information to secure a high grade in formal examinations, on the other. To the real student, there is often little true joy in the learning process until he has passed beyond the examination nuisance—that is, beyond the scope and control of official education. The writer has heard many testify, in a semi-humorous and semi-ironical and embittered fashion, to the fact that they obtained little enjoyment from their educational life until after they had completed all the requirements for the degree of doctor of philosophy. A spirited criticism of the net result of excessive educational machinery and mass education has been offered by Porter Sargent, a professional student of elementary and secondary education and editor of the important annual, *A Handbook of Private Schools*, in his article on "The Crime of Teaching" in the *Yankee Magazine*. It is, perhaps, slightly overdrawn, but Mr. Sargent does put his finger upon one of the more serious defects of contemporary mass-education:

> It's in America and England that the schoolhouse and the bughouse have become the conspicuous blots on the landscape. Wherever a few children are gathered together there's a schoolhouse. The asylums lie about the great centers of population like the outlying forts about Paris. Together they are as characteristic of our culture as the Gothic cathedral of medieval Europe, the columned temple of Greece or the stupa and pagoda of Buddhist countries. Whether in New England or Southern California, choice hilltop spots are crowded with great institutional brick piles—our schools or our asylums. Before the gaze of heaven we parade the human sacrifices of our civilization. The ultimate causes are deep hidden for shame. And like the Aztecs, it's the flower of our youth we sacrifice—geniuses, men of promise like Clifford Beers, founder of the mental hygiene movement. The "untutored" mind escapes. Those who go to the asylums and the prisons have passed through the schoolhouses. And yearly an increasing percentage of the schoolhouse product goes on to the bughouse.[4]

According to Mr. Sargent, a Harvard alumnus, it is frustration which leads to both educational futility and the great increase in mental disease. Education, as conducted today, is little more than organized frustration for the youth of the land. It is almost true that the more highly educated a person is, the more frustrated he is likely to be:

> Frustration is the one thing characteristic of the present generation. It is a frustrated world we live in. We haven't the healthy extrovert attitude toward

[4] *Loc. cit.*, Yankee, Inc., Winter, 1938.

life that was characteristic of the Elisabethans and their time when children had less schooling. Today we rob the child of his joy in this wonderful world into which he has been born. We dull his edge. We bring about frustration. Increasingly for several generations we have been doing this and now as a people we are frustrated, we have nowhere to go, no aims, no purposes, no ideals, no drive. The academic sophisticates rather pride themselves on their supercilious cynicism. The more highly educated a group, the more frustrated they appear. Look at a gathering of old Harvard grads, bald, jowled, dewlapped, stoop-shouldered, pot-bellied. They are dulled, disillusioned. There is no sparkle, no fire. They are a tamed, dispirited lot, without zest for life.

It is Mr. Sargent's thesis that education is a misnomer for the procedure of the present school system. Our pupils are sent to school but not educated:

> The people we see about us today have been schooled, not educated. They have been taught what someone thought they ought to know, deprived of what they hungered for. No wonder they are frustrated. Twelve years of schooling, four years of college, four years of professional training, two years of internship or apprenticeship in office or factory—twenty-two years of teaching and education or frustration before they are permitted to do anything. The only way a child during the last few generations could get an education was to play truant—and he got licked for that.

The unfortunate characteristics of excessive educational machinery and mass education extend to our institutions of higher learning as well as to our schools. Much critical literature has been produced on the so-called factory system in higher education. It must be obvious to all thoughtful and candid observers that the increase in the size of our institutions of higher learning has brought about a remarkable transformation in ideals and methods since the day when the perfect college was one symbolized by Mark Hopkins on one end of a log and a half-dozen exuberant students on the other.

It is necessary, at the outset, in the interest of accuracy and logic, to distinguish between those aspects of modern university life which arise chiefly from the increased size of institutions and those which have grown out of contemporary cultural transformations or have proceeded from present-day fads. The tendency towards swarming to institutions of higher learning, indifference to serious intellectual endeavor, abnormal consumption of liquor, obsession with football, scouring the countryside in high-powered cars, and freak subjects in the curriculum, may have been in some cases intensified by the factory system in education, but they cannot honestly be said to have been produced solely by large-scale higher education or to be inevitable products of it. We must confine ourselves to those situations which have inevitably arisen out of the overgrown state of many large universities.

It is clear that, in the first place, our larger educational factories must be primarily places for teaching rather than learning, unless the endowment and income are sufficiently great to enable classes to be broken up into small units and to provide really competent and experienced teachers for all such groups. Under normal circumstances, a maximum of instruction must be dispensed with a minimum of effort and expense.

This leads to overcrowded lecture courses, the enrollment sometimes running as high as several thousand in a single course. Later, these mobs are broken up into small section-meetings, where they are more or less mechanically quizzed in a routine fashion by cub instructors. The latter aim to discover the talents of the students as human parrots, measured by their ability to reproduce the lecture material dispensed by the departmental orator-in-chief, or by their facility in mastering the required reading, uniformly assigned to all students in the course. If the subject is natural science, the quizzes on subject-matter are supplemented by the laboratory section meetings, likewise presided over by tyro instructors and assistants who administer the system through enforced compliance with the manual of procedure prepared by the chief or by an eminent professional colleague. In this way adolescent Newtons, Faradays, Pasteurs, Darwins, Helmholtzes, Einsteins, and Michelsons are supposed to be created *en masse*.

All of this group instruction is, for the most part, administered in accordance with the precepts of the penitential and punitive educational philosophy, based upon the conception of education as a matter of assigning tasks—mostly unpleasant—and exacting rigorous compliance with such requirements. There is a general ignorance of the fact that ardent interest in the task at hand, conceived in a rational and practical manner, is the only real key to educational achievement and school hygiene alike. There is little possibility, under such conditions, of arousing student interest in the subject-matter, either by the inspiration growing out of close personal contact with a great master or through a glowing and enthusiastic type of personal exposition of academic materials. The whole matter tends to become formal, unreal, artificial, unpleasant, and repellent.

Not only is instruction in the factory type of university for the most part large-scale, formal, impersonal, and punitive. This, of necessity, carries with it great reliance upon official regimentation, an elaborate system of records, resort to frequent and standardized examinations, and general trust in formal method and procedure rather than in creating an inquiring spirit. This standardization often goes beyond determining the status and promotion of the students through their years in college, and even applies to their teachers as well. Some of our larger universities base the tenure and promotion of their instructors upon the number of printed pages which they have published during any year or group of years.

Large-scale education also has its inevitable effect upon the general intellectual and social life of the students. There is little opportunity for diversified and intimate acquaintanceship. There can be little common spirit or true institutional appreciation, except in such superficial irrelevancies as hysterical loyalty to football teams or participation in class festivities. There is no possibility of living any real university social life, with the consequence that the financially more fortunate ones drift into snobbery and fraternity cliques, while the less fortunate swarm about

in temporary and aimless gregariousness or retire into embittered isolation. The whole situation makes for artificiality and distraction, and there is little which leads to calm and mature reflection or stimulating intimacy of spirit. The faculty is affected as well as the students.

Closely related to mass education and the customary regimentation in the process has been a tendency to overstress the custodial function of our schools and colleges. As a result of our material civilization and its distractions, the educational system is becoming a hierarchy of dignified institutions of child-care and supervision. A generation or so ago, the home was the center of social, educational, and recreational life. There was little incentive to seek recreation and distraction elsewhere and little opportunity to do so if the inclination arose.

Today the movies, golf courses, automobiles, dance halls, night clubs, theaters, country clubs, and the like, offer allurement, even to respectable classes. Children are a care and a social liability to those who want to participate in such social and recreational activities, and this burden cannot be fully removed by turning children over to the care of maids and tutors in the home. Today many parents engage in remunerative work that takes them out of the home for most of the day. Consequently, in addition to the public schools and state universities, we have developed a great hierarchy of institutions, from the day nursery through the private schools for boys and girls, to preparatory schools and colleges. These receive and safely care for children who, while not unloved, prove an annoyance and special cross to parents who want freedom from domestic responsibilities. Many parents have fostered the development of elaborate summer camps for boys and girls, which relieve them of parental responsibility during the non-school months as well.

Parents do not always recognize their desire for unencumbered freedom. They usually rationalize their action on the ground that residential schools and camps offer better facilities for their children than can be obtained at home. The same changes in civilization that have made it desirable to be rid of children have brought that increase in prosperity which has made it possible to send progeny to expensive custodial institutions. Parents who do not want or are unable to send their children away before college years still hope that the institutions of higher learning to which they consign their offspring will be places of safe custody. Thus the chief function of education, in the minds of many parents, is the custodial function. Children in preparatory schools and colleges are especially hard to manage; they simply radiate "problems" due to puberty and adolescence. The parents are glad to pass on the responsibility for their control to the educational institutions. The schools and colleges accept the custodial responsibility and formulate their rules accordingly. Regimentation and administration are controlled much more by considerations incident to successful custody than by concern for intellectual stimulation. There are rules about residence and absences which, in some cases, are almost as rigorous as those in the more liberal correctional institutions.

The success of a college is often measured by its capacity for the safe segregation of youth. If a college turns out class after class with few or no casualties, scandals, or disappearances, even though the pretense to educating the students is obviously a sham, the administration is praised as brilliantly performing its pedagogical duties and fully discharging its social responsibilities. On the other hand, should a courageous, energetic, and stimulating college president develop some degree of intellectual interest on the part of the students and actually educate a few of them, his achievement would immediately be nullified in parental opinion if one eccentric or overbuoyant student should escape or involve the college in some scandal, indicating possible laxity in discipline. It is a situation not unlike that in the penal institutions, where the warden is rated by his success in the prevention of escapes.

The efficiency and status of college professors are also primarily determined by their success in promoting the record of the institution as a place for safe segregation. A professor, however boring, monotonous, and unstimulating to the students, is a valued faculty member if he creates a quiescent attitude on the part of the students and, by his somnolent influence, reduces the probability of student thoughtfulness, scepticism, recalcitrance, or insurrection. Let a brilliant, active professor stir his students to independence of thought and action, and he becomes a challenge to the whole system of institutional regimentation and will likely be let out at the earliest opportunity.

Besides putting the custodial function of a college far ahead of its educational responsibility, most parents are even fearful of real education. H. L. Mencken has ironically said that nothing is so shocking to a parent as to discover intelligence in his child, and nothing could be more repugnant to him than to envisage sending his child to an institution that proposed actually to educate him, namely, to make him more intelligent.

One of the major obstacles to making education a potent vehicle of social enlightenment is the influence of tradition, habit, and the conservative longing for absolute certainty in human affairs. For nothing does the human mind yearn more persistently than for a sense of safety and assurance amidst the problems forced upon us by the facts of the external world, the nature of our own biochemical equipment, and association with our fellows. We have a deep-seated desire to know just what we should do and how and when we should do it. Dogma, routine, and habit are not only great time-savers, but are also indispensable to the creation of that enviable feeling of intellectual sufficiency, moral certainty, and economic security which characterizes the person who finds himself perfectly adjusted to what he regards as the best of all possible worlds.

Down to the twentieth century, it was possible for the intellectual classes to possess some close approximation to that feeling of omniscience and security for which we all seek. Primitive folklore, mythology and mores, and later the dogmas of religion, politics, economics, and education, were able to create for man a world of such conceptual simplicity that one could believe that he possessed the totality of saving knowledge

with respect to every problem confronting man. In our day, however, the achievements in modern natural science, biblical scholarship, critical thought, and social science have shown that the conceptions of the cosmos, the world, man and human society upon which the older dogmas rested, were an almost complete illusion. If this be true, then the dogmas themselves possess no more validity than the fictitious world order from which they were derived.

Further, and even more disconcerting, modern science and scholarship have shown that the physical cosmos is so complex, extensive, and dynamic that we can never hope to possess absolute certainty with respect to anything. One of the basic laws in modern physics is Werner Heisenberg's law of indeterminacy which, as one commentator has observed, implies that "the only certainty in the physical world is uncertainty." The remarkable progress in the study of man and human society from the angles of mechanistic biology, physiological chemistry, comparative and dynamic psychology, and the various social sciences has likewise proved that man and his culture present a complexity which can no longer be explained within the categories of the older religious and metaphysical rationalizations.

In other words, after having taken away from a person the neat antique dogmas, done up in mental tinfoil and properly distributed in the nice cabinet of intellectual pigeonholes, which contains his equipment of conventional knowledge, there are no carefully assorted and clearly tabulated packages of learning to hand back in return. Indeed, we must even give the cabinet of pigeonholes a well-placed kick. There is considerable grief about so much "tearing down" of ancient beliefs without "putting anything in their place," but this begs the whole question. The first essential of the modern outlook is to recognize that the only thing which can replace the older cut-and-dried dogmas is a new mental attitude—namely open-mindedness, persistent cerebration, scientific method, and hard study, in the hope of ultimately discovering some final working approximations to truth. This point has been emphasized with characteristic charm and lucidity by Carl Becker:

> This effort to find out what it's all about is, in our time, more difficult than ever before. The reason is that the old foundations of assured faith and familiar custom are crumbling under our feet. For four hundred years the world of education and knowledge rested securely on two fundamentals which were rarely questioned. These were *Christian philosophy and Classical learning*. For the better part of a century Christian faith has been going by the board, and Classical learning into the discard. To replace these we have as yet no foundations, no certainties. We live in a world dominated by machines, a world of incredibly rapid change, a world of naturalistic science and of physico-chemico-libido psychology. There are no longer any certainties either in life or in thought. Everywhere confusion. Everywhere questions. Where are we? Where did we come from? Where do we go from here? What is it all about? The freshmen are asking, and they may well ask. Everyone is asking. No one knows; and those who profess with most confidence to know are most likely to be mistaken. Professors could reorganize the College of Arts if they knew what a College of Arts should be. They could give students a "general education" if they knew

what a general education was, or would be good for if one had it. Professors are not especially to blame because the world has lost all certainty about these things.[5]

Moreover, much of the grief at the tearing-down process is misplaced. There is often much constructive service in the process of tearing down and taking away. No one would urge a surgeon to replace an inflamed appendix by a malignant tumor. No one mourns because we have disrupted many of the beliefs and practices held sacred among primitive peoples. Several centuries from now, in all probability, the cultivated classes will view the most "sacred" beliefs and institutions of the mid-twentieth century much as we now regard cannibalism, the couvade, and the suttee. Indeed, one of the results of modern thought has been to render the very concept of "sacredness" an obstructive anachronism. Nobody has stated this better than did James Harvey Robinson in the following paragraph:

> One of the great obstacles to a free reconsideration of the details of our human plight is our tendency to regard familiar notions as "sacred"; that is, too assured to be questioned except by the perverse and wicked. This word *sacred* to the student of human sentiment is redolent of ancient, musty misapprehensions. It recalls a primitive and savage setting-off of purity and impurity, cleanness and uncleanness. . . . Simple prejudices or unconsidered convictions are so numerous that the urgence and shortness of life hardly permit any of us, even the most alert, to summon all of them before the judgment seat. Then there are the sacred prejudices of which it seems to me we might become aware and beware, if we are sufficiently honest and energetic. History might be so rewritten that it would at least eliminate the feeling that any of our ideas or habits should be exempt from prosecution when grounds for indictment were suggested by experience.[6]

It was inevitable that this unique situation would, in due time, impinge upon the intellectual life of college circles. In the period intervening between the college days of the parents of the present generation of college students and those of their children there have been more changes of an unsettling nature than in the thousand years which separated Charlemagne from Abraham Lincoln. This fact has, however, been slow in penetrating the thinking of college circles. Only rarely have even the professors achieved approximate contemporaneity in their intellectual outlook. A goodly proportion of college teachers have retained unaltered the dogmas and convictions which they acquired during the generation in which they attended college. Others are intense specialists who do good work in their particular narrow lines of research but lack social orientation and public interests. Few college teachers become such because of comprehensive enlightenment or on account of the desire to bring about such a beatific state on the part of their students. The real process of becoming a professor is not unlike that described by Clarence C. Little, ex-President of the University of Michigan, in the remarks attributed to

---

[5] Letter in Cornell *Sun*.
[6] *The Human Comedy*, Harper, 1936, pp 15–16.

him in a speech delivered some years ago before the National Student Federation:

> Most professors reach their positions through a curious process. After they receive their pass-key to that intellectual garret of Phi Beta Kappa, the devil, in the form of some friend, whispers into their ears that they should teach. They often accept the suggestion, and after securing their master's degrees, they write a thesis on some such subject as "The Suspenders of Henry VIII" and then are qualified to teach. A thesis subject is by definition a subject about which no one has ever cared to write before.
>
> This type of man is then put in charge of a group of freshmen, and he generally has a great disdain of their consummate ignorance, while they on their part have a great disdain for his consummate learning. Sometimes someone springs up among the freshmen with the declaration that the suspenders of Henry VIII are the most important things in the world. Immediately, the professor picks him up from the bog of ignorance in which the rest of the freshmen lie and starts him on the path to another professorship.

When, however, there is a teacher who is in reasonable rapport with the contemporary age and is possessed of at least average powers of articulation, the shocking power of his reflections and observations is inevitably great, even though he does nothing more than synthesize the rudimentary platitudes of twentieth-century knowledge. This disturbing influence need not be due in any sense to special ability or peculiarly seductive pedagogy on the part of the instructor. It is merely an indication of the wide gulf which separates us from the assured knowledge of the year 1900. When one calmly reflects upon the reality and extent of this gulf, he is likely to marvel, not at the frequency with which alarmed parents endeavor to tone down the lectures of teachers who are endeavoring to dispense information and attitudes of a contemporaneous vintage, but rather that such efforts to intimidate university instructors and executives do not occur much more often. The custodial tendency in education, which we examined above, helps to intensify this desire to protect youth from disconcerting advances in human knowledge.

The influence of conservatism over American education has also been extended by the prevailing tendency to gather our college and university boards of trustees from among leaders in business and finance. Since our higher learning has become a big-business affair with regard to plant, income, and expenditures, it has been felt that only leaders in business and finance can competently direct the policies of our colleges and universities. It has been particularly maintained that they are absolutely indispensable, in order to raise endowments and other funds needed for current operating expenses. No doubt the fact that the ultimate power in the realm of higher learning resides in men drawn from business and finance has made for conservatism in university policies and in classroom instruction alike. The illusion that businessmen and financiers make the best trustees and are indispensable has been colorfully punctured by H. L. Mencken in his comment on "Babbitt in the Athenaeum":

> Of the superstitions prevailing in the United States, one of the most curious is to the effect that businessmen make good university trustees. Not infre-

quently—nay, usually—it is carried to the length of holding that they make the *only* good ones.

It would be hard to imagine anything more untrue. In fact, very few men trained to business seem to be capable of grasping what a university is about: they constantly assume that it is simply a kind of railroad, or a somewhat odd and irrational kind of rolling mill. That it differs as radically from such enterprises as a string quartette differs from a two-ton truck, or an archangel from a United States Senator, or Betelgeuse from a baseball—this seems to be quite beyond their comprehension.

Sometimes one hears that trustees must be businessmen because running a university costs a great deal of money, and they alone can raise it. But there is no proof of this last in the record. Most American universities, though they are run by businessmen, are always on the edge of bankruptcy, and if it were not for occasional windfalls they would slip over. The trustees seldom have anything to do with bringing down these windfalls; they are fetched by members of the faculty—either by making a noise in the world professionally, or by making a noise otherwise. In one of the greater American universities a single member of the faculty has raised more money during the past thirty years than all of the trustees combined.

I believe that the first American university which bars businessmen—and especially bankers—from its board will leap ahead so fast that in five years the rest will be nowhere. Let it substitute any other class of men it pleases—movie actors, Turkish bath rubbers, steamboat captains, astrologers, bootleggers, even clergymen. No matter which way it turns it will be on the up-and-up.

Businessmen unquestionably have their virtues, and no sensible person would deny their great value to society. Many of them, in their private capacities, are highly intelligent. But there is something in their make-up which makes them distrust and misunderstand a university as they distrust and misunderstand the Bill of Rights. They are as out of place in the grove of Athene as they would be in the College of Cardinals.

The twentieth century has produced a striking development which either distracts attention from truly educational matters or is directly antagonistic to the true interests of education. We refer to intercollegiate athletics, particularly football. While the abuses associated with these athletic enterprises have been mainly limited to colleges and universities, they have now become very widely extended to our secondary and preparatory schools. When the average American thinks of Yale, Harvard, and Princeton, he is more likely to recall their football teams and star players than their faculties and scholastic achievements. Famous football players like Red Grange and Tom Harmon figure far more in the public eye than even the most eminent university president, such as the late Charles W. Eliot. Star athletes make much better copy than the most distinguished scholar, not even excepting Einstein himself. When *Fortune* made its notable survey of the University of Chicago, it stressed as an amazing fact the allegation that the students were more interested in scholarly controversies than in the standing of their football team. This was held to be almost unique in American higher education. Unfortunately, the editors of *Fortune* were probably correct. Finally, the status of colleges is determined quite as much by their athletic achievements as by the distinction and scholarly products of their faculty.

College students are generally thrilled more by athletic victories than by any other events that take place on our college campuses. Good

athletes are the heroes of every campus. Scouts visit high schools and preparatory schools and urge promising young athletes to enroll in a particular college. Many of these athletes are paid, directly or indirectly, for their athletic services to the alma mater. Pressure is often applied to professors to see to it that indispensable athletes are not handicapped because of shortcomings in scholarship. Athletic coaches are frequently paid more than college deans, and occasionally more than college presidents. Their lyrical pronouncements are received by the public with greater attention and respect than the solemn admonishments of deans and presidents.

Another detrimental effect of highly organized athletics is that little or no attention is given to organized play for the majority of college students. Instead of organized competitive games for the majority of students, we have only the punitive compulsory courses given by athletic instructors in the gymnasiums, which most students find quite intolerable. This sacrifice of organized communal play in behalf of quasi-professional exertions on the part of a few athletes is a physical and mental loss to the majority of students.

The income derived from athletics often figures prominently in the budget of colleges, and discourages serious criticism of the abuses connected with athletic activities. Not only pride and prestige but also vested economic interests are thus tied up with intercollegiate athletics. The most comprehensive study yet made of American intercollegiate athletics was the report of the Carnegie Foundation in 1929, *American College Athletics*. The president of the Foundation, Dr. Henry S. Pritchett, thus summarized some of the more important abuses of the system:

> Intercollege athletics are highly competitive. Every college or university longs for a winning team in its group. The coach is on the alert to bring the most promising athletes in the secondary schools to his college team. A system of recruiting and subsidizing has grown up, under which boys are offered pecuniary and other inducements to enter a particular college. The system is demoralizing and corrupt, alike for the boy who takes the money and for the agent who arranges it, and for the whole group of college and secondary school boys who know about it. . . .
>
> For many games the strict organization and the tendency to commercialize the sport have taken the joy out of the game. In football, for example, great numbers of boys do not play football, as in English schools and colleges, for the fun of it. A few play intensely. The great body of students are onlookers.[1]

While the abuses associated with intercollegiate athletics are not yet so prevalent in secondary education, the trend here is distinctly in the direction of the college situation. High school football teams stimulate more gusto on the part of the student body than any form of scholarly activity or achievements. Some socially prominent preparatory schools lay even more stress upon their athletic teams than do many of the lesser colleges. There is little doubt that organized athletics today are

---

[1] Cited in *Recent Social Trends*, McGraw-Hill, Vol. I, p. 377. There have been some local and sporadic reforms since 1929, but the general picture of intercollegiate athletics remains much the same.

a serious menace to most forms of truly earnest intellectual endeavor.

In a generation like ours, rocked by a devastating world war, we should call attention to the disastrous and dangerous aspects of super-patriotic education.[8] No doubt the first World War received its mental preparation from the highly biased and intensely patriotic instruction in history and allied subjects which was given in the schools of Europe before 1914. This situation was carefully studied by Jonathan French Scott in his important book, *Patriots in the Making*. The education received by the generation before 1914 was designed to make the citizens of each state highly suspicious of the motives and morality of its neighbors. Unfortunately, no lesson was learned from the disastrous effects of this mode of instruction as demonstrated by the first World War. Rather, the situation after 1918 became infinitely worse than it was before 1914. Nationalistic bias and super-patriotism are far more rampant in the textbooks of today in Europe than in any earlier period. Professor Scott demonstrated this in his study of post-war education, *The Menace of Nationalism in Education*. His dolorous conclusions were extended and confirmed by Professor Charles E. Merriam, in his *Making of Citizens*, which summarized the results of an elaborate series of studies of patriotic education in the contemporary world. With the growth of Fascism, the situation became much worse than before 1920. Patriotism has literally been elevated to the rank of a religion; indeed, it is the major religion of Fascist countries. Russian Communism is theoretically international in its outlook, but Stalin's policy of "socialism in a single state," combined with threats of a Fascist attack, developed an intensely nationalistic and patriotic tendency in Russian education. The United States has been far better off in these respects than the European countries, but, as Bessie L. Pierce and others have amply demonstrated, much remains to be done in our own country to put our instruction in history and the social studies on an impartial basis and to provide an objective outlook upon world affairs. The defense program and the war intensified the nationalistic trend in our own education and textbooks. Reactionaries took advantage of this situation to start a drive on liberal textbooks, even those of liberal interventionists like Harold Rugg. The National Association of Manufacturers started an investigation of school textbooks early in 1941, but it was at least temporarily shamed out of existence by the adroitness of Professor Clyde R. Miller and others.

Some Aspects of a Rational System of Education

Let us now outline briefly, and necessarily quite incompletely, the essentials of a rational system of education compatible with the knowledge and needs of our day.[9]

In the first place, we should make a thorough use of the most reliable

[8] See above, pp. 219–221, 330–332.

[9] The writer has made no attempt here to include comments on sex education. He has dealt with this subject in V. F. Calverton and S. D. Schmalhausen, *The New Generation*, Macaulay, 1930, pp. 633–672.

intelligence tests in order to determine the type of education to which the various elements in the population should logically aspire. The tests should be concerned not only with such things as vocational guidance, but also with the degree and type of education that should be provided for the intellectual groups and levels disclosed as a result of such mental tests. Those with a low intelligence quotient should never be encouraged to go ahead with a general education in literature, science, and the arts, but should at once be put in institutions where they may be effectively instructed in the rudiments of their native language, in the elements of arithmetic and its everyday applications, and in such types of vocational training as will enable them to learn a particular trade and maintain a self-sustaining existence in society.

A frank recognition of the fact that a large proportion of the population can profit only by education of this sort would help to solve our social problems and reduce the unnecessary burdens and wastes in our educational system. It is far better to train the mentally retarded children of America to make a decent living, though they never hear of Browning or Shakespeare. Our present policy is to burden the schools with a horde whose vocational training we ignore, in a vain effort to make them appreciate the finest gems of art and literature. Upon the completion of their "education" they are unfitted for a trade, and, instead of settling down to Milton of an evening, they confine their literary investigations to the daily paper or the pulp magazines. They, likewise, devote their artistic appreciation to an intensive observation of Mickey Mouse or Donald Duck in the movies, or of the touching photographs in the movie magazines and the illustrated weeklies and monthlies.

Having sanely provided for this class, which has no real place in the type of education designed to carry the students through the colleges, we could deal more effectively with those who are intellectually capable of attaining to, and profiting by, an education in the arts, sciences, and higher technology.

Once a rational sorting out of pupils, according to mental capacity and vocational aptitudes, has been accomplished and the appropriate form of education prescribed for each type, we shall have advanced far toward creating a rational educational program.

Elementary and grammar-school instruction would be differentiated to meet the needs of two main groups: (1) those for whom manual training and the industrial arts are most relevant, and (2) those for whom a literary education is justified and who may legitimately aspire to go on through high school and college.

With respect to the first group, education should be brought more closely into relationship with everyday life situations and problems. The formalities and abstractions of education should be reduced to a minimum. Elementary instruction in the social sciences must surely be provided, for under a democracy these pupils will ultimately have the same public responsibilities as the mentally more talented groups. When we come to the education of the latter, far more attention should be

given to the social studies, beginning in the very early grades. Here also should begin the study of the foreign languages, so that we may put an end to the travesty of finding mature college students wrestling with the elements of French, Spanish, and German grammar.

A further development of the junior high school will make it possible to take care of a great deal of the instruction now given in the senior high school. Most of the formal and disciplinary subjects should be cleared away during the junior high school course. Rhetoric, elementary mathematics, and all formal linguistic studies should be mastered by the student by the time he enters the senior high school. There should also be plenty of opportunity for further work in the social studies. Certain junior high schools would, of course, specialize almost entirely in vocational training and the industrial arts, though continuing essential work in the social studies.

The senior high school should be free from most of the academic rubbish which occupies the attention of pupils in this institution today. A rational use of the pupil's time before the senior high school would easily make this possible. The whole curriculum of the high school should be reconstructed to prepare the student for life rather than for entrance into college later on. The colleges must have students, and they would readily accept high school graduates who have had a realistic education, if the high school authorities would only rebel against the tyranny of the conventional college board examinations. Our senior high school curriculum should be reorganized around four major divisions: natural science, industrial arts, the social studies, and aesthetics. The industrial arts course should be broadened to include essential commercial studies. Most high school students will not go further in their educational career. Hence they should be prepared in this institution for a successful personal and social life. If we wish to keep our high school graduates out of the crime and vice which unemployment and loafing stimulate, we must prepare them for some sort of remunerative career before they graduate. If necessary, the course could be lengthened to five years. But a rational planning of the pre-high school period in education would make it possible to work wonders, even with a four-year senior high school course. Such a plan as we have outlined here would provide the high school graduate with a better and more advanced education than is possessed today by the graduate of a junior college. If we keep the junior college and expand its use, the more advanced character of high school instruction would permit the introduction of a more mature and useful type of junior college curriculum.

We may now approach the problem of higher education, about which there is today a vast amount of controversy and confusion. Most of this could be eliminated if we were honest enough to differentiate between institutions which minister primarily to the needs of such students as merely desire to go to college and those which would meet the needs of that minority of serious students who look forward to college as a means of acquiring a real education.

The greater part of those who go to college today do so because it is the fashionable thing to do so. This tendency should not be discouraged, but it should be met in a rational fashion. Institutions for such students should prepare them for the rough-and-tumble game of life, success in which, at the present time, rarely depends upon erudition or high intellectual attainments. Indeed, Mr. Carlisle, a prominent, banker, once told a group of Princeton students that the literary college education was a handicap in business. In other words, the factory plant in higher education should frankly be adapted to the factory type of student.

If this situation were candidly faced, an educational revolution would be achieved. We would no longer try to educate highly capable and serious students in such unwieldy institutions. We would make over the whole curriculum in such a way as to handle the great mass of college students rationally and efficiently. Many phases of the indictment of our overgrown universities would disappear. Criticism of overattention to intercollegiate sports and social diversions would be beside the point. Such activities might well play as vital a rôle as does the academic subject-matter in the training of those who logically should be attending these factory institutions.

After all, football, motoring, and terpsichorean endeavor have far more relevance to the after-college life of most students than have calculus and philology. The ability to adjust a bow-tie to a wing collar is more vital to the average male than higher differential equations or the theory of valency. To be able to act as a charming hostess at a sorority party is a far more useful accomplishment to the average female student than a mastery of the future periphrastic or the second law of thermodynamics. Once we honestly face the facts as to the type of guidance that the majority of college students require, we shall no longer expect the large universities to meet the needs of the few earnest and highly capable students. We shall awaken to the fact that they have a very special adaptability to serving that great army of students who have produced our educational factories through the sheer pressure of numbers.

In these large institutions for the mediocre and indifferent mass, intercollegiate athletics might reach a high stage of development and occupy a considerable part of the students' time. Thoroughgoing provision should, however, be made for intramural athletics, with universal participation, in order to develop health and teach the psychological and social lessons of organized play to all. The physical health of students should be safeguarded in every possible way and candid instruction in personal hygiene should constitute an important element in the curriculum. Training in the habits of obedience and social responsibility might well be provided, not only through athletics, but also through other forms of drill and regimentation, which should not, of course, be too extensive or distasteful. In handling upper-classmen, student self-government might well be experimented with, so that the graduates will have had some training in the art of self-control and some conception of the duties and responsibilities of democratic citizenship.

A varied and extensive social life would be desirable in such institutions. Etiquette and social intercourse should be stressed so that the graduates may be turned out as polished ladies and gentlemen in the conventional sense of the term, or at least with reasonably passable manners. Attention should also be paid to the cultivation of a not too abstruse type of aesthetic interests. In this way, the students in such institutions could be helped to realize how to dispose of their leisure time in a civilized manner in later life.

The academic requirements in institutions of this sort would naturally be reduced to a minimum, perhaps lower than that of the "pass students" in the English colleges. Instruction should be directly designed to equip the student with a general knowledge of the world in which he is living, the whole purpose being to provide at least a veneer of understanding and culture, in the popular sense of this term. The graduate should be able to leave college a facile and intelligent conversationalist. The method and procedure followed in the recent so-called "outlines" of history, science, technology, literature, and art would seem to be excellently designed for the purpose of such institutions. No attempt should be made to secure intensive education in any special field, but equal care should be taken to guard against abysmal ignorance with respect to any major phase of modern knowledge.

The courses here would be "orientation" courses exclusively and *par excellence*. We would thus avoid the all too frequent results of the conventional university career of today, namely, the situation where the average college graduate has never heard of Willard Gibbs, Richard Wagner, or Rodin, where even the capable student may have heard of Helmholtz but imagines that Brahms was a Bohemian chemist and Pavlov a Russian ballet dancer, or where another equally able youth can be a master of Liszt but hold that Pasteur was a distinguished Russian historian.

Along with this initiation into the culture of the human past and present, a leading aim of instruction in these large institutions should be the cultivation of intellectual urbanity and amiable open-mindedness. The chief mechanisms of human behavior should be presented and the stupidity of unthinking conservatism and dogmatic bigotry relentlessly exposed.

The instruction should, for the most part, be given by highly capable and entertaining lecturers, meeting very large groups, in order to reduce the burden of teaching to a minimum and to exploit to the maximum marked ability to provide both classroom entertainment and enlightenment. So far as possible, surpassingly capable lecturers, of varied talents, such as William Lyon Phelps, Edward A. Ross, George E. Vincent, Harry Gideonse, Lothrop Stoddard, Norman Thomas, Will Durant, John Erskine, Harry Overstreet, Gene Tunney, and Carlton Hayes, should be sought for such positions, even though not enough with the talent of the above named could be secured. The lecturers might be aided to a certain extent by tutors, who would act as special guides to that minority of students who might desire something beyond the minimum

of requirements. Few examinations would need to be given but attendance at all class exercises should be compulsory. Every effort would be made to make the instruction and college life highly interesting.

The professors in such institutions, aside from the few competent and facile lecturers who would be required for the practical instruction, might well be research professors whose scientific activities would be supported in princely fashion by the tuition which might legitimately be required of students in this class of institutions. We would realize in this way an almost ideal situation, namely, one in which an institution made up of students who do not desire to be taught will be manned in part by professors who prefer not to teach.

Some might ask why we insist upon having these research professors engaged in their investigations on the campuses of the institutions which are not devoted to rigorous intellectual endeavor. Why not take a part of the revenue derived from these institutions to support great scientific laboratories, entirely apart from these enterprises that are designed merely to promote self-control, a veneer of cultural appreciation, and intellectual urbanity among the hordes of mediocre and indifferent collegians of today?

The writer by no means presses this point, but it would seem to him that it has a special advantage. To have accessible on the campus buildings which would house alert and active scientists, experimental technologists, productive investigators in the social sciences, and creative artists in various lines, and could exhibit the products of their work, would be of a high potential educational significance. They might have in each institution somewhat the same function that the Museum of Natural History, the New York Public Library, the New School for Social Research and the Metropolitan Museum of Art have in New York City. Students might, from time to time, be taken on excursions into these buildings and come to have a first-hand consciousness of the existence of such centers of human activity and begin to realize what scientific experimentation, productive scholarship, and creative artistic endeavor actually mean.

It will, of course, go without saying that, in case certain students who originally enrolled without any deep interest in education become stirred to intellectual endeavor during their period of residence, provision should be made for transferring them to the institutions for serious higher education which are shortly to be described. As to the time essential for the completion of the work in these "civilizing institutions," it may probably be maintained that two, or at most, three years would be wholly adequate. In this way the problems of both a realistic junior college and of factory education would be rationally solved by a single set of institutions.

The years saved from the four-year course of today could then be used for specialized training in schools of engineering, business administration, domestic science, applied arts, and the like. As a result, after four years, these young people would not only be civilized but prepared for work and marriage. At the present time, the college graduate is rarely a polished

person or one prepared to take up either professional or conjugal responsibility.

To many such a scheme as this outlined above may suggest that the author has not been duly serious and sets forth the proposition in a quasi-humorous vein, but he may assure his readers that such is not the case and that the proposal is meant very literally and offered in all seriousness.[10] He would further challenge anyone to demonstrate that such a system would not produce better preparation for the general run of situations encountered by the majority of our present-day college graduates than does the college of today. It implies a recognition, at the outset, of what the average college man and woman is going to do and be in life, and a firm resolution to train them for such a status if nothing more. If we adhered to the program outlined above, the factory system in education could be made to do well in the one function which it can actually execute with any efficiency or propriety. Colleges would cease to be the failure that they are today with respect to either civilizing or educating their students.[11] College graduates might then at least be urbane and cultivated ladies and gentlemen, even if they were not scholars.

It is frequently objected that these great civilizing institutions would be regarded with suspicion or contempt and that it would be considered a disgrace to attend them. Such is not the case. They would be the Yales and Princetons of the future, socially more respectable and more eagerly sought after than the truly educational colleges to be described below. Though they might actually be civilizing mills, they would not be formally so designated. Rather, they would be christened in a properly impressive manner and would carry appropriate social prestige. They would, of course, be open to both the well-to-do and the poor, as are our great private and state universities of today.

Turning to the second set of institutions—small colleges designed for that minority of students who really want an education—we should provide a quite different curriculum and intellectual atmosphere.

In the first place, such institutions should be manned exclusively by professors who desire to teach and promote learning and are able to do so, their tenure and promotion depending upon their capacity to provide substantial instruction and effective intellectual stimulation. We would thus eliminate from such institutions: (1) those who try to teach because they know of nothing else which they can or want to do, and (2) those who regard affiliation with the teaching profession as the easiest method whereby they can face the landlord, the grocer, and the tailor with assurance and complacency. The class of professors who enter education chiefly for the purpose of writing and research would, as we have already

---

[10] Since the author first set forth this suggestion in *Current History* some years back, a similar plan has been recommended by Dean Charles M. McConn of Lehigh and New York Universities, and Professor David Snedden of Columbia University.

[11] For devastating material on the futility of the present liberal college education, see Harvey Smith, *The Gang's All Here*, Princeton University Press, 1941; and J. R. Tunis, *Was College Worth While?* Harcourt, Brace, 1936.

seen, be taken care of by the rich and numerous institutions supported by the attendance of those who merely go to college.

Professors in the second class of institutions would be allowed to write or carry on research, but should not be compelled to do so on a large scale to maintain their status and tenure. Their rank and reward should depend upon their ability to teach and to impart intellectual enthusiasm. Men like William Graham Sumner, Albion W. Small, Frederick Jackson Turner, Herbert Joseph Davenport, George Lincoln Burr, Ferdinand Schevill, James Harvey Robinson, Charles H. Haskins, Charles Austin Beard, Alexander Meiklejohn, Morris Cohen, Max Otto, Benjamin Kendrick, and others, would immediately come to mind as the sort of teachers desirable in institutions of this type. If it is asked where we are to find such teachers, it may be answered that there are plenty of them available but, as Professor Ise points out later on, it is hard for them to get a post in a college or university today.

Besides stimulating lecturers and leaders of discussion, the tutorial system should be used to guide intellectual enthusiasm in a scientific manner—but not as a special means of policing and bulldozing reluctant youths whose thoughts gravitate more towards the saxophone or the goal posts than towards Einstein or John Dewey. Provision should be made through scholarships and fellowships for students of superior intelligence and intellectual earnestness who are unable to enjoy a college education at their own expense. In case any students start out with serious intentions, but later decide that they would rather become civilized extraverts in one of the mass-production colleges, they could readily be transferred to such an institution of their choice.

Recognizing that these institutions for the minority who desire an education represent the only place in which it is worth while to work out a complete curriculum for an exacting scheme of higher education, we may now briefly summarize what appears to the present writer to be the essentials of such a program.

In the first place, there should be adequate provision in the pre-college years for a complete mastery of that indispensable tool of all learning: namely, language. A college student should be at least tolerably acquainted with the language of his own country, and thoroughly able to read at least two other important modern languages. If our present elementary, grammar, and high schools were cleared of the debris of relatively worthless subject-matter, there would be no difficulty whatever in making every prospective college student a master of the linguistic machinery of learning before he sets foot in college. This would mean that language courses would practically disappear from institutions of higher learning, except for those highly specialized courses providing instruction in the ancient or oriental languages, indispensable for certain types of research in ancient culture and for economic and commercial enterprise in oversea areas today.

The first or basic stage of a rational curriculum would be devoted to informing the students with respect to the nature of the material world, from the cosmos to the atom, by the most direct and efficient method

conceivable. No student would be graduated who was not reasonably conversant with the outstanding discoveries of modern science with respect to the material universe in which we are situated.

Next, we should insist upon the acquisition of a thorough knowledge of the nature and requirements of man as the highest form of animal life on the planet and as a member of social groups. This would entail a reasonable mastery of the outstanding contributions of anthropogeography, comparative biology, physiology, psychology, anthropology, and sociology.

Having acquired a knowledge of the world and of man, one would pass on to instruction as to how to exploit the material world so as to promote the happiness and prosperity of mankind. This would require, at the outset, a thorough acquaintance with the contributions of modern technology. In other words, no man can be regarded as educated who is not informed with respect to the status of material culture and the developments through which it has passed to attain its present level. Then, the social sciences should be cultivated, in order that students may learn how our institutional life might be brought up to something like the same order of achievement which has been reached in technology and science. The outstanding problem of contemporary civilization is to bring our institutional life into closer harmony with the requirements of our existing material culture. Unless we are successful in so doing, there is little probability that humanity will succeed in coping with the complexities produced by modern mechanical civilization. If this be the case, then more emphasis should be laid upon the social sciences than upon any other aspect of contemporary education.

Next in importance to learning the nature of man and the procedure involved in the exploitation of the material world through the coöperation of technology and social science, is comprehensive instruction in the field of aesthetics. After all, a civilization rendered prosperous through a remarkable technology and efficient social institutions would, nevertheless, to use Plato's phrase, remain essentially "a city of pigs." Therefore, greater attention should be given to the aesthetic aspects of human enlightenment, thus creating a "supra-pig" culture.[12] And in this department of aesthetics should be placed not merely plastic and chromatic art and music, but also literature, which is usually associated with punitive linguistic studies and philology. This generalized curriculum in no way precludes specialization. Indeed, it is the best basis for later specialization. Leaders in the professional groups would naturally be recruited from graduates of these institutions of learning who had been trained in rigorous professional schools after graduation.

While regarding Dean Alexander Meiklejohn's now lamentably abandoned experimental college at the University of Wisconsin as far more promising than the conventional institution, yet we hold that the sequence outlined above is more rational and comprehensive than his proposal to

---

[12] See below, pp. 795–797, 827 ff.

devote the first two years to a study of Hellenic civilization and of the Industrial Revolution and its effects, and then to pass the students along to complete their upper-class years in the conventional curriculum.

As the dominating psychology of these *institutions of learning,* we should recognize that an active interest on the part of the student is the key to any degree of success in educational enterprise. Everything possible should be done to make the educational process a spontaneous and pleasant affair, entered into with enthusiasm by both student and teacher. Inasmuch as students in these educational institutions would be there primarily for the purpose of learning, it would not be necessary to goad them to perfunctory and sporadic cerebral activity by periodic examinations. General examinations at the end of courses and a comprehensive final examination at the end of the four years of college would be adequate. In this way the examination bogey, a nuisance and an irritation to the real teacher and the good student alike, would be reduced, while retaining whatever good features it may possess. The plan introduced at the University of Chicago by President Robert M. Hutchins has been the most notable achievement along this line. Here the specific residence requirement for granting a bachelor's degree has been replaced by a comprehensive general examination. At any time during his college career a student may apply for admission to the examination. If he satisfactorily passes the examination, he is awarded his degree. This new program, besides doing away with the conventional examination bogey, repudiates the custodial function for institutions of higher learning.[12a]

Education and Social Change

If we hope to bridge the alarming gulf between our institutions and our thinking, we must prepare to face the necessity of very extensive social change. Our ideas and institutions must be brought up to something like the same level of intelligence and efficiency that we have already attained in the scientific and mechanical realms.

There are two possible methods of social change. One is orderly and gradual change. The other is that violent change which we call revolution, based upon exasperation and desperation, motivated by hatred and oppression, and all too often guided by deep emotions rather than by informed intelligence.[13] So far, it must be admitted, the powers in control

---

[12a] This admirable administrative reform introduced by President Hutchins should not be confused with his reactionary and quasimedieval educational philosophy. President Hutchins is a paradoxical case. He is a stalwart social, economic, and political progressive, and one of the most courageous defenders of academic freedom. Moreover, he is a radical in administrative reforms in education. On the other hand, under the influence of Mortimer Adler, Scott Buchanan, and others, he has evolved a philosophy of education which comes dangerously near to medieval Scholasticism. On this see the articles by John Dewey in *The Social Frontier,* January and March, 1937.

[13] See A. E. Osborne, *An Alternative for War and Revolution,* Educational Screen, Inc., 1939.

of society have never surrendered to change without either violence or collapse. In some cases, as in the western Roman Empire, they have held on until the bottom of the system dropped right out from under them. In others, like the French Revolution, they have resisted change until the revolutionary mob unseated and destroyed them. Some claim that, in England and the United States, we have witnessed the change from one social system to another by gradual and peaceful methods. But this is not historically true. In both countries the social system under which the people now live was based on revolution—the revolutions of 1645–1669 and 1688–1689 in England, and that of 1775–1783 in the United States. The present capitalistic and nationalistic social system has been supplanted in but one place—Russia—and that change was effected by revolution. Even the less sweeping changes in Italy and Germany were accomplished by violence and war. Hence the verdict of history would seem to indicate that we are altogether too likely to have to depend upon revolution for social change of an important and far-reaching character. The opposition of the vested interests to the mild reform measures of President Roosevelt would seem to add further confirmation to this thesis.

However, an able and wise social philosopher, Lester F. Ward, was wont to emphasize that social development in the past had to be spontaneous, and, all too often, violent, because we had no definite conception of progress and no body of information adequate to guide social change in competent fashion. The situation has now changed. We have wide knowledge of the advances of mankind in the past. The social sciences provide a body of new and cogent information, the chief justification and relevance of which lie in its service to the scientific ordering of social change. We may bring about social change in an orderly and beneficial manner today, if we can only secure popular support for such a program. The chief obstacle lies in the fact that organized education has, thus far, tended to inculcate information and attitudes which resist social change and has accorded too little attention and respect to the social sciences.

We can hope to modernize our social ideas and institutions only by an extension and improvement of the social studies. The responsibility of education to society should boil down to three major phases of educational activity: (1) a discriminating conservation of the social heritage; (2) fearless social criticism; and (3) resolute and informed social planning.

It is as important as ever that education should transmit the heritage of the past. Without this knowledge, especially the knowledge required to operate our present technology and social system, man would be helpless. But there is no longer any reason why we should uncritically accept the total social heritage. Our past tendency to do this has created the social crisis of our day. We must sift the social heritage through informed analytical examination. We must eliminate from it those obstructive antiques which are obviously the product of past ignorance, superstition, and dogma.

In sifting the social heritage and in the creation of a mental attitude favorable to this process, historical studies can make the most potent contribution. The possible service of historical insight to social betterment was clearly shown by James Harvey Robinson. His work, in this respect, may be regarded as one of the outstanding contributions of the twentieth century to constructive educational doctrine. Certainly, nothing is more urgently needed than the capacity to face the past with discriminating appreciation, free alike from both reverence and cynical indifference. No other study, save history, assumes any direct responsibility for bringing about such a state of mind. This creation of an intelligent attitude toward the past is indispensable as the preparation for the second major function of education, viewed as an instrument of social progress, namely, an appraisal of the existing social order. We cannot approach the present structure of society with any degree of objectivity unless we can view its origins with tolerant understanding. Likewise, we cannot be interested in working for a better social future until we are clearly aware of the weaknesses and inadequacies of the social order in which we live.

After history has provided a discriminating appraisal of the past, the other social studies must supply us with the means of critically assessing the social structures of our own time. First they must describe, realistically and completely, every aspect of the society in which we move. If this job is well done, the critical function of the social studies will emerge naturally and inevitably. Any competent description of, say, our social, economic, and political institutions, will inevitably reveal their weaknesses and failures, as well as their strength and successes. Social criticism is, obviously, not the sole task or responsibility of the social studies, but it is certainly an indispensable phase of their contribution to the educational process. Until we possess a complete understanding of the existing social order we cannot have any precise conception of what is actually required to bring about a better day.

An immediate responsibility of education to society, right now, is, moreover, the preparation of a blueprint of a better social system and a realistic indication of how we may bring this into existence in a gradual, peaceful, and intelligent fashion. We have already made it clear that human society is rapidly approaching the point where utopia and chaos are the only alternatives. The guidance of society by realistic education appears to many to be the only guarantee that we could attain utopia. Certainly, it provides the only reasonable hope that this move can be made without violence and destruction. Education has a very definite self-interest in this matter. Unless we avoid economic collapse, social chaos, and dictatorship, organized education cannot be maintained in a state of dignity, independence, and social prestige. Education must save democratic civilization if it is to save itself.

We have already suggested that the functions of realistic education in the social sciences should be a highly selective conservation of the social heritage, a fair but resolute criticism of the social order, the formulation

of a program for the improvement of society, and an outline of peaceful and intelligent methods of executing this program. Let us see how well education is measuring up to these major social responsibilities.

Viewed in any broad way, we must honestly admit that education blindly conserves the heritage from the past, without any important pretense to critical selection, save in fields of science and technology. With respect to our basic institutions and beliefs, our educational system conserves the past almost as completely and religiously as did the primitive council of elders and the tribal medicine men. Any resolute attempt to reject or discard fundamental but antiquated items in our cultural heritage would immediately place in jeopardy any educational system or any body of educators. Indeed, the very proposal to do such would be regarded as rank heresy and fit subject for investigation by the Dies Committee. Even our most daring educational reforms are, essentially, only superficial suggestions for improving the structure and administration of our educational machinery.

There is also amazingly little criticism of our social order, though such criticism is absolutely indispensable, if we are to discover those weaknesses which threaten the very existence of free and orderly society and if we are to recognize the alterations which are essential to preserve civilization. We live in an age which has given unprecedented lip-service to the necessity and saving virtues of social research and organized investigation. We contend that "facts will talk," and we propose to let only facts talk. Tens of millions of dollars have been freely spent in order to investigate every conceivable type of secondary social problem. Yet, instead of actually letting the facts talk, our investigators have seen to it that disagreeable and challenging facts "pipe down." Such facts as are played up are all too often the conventional, the self-evident, and the platitudinous, so that much social research has been no more than expensive and pompous documentation of the obvious.

Many of these investigations have been supported by funds derived from sources which could not tolerate the clear formulation of the momentous conclusions naturally flowing therefrom. Most of our social research, therefore, has not only been timid in drawing deductions, but has been devoted chiefly to looking into trivialities and details. It has rarely made any pretense to investigating the adequacy of our basic institutions. Education has thus failed as signally in its critical analysis of our social order as it has in a discriminating appraisal of the cultural heritage from the past.

The function of social criticism has been allowed to go by default to government investigators, journalists, and free-lance economists and publicists. One has only to mention such characteristic names as Stuart Chase, Gardiner Means, Abraham Epstein, Charles Austin Beard, Herbert Agar, Lewis Mumford, David Cushman Coyle, Ferdinand Lundberg, George Seldes, Ernest Sutherland Bates, John Chamberlain, John T. Flynn, and Alfred Bingham to realize the extent to which realistic criticism is carried on outside academic circles. Not so long ago, it was the

writer's privilege to give a series of lectures before graduate students of education in one of our foremost schools of education. He was surprised to find that the students were actually thrilled and excited over information that would have been a commonplace in their junior high school period if education were fulfilling its function in social criticism.

It follows that education, having failed in the function of social criticism, has been deficient in planning for a more efficient social order. As a matter of fact, realistic observers must admit that formal education has proved one of the greatest obstacles in the path of social reform. By tending to breed reverence for the present social order, it distinctly and deliberately loads the dice in behalf of cultural tradition and social stagnation. It stimulates a spirit of social intolerance rather than an attitude of courageous experimentation. It tends to discourage even the minimum reforms necessary to preserve a democratic civilization.

We have made it clear that science and technology are widening and deepening the already menacing gulf between machines and institutions. Yet the prevailing attitude of most scientists and engineers is one of social quietism. Our scientists tell us that science may create unprecedented material advances and social maladjustments, but that it cannot furnish any immediate, direct, and authoritative guidance as to how to meet these problems with expert intelligence. This is the message of an able president of the American Association for the Advancement of Science, himself one of the outstanding American social scientists.[14] The scientists are quite willing to assume the responsibility for "advancing science," but they hang back when it comes to "advancing society." They ignore or evade the obvious fact that, unless our social institutions overtake scientific and technical achievements, all will go down together in a common ruin before many generations have passed. Certainly, if science cannot lead the social procession nothing can. For those who wish to follow out this line of thought I would commend the challenging book of Robert S. Lynd, entitled *Knowledge for What?*,[15] a much needed and resolute arraignment of the quietism and evasive philosophy of our intellectual leaders in the social studies movement.

Organized education not only fails to execute its indispensable function of social guidance; its leaders usually assume an attitude of hostility toward the few educators who realize their social responsibility and make even a faint-hearted effort to do their duty.

When we examine the content of the teachings of the so-called subversive educators, we find little cause for any alarm. Our educational sociologists have stolen no thunder from Stalin, nor even from Norman Thomas. At the best, they are only giving what Lester F. Ward said more candidly and far more thoroughly over fifty years ago. Even John Dewey, rightly regarded as our most stimulating and progressive educational theorist, rarely presumed to get explicit in the matter of

---

[14] W. C. Mitchell, "Science and the State of Mind," in *Science*, January 6, 1939.
[15] Princeton University Press, 1939.

social guidance until he left the profession of education for that of active political agitation. When Dewey entered the political arena he gave us something that we can actually bite into. But not one out of ten of Dewey's ardent pedagogical disciples has the slightest familiarity with Dewey's doctrines, which he expressed as a leader of the League for Progressive Political Action and the People's Lobby.

To sum up, we may say that American educators face two very distinct alternatives. They can arouse themselves to the social responsibility of education, teach realistically and courageously those things which are essential to the preservation of democratic civilization, and organize themselves with sufficient coherence to make sure of their tenure while thus engaged. They may not succeed, if they literally shoulder the current social responsibilities of education, but at least they can go down fighting, having the satisfaction of knowing that they "kept the faith and fought a good fight."

If our educators refuse to take up the fight for gradual reform while there is yet time, it is almost inevitable that some form of regimentation, roughly similar to European Fascism, will settle down upon us. Then the condition of American educators will be unhappy indeed. Many will lose their positions, for, under Fascism, education is a much more simple affair than under democracy. No such extensive and diversified personnel is required. Those who remain employed will be parrots in the classroom, and professionally a cross between "kicked dogs and scared rabbits." And this condition is not far off. The writer was personally very familiar with Germany and the Germans in the mid-'twenties. Adolf Hitler was more inconspicuous at the time than our second-rate champions of Fascism. He was literally an unknown, when compared with our proto-Fascists.

In a forthright article in *The Social Frontier*, Professor John Ise raises the question of what the teachers, especially the college professors, are going to do about it all. Are they doing much to promote the fortunes of the "American Way"? He doubts if they are and does not see any immediate prospect that they will be, for some time to come. He understands that, for all practical purposes, it is the teachers of the social sciences upon whom will fall the brunt of the burden involved in putting education behind the movement for social progress. But it is nearly impossible today to get courageous and progressive minds into social-science professorships and to keep them there long enough to accomplish anything of moment. Educational authorities wish to play safe. They want to prevent annoyances, even if civilization breaks down in a decade. Professor Ise goes to the heart of the matter in the following words:

> Most colleges and universities are not supremely interested in securing really able men. They want personality, dress, teaching ability—which may mean mediocrity to avoid shooting over the students' heads. They also want safe and sane economic views; and not infrequently last of all—intellectual power.
>
> There are hundreds of amiable young men teaching in our colleges whose judgment on critical problems is of little value, while really brilliant men of less

attractive personality, or of radical views, warm their toes in the graduate offices, hoping for jobs.

Particularly in insisting on conservative views, colleges narrow their chances of securing able men, for a rather large proportion of the brilliant minds in any academic society are liberals or radicals.[15a]

Adult Education

In the period since the first World War special interest has developed in adult education. This has been due, in the first place, to the fact that only recently has more than a very small percentage of the population been able to take advantage of senior high school and college education. But many of those who were denied this privilege, having since gained the necessary resources and leisure, seek instruction in institutions designed to deal with adults. In the second place, so rapidly has the character of information changed that even those who have had a college education may find their information out of date. Therefore, they seek to supplement their previous educational experience through adult education. Finally, the social crisis has become so immediate that adult education seems to many to be the only possible way in which education can be made to serve as our chief instrument of social change. The conventional education in the schools and colleges is, as we have seen, not very well adapted to serving the cause of social change Even if it were, we should probably have to take some decisive form of action in the social crisis before those now in school and college can grow up and assume a very prominent part in determining public policy. Only by bringing realistic and cogent education before adults can we hope to put education at the service of social change and bring about the latter in an intelligent and peaceful manner. There are other justifiable reasons for interest in adult education, but the three just mentioned are the outstanding ones.

There are various types of adult educational enterprises. First, one may mention the well-known continuation schools, in which young persons, particularly those working during the daytime, carry forward their educational experience. This type of education has been primarily vocational, though more attention has of late been given to cultural subjects. Closely associated with continuation courses are those devoted primarily to remedying the deficiencies of a person's education in earlier life, and to bringing his information thoroughly up to date.

A prominent and important form of adult education is what has been called functional group education. The first conspicuous development of functional group education (folk schools) was introduced among farmers in Denmark after the war of 1862. The social and economic crisis in Danish farming life impelled the farmers to get together and study their economic and public problems. As a result, an effective reconstruction of Danish agriculture and rural culture was brought about. The success of these folk schools encouraged similar developments in other areas in the decades following.

[15a] "Shackles on Professors," in *Social Frontier*, May, 1937, p. 243.

Until the second World War, folk schools, first associated with the growth of the coöperative movement in Denmark proved the most popular type of adult education in all the Scandinavian countries and in Germany. These schools usually were resident institutions patronized by young men and women. Their main purpose was to familiarize the students with historical and cultural subjects and to give them a proper orientation with respect to social, economic, and other current problems. They were devoted solely to the purpose of learning, had no entrance examinations, and conferred no degrees.

Workers' education has been the other outstanding example of functional group education. More than a century ago, Robert Owen in England and Thomas Skidmore in the United States urged the education of the masses. In the middle of the nineteenth century, Karl Marx and Friedrich Engels did their best to promote the education of workers. The English Fabian Society, headed by leading English intellectuals, was especially sympathetic towards labor education. University extension facilities have been provided for workers by institutions of higher learning which have taken a kindly attitude towards labor education. This has been particularly true in England. Labor colleges have been established. Among the most notable are Ruskin College, Oxford, established in 1899 by English and American radicals, and Brookwood Labor College at Katonah, N. Y., founded through the collaboration of academic radicals and American trade-unions. In Germany, after the first World War, a number of important labor schools were set up, the most famous being the Berlin Trade Union School, opened in 1919, and the Academy of Labor at Frankfort, established in 1920. The Rand School of Social Science, opened in New York City in 1906 to promote socialistic education, has had an important influence in vitalizing the labor movement in the United States.

Interest in adult education in the United States was promoted by the Carnegie Corporation, which appointed an advisory committee on adult education and conducted several notable surveys of the needs and facilities. A national conference on adult education was held in Cleveland under its auspices in 1925, and the American Association for Adult Education was then created. The American Association for Adult Education maintains its headquarters in New York City and is a general clearing house and coördinator for all adult educational activities in the United States. The outstanding institutions for adult education in the United States are the New School for Social Research, founded in New York City in 1919 by James Harvey Robinson, Charles A. Beard, Thorstein Veblen, and other progressive scholars, and the People's Institute of Cooper Union in New York City, long directed by Everett Dean Martin.

The adult education movement long suffered a handicap from the popular conviction that it is difficult for older people to learn. Edward L. Thorndike, however, in his work on *Adult Learning*, published in 1928, showed that the curve of learning ability reaches its height at about 25

and then slowly drops until, at the age of 45, one's ability to learn is about exactly what it was at the age of 18. But the difference between the ability to learn at the ages of 25 and 45 is so slight that it offers no logical obstacle to enthusiasm for adult education. The conclusion is that adults under 50 can readily learn anything which they really want to learn. Moreover, the ability to learn does not cease until the individual reaches a period of senile dementia. There are, then, no important psychological reasons why adult education cannot succeed.

There have been numerous statements of late by eminent social scientists and educators to the effect that the social crisis is so imminent that adult education is absolutely indispensable, if we are to have intelligent direction of social change. But there has been little concentrated effort to act on the basis of such a conviction. The only notable venture has been that conducted by Dr. John W. Studebaker, United States Commissioner of Education. He began his work while superintendent of schools of Des Moines, Iowa, by conducting a nationally famous experimental discussion forum. This enterprise demonstrated its success and practicability. Dr. Studebaker carried over his enthusiasm and program as Commissioner of Education, to which office he was appointed in 1934. Making use of a federal grant, he established a number of Public Forum Demonstration Centers in selected states throughout the country.[16] He engaged as lecturers distinguished and capable scholars and publicists, and thus stirred up a great deal of intelligent interest in public problems. Dr. Studebaker has been motivated primarily by the notion that forums constitute an indispensable type of training, if we are to salvage democracy and avoid Fascism in the United States. The major results which he hopes to achieve through these forums have been summarized as follows:

Citizens will be able to view our problems from a national rather than a sectional point of view.

They will be trained in the essential equipment of democracy, the ability to discuss problems intelligently in public.

These forums will promote tolerance and balance and will enable participants to safeguard themselves against the "rabble-rouser."

Public meetings in America will be enabled to take on a more intelligent atmosphere.

Demagogues may be more effectively checked and held up to just ridicule.

A new enthusiasm and interest in public affairs may be engendered.

It is to be hoped that this program of adult education will be greatly extended and loyally supported. The Fascist propaganda is extremely powerful and persistent. The only hope of maintaining democracy is to educate the citizens of a democracy as to the problems and responsibilities involved in democratic government. The school system does this very imperfectly today and, as we have seen, we shall probably have to rely for guidance and direction in the social crisis upon those who have already passed through the school period. It is literally true that the

[16] See J. W. Studebaker, *Plain Talk*, National Home Library Foundation, 1936.

destinies of democracy are largely tied up with the success of adult education in democratic countries, but most of this work has been suspended or curtailed in wartime.

The Raids on Education

It is obvious that economic depressions and other serious breakdowns in our social and economic order are proof of inadequacies in the educational system. Today, we have efficient technology and abundant natural resources to produce all the food and goods which are needed for a high standard of living. The fact that we have starvation, misery, a great relief problem, and a second World War is obviously the result of erroneous ideas. Only through education can these be supplanted by accurate and up-to-date ideas. Therefore, greater expenditures for education and the encouragement of more realistic and courageous teaching are called for. But the educational budget was cut ruthlessly after the depression of 1929 set in, and there has been a vigorous drive against the intellectual independence of teachers almost without parallel in our educational history.

The financial raid upon American education since 1929 is especially serious, for financial support of education was inadequate even in prosperous days. Reasonable educators have estimated that a completely adequate scheme of public education in the United States would require an annual budget of over 10 billion dollars—certainly not an unreasonable expenditure if we received from education the social contributions which we might legitimately expect. Yet even in our most prosperous years the appropriation made for public education has never reached more than one fourth of this figure. The total expenditures for public education in 1930 were $2,605,699,000, the all-time high to date. Hence we need not be surprised at the report of the United States Office of Education showing that, even in the prosperous days of 1929, there were over 2 million children of school age who were not in school at all. Ten per cent of our children did not reach the sixth grade; over 14 per cent did not reach the seventh grade; over 25 per cent did not reach the eighth grade; 45 per cent did not reach high school; and 90 per cent did not have the opportunity to attend college. These facts are certainly not in harmony with the ordinary assumptions of adequate free public instruction in a democratic society. Moreover, from the same source we learn that approximately one fifth of all school children were suffering from starvation, malnutrition, and inadequate medical care. Only when we understand this situation with respect to education in prosperous days can we comprehend the serious implications of the contraction of financial support of education since the depression fell upon us.

Total expenditures for public education fell from $2,605,699,000 in 1930 to $1,940,133,000 in 1934. Farming communities became so impoverished that they literally found it almost impossible to provide adequate support for their schools. The income of the farming population declined from about 17 billion dollars in 1920 to $5,200,000,000 in

1932. Even in 1929, the average per capita income of the farmers was only $273, as against $908 for the rest of the population. The federal government, in spite of generous expenditures for relief elsewhere, has failed to come to the rescue of public education in any serious manner, save for land-grant colleges and vocational education.

In American cities there was an average falling off of 80 per cent in expenditures for school buildings between 1931 and 1934. When we reflect that American school children were not adequately housed in 1929, we need not be surprised at the scandalous overcrowding which exists today. Almost a million and a half American children occupy school buildings which have been condemned as unsafe or unsanitary. Many schools have been closed altogether. The serious situation was remedied only slightly by the aid to school construction given by the federal government through the Public Works Administration and the Works Progress Administration. Speaking in 1941 in behalf of the Federal school aid bill, which would appropriate 300 million dollars for educational assistance, Federal Security Administrator Paul McNutt and Dr. Howard A. Dawson of the National Education Association pointed out that some 265,000 American school children were without any school facilities.

Between 1930–31 and 1934–35 the median salary of teachers in our largest cities dropped at least 10 per cent, and in small cities (under 30,000) the median decreased 20 per cent. In many individual cities the situation was far worse. In Toledo, Ohio, for example, the cuts amounted to 55 per cent. In 1929–30 the average salary of all teachers (including superintendents) was $1,420, while in 1934 it had dropped to $1,227. One third of all employed teachers are getting less than $750 a year. Some 84,000 rural teachers get less than $450 a year. On top of this, there have been frequent demands that teachers turn back at least part of their salaries as compulsory donations, while in some cities teachers went entirely unpaid for long periods after 1931.

Nevertheless, the decrease in teacher reward in the form of salaries was accompanied by an actual increase in work required of teachers. There was a great deal of doubling up and an increase in the teaching hours required. All this meant that the educational cost per pupil (elementary and secondary) dropped from $86.70 in 1929–30 to $67.48 in 1933–34.

The false policies of economy practiced between 1929 and 1934 touched such vital spots as textbooks. In spite of the fact that textbooks account for only about 3 per cent of total educational costs, the expenditures for textbooks fell off about 30 per cent. Archaic books were retained, as well as newer books which were falling to pieces through excessive use. In some cases, books abandoned a generation ago were taken out of storage and returned to use in the schools because they were in better physical condition than the books which had replaced them. A particularly deplorable aspect of such enforced educational economy is that recent innovations, such as experimental schools, clinics, and new developments in the social studies, are sacrificed first of all. This happens,

in spite of the fact that these innovations represent the most important additions to educational theory and practice in our generation.

This financial raid on education has been accompanied by a drive without parallel against the freedom and independence of the teaching profession. Since the first World War more laws have been passed interferring with the freedom of teaching in public schools than in all of our previous educational history put together.[16a] The policies and legislation restricting educational freedom in our day may be divided into two major types. The first represents annoying restrictions which do not present any grave immediate obstacle to educational freedom but do set an extremely dangerous precedent for far more sweeping drives against the teaching profession and educational independence. The other type represents menacing immediate threats to the independence and integrity of our educational process.

We shall first consider some representative examples of the growing body of annoying restrictions upon teachers. In a number of states there has been a definite movement to break down the separation of church and state which the framers of the Constitution particularly cherished. In 12 states the reading of the Bible in public schools is compulsory, while in 24 it has been made permissible. The State of North Dakota prescribes by law that the Ten Commandments shall be posted on the walls of every schoolroom in the state. In four states, it is legal to give religious instruction on school time, and in 30 states such instruction during school hours is practiced without authority of the law. Directly associated with this tendency to mix religion and public affairs was the campaign to outlaw the teaching of evolution. Between 1921 and 1929, 37 anti-evolution bills were introduced in some 20 legislatures; mainly in the South and West. Four such laws were passed, the State of Oklahoma, however, later repealing its law. Where sweeping anti-evolution legislation has not been possible, Fundamentalists have been able to ban the teaching of evolution by bringing pressure upon textbook companies, boards of education, and teachers. In the public schools and smaller colleges of the South and West the teaching of evolution remains highly precarious.

Patriotic instruction in the schools has been notably extended since the first World War. If the instruction given were of a broad and fundamental type, this would be a notable gain. But, for the most part, patriotic instruction is of a narrow and provincial type, the ultimate result of which is to give the student a warped idea of both his own country and the other states of the world. Moreover, the teaching of patriotism has become identified with a defense of the present economic order as well as of our country. Indeed, in the District of Columbia any instruction dealing with the principles of Communism was banned by law in 1935. This is logically as indefensible as to identify patriotism with the teaching of some form of economic radicalism. There is a large amount of

[16a] See American Civil Liberties Union *Bulletin*, "The Gag on Teaching," 1940.

flag-saluting and other patriotic ritual prescribed by law today. In 14 states, flag-saluting ceremonies are required. In 13 states general patriotic exercises are demanded by law. The flag-saluting legislation has borne particularly hard upon certain religious sects, notably Jehovah's Witnesses, who have conscientious scruples against this type of ceremonial. A number of pupils belonging to this sect have been expelled from public schools.[16b]

In some 29 states the teaching of foreign languages below the junior high school grades is prohibited by law. This is obviously contrary to all sound pedagogical principles. The logical time to begin such instruction is in the elementary grades.

Some 43 states compel the teaching of the Constitution. On the face of it, this is an admirable idea. But the instruction given is usually totally unenlightened. Little realistic information is given as to the background or nature of our Constitution. Instruction under these laws is primarily an attack upon intellectual and economic liberalism. It is usually as far removed in spirit and content from the political ideals of those who framed our Constitution as it is from the principles which dominate Soviet Russia or the Fascist states of Europe. Some 21 states specifically require the teaching of patriotism, and in almost all instances this teaching consists of a fervent defense of the Constitution, of the major political parties, and of the capitalistic system.[16c]

The most novel, and in many ways the most ominous, of all this restrictive legislation requires teachers to take special oaths of loyalty to the Constitution. Such an oath is not usually required of other public servants, but it is now prescribed by law for teachers in some 24 states. The campaign of publicity which led to these loyalty oaths was led by the Hearst press, the Daughters of the American Revolution, and other groups devoted to a rather narrow conception of patriotism. In the light of the wide-spread criticism of Hearst's inflammatory statements just preceding the assassination of President McKinley, it was somewhat ironical to find the Hearst press taking the lead in upholding the principle of loyalty to the American Constitution. These loyalty oaths in themselves are not directly dangerous. But, as a precedent for further restrictive legislation, they are extremely menacing. They may readily be followed by other laws specifically interpreting what is meant by loyalty to the Constitution. Or, boards of education may interpret loyalty to mean fanatical support of a particular economic theory or political régime.

We may now turn to those phases of the limitation of the freedom of teaching which are immediately menacing to academic freedom. We may first make reference to the attempt to restrict the activities of

---

[16b] See W. G. Fennel and Edward J. Friedlander, "Compulsory Flag Salute in the Schools," American Civil Liberties Union *Bulletin*, 1938.

[16c] See H. A. Bennett, *The Constitution in School and College*, Putnam, 1935.

students with regard to the freedom of intellectual discussion.[17] There is rarely any effort to curb reactionary publications or educational organizations. Seldom, if ever, is an extremely reactionary speaker denied the right to address any university group. There have, however, been many cases of censorship or suppression of liberal publications in schools and colleges, and in numerous instances the editors have been disciplined or even expelled from the institution. The articles have rarely been objected to on the ground of obscenity or bad taste. Most of them have presented a liberal point of view on economic doctrines. Liberal clubs and other progressive forums have been frequently suppressed. World famous liberals have been denied the right to address student groups. Among such persons have been Mrs. Dora Russell, Scott Nearing, Clarence Darrow, Arthur Garfield Hays, Kirby Page, John Nevin Sayre, and others of equal prominence. At a time when the R.O.T.C. was gaining ground in our institutions of higher learning, peace meetings organized by students were frequently suppressed and the organizers of such meetings disciplined. Liberal textbooks have been vigorously attacked, most notorious being the drive against the social studies texts prepared by Harold Rugg. Most of the texts attacked were to be criticized, if at all, for their excessive moderation and timidity.

In the last decade or so there have been many dismissals of college professors because they have sponsored some form of intellectual liberalism. Among the most conspicuous cases have been the dismissal of Max F. Meyer from University of Missouri in 1930, of Herbert Adolphus Miller from Ohio State University in 1931, of Ralph E. Turner from University of Pittsburgh in 1934, of Jerome Davis from Yale University in 1937, and of Granville Hicks from Rensselaer Polytechnic Institute. Professor Meyer had given advice relative to a dignified sex questionnaire. Professor Miller had opposed compulsory military training and other forms of reactionary policy. Professor Turner had collaborated with Governor Pinchot in progressive labor legislation. Professor Davis had defended the scholarly views relative to the origins of the first World War, had advocated that Christianity support the cause of social justice, and had participated prominently in the work of the American Federation of Teachers. Professor Hicks was dismissed for assigning Henry George's *Progress and Poverty* as reading in a course in American literature. In addition to the teachers dismissed, many more were compelled to exercise great discretion in their teaching, a situation which more sweepingly hampers intellectual freedom than do the relatively few dismissals of courageous teachers. There is no record of any professor having been dismissed because of reactionary teachings, though many American professors have definitely fascist leanings and both hold and teach opinions far more contrary to the American Constitution than moderate Socialism.

[17] See the valuable recent booklet, "What Freedom for American Students?" prepared by the American Civil Liberties Union, April, 1941.

A particularly menacing technique which has been adopted by many adroit and reactionary college presidents is that of exercising a vast amount of care in selecting the teaching staff, so as to appoint only conservative professors. Then much publicity is given to the fact that the utmost freedom is accorded to these men, who never entertain a progressive idea.[18]

Perhaps the greatest threat to academic freedom today is the savagery meted out to those who take any prominent part in promoting the organization of teachers, particularly in working for membership in the American Federation of Teachers. It is extremely precarious for public school teachers to take any steps leading to the organization of units of the American Federation of Teachers, and in many colleges solicitation of membership in the Teachers Union places a professor in grave jeopardy. This situation is particularly lamentable because it is readily apparent that only the thoroughgoing organization of teachers can give the teaching profession any real professional security and independence.

An especially vicious attack on the Teachers Union was made in New York City in 1940–41 by the Rapp-Coudert Legislative Committee, which attempted to smear the Union with communism and to intimidate teachers in high schools and colleges who belonged to the Union. As the Committee for the Defense of Public Education pointed out, the doings of the Rapp-Coudert Committee were strangely reminiscent of the educational practices of the Soviet Union and Nazi Germany. A schoolgirl's home was invaded at night by a process server. Teachers were discharged on the wildest accusations made by those who held some personal grudge against them. One college teacher was thrown into jail on an apparently trumped-up charge of perjury. Membership lists and records of the Teachers Union were illegally seized. Union members were shadowed by plainclothesmen. Youthful students were subjected to Third Degree methods. Hearings were frequently held in secret, and so on.[19]

Some protection has been afforded to teachers by the growth of tenure laws since the first World War. Back in 1924, some 37 states had no tenure legislation of any sort, and only imperfect protection was afforded by the other 11 states. The situation has improved considerably since that time, mainly as a result of agitation by the American Federation of Teachers, aided by some aggressive teachers' organizations. The National Education Association thus summarizes the situation:

> Today 15 states and Alaska have no state tenure laws; 37 and Hawaii have either tenure laws continuing contract laws, or provision for long-term contracts. Seven and Hawaii provide permanent tenure after a probationary period; 16 grant permanent tenure in certain districts; ten provide for continuing contracts;

---

[18] See below, p. 788.

[19] Bella V. Dodd, "The Conspiracy Against the Schools," Committee for the Defense of Public Education, N. Y., 1941. See also the cogent criticism of the Rapp-Coudert Committee by James Marshall, president of the Board of Education of New York City, in the spring of 1942.

four permit the signing of contracts for more than one-year periods, at least in certain districts; one allows local citizens to vote permanent tenure in each district.[20]

In the better colleges and universities it is usual for permanent tenure to be granted after a probationary period, often three years. But this provision usually applies only to faculty members above the rank of instructor, and it can be readily evaded even in case of full professors.

The Problem of Academic Freedom

When academic freedom is discussed, it is usually believed that the most serious aspect of the situation lies in the occasional dismissals of progressive and courageous teachers. However, these dismissals constitute the least menacing aspect. The worst feature is that the generally conservative and traditional cast of our educational system brings about a condition which produces teachers entirely in accord with a régime of intellectual lethargy and cultural lag. The great majority of teachers have nothing to say which would disturb anybody, even the most alert patrioteer and plutocrat. They have no feeling that their freedom is in any way threatened by reactionary pressure and propaganda. Few teachers entertain opinions about our world which differ in any notable way from those of the man in the street except, very often, to be more romantic and antiquated. This is the most distressing thing about the whole intellectual atmosphere of American education. It also explains why most teachers have little or no sympathy with their courageous colleagues who get into difficulties. Perhaps the most pathetic figure in education today is the teacher of the social sciences who does not have any sense of being restricted in his teaching. No more damaging, if unconscious, confession of incompetence could well be imagined.

There is a considerable number of relatively intelligent teachers who entertain sensible ideas and sound convictions and are personally progressive in their outlook. But the social pressures intimidate them and force them into extremely discreet ways. They could bring reality into the classroom, but hesitate to do so, for fear of getting involved in difficulties and possibly losing their professional security. It is obvious that it is a more serious matter to find 50 teachers who might say something worth while but do not dare to do so, than it is to find one teacher who speaks out and gets dismissed for doing so. This situation produces a soul-scaring hypocrisy among teachers, which has been pointed out by Howard K. Beale in his book *Are Teachers Free?:*

> Lack of freedom leads to a more disastrous quality than cowardice, namely, hypocrisy. The author was appalled by its prevalence. From one end of this country to another children are being trained under teachers who, if one is realistic, must be branded hypocrites
>
> They solemnly teach the evils of alcohol; they drink discreetly in private. They know of crying evils in the community, and their pupils know that they

[20] Data supplied in May 1942 by the Research Division of the National Education Association.

know of them. Yet in class they teach beautiful theories in the abstract and then praise the local men responsible for flagrant violations of those theories; outside of class they fawn on these same bad citizens because they are powerful or socially important.

They teach ideal forms of government and teach children to believe that that is the way democracy really works. Later these children make contact with the local machine or corruption in high places and then realize that their teacher knew about all of it, even when he was describing to them empty forms that would blind them to any evils in the system.

They express one set of views in the classroom and in public places; they hold a different faith among intimate friends. Usually teachers rationalize all of this double dealing out of existence. They are forced to it; so they find theories to support it.

The greatest hypocrisy of all is their educational theory. They solemnly talk of all sorts of fine purposes of education. Yet they teach on entirely different principles when they get into the classroom. The present author has talked to superintendents who have made to him solemn statements which, while the superintendent was making them, he knew from irrefutable evidence were absolutely untrue.

America needs, not better ideals of education, but educators who will not pretend to follow them unless they really do. This pretense extends down through the whole school system. Teachers, over and over again, have apologized for something they were doing or teaching by explaining that they knew better, but of course it would not be discreet to teach it. They did not see that this admission damned them more completely than ignorance.[21]

We have already referred to the revival of extensive dismissals of professors since the first World War. Considering the number of professors now engaged in teaching, however, the total of those dismissed in the last 20 years is not alarming. Far more important is the situation to which we have referred, namely, the intimidation of many progressive teachers, and the tendency to select a conservative and tried teaching force, so that it will be extremely rare that any cause for dismissal will arise. Special stress is laid upon the complete freedom accorded to this carefully picked faculty. It is obvious that this method is far more sinister and effective than the forthright firing of a few courageous men. As Professor Willard Waller has observed, "principles of academic freedom have little to do with the case. Most of the teachers do not even realize that they are not free." This method of sterilizing the academic intellect is particularly safe and effective because it never arouses any serious protests. When a famous professor is dropped, much publicity ensues. But the quiet intellectual emasculation of a whole faculty by a careful selection of the teaching force is a matter which never receives adverse publicity; indeed, receives no publicity at all. This adroit procedure was first introduced by President A. Lawrence Lowell of Harvard University and is known as "the Lowell formula," but it has become very general among the more respectable institutions of higher learning. Yale University has been the only distinguished institution of higher learning which has recently resorted to the old-fashioned method of dismissing a well-known professor outright.

---

[21] *Are American Teachers Free?* Scribner, 1936, pp. 776–777.

Teachers have created various organizations designed to protect them. Conspicuous has been the American Association of University Professors, which was organized in 1915. This has given special attention to problems of academic tenure and to investigations of dismissals. It has handed in many masterly reports upon specific episodes of academic martyrdom. It seems probable that these must have exerted some restraining influence upon the more reactionary college presidents. But, on the whole, the protection offered by the Association is extremely limited. It rarely acts until after a professor has been dismissed. Hence, its main function is to prepare eloquent and authoritative academic obituaries. Indeed, the Association does the martyred professors far more harm than good. It gives much publicity to each case and thereby scares off college presidents, deans, and professors from offering the dismissed professor another position no matter how capable the man may be. Dr. Donald Slesinger contends that no professor of prominence, who has been dropped from an American university and has been given publicity —however favorable—by the American Association of University Professors, has ever been able to obtain another satisfactory academic appointment. The greatest reflection upon the teaching profession is the fact that, more often than not, it is the professors rather than the university presidents and deans who most frequently refuse to recommend the appointment of a professor who has been dismissed from another institution, no matter how creditable the dismissal was to the professor who was dropped.

Dr. Donald Slesinger, who has filled some of the most important executive positions in American education, among them a deanship at one of America's leading universities, places the responsibility for the amazing lack of professorial independence and freedom squarely upon the professors themselves:

> The plain conclusion of my experience forced on me was this: that, with few exceptions, the professors themselves were the greatest enemies of academic freedom. In places where it was irrelevant they used the slogan [of freedom] precisely as the Republicans used the Constitution in the last campaign [1936], as a weapon of reaction; where it was relatively unimportant they gave it lip service but no cash; and where it really mattered their opposition was open and bitter and unscrupulous.[22]

In the opinion of Dr. Slesinger, most professors are themselves conventional and reactionary in their social and political outlook. They do not sympathize with those of their colleagues who get into trouble because of progressive ideals. This agrees with the view taken by Professor Beale regarding the usual attitude of a college professor toward a colleague who has got into trouble by being overcandid: "Well, of course it's true, but why did the damned fool want to say so?" The only interest of the usual run of college professors in academic freedom relates to their own security. They are usually absorbed in petty routine

[22] "Professor's Freedom," *Harper's*, October, 1937.

matters of academic life. They are thoroughly trained in docility by the very facts of the academic regimen. Dr. Slesinger illustrates his point, for example, by the fracas at the University of Chicago, where a raid against certain liberal social science professors was launched by Hearst and a Chicago drug merchant by the name of Walgreen. It is popularly supposed that the victory for academic freedom was won through the resolute and courageous action of the Chicago faculty. As a matter of fact, it was won through the steadfast and courageous attitude of President Robert M. Hutchins and a very few of the more progressive Chicago professors. The majority of the faculty were indifferent, scared, or hostile toward the professors who were attacked. The victory for academic freedom was a triumph over the majority of the faculty as well as over Hearst and Walgreen:

> Eventually there was a public hearing, and the excellent showing of the university won the acclaim even of the pusillanimous. But that showing was due to the persistence of the president and the backing he received from such men as Charles E. Merriam, who admitted that the university was progressive, and was willing to take his full share of the responsibility for making it so; and Robert Morss Lovett, who knew that pacifists went to jail but insisted on remaining one. The victory was not over Hearst and Walgreen alone, but over the weak-kneed conformists of one of the most independent faculties of the country.[23]

Perhaps the *reductio ad absurdum* of the whole discussion of academic freedom was the statement recently made by a cultivated and learned, but reactionary, publicist, to the effect that academic freedom means only "freedom concerning those things which are purely academic." He went on to say that this means that teachers should expect to have freedom of discussion only in regard to those literary, philosophical, and mathematical issues which have no practical bearing on life and society. The American Civil Liberties Union has recently drawn up a Bill of Rights for Teachers which appears sensible and fair to all parties concerned. Its essentials are summarized in the following five points:

1. The teacher's freedom in investigation should be restricted only by the demands of his assigned teaching duties.
2. The teacher's freedom in presenting his own subject in the classroom or elsewhere should not be impaired, except in extraordinary cases by specific stipulations in advance, fully understood and accepted by both the teacher and the institution in which he gives instruction
3. The teacher, when he speaks or writes outside of the institution on subjects not within his own field of study, is entitled to precisely the same freedom and is subject to the same responsibility as attach to all other citizens.
4. No teacher should be dismissed or otherwise disciplined because of his beliefs or membership in any lawful organization. Charges of improper actions by a teacher should relate to specific instances of asserted misconduct. They should not be based merely upon inferences drawn from the fact of organizational affiliations of a legal character.
5. The contention that certain organizations impose obligations on their members inconsistent with their duties as teachers, is no ground for disciplining

[23] Slesinger, *loc. cit.*

them. If this contention is as all embracing as it is supposed to be, then the teachers' conduct will produce grounds for disciplinary action; if not, the universality of the statement is open to such serious question that disciplinary action is not warranted on mere membership alone.[24]

One should keep in mind the fact that academic freedom means not only freedom for teachers but also freedom for students to organize their societies, carry on free discussion, have reputable speakers address them, and air their grievances in dignified fashion relative to the administration, and the faculty. The American Civil Liberties Union has recently published the results of a comprehensive examination of this subject.[25]

On the whole, college students have rather more freedom for organization and discussion than they did a generation back. But there are still many severe handicaps to full intellectual freedom for students, short of any license or obvious abuses of freedom. There is widespread intolerance of somewhat radical students organizations, like the American Student Union, and in some cases even towards the mild liberal clubs. The college press is pretty well censored in a majority of colleges and universities. Compulsory military training is in operation in many universities, especially state universities. Peace meetings and protests against war were widely discouraged or prohibited altogether for several years before our entry into the second World War. Thirteen students were dismissed *en bloc* from the University of Michigan in 1940 for alleged radical and pacific affiliations. Radical and pacifist speakers are widely banned on college campuses. There is no instance of the banning of any notorious reactionary. Student self-government is a rare exception. Conservative pressures of various kinds, both within and outside the student body, serve to repress student liberalism and independence. As the report well summarizes the situation: "In the face of these manifold pressures it is encouraging that freedom for student activities fares as well as it does." [26]

The Organization of Teachers

Thoughtful educators generally admit that the educational forces of the country cannot rise to a position of social effectiveness in the realm of social change unless they are able to present an organized front against the opposition of the vested interests. There are few persons more helpless than the isolated teacher. The average teacher is not well trained to enter any other dignified and prosperous profession. If the teacher loses his or her job, economic disaster stares the unfortunate person in the face. Teachers' salaries are not sufficient to allow the accumulation of a sufficient financial reserve to provide for economic independence. Moreover, no teacher is today absolutely indispensable.

---

[24] *Bulletin*, February 2, 1942
[25] "What Freedom for American Students?" April, 1941.
[26] *Loc. cit.*, p. 44.

The surplus of unemployed teachers is vastly greater than in any preceding decade. Normal schools, teachers' colleges, and graduate schools are turning out an ever greater army of formally qualified instructors. At the same time, the depression has restricted the number of posts available. Foreign teachers, fleeing from oppression abroad, have also taken many of the college and university posts formerly open to native-born teachers. Supply outruns demand as never before in American public education. Conditions bid fair to get worse. As war costs increase, the proportion of public funds allotted to education will be cut down. The decline of income from private investments may make it necessary to curtail or close down many, if not most, endowed schools and colleges. With over 200,000 unemployed certified teachers, the threat of resignation by a harassed teacher will achieve nothing. Scores of qualified teachers stand eager to seize the position left vacant. No professional *esprit de corps* is in operation to restrain them from such procedure. Not only are the teachers unorganized as a group, but they have few affiliations to serve as protection, in case they find it necessary to run counter to the social and economic prejudices of the community.

Therefore, it is overwhelmingly obvious that the first step in attaining any position of social leadership must be a nation-wide organization of the teaching profession. Only in this way can teachers achieve a powerful united front in promoting the movement for rational social change. Standing alone, the teacher is fair game for sniping and persecution by those who are blind to the necessity of social change.

There are, of course, dangers, as well as advantages in organization. The fundamental purpose of the organization of teachers is to promote social effectiveness on a broad scale. But organizations have a fatal tendency to degenerate into selfish pressure groups, dominated primarily by the aim of promoting the interests of the organization and securing offices and emoluments for its officialdom. Selfish bureaucracy all too often replaces social vision and public spiritedness.

The movement for the organization of teachers must be accompanied by a persistent consciousness of the necessity of preserving a humane social perspective, without at the same time sacrificing any fundamentals of organized strength. Above all, organized teachers must repudiate such antisocial and conservative practices as are found all too frequently in some labor organizations in the United States. The union of teachers can assure social leadership only when its philosophy and practices demonstrate a sincere devotion to social betterment for mankind.

The chief teachers' organization in the country is the American Federation of Teachers, founded in 1916. It is affiliated with the American Federation of Labor. It has over 25,000 members, with more than 250 locals. While the membership is scattered throughout the country, most of it is concentrated in the larger cities, particularly New York, Chicago, St. Paul, Minneapolis, Detroit, Toledo, Cleveland, Philadelphia, Washington, Atlanta, and Chattanooga. Its members are drawn mainly from public school teachers in these larger cities, though a number of the

more progressive college professors belong to the Federation. The Federation has announced its program as follows:

To bring associations of teachers into relations of mutual assistance and coöperation.
To obtain for them all the rights to which they are entitled.
To raise the standard of the teaching profession by securing the conditions essential to the best professional service.
To promote such a democratization of the schools as will enable them better to equip their pupils to take their place in the industrial, social and political life of the community.

The Federation has worked chiefly through influencing public opinion and securing favorable legislation, especially teacher's tenure laws, and has never resorted to strike tactics. It has accomplished a great deal in promoting legislation with respect to tenure, salaries, teachers' pensions, and the like It was mainly responsible for the passage of the unique state-wide permanent tenure act passed in the State of Pennsylvania. It has fought vigorously against the attempt to gag teachers through restrictive legislation. It has also frequently investigated dismissals. Its investigation and report on the case of Jerome Davis at Yale was an especially impressive piece of work. An international Federation of Teachers' Associations, having something over half a million members, has been organized, with headquarters originally in Paris.

As we hinted above, the work of the Federation and the movement to secure more members have been hampered by the local intimidation of active teacher organizers within the Federation. Moreover, many teachers not only fear to join the Federation, but are even disinclined to do so because it is affiliated with the labor movement. The teachers are still, to a large degree, victims of "the American dream," which makes the terms "labor movement" and "unionism" synonomous with manual labor and servility. On the whole, one may concede that the movement for the organization of teachers mainly indicates hope for the future rather than an assured achievement.

This chapter should drive home the fact that the teachers of America face the necessity of deciding whether they will "serve Jehovah or Baal." Serving the latter may seem the easiest way; but in the end it will bring far greater disaster to education than a resolute determination on the part of educators to make good their pretensions to serving as the intellectual leaders of humanity. The depression has made it clear what we may expect from the present social order, in even the milder manifestations of the era of declining capitalism. What lies beyond this may be seen from the example afforded by educational conditions in fascist countries abroad, for Fascism represents the condition of capitalism in the last stages of its disintegration. If we do not move on to a better economic order, more serious depressions, bloodier wars, and ultimate collapse are the only alternatives.

If education boldly asserts its rôle as the leader in social progress, it may avert such educational conditions as exist in fascist countries

abroad, and may also lead society into the promised land of abundance and the good life, which will provide both security and intellectual independence. But if it evades and delays, it will not be many years before this opportunity will have been lost, as the social tension becomes more marked and the already diminishing tolerance of the vested interests evaporates entirely or is replaced by the violence of revolution.[27]

[27] *Cf.* H. D. Langford, *Education and Social Conflict*, Macmillan, 1936.

CHAPTER XIX

Leisure, Recreation, and the Arts

Civilization on the Supra-Pig Level

FAR AND AWAY the greater part of human activity in the past has been devoted to obtaining enough material necessities to make living possible. Man has struggled for food, clothing, and shelter. He has set up forms of government designed to make him relatively secure in the possession of those material necessities which he has collected. Only a small segment of humanity has ever been able to amass enough material necessities for the enjoyment of life. And this small minority has been mainly absorbed in amassing more material things. Only a slight amount of time and attention has been given by this minority to the non-material interests which it has been in an unusually favorable position to enjoy.

Certainly at least 90 per cent of mankind has failed to reach the level of "happy pigs," for any good farmer will admit that a healthy pig is entitled to enjoy adequate food and shelter. To a large extent, this unfortunate condition of the majority of mankind in the past has been due to the inadequacy of productive facilities. The tools and machines were too inefficient to permit a sufficiently thorough conquest of nature to assure abundance for all. To be sure, social inequalities, exploitation, and defects in distribution all played their part in impoverishing the masses in the past. But even an efficient social order could not have insured plenty for everybody until after the middle of the eighteenth century, when the empire of machines came into being. For the first time in the history of humanity, we now have the mechanical equipment to produce plenty for everybody. All of mankind, in civilized countries, could attain the pig-level, and have plenty of leisure time for those achievements on the "supra-pig" level which constitute the true and unique human culture.

This idea that a truly human civilization lies on the supra-pig level was first set forth by Plato in the *Republic*. In this book, Plato traces the evolution of the ideal society, based upon the division of labor. He first analyzes human material needs, and then describes the evolution of the professions and classes necessary to provide for these needs. In the following paragraphs Plato describes the daily life of man, after provision has been made for supplying his material needs in abundant fashion:

> Let us then consider what will be their mode of life, now that we have thus established them. Will they not produce corn, and wine, and clothes, and shoes, and build houses for themselves? And when they are housed, they will work,

in summer commonly stripped and barefoot, but in winter substantially clothed and shod.

They will feed on barley meal and flour of wheat, baking and kneading them, making noble cakes and loaves; these they will serve up on a mat of reeds or on clean leaves, themselves reclining the while upon beds strewn with yew or myrtle. And they and their children will feast, drinking of the wine which they have made, wearing garlands on their heads, and hymning praises of the gods, in happy converse with one another.

And they will take care that their families do not exceed their means; having an eye to poverty or war. Of course they must have a relish-salt, and olives, and cheese, and they will boil roots and herbs such as country people prepare; for a dessert we shall give them figs, and peas, and beans; and they will roast myrtle berries and acorns at the fire, drinking in moderation. And with such a diet they may be expected to live in peace and health to a good old age, and bequeath a similar life to their children after them [1]

To many, such a state of life would seem nearly utopian. Two thirds of the American population had not attained it in 1928 or 1929. It was such a condition which Herbert Hoover had in mind when he promised us in the campaign of 1928 what seemed to him a utopia, namely, the abolition of poverty, a chicken in every pot, and two cars in every garage. To European workers and peasants, even before the war, this "simple life" portrayed by Plato would have seemed even more idyllic. European peasants could hardly afford to consume their own eggs, butter, and milk. Even in Holland, peasants felt themselves lucky to get eggs even on Sundays. In European and American slums there has not been the access to fresh air and romping space which almost every well cared-for pig enjoys.

But Plato sternly rebuked any tendency to be satisfied with material plenty. He frankly described such a material utopia as only a "city of happy pigs." He maintained that any civilization truly worthy of mankind must be created on the supra-pig level. It would involve the addition of activities and interests related to philosophy, literature, art, drama, music, play, and athletics. These represent interests which are not concerned with securing material necessities. Plato thus describes, in part, the mode of existence and the type of activities which are involved in a truly human culture on the supra-pig level:

I suspect that many will not be satisfied with the simpler way of life. They will be for adding sofas, and tables, and other furniture; also dainties, and perfumes, and incense, and courtesans, and cakes, and all these not of one sort only, but in every variety.

We must go beyond the necessaries of which I was first speaking, such as houses, and clothes, and shoes: the arts of the painter and the embroiderer will have to be set in motion, and gold and ivory and all sorts of materials must be procured. Then we must enlarge our borders; for the original healthy State is no longer sufficient.

Now will the city have to fill and swell with a multitude of callings which are not required by any natural want; such as the whole tribe of artists and actors, of whom one large class have to do with forms and colors; another will be the votaries of music-poets, and their attendant train of rhapsodists, players, dancers,

[1] *Republic* II, p. 372.

contractors; also the makers of diverse kinds of articles, including women's dresses.

And we shall want more servants. Tutors will also be in request, and nurses, wet and dry, tirewomen, and barbers, as well as confectioners and cooks, who were not needed and therefore had no place in our former edition of the State, but are needed now. They must not be forgotten: and there will be animals of many other kinds, if people eat them. And living in this way we shall have much greater need of physicians than before.[2]

In Plato's day this was in part a dream. It was all part and parcel of the ideal or utopian society which he was describing in his *Republic.* To be sure, a few of the more wealthy and fortunate Greeks could enjoy this life of luxury and contemplation which Plato envisaged on the supra-pig level. But the great majority were common workmen, peasants, or slaves, who had not attained the enviable comforts of well cared-for pigs. Indeed, even in his utopian imaginings Plato himself planned to have only the able minority enjoy the blessings of supra-pig existence. It is only in our time that the mechanical basis has been provided to make possible a supra-pig existence for the whole of humanity in all countries which have passed out of a primitive economy.

But perhaps the most important consideration is the conception of life on the supra-pig level. Hitherto, we have imagined that the really serious interests and activities of man should be concentrated upon getting a living, or amassing material wealth. We have regarded leisure as questionable, indeed, as an incitement to evil-doing. We have looked upon recreation, the arts, philosophy, and contemplation as constituting the mere superficial frills of life, unworthy of the serious attention of earnest persons. But, when we look at the issue realistically, the efforts to satisfy material necessities, however essential, represent a relatively low order of human activity. Man shares these interests and activities with the beasts of the field. Those things which set him off from the rest of the animal kingdom and constitute uniquely human concerns are those matters which pertain almost exclusively to the supra-pig level. The recognition of this fact and an extension of this recognition into daily life will constitute the most fundamental revolution in the whole history of human culture. It will also constitute an unprecedented boon to the human race. We shall devote the remainder of this chapter to a consideration of the achievement, facilities, and prospects of a supra-pig civilization in the new era of leisure which has been created for us by the contributions of our empire of machines.

Some Phases of the Evolution of Leisure

Leisure today in civilized areas is still based in part upon the exploitation of human beings. But it is founded primarily upon recent technological progress. Machines have become more and more efficient and hence less man-power is needed to produce the goods required. Down

---

[2] *Ibid.*, II, 372–373.

to the time of the Industrial Revolution, leisure was limited to a small group who obtained it by the subjugation or exploitation of the rest of the human race. Above all, slavery and serfdom were responsible for providing most of the leisure and luxury enjoyed by the fortunate few before our present mechanical era.

In primitive society, men, who had to be free to hunt and fight, enjoyed a considerable freedom from drudgery as compared with women. There is no special evidence that the women resented this seemingly natural and desirable division of labor.

At first certain professions enjoyed freedom from heavy labor. Later there arose whole classes who were able to live handsomely, without manual effort. Perhaps the earliest of the leisure groups in human society were the priests, who mediated between the social groups and the supernatural powers. So important were their services regarded that priests were cheerfully freed from other responsibilities. When man had thus assured his protection from the supernatural world, he had to turn his attention to defense against mortal enemies. This necessity led to the rise of the warrior class who were, in turn, emancipated from manual effort. Out of the warrior group arose the rulers and the nobility, who were able to escape any physical effort to secure material necessities by establishing the institution of slavery and, later, serfdom. Finally, we find the scribes and scholars, who, while they were not permitted any complete idleness, were not compelled to engage in manual toil for their livelihood. In certain countries, like ancient China, the scholars were so highly esteemed that they attained almost to the level of the priesthood and were permitted to enjoy a life of contemplation.

The priests, nobility and regal circles constituted the bulk of the leisure class down to the time of the Commercial and Industrial Revolutions after 1500. In ancient Rome there was a considerable wealthy bourgeois element—the so-called *equites,* or knights—who had made their money out of various forms of commercial effort and public finance.

With the Commercial Revolution of the sixteenth and seventeenth centuries, we come upon the rise of the bourgeois capitalists, who drew their wealth from commercial and industrial efforts. At first, both the merchants and the industrialists participated personally in the acquisition of their riches. Though they might not indulge in any manual work, they did labor hard in their own fields of endeavor. With the full development of capitalism, however, especially after the development of the corporation and the separation of ownership from management, we find the truly leisured bourgeoisie—the class of literal "coupon clippers."

Most of the actual work in modern industry and commerce is carried on by engineers, business managers, clerks, and other functionaries. The true capitalist simply hands over his money to be invested by bankers and brokers, taking little or no active part in the management of business concerns. As we have already pointed out, this type of capitalist is doubly separated from active business endeavor. Through the corporation and the holding company, control of business has been divorced

from its ownership. In turn, active management is partly divorced from control. The actual direction of industry and commerce is in the hands of trained business executives. Boards of directors of corporations rarely participate directly in the details of business operation. Only in the so-called "little business" do the owners take a direct and immediate part in the administration of their concerns.

It cannot be denied that the leisure classes in the past have been responsible for most of what we ordinarily regard as civilization. The leisure class first established political order on a large scale, thus making life relatively safe and insuring some degree of law and justice. Their needs, interests, and whims led to great engineering projects, from the pyramids of ancient Egypt to the roads and aqueducts of Rome and the cathedrals of the Middle Ages. The leisure class has been the patron of art. The ancient temples, palaces, mansions, sculptures, and paintings were produced for, and supported by, those who enjoyed wealth and leisure. The same was true of learning—literature, philosophy, and science. From the rites of the primitive medicine man to the great international state which was medieval Catholicism, religion has been in the hands of a leisure group. The great business structures of modern times have been, to a large extent, the creation of the bourgeois entrepreneur.

These achievements, however, were not solely the product of the leisure class. The actual labor connected with all of these projects—the fighting, the government, the engineering, the artistic achievements, the philosophical systems, the machines, and factory administration have been carried out by men who worked hard.[3] For example, the Great Pyramid of Gizeh contains about two and a half million limestone blocks, weighing on a average of two and a half tons each. They had to be dragged in blistering heat by man-power for many miles. It is said that 100,000 men worked on the pyramid for twenty years. Though they could not have functioned without the support of the wealthy and leisured, the men who wrought these impressive achievements enjoyed relatively little leisure themselves.

We must not overlook the enormous price that man has paid for the services rendered by the wealthy. The slave system was accompanied by incredible cruelty and depredation, practiced upon countless millions of human beings who often led an existence below the level of the more fortunate domestic animals. This deplorable situation is thus described by Professor Breasted in writing of Roman slavery:

> The life of the slaves on the great plantations was little better than that of beasts. Worthy and free-born men from the eastern Mediterranean were branded with a hot iron like oxen, to identify them forever. They were herded at night in cellar barracks, and in the morning were driven like half-starved beasts of burden to work in the fields. The green fields of Italy, where sturdy farmers once watched the growing grain sown and cultivated by their own hands, were

[3] See C. O. Ward, *The Ancient Lowly*, 2 vols., Kerr, 1907

now worked by wretched and hopeless creatures who wished that they had never been born.[4]

Most of those who escaped from slavery led a life of poverty and misery. It is probably true that, down to our own day, the overwhelming majority of men and women would have been better off if they had died at birth. They enjoyed little which makes life truly worth living. Moreover, the leisure class has partly wasted in luxury and debauchery the products of slavery and grinding poverty on the part of the exploited masses. Only a small portion of the wealth created as a result of human exploitation has gone into imperishable works of art or immortal systems of philosophy. This luxury and waste have encouraged and all too often actually caused the economic ruin of successive civilizations. Through its control over political life, the leisure class has been responsible for most of the graft and incompetence which have led to the decay of kingdoms, empires, and republics. And, if one adopts a puritanical standard of judgment, the leisure class has been responsible for most of the "sin" which has existed in the world, from the days of ancient Babylon to the Bourbon court of eighteenth century France and the café society of American metropolitan society.

Under modern capitalism the leisure class has developed numbers, power, wealth, and prestige beyond comparison with anything which existed in the pre-industrial age. With the growth of large fortunes, there has come about a marked proclivity to attach much prestige to the possession of vast riches and to venerate the various social rites and frolics that opulence induces in conduct.[5]

Of all these attitudes, none is more important than the element of "conspicuous waste," as a criterion of the possession of wealth. Nothing is a more dramatic proof of economic independence than the ability to waste huge sums of money on nonsocial and nonproductive enterprises, such as ostentatious dress and equipage, elaborate and wasteful forms of social entertainment, and grotesquely pretentious and elaborate dwellings. Above all stands complete abstinence from any sign of manual labor. Since these forms of conduct and such psychic attitudes are supposed to characterize the most-to-be-envied of all classes in modern society, they have become the approved norms for the creation of reverence and deferential obeisance on the part of the masses.

Along with this reverence for the characteristic attitudes and practices associated with great wealth we have the parallel effort of the wealthy to insist upon the servility of the laboring classes. The latter are stigmatized by the necessity of manual labor, in the same way that the wealthy are distinguished by their general abstinence from any such menial effort. It has been possible thus far to make the industrial proletariat defer to the standards and tastes of the wealthy and, at the

---

[4] J. H. Breasted, *Ancient Times*, Ginn and Company, Second Edition, 1935, p. 642.

[5] See below, pp. 801–803, 844, 846.

same time, to accept as somewhat inevitable its lowly status. It is true that there are some signs of a decline of the theories and practices of the leisure class among the more wealthy. There is also a growing reluctance on the part of the industrial proletariat to accept as inevitable their lowly and servile station. Nevertheless, the situation described has prevailed very generally during the last century or more. In order to illustrate more fully what is meant by the theory of the leisure class and their methods of "honorific consumption" and "conspicuous waste," we refer the reader to an earlier quotation from Veblen's remarkable book *The Theory of the Leisure Class.*[6]

Professor Veblen's abstractions may be given greater vividness by the following description of the conspicuous waste practiced by the American rich in the latter part of the nineteenth century, taken from Matthew Josephson's *The Robber Barons:*

Limited in their capacity of enjoyment and bored, yet prompted to outdo each other in prodigality, the New Rich experimented with ever new patterns or devices of consumption. In the late '70's, the practice of hiring hotel rooms or public restaurants for social functions had become fashionable. At Delmonico's the Silver, Gold and Diamond dinners of the socially prominent succeeded each other unfailingly. At one, each lady present, opening her napkin, found a gold bracelet with the monogram of the host. At another, cigarettes rolled in hundred-dollar-bills were passed around after the coffee and consumed with an authentic thrill. . . . One man gave a dinner to his dog, and presented him with a diamond collar worth $15,000. At another dinner, costing $20,000, each guest discovered in one of his oysters a magnificent black pearl. Another distracted individual longing for diversion had little holes bored into his teeth, into which a tooth expert inserted twin rows of diamonds; when he walked abroad his smile flashed and sparkled in the sunlight. . .

As the years pass new heights of fantasy and extravagance are touched. One season, it is a ball on horseback which is the chief sensation. To a great hotel the guests all come in riding habit; each of the handsomely groomed horses, equipped with rubber-padded shoes, prances about bearing besides its millionaire rider a miniature table holding truffles and champagne. Finally a costume ball given by Bradley Martin, a New York aristocrat, in 1897, reached the very climax of lavish expenditure and "dazed the entire Western world" "The interior of the Waldorf-Astoria Hotel was transformed into a replica of Versailles, and rare tapestries, beautiful flowers and countless lights made an effective background for the wonderful gowns and their wearers. . ." One lady, impersonating Mary Stuart, wore a gold-embroidered gown, trimmed with pearls and precious stones. "The suit of gold inlaid armor worn by Mr. Belmont was valued at ten thousand dollars."[7]

How the poor were living in the slums of New York at the time is evident from the following case, cited by Smith Hart in his *The New Yorkers:*

In a dark cellar filled with smoke, there sleep, all in one room, with no kind of partition dividing them, two men with their wives, a girl of thirteen or fourteen, two men and a large boy of about seventeen years of age, a mother with two

---

[6] See above, pp. 192–193.

[7] Harcourt Brace, 1934, pp. 338–339. See the famous work of Jacob A. Riis, *How the Other Half Lives*, for a description of the horrible poverty in which the masses were living in New York at this time.

more boys, one about ten years old, and one large boy of fifteen; another woman with two boys, nine and eleven years of age—in all fourteen persons.[7a]

That the wealthy men of the late nineteenth century made any contribution to the arts and to civilization at all commensurable with their wealth and economic power may well be doubted. The noted New England scholar and publicist, Charles Francis Adams, said of them:

Indeed, as I approach the end, I am more than a little puzzled to account for the instances I have seen of business success—money-getting. It comes from rather a low instinct. Certainly so far as my observation goes, it is scarcely met with in combination with the finer or more interesting traits of character. I have known, and known tolerably well, a great many "successful" men—"big" financially—men famous during the last half century, and a less interesting crowd I do not care to encounter. Not one that I have ever known would I care to meet again either in this world or the next; nor is one associated in my mind with the idea of humor, thought or refinement. A set of mere money-getters and traders, they were essentially unattractive. The fact is that money-getting like everything else calls for a special aptitude and great concentration, and for it I did not have the first in any marked degree, while to it I never gave the last. So, in now summing up, I may account myself fortunate in having got out of my ventures as well as I did [8]

A similar opinion was expressed by Theodore Roosevelt:

I am simply unable to make myself take the attitude of respect toward the very wealthy men which such an enormous multitude of people evidently really feel. I am delighted to show my courtesy to Pierpont Morgan or Andrew Carnegie or James J. Hill, but as for regarding any one of them as, for instance, I regard Prof. Bury, or Peary, the Arctic explorer, or Rhodes, the historian—why, I could not force myself to do it even if I wanted to, which I don't [9]

While the great industrialists and financial leaders of modern capitalism may have lacked a fine artistic sense themselves, and while they have not made any contributions to art and civilization at all proportionate to their wealth and power, they have, nevertheless, made notable additions to our culture. They have collected great paintings from abroad and have endowed art museums in which to store and exhibit them. They have founded and endowed many libraries. They have given extensively to higher education, to scientific foundations, and to various research enterprises. Though they have seldom stimulated original work in the arts and scholarship, they have done much to make publicly available already existing artistic work and scholarly achievement. But it must not be forgotten that many of their benefactions have been dictated quite as much by self-interest as by artistic and scholarly enthusiasm. As Horace Coon has made clear in his penetrating study of foundations, *Money to Burn*, the wealthy have created their foundations and endowments in part as a defensive measure. When any reform group proposes a change in the economic system or more drastic taxation of wealth, it is at once alleged that such persons are really trying to

[7a] Lee, Furman, Inc., publishers, 1938, p. 156.
[8] Cited in Josephson, *op. cit.*, p. 338.
[9] *Ibid.*, p 337.

destroy art, culture, and scientific research. We may now turn to further developments in the expansion of leisure and its responsibilities.

The innovation which has worked by far the greatest revolution in the history of leisure has been modern machinery. For a century or more after the Industrial Revolution new lines of industry opened up to absorb those thrown out of work by mechanical inventions. Moreover, the earlier machines did not displace so many workmen as the new and more efficient machines which have been devised since the World War.

In 1915 there appeared the most ominous of all developments in the history of material culture—the automatic continuous-process machine and factory, capable of turning out incredible quantities of identical products and adapted to the production of everything from cigarettes to dwelling houses.[10] In the first two industrial revolutions man had to watch and run his machines. Now, in the third, he can have, by means of the photo-electric eye, machines which watch and run other machines or run themselves.

This colossal new reservoir of productive capacity has scarcely been recognized, even by economic historians. Coupled with the improbability of any vast new industries remaining to be opened up, it makes the probable technological unemployment of the future entirely out of the range of comparison with any in the past. It is as futile to try to compare the oxcart to the automobile as to bring into comparison technological unemployment before and after the rise of the automatic machine and continuous-process factory. Therefore, while technological unemployment has existed from the *coup-de-poing* (fist hatchet) of the early stone age down to one of our modern match machines, that which faces us in the future not only is different in degree from anything in the past; it differs in kind. In the light of these facts, the propagandistic character of the arguments of W. J. Cameron, Simeon Strunsky, Walter Lippmann, and others, to the effect that the invention of automatic machinery only creates new employment, is readily apparent.

The rise of the empire of machines has produced a great revolution with respect to the character of leisure and the numbers that participate therein. Before efficient machines revolutionized industry a few decades back, ten, twelve and even fourteen-hour days were not uncommon. Only fifty years ago it was customary for store clerks to work twelve hours a day, six days a week. When one of America's greatest department stores opened about sixty years ago the clerks had to work Sundays also, save for four hours off to go to church. With the increasing efficiency of machinery in our day, even those who must work for a living generally do not work more than a third of the twenty-four hours in each day. Indeed, if we employed our machinery to the limit of its potential productivity, workers would not need to be employed more than four hours a day. However, the rise of automatic machinery and other novelties in mechanical efficiency, instead of shortening working hours all

[10] See also above, pp. 95–97.

around, have thrown more and more persons out of work, so that we have a vast army of unemployed persons who have forced upon them an unwelcome but complete degree of leisure. Those not thrown out of work must still work "full time." Nevertheless, all classes of people enjoy a relatively great amount of leisure, compared with anything which has existed for the masses in the past. And there is every prospect, if civilization continues, that this leisure will grow in volume.

There is every probability that we shall have far more startling inventions in the future than have taken place in the past. These will greatly reduce the human effort needed in the production of both goods and food. If we employed in the most efficient way possible the machinery which is now available, we could certainly produce all the goods and food which would be required for a high standard of living with not more than 15 or 20 hours of work each week. If we preserve civilization, we shall have to spread work among all members of the population, giving each one a relatively short working day. We cannot go on employing part of the population on a relatively long working schedule each week, leaving millions of others in more or less complete idleness. A vast amount of leisure is now with us to stay. From now on, one of the major tasks which civilization must tackle is the solution of the problem of leisure. Thus far, a demoralizing idleness, rather than a properly socialized leisure, has been the result of technological advances. But we must put leisure to proper social uses, since the majority of the population can no longer expect to keep occupied in the task of producing goods and food.

The Ethics of Leisure

There was little criticism of leisure and the leisure classes until the end of the Middle Ages, though the Catholics did stress the fact that God condemned man to labor as a penalty for original sin. As emphasized by Max Weber and his disciples, criticism of leisure was primarily a contribution of the Protestant Revolution.

One of the major influences exerted by Protestantism upon economic life and ideas was the impulse it gave to thrift, frugality, and the virtues of hard manual work. This particular impetus came especially from Calvin and his followers. They lifted from work both the taint of servility, which had been associated with it in classical times, and the penitential coloring attached to it in medieval Catholicism. Calvin vigorously condemned idleness: "For nothing is more unseemly than a man that is idle and good for nothing—who profits neither himself nor others, and seems born only to eat and drink. . . . It is certain that idleness and indolence are accursed of God." He held up to contempt "idle bellies that chirp sweetly in the shade." Calvin himself apparently approved of work as a preventive of sin and corporeal indulgence, quite as much as a means to economic accumulation. Thus, there sprang up that persistent tradition of the moral and economic blessings of gruelling toil which pervaded modern times. When the bourgeoisie later became wealthy, they conveniently found work a virtue chiefly for the employee class.

It is obvious that the Calvinistic emphasis upon the virtue of hard work was partly theological and partly economic. This attitude was brought over into American tradition by writers like Benjamin Franklin. It gained wide acceptance in this country, not only because of our Protestant heritage, but also because the doctrine fitted in very well as a religious and ethical justification of the hard work required to conquer the American continent. That this philosophy of life is still popular and respectable in American circles can be seen from the following statement by Gus W. Dyer of Vanderbilt University, taken from an article syndicated in American newspapers early in 1939. Professor Dyer was issuing an implied warning that we are reverting to paganism in our new respect for leisure:

> The Christian theory of life is the very opposite of the Pagan. It puts the emphasis on giving, not receiving, on serving, not on being served. The great man, the man who has found life in the greatest abundance is the prime minister, the greatest worker. Work is divine. God is revealed as the great worker, and it is through work that men become like God. It is through work that man finds his life, and his life is measured by his work. Business is a means by which men exchange usefulness. In the exchange of commodities and services both parties are benefited, both parties profit. The more a man gives the more he receives. The abundant life is a by-product of hard work, or services given to others. To run away from work is to run away from life. To repudiate work is to commit suicide. It is through work that individuals and nations grow strong and invincible.
>
> From the beginning of our history down to a few years ago the rank and file of the American citizens regarded hard work not only as a duty but also as an honor. The hard worker was a man of distinction in his community. They had little respect for a man who tried to avoid work, and had a contempt for a man, able to work, who looked to the government to support him. They found their lives and grew strong through hard constructive work, through constructive service to their families, their communities and to their country. They accepted it as their duty to support the government from their earnings in all of its constitutional, legitimate activities, but they scorned the idea of degrading themselves and sacrificing their independence by looking to the government to give them any special aid.
>
> It was the proud boast of Americans up to a few years ago that the average American working man did a third more work than any other average working man in the world. It was the American ideal of work based on the Christian theory of life that made us invincible in the past. Shall we give it up, "lean on the shovel," and revert to the destructive theory of ancient paganism?

In the middle of the nineteenth century the notion that work is virtuous was emphasized from the standpoint of aesthetics by Thomas Carlyle, John Ruskin, William Morris, and others. They emphasized the element of craftsmanship, holding that every man should spend part of each day in manual labor and find some satisfaction in turning out a worth-while piece of work. In our own day, writers on leisure have adopted this point of view as a means of solving the problem of leisure rather than as a justification of hard work.

It is quite obvious that hard manual work is in itself no virtue whatever. Productive work, at the best, can only furnish us with the material basis for truly human achievements on the supra-pig level. The less

time we have to devote to the problems of making a living, the more we shall have to give to those things which make living worth while. Some writers on leisure today have gone to the opposite extreme from the attitude of Calvin, Franklin, and others, and have frankly and enthusiastically defended the virtues of freedom from drudgery. This point of view has been forcefully expressed by Lawrence Conrad in an article on "The Worthy Use of Leisure," in the *Forum*. Mr. Conrad points out that our forebears struggled to conquer work and to gain freedom from drudgery:

> Our progenitors for thousands of years had yearned towards that moment when we could have leisure. The leisure they pictured was not a turning from band to gusset and from gusset to seam. It was unalloyed leisure, freedom from compulsion. What they had in mind was a shedding of ball and chain; a liberation of the fancy of humanity; a surging up of dreams and visions. They pictured man, the conqueror, searching time and space for the signs of his further destiny.[11]

But as we reach out to profit by the millenniums of toil of our ancestors in the quest of freedom from drudgery, we are being captured by those who hold that we shall be ruined unless our use of leisure is "worthy":

> At just that moment another crowd came along and said: "Get up and get busy. Did you think that you could be idle during this rest period? Not at all. The factory is closed; we have let you out from there. But we have work for you to do You must take piano lessons, or start a stamp collection, or read the book-of-the-month, or attend a lecture. This is for your own good."
>
> So goes modern life. Our educational leaders would march us from the factory to the public library, then on through the art museum and the lecture hall, and on to our night school classes, and then home to our book-of-the-month. And so to bed. So strong a prejudice has been aroused against standing still or sitting still that we have all of us come to a place where we start guiltily when we are discovered doing nothing. "What! No tools in your hands? You ought to be ashamed!" And we are ashamed.
>
> Lincoln, sitting on a cracker barrel in a country store, would be given something important to do. Daydreaming has become a grievous sin Dawdling, which is one of the sweetest of all human pastimes, has been blotted out. You never see a whittler in these days, just plain whittling.[12]

Mr. Conrad believes that the movement for "worthy" use of leisure is robbing us of the enjoyment of our new found freedom from work:

> As a people we grow disaffected and sour. Standing in front of the polar bear cage for the hundredth time, or in front of the "Fifteenth Century Knight in Armor," we turn the thing over in our minds. Somehow we have a feeling that, left to ourselves, we could figure out a better way to spend our time.
>
> Unless human beings can feel free to explore their leisure as individuals, each one finding in it his own most gratifying compensation for a life of toil, then there is no good in the fevered striving by which it was earned, and there is no use in our trying to increase it for posterity.
>
> No two of us would be quite alike in our taste for leisure. Each person would have his own separate mode of vagrancy. Should each individual follow his own bent and take his own special kind of reward for labor, our whole social order

[11] November, 1931.
[12] *Ibid.*

might come to be sprinkled through once more with that most priceless element the world has ever lost—namely, interesting human beings.[13]

One may not go quite as far as Mr. Conrad but his position illustrates the change of attitude which has arisen in the present century. It is certainly far sounder than the Calvinistic point of view and more in harmony with the trends and requirements of our day. We shall consider this problem of the ethics of leisure in the next section, dealing with some leading social and psychological aspects of leisure in the machine era.

Some Outstanding Social and Psychological Phases of the Problem of Leisure

There is no dodging the immediate and vital significance of the problem of leisure in the twentieth century. Before the problem can be attacked in an intelligent fashion we must bring about such a reconstruction of our economic society as will put an end to widespread unemployment and idleness. Such work as needs to be done in a mechanical era must be spread, so that everyone may do his share, however small the amount of time involved in actual manual effort. Man is so constituted that he likes to do some work and be self-supporting. Despite much banter to the contrary, information collected on the attitudes of WPA and especially CWA workers made it clear that they hated to be forced to dawdle along and loaf on the job to spread work. They preferred to be "overworked" in private industry. Social workers have also frequently reported on the slow physical and mental degeneration of heads of families when forced to remain idle on relief.

Yet, even if we do spread work and bring about other reforms so that the full benefits of the machine will go to all, we shall still have the problem of leisure to solve. Until we deal with it effectively, the unprecedented amount of leisure time will, as Dr. L. P. Jacks points out, only result in idleness, stagnation, and the decay of personality and cultural life:

> Men have always desired leisure. They are now threatened with more of it than their education has fitted them for dealing with, more than nature intended them to have, more than they are, as yet, capable of enjoying or making use of. . . .
>
> The centre of our social problem is passing rapidly to the leisure end of life, the end where consumption rather than production is the outstanding feature, and it is precisely in regard to consumption that our lack of preparation for life, or of education for it, is most pronounced. The applications of science are almost entirely confined to the producing or working end of industry; our technological and vocational systems of education have the same objective and the same applications; while the consuming process, especially that part of it which goes on at the leisure end, is abandoned to caprice, to lawlessness, to the inroad of new desires and fashions uncontrolled by any sort of scientific guidance.[14]

---

[13] *Ibid.*

[14] *The New York Times Magazine*, July 5, 1931, p. 6.

As Dr. Jacks does well to emphasize, this problem of leisure is no superficial fancy of the social dilettante, but a vital issue upon which the very future of human civilization literally depends. Unless we work out plans which bring the uses of leisure into harmony with the nature and needs of man, the collapse of our culture is inevitable:

> And the question immediately arises—perhaps the most serious question now confronting our civilization—what are people in general going to do with leisure? Will they take as the model for their leisure the sort of life now most favored by the "idle rich"—for there are such people, though not all who receive the name deserve it—and get as much of that sort of thing as their means enable them to procure, display, luxurious feeding, sex excitement, gambling, bridge, golf, globe-trotting and the rest; the life which gets itself portrayed in "magazines of fashion" and furnishes not a few of our people with the only idea they have of heaven? Or will they spend it in the way the idle poor, by whom I mean the unemployed, are now spending the leisure forced on them by the industrial crisis, which consists, for the most part, in just stagnating, physically, mentally and morally? Or will it be a mixture of the two—stagnation relieved by whatever doses of external excitement people may have the cash to purchase?
>
> If the coming leisure of mankind is to be spent in any one of these ways, I have no hesitation in predicting that our civilization will go to the devil and go there, most probably, to the tune of revolution. Human beings are biologically unfitted for a mode of existence framed on those lines and inevitably degenerate and finally perish, by the process of revolutionary self-destruction, when they adopt it.[15]

There are today in current discussion of the problems of leisure two rather divergent attitudes toward the problem. One is the so-called biological theory, which defends the position that a rational leisure must be intimately associated with productive work, which is made pleasant and rational. This attitude toward the problem is presented by Floyd H. Allport, in an article, "This Coming Era of Leisure."[16] Professor Allport thus expounds and defends his approach to the problem of leisure:

> According to the first of these, which I shall call the *biological* theory, work and play cannot be sharply separated. Leisure is not so much a time of freedom from the tasks we have to do, but the lighter and more enjoyable aspects of those tasks. Advocates of biological leisure are interested in increasing not the amount of time in which our bodies shall be free from all productive labor, but rather the enjoyment of productive activities themselves, once they are released from strain, monotony, accident, and disease. Hence the advocate of biological leisure would use machinery and applied science not primarily to replace human work, but to render the organism as it performs its tasks more healthy and secure. He aims for a wholesome balance between expenditure of energy and the variety, rest, and recreation necessary to keep the organism fit. His goal is not more efficient machinery, but more efficient men and women; and by this he means greater efficiency not for their employers, but for themselves. . . .
>
> Now it is the proposal of the technological leisurist to undermine all this process of learning and acquiring interests by satisfying all organic needs in advance and with only a minimum of routine action upon the part of the individual. Such learning and work as will be required will be of a listless, stereotyped sort, unrelated to the biological structure or the emotional equipment of

[15] *Ibid.* See also L. P. Jacks, "The Saving Forces of Our Civilization," in *The New York Times Magazine*, November 8, 1931.

[16] *Harper's*, November, 1931.

the worker. Work will require only the repetitive running of machines and not the continuous and increasing development of bodily skills. Its pattern will be laid down by another, not planned by ourselves. Except for the few contrivers of remaining inventions, it will offer no stimulus of social recognition. There will be little likelihood of developing the natural gifts which are peculiar to individuals; for a system which runs with perfect precision can be no respecter of persons. Considered as a means of developing human potentialities, the life-supporting work of the world will have to be written off as a total loss.

But worse than that, since work, through its connection with organic adjustment, is the primary activity through which interest can be elicited, its separation from the rest of life would leave the organism listless and cold. It would not merely destroy the possibility of special lines of interest, but would threaten the experience of interest itself. The spoon-feeding sometimes practiced upon children of wealthy parents would then be extended to humanity at large. We should be like children for whom have been provided a corps of mechanical servants even more prompt and efficient than misguided parents; we should be in danger of becoming a race of morons well fitted to enjoy the age of the perfect labor-saving machine.

The goal of the elimination of labor or the separation of it from the so-called higher activities, is, as a working philosophy, fundamentally wrong. Its fallacy lies in the ignoring of human nature and the assumption that, by sheer inventive genius, man can rise to heights in which he will be more than, or at least different from, man. In conquering nature about us we are on the verge of denying human nature.[17]

At the opposite extreme from this biological theory of work and leisure presented by Professor Allport, we find the so-called technological or sociological conception of leisure and its uses. According to this point of view, work, in the sense of the drudgery necessary to produce the material needs of mankind, is a necessary evil, a social nuisance which we should get rid of so far as possible by utilizing machinery. This attitude has been formulated by Henry Pratt Fairchild in an article, "Exit the Gospel of Work." [18] Professor Fairchild calls attention to the tremendous transformation in the status of work which has come about as a result of the mechanical inventions of the last 50 years:

For about 999,950 years the chief preoccupation of man has been getting a living. The bare task of keeping soul and body together, and providing himself with a few simple comforts and an occasional modest luxury or two, has engrossed his entire time and energy. The one imperious demand that Nature made of him was work. There was a direct and conspicuous relationship between the amount of work he did and his chance of survival, not to speak of any positive enjoyment or contentment. Society needed the full output of productive energy of every one of its adult members, however unevenly the product of that energy may have been distributed. Starvation was never far from the lower classes, want from the middle groups, or privation from the privileged. Famine was something more than a remote possibility. During this long period the utility of work was so great that reverence for it became so thoroughly ingrained in human nature as to seem almost instinctive, and social sanctions in favor of work were developed of the most imperious character.

Now, within the last fifty years, man suddenly finds himself possessed of a productive mechanism so capacious and competent that if he expends his habitual amount of work on it it will swamp him with more goods than he has the ability

[17] *Loc. cit.*, pp. 642–643, 649–650.
[18] *Harper's*, April, 1931.

to grapple with. No wonder many of his traditional values seem all awry! No wonder he stands trembling, bemused, awestruck before his own devices, the wise use of which defies his intelligence, the power of which far outstrips his ability to control.[19]

This thoroughgoing revolution in the status and necessity of work renders necessary and desirable a comparable alteration in our perspective toward work and leisure in the contemporary age:

What is needed is obviously a revolution in some of our basic philosophies of life. First of all, as already intimated, we must have a complete reversal of our characteristic attitude toward economic activities. The god of work must be cast down from his ancient throne, and the divinity of enjoyment put in his place. We must learn that consumption is the only justification and guide of production. We must learn that consumption requires the same scientific study and research that we have so generously lavished on production. We must develop a technic of consumption. . . .

Along with this, we must have a new philosophy of work. Work must be recognized not as a virtue or a blessing, but as an intrinsic evil. The only justification for work is its product. . . .

We must, most emphatically of all, have a new philosophy of idleness—or rather, we must substitute for the present philosophy of idleness a sound and comprehensive philosophy of leisure time. We must come to realize that leisure time, that is, time spent in pleasurable employment, is the only kind of time that makes life worth living. All other time is tolerable only as it contributes to the richness and developmental content of our leisure. But, of course, leisure, to be itself tolerable, must be immeasurably more than mere idleness. Leisure time should mean the opportunity for all those pursuits that really contribute to the realization and enlargement of personality.[20]

The adoption of this attitude implies that all socially unnecessary work should be dispensed with:

In the new day work must not only not be encouraged but not permitted unless there is some positive and demonstrable social good to be derived from it. Work is too potent a thing to be indulged in irresponsibly. We can't allow people to go about working at their own sweet will. . . .

When mechanization has been carried to its ultimate perfection there will be so little of routine production left for human hands and minds to do that in all probability there will be actual competition for the doing of it for its own sake, for the interest, variety, and stimulation that it has to offer.[21]

If such changes are brought into being, our leisure will no longer be contaminated by any hangover of the punitive philosophy that stresses the nobility of drudgery. Our time will veritably be free for creative endeavor on the supra-pig level of achievement:

Thus the distinction between work and recreation will at last be wiped out altogether. Everyone will be left free for genuinely creative activities. Type will still be set, clothes made, furniture built, gardens planted, and ditches dug by hand. But these things will be done in just the same spirit as now pictures are painted, songs sung, and doilies embroidered—for the delight and pleasure in doing them, for the expression and development of personality. Few enjoyments are higher than those which come from impressing one's own individuality upon

---

[19] Fairchild, *loc. cit.*, p. 567.
[20] *Ibid.*, pp. 570, 571–572.
[21] *Ibid.*, pp. 571, 573.

a material medium, especially if it be in measurably permanent form. Mankind is endowed with limitless capacities for creating beautiful and useful things in varied and individual forms. The men of the future—and not such a distant future, either—will devote themselves to these and kindred pursuits, and will look back upon their ancestors who spent their time and energy in the routine production of standardized, conventional, and largely superfluous material objects in much the same attitude with which we regard the savages who knock out their teeth, brand their skin, or cut off the joints of their fingers for some traditional reason that they do not even think of trying to understand, but just blindly obey.[22]

Dr. Jacks suggests an approach to the problem of leisure which seeks to effect a compromise between the interpretations offered by Professors Allport and Fairchild:

Man is a skill-hungry animal, hungry for skill in his body, hungry for skill in his mind, and never satisfied until that skill-hunger is appeased. After all, what a discontented miserable animal man is until he gets some kind of satisfaction for this skill-hunger that is in him! Self-activity in skill and creation is the summary mark of human nature from childhood right on up until man's arteries begin to ossify.[23]

If our solution of the problem of leisure is to be successful and a real asset to man and society, its exploitation must fully satisfy the basic human drive for creative activity:

The happiness that man's nature demands and craves for is impossible until the creative part of him is awakened, until his skill-hunger is satisfied. Man's happiness, the happiness for which he was created, comes from within himself. Till then, and till his happiness begins to well up from within through this self-active, creative life, man is living on a starvation diet; he is devitalized; he is in low condition; he is wanting in mind and body. Created for the enjoyment of happiness, yes, but on those terms no amount of ready-made pleasures purchased on the market, no intensity of external excitement, will ever compensate for the loss of creative impulse, or for the starvation of his essential nature as a skill-hungry being. That is a fundamental truth, and to me there is no truth about human nature that I find more certain, more important, more vital, whenever the education of human beings, either of children or adults, is in question.[24]

In an illuminating article on "The Problems of Leisure,"[25] George A. Lundberg suggests that it is high time that the social sciences began to devote attention to the problems and activities of leisure. Play and various types of art must occupy our attention in periods of leisure, now that work is becoming increasingly unnecessary during a considerable period of time each day. Play and art can both take care of our leisure time needs and satisfy that craving for skill-expression which Dr. Jacks has correctly emphasized:

The social sciences are devoted to the study of group behaviour—what people do. Now it happens that among the various activities in which man engages—political, economic, etc.—are certain activities which we call play, recreation,

---

[22] *Ibid.*, p. 573.
[23] L. P. Jacks, *Today's Unemployment and Tomorrow's Leisure* (reprinted from *Recreation*, December, 1931), p. 6
[24] *Ibid*
[25] *Sociology and Social Research*, May–June, 1933.

artistic, or more generally, "leisure" pursuits. These activities are present as universally, have as long a history, and presumably have behind them as deep-seated biological drives as any of the others. All behaviour is the result of the organism struggling to make an adjustment of some sort. Play, painting, dancing, and singing are basically just as truly responses to organic needs as are hunting, farming, or withdrawing one's hand from the fire. From this point of view, play and artistic behaviour are as proper subject matter for scientific study as any other phases of human activity.[26]

In the civilization which lies ahead of us, which is bound to be characterized by both greater leisure and a more secular point of view, aesthetics may become the chief objective of human life, as theology was in the Middle Ages. We shall be concerned primarily with becoming happy here and now, rather than saving our souls in a future life:

There is no reason, therefore, why man in a social order less preoccupied than the present with the maldistribution of wealth, should not turn his intellectual activities upon, say, aesthetics, just as under other conditions he has turned them on theology. The starting points and sequences of modern science have had, and still have, their justification. But other equally valid thought-patterns might conceivably be constructed from other starting points with other sequences in other directions. . . .

It is conceivable that under another system of ideals and education men might prefer to utilize at least part of the leisure which the machine has won for them in some form of self-activity which would not greatly affect economic production of profits. We might, for example, hold up what men are rather than what they buy as a standard of worth. On this theory the greatest satisfactions of life as well as the best balanced personalities come from the acquisition and exercise of skills of various sorts not necessarily of economic significance. The consumption of blue sky, sunshine, and sylvan solitude, or the amateur dabbling in the fine arts is of this nature. Merely as a method of killing time and consuming energies it may be no more absorbing than the frantic game of keeping up with the Joneses. The justification for this substitute, therefore, must be based on other grounds. We must show that this substitute is in some way more compatible with man's biological nature and that its indulgence contributes more to that balance and integration of personality which is generally recognized as desirable —the opposite of the enormous numbers of mental cases in and out of our asylums.[27]

Leisure and Recreation

We have already suggested that play and the arts will have to provide for most of our activity in the future. We have seen that Professor Allport and those who hold to the biological theory of leisure contend that work and play should remain closely interrelated. There is something to be said for this point of view, especially along the line of making necessary work more pleasant to human beings and less disastrous in its effect on the human personality. But the period in which we can work at all is bound to become shorter and shorter. So, even the most pleasurable work cannot occupy much of our time. The problem of leisure

---

[26] *Loc. cit.*, p. 5.

[27] Lundberg, "Training for Leisure," *Teacher's College Record*, April, 1933, pp. 573–574; and *Leisure: A Suburban Study*, Columbia University Press, 1934, Chap. I.

would still remain. And, certainly little can be said for the theory, popular in some quarters, that play should be made laborious. As Professor Lundberg has suggested, the very idea of slavish pleasures is a misnomer. Even though the populace should take a far greater interest in artistic activity than it does today, we are bound to have more and more time which we must devote to some form of playful activity. Hence the problem of play and recreation is a significant one.

Perhaps as good a definition of play as any is offered by S. L. Pressy, namely, that play is "those things which individuals do simply because they want to." This view of play harmonizes with both the older notion that play is simply a natural form of human expression and the newer attempts to find a definite psychological explanation of play and its personal and social functions.

During the nineteenth century, various sociologists, psychologists, and educators brought forward scientific theories of play. These have been summarized by Edward S. Robinson.[28] The sociologist, Herbert Spencer, held that play is a form of activity which results from the necessity of discharging surplus nervous energy. He also suggested that imitation has a large function in playful activities, a notion which was more elaborately developed by the French writer Gabriel Tarde. The psychologist, Moritz Lazarus, suggested a theory of play which has received wide acceptance. He was father of the notion that play constitutes a fundamental form of recreation for the human being. It provides the natural recovery from over-activity and fatigue. It is truly recreative, in that it provides an alternative form of activity which is more stimulating than sheer rest and immobility.

Another psychologist, Karl Groos, who made elaborate studies of the play of both animals and men, offered a sociological and pedagogical conception of play. He held that play is fundamentally a preparation for adult life, in which the natural instincts in man are socialized in such a fashion as to be adapted to the requirements of the life of an adult in a social group. He also emphasized the cathartic function of play, namely, that play permits us to work off pent-up emotions and surplus energy. Lilla Appleton, after making a study of play among both savages and civilized mankind, maintained that the forms of play have a definite physical basis, associated with somatic changes related to the growth of the individual.

The eminent educator and psychologist, G. Stanley Hall, adapted his notion of play to his general theory of psychological recapitulation. He held, in general, that the mental life of the individual reproduces in brief the mental history of the race. Accordingly, he looked upon play as a persistence of the motor habits and mental traits of the human race as they had existed in the past. Play is, fundamentally, a reversion to the activities of our ancestors, running back into the animal world. Hall's disciple, George T. W. Patrick, in his *Psychology of Relaxation*, gave

[28] Article "Play," *Encyclopedia of the Social Sciences*, Macmillan, Vol. 12.

this idea greater precision by holding that modern man's impulse to recreation is an attempt to recall and reproduce the chief types of life, habits, and occupations during the long period of stone-age culture. The psychologist, Alexander Shand, presented an emotional theory of play. He held that play is basically devoted to the maintenance of the emotion of joy. His doctrine was thus a hedonistic interpretation of play. The English psychologist, William McDougall, contended that play arises out of the natural impulse of rivalry. It is produced by the effort to surpass others.

Freud and the psychoanalysts have laid much stress upon the make-believe element in play. It is a manifestation of fantasy and a form of substitution in human activity. Alfred Adler relates play to his theory of the neurotic constitution by contending that play is the child's compensation for his physical and mental inadequacy.

These theories of play are not mutually exclusive. All of them make a valuable contribution to a comprehensive interpretation of the psychology of play and its function in society, such as that presented by Professor Pressey in the following paragraph:

> It is presupposed, in the first place, that the individual is naturally active, physically and mentally. In considering play, the question is therefore not as to why the individual does anything, but as to why he indulges in the particular activities called play. The following factors seem outstanding: (a) Play varies with the physical and mental development of the individual. There is a gradual development from the more simple and active to the more complex and social, and the play of an individual at any particular age is in harmony with the stage of development he has reached. (b) Play varies with the physical environment and opportunity for play; play is activity which is in accordance in one way or another with the child's physical environment. Finally, (c) fads, fashions and conventions as to play, among both children and adults, are exceedingly important influences; play is activity which is in harmony, in one way or another, with the individual's social environment [29]

From a sociological point of view, the most fundamental contributions of play are those which fall under the educational and hygienic aspects. In an educational way, play helps to socialize the individual. Especially is this true of play carried on in groups. The natural and selfish impulses of the individual are modified and held in check by the social restraints imposed by the rules of the game. Not only rivalry, but the sense of fair play, is brought into being. It is no accident that educational sociologists have laid great stress upon the importance of play in preparing youth for intelligent participation in the responsibilities of group life. The enthusiasm shown by children and adults in play has had an important influence upon educational theory. Observers could not help marking the vast difference between the gusto exhibited in play and the indifference manifested by the child in schools conducted according to the traditional type of punitive discipline. Hence there has been an effort on the part of progressive educators to devise new types of educa-

---

[29] S. L. Pressey, *Psychology and the New Education*, Harper's, 1933, p. 79.

tional procedure which seek to produce in the child the same enthusiasm for learning that he manifests on the playground. To a certain extent, the more progressive educators have sought to make the learning process a form of playful activity. The Progressive Education Movement, in particular, has endeavored to introduce into the schoolroom some of the motivation which influences children in spontaneous play.

The hygienic aspects of play have been recognized by those interested in both physical and mental hygiene. The recreational and restful features of play, through introducing alternate forms of activity, have been thoroughly accepted in modern physical hygiene. Gymnastic exercises and supervised games have been provided to help build up the physique of youth, special forms being devised to correct physical deficiencies. The stimulating, distracting, and compensatory mental phases of play have been taken into account by students of mental hygiene. The latter have stressed the cathartic and curative aspects of playful endeavor. These are extremely helpful to the adult as well as to the child. Today, play occupies an important place in educational theory and mental hygiene, as well as in the field of recreational endeavor.

Outstanding Phases of the History of Recreation

Until the rise of modern democracy and the Industrial Revolution, play and sports were chiefly a privilege and activity of the upper classes. The hard working and oppressed peasants, serfs, and slaves had little time or energy for play, even when legally permitted to indulge in it. The sports of the upper classes were long closely associated with religious rites or with the preparation for war. The Roman chariot races, the tournaments, jousts, and hunting parties of the Middle Ages, and the fox hunting of the English gentry in modern times are good illustrations of the typical noble monopoly of prevailing sports. But the yeoman and middle classes were not entirely deprived of popular sports. For example, in the Middle Ages, they indulged in archery, quoits, bear-baiting, cock-fighting, mock tournaments, and the like.

Some historians of sport have contended that this social cleavage in the sport world between the nobility and the yeomen was what has given rise in our day to the differentiation between the amateur and the professional. Our modern amateur has descended from the earlier aristocrat, and our present professional from those of the middle and lower classes, whose sporting activities were looked upon as a lower type and were sometimes entered upon for self-support. The invention of machines during the Industrial Revolution ultimately provided leisure time for the masses to indulge in sports—iron slaves being substituted for human slaves and serfs. The democratic theory of human equality emphasized the right of all to participate in play and sport, thus breaking down the earlier doctrines of aristocratic monopoly. A special impetus was given to the democratization of sports by the first World War. Examination of recruits revealed the startling presence of physical de-

fects on a national scale and suggested that mass sports might help to correct these. The cultivation of mass sports as a means of promoting physical perfection in preparation for war gained particular headway in Fascist countries. But the crowding of industrial populations in congested city areas gravely handicapped the direct participation of the masses in sports; they have usually had to be content to indulge vicariously in the rôle of spectators.

In primitive and early historic society, play and sports were closely linked up with religion. Religious festivals, especially those associated with fertility rites, were accompanied by various forms of play and games, some of which took a form which today would be regarded as licentious. In ancient Oriental society there was a particularly close relationship between religious festivals and such play as existed. The relation between Greek play and Greek religion has been described by Jane Harrison in her interesting book *Ancient Art and Ritual.* Other religious celebrations which promoted play, sports, and games were those which celebrated a military victory or a deliverance from pestilence or some other form of disaster. The close interrelation between religion, sex, and sports continued well into the Middle Ages. As Albert Parry points out: "Not infrequently during the Middle Ages, races in honor of a saint were followed by general licentiousness among the spectators." [30] Another association of play and sports with religion in primitive and early historic society was manifested by the close relationship between tricks and religious ceremonials. Such tricks as the tying and untying of knots, ventriloquism, and numerous fire tricks were performed in religious ceremonials. They were closely associated with magic. In initiation rites, a great variety of tricks were devised to deceive and impress the uninitiated. While play has been sweepingly secularized in modern times, it is still widely associated with religious auspices and organizations. The Y.M.C.A., the Knights of Columbus, the Y.M.H.A., and the like, have laid much stress upon gymnasiums, games, and physical exercise. Sunday-school picnics are usually given over to various forms of games, thus perpetuating in a lesser degree the association between play and religion in early society.

The history of play, sports, and recreation, like the history of most other forms of culture, is in one way a record of its progressive secularization. While religion still played a large part in Greek recreation, especially in the games associated with religious festivals, the Greeks were the first to give a marked secular turn to recreation and physical exercise. The Greeks regarded athletics as decisively a phase of leisure-time activity executed on the supra-pig level of achievement. The Greeks looked upon recreation as a phase of both hygiene and aesthetics. From the standpoint of hygiene, the Greeks regarded physical exercise and games as a means of producing the perfect human body. Moreover, the Greeks viewed athletic games as a form of aesthetic expression, and

---

[30] *Encyclopedia of the Social Sciences,* Macmillan, Vol. 14, p. 306.

athletics were closely associated with music in the Greek classification of the arts.

The Romans continued the process of secularizing sports and games. The Romans, however, were interested in producing a good physique and in encouraging games and sports primarily for the purpose of preparing the Roman youth, physically and mentally, for war. Roman politics also contributed a secularizing influence, since the government tried to placate the masses by providing great public spectacles, such as chariot races and gladiatorial combats. These Roman spectacles represented perhaps the first impressive example of the vicarious participation of the masses in public sports as spectators.

Since the nobility monopolized most sports during the Middle Ages and, since their sports were of a primarily military character, the secularizing influence was continued. But there was also a strong religious element in medieval sports and recreation. Medieval sports were chiefly military or quasi-military and designed to train brave and hardy knights. But the supreme purpose of battle was to promote the cause of Christ. As Charles Young puts it: "The medieval knight employed his overweening sentiment of personal independence and love of adventure in defense of the Church. To fight for Christ becomes not merely the highest duty but the noblest ambition of one who traditionally regards courage in battle as the sum of all virtue." With the growing secularization of life since the Middle Ages, sports naturally tended to share in the process. The final secularization of sports and recreation was accomplished as a phase of the commercialization of sport in the late nineteenth and the twentieth centuries.

Among primitive peoples we find many examples of games and sports, some closely related to the responsibilities of daily life, such as hunting. Much attention was given to archery, when primitive peoples had mastered the use of the bow and arrow. Blow guns were frequently used. There were games consisting of rolling rings with spears. A variety of string games were common. The Indians also had ball games, and some historians of sport derive the American baseball game from a sport originally common among the American Indians. It is certain that the Canadian game of lacrosse was directly taken over from one of the Indian ball games. We have already referred to the various games and tricks associated with religious ceremonials and magic in primitive times. The children among primitive peoples indulged in games not so far removed from those common among children today. They had numerous toys, such as miniature boats, sledges, reindeer, and other animals. They indulged in the common make-believe play and mimicry, such as playing at fighting and hunting, playing house, playing chief, and the like. As in modern society, much of the play of primitive children was in anticipation of, and preparation for, the responsibilities of adult life.

The games and sports of early historic peoples may be illustrated by the example of the ancient Egyptians. One of the favorite sports among the Egyptian aristocracy was bullfighting, but it was a contest between

bulls themselves, and not one between bulls and men. Acrobatic feats and games were very popular with the Egyptians. Other common Egyptian games and sports were throwing knives at a target, rolling and catching hoops, wrestling, and many games with bones, nuts, beans, and shells. Then ball games were confined primarily to throwing and catching. Boxing was little indulged in by the Egyptians, but mock fights with staves were popular. The honorable place of woman in ancient Egyptian civilization was reflected in the fact that women participated prominently in most of the Egyptian sports, actually predominating in ball games. Sports which strengthened the physique and prepared youth for military activities were especially popular in Assyria and Persia. Horseback riding and hunting were encouraged. The kings and nobility showed special enthusiasm for big-game hunting and stories of royal prowess in killing lions are fabulous.

No people developed sports in a more wholehearted fashion than did the ancient Greeks. Among the Greeks, play and recreation was not a mere informal and sporadic thing, but an integral part of Greek education, citizenship, and cultural life. The Greeks made thorough provision for compulsory physical training, both during school days and in early adulthood. They encouraged the cultivation of physical sports throughout life. The Greeks had the palaistra and the gymnasium (from which we derive the term gymnastics), in which to give systematic instruction in physical exercises, and various gymnastic equipment, such as weights, punchballs, dumbbells, boxing gloves, discuses, javelins, and the like. Several types of ball games were played. Wrestling, boxing, running races, jumping, throwing of weights, discuses, javelins, and the like were popular forms of physical exercise and sports. Boxing was a particularly brutal and dangerous sport, since the gloves were merely strips of leather wound around the hands, and the Greeks directed their blows almost exclusively at the head. Professional boxers had strips of iron under the bands of leather. The fingers were left free and it was not unknown for opponents to have their eyes gouged out. We should not, of course, fail to mention the famous Olympic games held every four years, which constituted one of the most impressive spectacles of ancient Greek life.

In addition to the games and sports involved in Greek physical education and associated with formal athletics, the Greeks indulged in various informal sports. One of the most popular among the aristocracy was horseback riding. Hunting, swimming, and rowing were popular Greek sports, but the Greeks never went in for bathing as extensively as did the Romans. The Greek children played with hoops, tops, kites, swings, and the like. Knuckle bones provided a form of practical entertainment among the Greek youngsters in helping to teach arithmetic. All in all, one may safely say that the Greek attitude toward athletics and sports, in offering training to all in good sportsmanship and symmetrical physical development, came closer than any other recreational notion in history to the ideal which we might well seek to recover and apply in our present day efforts to solve the problem of leisure.

Though the Romans adopted many phases of Greek culture, they did not take over to any marked degree the aesthetic attitude of the Greeks toward sports. While they provided for intensive and systematic physical training of Roman youth, this was carried on primarily as a phase of military training, or at least for the purpose of promoting military efficiency. As Charles V. P. Young puts it: "While the Romans were intensely fond of physical exercise, it was originally and primarily, as has been said, as a means to an end, viz., military efficiency. The scientific training of an ideal harmony of mind and body had no place in their scheme of things."[31]

Roman boys were compelled to assemble daily to be put through arduous physical exercises and training in the use of weapons. They were drilled in the military step, compelled to carry heavy weights, trained to throw the javelin, and the like. Accessory exercises designed to improve physical and military efficiency were such things as boxing, wrestling, and running. These exercises were serious and solemn matters, rarely taking the form of spontaneous sports or social amusements. Roman men, even prominent public officials, did, however, take a rather unusual interest in certain gymnastics and games for the sake of relaxation and recreation. Boys also participated in these games when they were not occupied in more serious exercises. Ball games were particularly popular with the Romans. Some of these games resembled our modern baseball, and others were roughly like soccer and medicine ball, as played today. The Romans also showed much enthusiasm for sham fights in which they fought a dummy much as they would a living adversary. It hardly needs to be pointed out that no other people in history have shown as much enthusiasm for public baths as did the Romans. The opening of the baths was announced each day by the ringing of a bell. The great baths were capacious and luxurious. There were rooms and pools for hot, warm, and cold-water bathing. Gymnasiums and ball courts were provided for the more energetic. There were balconies on which bathers of both sexes might gather and gossip. Libraries and art galleries were often provided for the more studious and aesthetic. The price of admission was very low—about one cent for a man, two cents for a woman, and free admission for children.

We have already called attention to the fact that the Romans were the first to promote mass attendance at sports, as a phase of their political policy of bread-and-circuses. Gladiatorial fights, conflicts between gladiators and wild beasts, fights between beasts themselves, and chariot races were the more important offerings in these great public spectacles. Associated with the chariot races was the prototype of our race track gambling, racketeering, and fixing of races. The Romans were, incidentally, much given to gambling and games of chance. The Roman amphitheaters in which these public spectacles were held provided a seating capacity equal to that of our largest stadiums today. Indeed,

---

[31] C. V. P. Young. *How Men Have Lived*, Stratford, 1931, p. 163.

few of our present stadiums equal the seating capacity of the Circus Maximus, which seated more than 150,000 spectators.

During the Middle Ages, there was, as we have seen, a definite social cleavage in the realm of play and sports. The nobility, whose life was colored by the ideals of the age of chivalry, followed sports supposedly suitable to the noble life. Some of these noble sports, such as the tournament and the joust, constituted training in the art of war in the age of knighthood and chivalry. The tournament was a real battle between mounted knights, which took on the form of a great public spectacle. Deaths were frequent. The church often protested because of the number killed or injured at tournaments. Jousting was somewhat less dangerous, since the combatants were separated by a wooden beam which prevented the horses from colliding when the knights rode headlong at each other. Less dangerous still were the quintain, in which a knight endeavored to pierce a manikin with his lance at full speed, and the behourd which was a type of fencing on horseback.

Aside from these military sports, the most popular type of noble recreation was some form of hunting. The nobles had exclusive hunting rights in the Middle Ages and little thought of the ruinous effect of their hunting on the cultivated fields of the peasants. Stag hunting and wild boar hunting were popular. Almost universal was the sport of falconry, or hunting birds and small game animals with trained falcons and hawks. When inside their castles the nobility amused themselves chiefly by listening to the songs and jokes of the troubadours and jesters, playing chess and drinking.

The medieval yeomanry had their own sports, some of which were an imitation of those of the nobles. Such were the mock tournaments, in which the yeomen were seated on oxen and armed with flails instead of lances. The yeomen also frequently had their own quintains, in the form of spearing figures mounted on posts in the village common. Instead of the noble hunting enterprises, the yeomen had to content themselves with archery, pitching quoits, bear-baiting, cockfighting, and the like. The peasants and serfs had fewer sports than the yeomen, but on manorial holidays they might have a chance to wrestle, throw weights, watch a cockfight, or observe two blindfolded men trying to kill with a club a pig or a goose let loose in an enclosure. Usually, the peasants and serfs, working from daylight until dark, had little time or inclination to engage in sports.

The rise of Protestantism, and especially of Puritanism, in early modern times, tended to exert a restraining influence upon sports. The main leisure possessed by any, save the nobility, was on Sunday, and the Puritans revived the Sabbatarian teachings of the Old Testament and attempted to enforce a taboo upon sports on Sunday. This definitely curtailed sports and amusements in those places where the Puritans were able to enact and enforce their restrictive legislation. Moreover, the Puritans looked askance upon bear and bull-baiting, cockfighting, and the like, and did their best to discourage these, even when carried on

during week days. Thus, while religion had formerly stimulated play and sports, it became, for a long time, a distinctly restraining influence in many Protestant countries.

With the invention of gunpowder, knighthood and chivalry came to an end, and the typical medieval amusements of the feudal nobility were terminated when this social class was finally ousted from power. Tournaments, jousts, and falconry were discarded. The commoner was gradually allowed to participate in hunting activities. But horseback riding still remained the basis of the sport of the upper classes which, particularly in England, was transformed into hunting with the hounds.

With the termination of feudalism, the middle class rose in importance and their sports assumed a social importance quite equal to those of the country gentry. Typical forms of play and sport in early modern times are summarized in the following statement from an English newspaper of the early eighteenth century:

> The modern sports of the citizens, besides drinking, are cockfighting, bowling upon greens, playing at tables or backgammon, cards, dice, and billiards; also musical meetings in the evening; they sometimes ride out on horseback, and hunt with the lord-mayor's pack of dogs when the common hunt goes on. The lower classes divert themselves at football, wrestling, cudgels, ninepins, shovelboard, cricket, stowball, ringing of bells, quoits, pitching the bar, bull and bear baitings [32]

Other sports mentioned by another writer of the same era were "Sailing, rowing, swimming, archery, bowling in alleys, and skittles, tennis, chess, and draughts; and in the winter skating, sliding, and shooting."

We should also in this place say a word or two about the sports of our colonial ancestors during this period. The typical sports of the English country gentry were brought over and established in the southern colonies. Fox hunting behind the hounds was particularly popular with the squires of Virginia and some other southern colonies. The upper classes in both the South and the North found much pleasure in boating and yacht races. Horse racing was popular in Virginia, and it made some headway even in New England. Hunting and fishing were not only popular but a practical necessity throughout the whole colonial area. The middle and lower classes amused themselves at such games as skittles, an early form of bowling, pulling the goose,[33] cockfighting, swimming, and skating. Due to the popularity of hunting and the necessity of protecting themselves from the Indians, the colonists universally fostered shooting matches. In the rough life of the frontier vigorous sports such as rough-and-tumble fights, wrestling matches, and eyegouging were popular.

The nineteenth century witnessed a remarkable change in the range and character of sports and recreation. This revolution was brought about by the sweeping mechanical and institutional changes which have

---

[32] Young, *op. cit.*, p. 273.

[33] In this sport a heavily greased goose was hung on a rope above a road or a stream and a man on horseback or in a boat rode under the goose at full speed and tried to pull it off the rope.

come over the world since 1800. The Industrial Revolution, the invention of machines, and the triumph of modern industrialism gradually brought about a greater amount of leisure time which could be devoted to sports and recreation. But most of those who were able to enjoy this larger volume of leisure found themselves cooped up in cities, where the facilities for recreation were very limited. This encouraged the creation of mass spectacles and commercial recreation, in which the professional and working classes could participate vicariously as spectators. The growth of democracy, which followed in the wake of the increasing strength of the working classes, swept away most of the exclusiveness which had dominated sports. Sports became the legal right of everybody, even though the masses might have a limited opportunity to engage in such recreation. Nationalism also exerted its influence upon the world of sports. The German patriot, Friedrich Ludwig Jahn, introduced the idea of practicing gymnastics as a phase of the preparation of the Germans for successful resistance to Napoleon. His introduction of gymnastic exercises in Berlin, in 1811, was widely imitated throughout the rest of Prussia and in some of the other German states. The German *Turnvereine* of the nineteenth century were definitely modeled on the program of "Father" Jahn.

Another important innovation in sports since the opening of the nineteenth century has been the growing popularity of competitive games and the development of organized games between matched teams. The latter seems to have been, in the beginning, primarily an English and American development. This new phase of sports may have been due in part to environmental conditions peculiar to the English and Americans, but very likely it also reflected the competitive character of the economic life and institutions of our capitalistic industrialism. Anyhow, it has been one of the most momentous innovations in the history of sports and recreation. Its significance and foundations are thus characterized by S. L. Pressey:

> Certain larger social influences upon play also deserve mention. The organized team game seems to be largely an Anglo-Saxon product. American collegians prefer football, whereas the youthful intelligentsia of Germany have a special fondness for dueling, and the French prefer tennis to play between groups But all this is presumably not because German or French youths lack some mysterious instinct or ability which tends to make English and American boys peculiarly fond of team games. Rather the explanation is to be found in differences in climate, in the size and character of the leisure class, and especially in the largely unknown development of the conventions of amusement. It must be further observed that these differences are being rapidly modified. The vogue of tennis in France is relatively new, although the game originated there. American baseball has no very long history, and its amazing popularity in Japan has come about in a short period of time. The present passion for golf in our country is largely a post-war phenomenon. In short, there is every evidence that the form which the play life of a community or a nation takes is determined by influences which are best described as social; certain conventions are developed with respect to sport and amusement.
>
> The writer is inclined to believe that the competitive character of much American play is to be regarded as such a convention. After all, many recreational

activities, such as fishing, canoeing, hiking, dancing, and singing, are not competitive. The tendency to identify play with competitive games and sports may be a product of our highly individualistic and competitive socio-economic mode of life. The present emphasis on the competitive in recreation seems to be relatively recent, and, on the whole, unfortunate.[84]

We may now briefly describe the origins of characteristic sports of the nineteenth century, which have been based upon the principle of matched teams and have lent themselves particularly well to the creation of mass spectacles and commercialized recreation. Baseball has gained such popularity that it is usually described as our "national game." Some attribute its origins to the ball games common among the American Indians. But it is more likely that it is a further development of the numerous ball games which were common among the English people in the seventeenth and eighteenth centuries. The literal origin of our present baseball game can be traced back to the ingenuity of Abner Doubleday, a civil engineer, who laid out the modern baseball diamond and introduced on it the game of town ball in Cooperstown, N. Y., in 1839. The Doubleday system was popularized when the Knickerbocker baseball club was organized in New York City, in 1845, under the leadership of Alexander J. Cartwright. This took over the Doubleday system and provided for a team of nine men. In the decade of the fifties, baseball teams were formed in the other larger cities of the East and the game was thoroughly launched. The first professional club to be established was the Cincinnati Red Stockings, who assumed a professional status in 1869. The game was nationalized when the National League was founded in New York City, in February, 1876. The American League was founded in 1900. Numerous minor leagues have also been created. The development of stars, since the advent of Adrian C. ("Cap") Anson in 1877 has served to add glamour and popularity.

Football is an old game, which certainly goes back as far as ancient Sparta. It was very popular in medieval England. Early American football was modeled after the English game, particularly as developed at Rugby. It was played in Eastern universities with indifferent results during the first two thirds of the nineteenth century. But the American football game, as a conflict of regular matched teams, was launched with the formation of the Oneida Football Club in Boston, in 1867. The guiding spirit was Gerrit Smith Miller, a native of New York State. The first inter-collegiate contest was played between Rutgers and Princeton in 1869, with 25 players on each side. The man who was mainly responsible for transforming football from its early crude manifestations in the '60's into the present well-developed inter-collegiate and professional game was Walter C. Camp, a member of the Yale football team in the late seventies, and the leading adviser in all modifications of the rules of the game for nearly 50 years thereafter. Famous coaches who have helped to develop and stabilize the game have been Amos Alonzo Stagg

[84] Pressey, *Psychology and the New Education*, Harper's, 1933, pp. 74–75.

of Chicago, Fielding H. Yost of Michigan, Percy Haughton of Harvard, and Glen Warner of the Carlisle Indians.

The increasingly popular game of basketball was created in January, 1892, by James Naismith of the Y.M.C.A. Training College at Springfield, Mass. It grew out of an attempt to adapt the principles of lacrosse and association football to indoor play on gymnasium floors. Professor Naismith organized the first team at Springfield and the game rapidly gained popularity. Adopted as an amateur game by the colleges and universities in the nineties, professional teams became popular early in the present century. The game has enormously increased its following in the last decade.

Hockey, as a popular game, followed on the heels of basketball. The game of "shinny" had been played since colonial times, but ice hockey as an organized game was imported from Canada, where it was already popular in the latter half of the nineteenth century. It was introduced into the United States by a Canadian student at Johns Hopkins University, in 1895. Its popularity spread quickly, and during the next year the American Amateur Hockey League was formed. While hockey has been popular as an inter-collegiate game, it has gained even greater headway among professionals during the last 15 years. During the winter months it is probably more widely supported than any other professional sport, gathering together great crowds of spectators in the numerous arenas provided for it in American cities.

We should, perhaps, mention certain other games and sports which have come to enjoy much popularity. Perhaps the most notable innovation has been the game of golf. The game was played in Scotland as far back as the sixteenth century. It became known, but was not popular, in the English colonies of America in the eighteenth century. The game was revived in the United States as a result of the influence of Robert Lockhart, a resident of Yonkers, N. Y., who had been born in Scotland. Enthused over golf as a result of a visit to his native land in 1888, he returned to Yonkers and enlisted the interest of his friend, John Reid, who became the first great American patron of golf. The first outstanding American golfer was Walter J. Travis, who won a national amateur title in 1900. Others who gained eminence were Jerome B. Travers, Harry H. Hilton, Francis Oumiet, Walter C. Hagen, Robert T. Jones, Jr., Gene Sarazen, and R. Guldahl. The game has been cultivated by both amateurs and professionals. One of the ablest of the latter was "Long Jim" (James) Barnes. While golf was widely established before the first World War, its popularization has come chiefly since 1918. Between 1916 and 1930 the number of golf courses increased from 742 to 5,856. The golf equipment manufactured in 1929 was valued at 21 million dollars, and the present value of golf courses in the United States has been estimated at over a billion dollars.

An interesting development in contemporary sport has been the revival of the principles of the ancient Olympic games. This was a reaction against the growing professionalism and commercialism of sports. The

development was also due to the personal enthusiasm of a Frenchman, Pierre de Couvertin, who sought compensation for the defeat of France in 1870 by carrying on propaganda for out-of-door sports. He thought that France might triumph here, though defeated on the field of battle. He summoned a conference in Paris, in 1894, at which the International Olympic Committee was created. The first Olympic games were held in 1896 at Olympia in Greece. Taking the form of a great international competition in the realm of sport, the Olympic games have been held every four years since 1896,[84a] constantly gaining in popularity, and prestige. The competition has been rendered more keen and severe by the growth of nationalism since the first World War, and particularly since the rise of Fascism.

Fascism has promoted mass sports and play in Italy and Germany not only to provide recreation and insure physical fitness but also to promote national unity and patriotic sentiment. Not since Greek days has so much attention been given to mass sports by any important political community. But the spirit of fascist play is markedly different from that of the Attic Greeks. It is a sort of cross between Spartan military discipline and the Roman circuses.

We should, perhaps in this place, say a word about the increasing popularity of gymnastics. We have already noted that gymnastics in modern times had their origin as a phase of nationalism under Father Jahn in Prussia early in the last century. From his movement there developed the *Turnverein*, which became very popular in Germany and among German-Americans. The disciples of Jahn relied primarily upon heavy apparatus. Two other influences were particularly important in the growth of the gymnasium in the United States. One was the medical point of view, set forth forcefully by Dr. Edward M. Hartwell in 1885, which stressed the desirability of physical training from the standpoint of physical and mental hygiene. The other was the influence which came from religion and social reform and led to the introduction of gymnasiums in settlement houses, the Y.M.C.A. and Y.W.C.A., and the like.

While the first American gymnasiums generally adopted the heavy apparatus of the Jahn system, calisthenics, introduced in the Hartford Seminary by Catherine E. Beecher, became more popular. It laid much stress upon setting-up exercises, and posture exercises. This innovation was popularized by Dr. Dio Lewis, who was also indebted to the Swedish system of free gymnastics. The man most influential in developing the American system of gymnastic exercises, taking the best from both European and American practice, was Dudley A. Sargent, who became professor of physical training at Harvard University in 1878. The Young Men's Christian Association, under the leadership of Robert Burny, J. Gardner Smith, and Luther H. Gulick, played a very important part in popularizing the gymnasium and American gymnastics. A training school, under Y.M.C.A. auspices, was created at Springfield, Mass.

[84a] Except for the war years 1916 and 1940.

Gulick originally had charge of this. The aim of the Y.M.C.A. was to develop a "muscular Christianity." The gymnasium movement was popularized by the development of competition between gymnastic teams following 1899. The gymnasium has promoted not only gymnastic exercises but also such sports as swimming, basketball, handball, and the like.

Perhaps the most remarkable development in the whole history of sports has been the rise of commercialized sports and amusements, mainly since the first World War. This has been due, first and foremost, to the growth of urban populations. Since restrictions of space have made it impossible for many city dwellers to participate directly in play and sports, there has been a natural tendency to provide great mass spectacles which thousands of spectators may watch and in which they may participate vicariously.[35] Then, the first World War gave a strong impetus to sports and to vicarious mass participation therein. The strongest influence here was a combination of patriotism and hygiene. Sports were believed to bring about more perfect physique, which was desirable in potential soldiers.

Mass production methods tended to enter into sports themselves, in order to meet the need for public spectacles and the health training of the multitude. Acquisitive impulses also played their part, since businessmen quickly detected the possibility of profits in the sale of admissions to public spectacles and in the marketing of various forms of sporting goods. And the gambling spirit was not without influence in this development. It has been an especially strong force in promoting the development of horse racing and racetrack gambling.

While the commercialization of sports has had certain benefits, such as making possible the very existence of mass spectacles, it has carried with it certain abuses, especially when racketeers and gamblers have been able to get control of some of these sports and "fix" the results, so as to promote their gambling earnings. Baseball has been unusually free from this abuse, but even here the racketeers were able to fix the World Series between the Chicago White Sox and the Cincinnati Reds in 1919. There has been a considerable amount of well-warranted suspicion about the integrity of boxing matches, and professional wrestling is shot through with corruption and manipulation. It is not taken seriously by many sport lovers. It is more a phase of comedy than of sport. But horse racing has been most thoroughly victimized by the gamblers and racketeers. Not only is much of the racetrack betting dishonestly conducted and designed to line the pockets of gamblers, but at times even the races themselves are fixed through the bribery of jockeys or the doping of horses. The operations of the racetrack gamblers and racketeers represent the most extreme pathological aspects of commercialized sports.

The manufacture and sale of various forms of sporting and athletic goods, firearms, ammunition, and the like, have become a major busi-

[35] On spectator sports and vicarious participation, see J. B. Nash, *Spectatoritis*, Sears, 1932.

ness in the United States. It is estimated that, in 1929, when the sale of these goods reached the maximum point, it totaled approximately half a billion dollars. But even this is only a small fraction of the total cost of all recreation in the United States, which was estimated to have been, in 1929, approximately 10 billion dollars.

Recreation in the United States in the Twentieth Century

Since the turn of the present century, the major trends in recreation have been the popularization of play and sports, the institutionalization of both as a phase of social planning, the promotion of games and sports by private business enterprise, and the growth of great commercialized public spectacles. E. C. Worman thus summarizes some of the major forces that have brought about the expansion of recreational activities and the facilities therefor:

Many factors have been responsible for this widespread development. Much of it has grown out of the nature of our times. Technological advances in industry, the growth of cities, the great hazards of motor transportation, the new freedom of women, changing religious conceptions, the selfish exploitation of natural resources, and the pollution of streams and ocean waters have played their part in recent years to make the provision of recreation a practical necessity for young and old of all classes.[36]

But even the rapid development of mass recreation in the last generation has not kept pace with the increased need for such physical and mental outlets as recreation provides. The increased attention given to recreation in the twentieth century has been ably justified by Jesse F. Steiner:

The modern recreational movement is so firmly entrenched in American life and its positive social results so decidedly outweigh its negative that it is no longer difficult to justify the increasing financial outlays. The present generation hardly needs a reminder of the fact that wholesome recreation leads to both bodily and mental health. It also breaks the monotony of labor and the exhausting routine and regimen of our mechanized industrial system. For thousands recreation is now a kind of cult aiming at physical, mental and moral efficiency. For additional thousands it opens the doors to a new world where during hours of pleasurable leisure the onerous drudgeries of life are forgotten. Of an equal if not greater importance is the outlet given our pent-up emotions. The theory of emotional catharsis, first developed from the public games and spectacles of ancient Greece, offers a psychological basis for the prevailing belief that recreation tends to reduce crime and delinquency. The large variety of sports and amusements are, on this basis, more than mere diversions for hours of leisure; they are vital factors in the progress of civilization. One of society's important functions, therefore, is the cultivation of mass amusements, activities and diversions appealing to all age groups from the preadolescent to the far advanced in life. It is an insurance of social health.[37]

---

[36] E. C. Worman, article "Recreation," *Social Work Year Book, 1939*, pp. 361–362.
[37] W. F. Ogburn, *et al., Recent Social Trends in the United States*, McGraw-Hill, 1933, p. 913.

Inventions and new types of games have helped to revolutionize recreation in the twentieth century. The profit motive has also had full play in stimulating recreation. It was authoritatively estimated in 1940 that we were spending between three and four billion dollars for commercialized recreation. This gave industry a powerful vested interest in supporting and expanding this field of recreational activity. The most notable of the new forms of commercial amusement are moving pictures and the radio. Radio manufacturers, broadcasting stations, and the general public spend millions to bring the radio into the homes. Also, broadcasting companies have advertisers who spend relatively lavishly to produce the programs which the public enjoys. The automobile, by putting the nation on wheels, has promoted many and varied forms of recreation, especially travel, camping, hunting, fishing, and the like.

Among the non-professionalized games in which the public participates, probably the most notable trend has been the growth in the popularity of golf and tennis. Golf still remains, partly on account of the expense involved in belonging to golf and country clubs, pretty much of a class game, with no marked mass participation. But tennis has become one of the more popular sports. A large number of tennis courts are provided by the American Lawn Tennis Association; there are many class courts associated with golf clubs; and many more public tennis courts have been provided by the cities of the United States. The greater availability of tennis to the masses, as compared with golf, may be seen from the fact that, in 1939, there were only 358 public golf courses, while 11,667 public tennis courts were provided by American cities.

The increased interest in recreation and its social significance are reflected in the expansion of public facilities for recreation and sports, both in country and city areas. National parks and forests have been opened up to travelers, and made available by the automobile. In 1940, there were some 20,817,228 acres of national parks, 154 in number. In 1940, approximately 16,735,000 persons visited these national parks, over 90 per cent of them in private cars. Under the New Deal administration an effort was made to improve the facilities for visitors to our national parks. Some 46 new national park projects have been set up in 24 states. Camping facilities are provided for visitors from metropolitan areas. The CCC and the WPA have taken a leading part in the preparation of these recreational demonstration projects. Closely associated with national parks are our national forests, which now have about 175,000,000 acres under the Forest Service. Many of these forests contain extensive recreational facilities. The increasing popularity and accessibility of the national forests may be seen from the fact that, in 1916, they were visited by only 3,000,000 persons, while in 1939 they were visited by approximately 33,000,000 persons, not including those who merely passed through them on their way to other destinations.

Besides national parks and forests there are many state, county, and municipal parks. There are now about two million acres in state parks. In 1935, there were reported to be some 526 county parks, em-

bracing 160,000 acres, and 15,000 municipal parks occupying about 380,000 acres. The municipal parks are especially useful for our crowded city populations. It was estimated, in 1930, that the capital invested in municipal parks amounted to considerably more than a billion dollars, and that over $100,000,000 is spent annually to maintain and operate them. A recent trend has been the acquisition by cities of park areas outside the corporate limits of municipalities. There are about 130,000 acres of such parks at present.

A notable recent development has been the growth of public playgrounds, especially in connection with school and community recreation centers. The most potent force promoting this trend has been the National Recreation Association, created in 1906. It was then known as the Playground Association of America. In 1910, there were only about 1,300 public playgrounds; the number had increased to 7,240 in 1930, and to 9,749 in 1939. The extent and variety of public recreation facilities provided by American cities today is shown in the following table from the 1940 yearbook of the National Recreation Association, giving the data for 1939:

PUBLIC RECREATION FACILITIES IN THE UNITED STATES 1939

Facilities	*Number of Cities*
Supervised playgrounds, 9,749	792
Indoor community recreation centers, 4,123	444
Recreation buildings, 1,666	395
Athletic fields, 875	422
Baseball diamonds, 3,846	704
Public bathing beaches, 548	253
Nine-hole golf courses, 146	114
Eighteen-hole golf courses, 212	135
Indoor swimming pools, 315	122
Outdoor swimming pools, 866	399
Public tennis courts, 11,617	716
Wading pools, 1,545	426
Archery ranges, 455	257
Bowling greens, 217	77
Handball courts, 1 983	173
Horseshoe courts, 9,326	646
Ice-skating areas, 2,968	427
Picnic areas 3 511	476
Play streets 298	46
Shuffleboard courts, 2,299	259
Ski jumps, 116	64
Softball diamonds, 8,995	736
Stadiums, 244	176
Theaters, 110	70
Toboggan slides, 301	114

The most thoroughly revolutionized phase of recreation has been travel, mainly as a result of the production of low priced cars and the building of better highways on which these cars may be operated. Good roads have been extended into mountain, forest, and national park areas. In 1930, some 92 per cent of the visitors to the national forests and 85 per cent of the visitors to national parks used automobiles. In 1916, about 15,000 automobiles entered the national parks, while by 1931 the

number had increased to approximately 900,000. Motor tours have become increasingly popular as a method of taking a vacation. The American Automobile Association estimated that, in 1929, about 45,000,000 persons took vacation trips by automobile in the United States. The AAA estimated that in 1940 some 5 billion dollars were spent on motor vacations. Perhaps most significant are the short automobile rides taken within the community or to near-by places during leisure hours each day. The automobile has, of course, facilitated forms of recreation other than travel, since it is used for fishing, hunting, going to the movies, and any number of sports removed some distance from the home.

Closely related to motor travel in general has been the development of outdoor camping. The American Camping Association has devoted much effort to raising the standards of camping equipment and leadership. The federal government, through the WPA and the CCC, has labored to increase camping facilities. Approximately 10,000,000 persons camp somewhere in the national forests each year. The hostel movement of European youth was introduced to this country in 1935, being especially popular in New England. This provides attractive camping facilities for young persons visiting scenic areas. There were 227 youth hostels, with 11,000 members, in 1940. Automobile travel and camping have been more closely combined than ever with the advent of automobile trailers. Many of these are on the road today, as well as in the numerous tourist camps which are available along all the good highways. Trailers concentrate near resorts and form veritable trailer cities, especially in areas like Florida and California during the winter season.

The better facilities for travel and camping have encouraged hunting and fishing. In average years over 7,000,000 hunting and fishing licenses are issued, and millions of dollars are spent for hunting and fishing equipment.

Water sports have increased in recent years. The number of public bathing beaches maintained by American cities increased from 127 in 1923 to 548 in 1939. In Chicago, during the summer of 1930, some 7,000,000 persons used the public bathing beaches. The number of public swimming pools has also increased more than 100 per cent since 1923, some 1,181 being reported in 1939. It has been estimated that there are over 3,500 private and public swimming pools in the United States. In 1937, some 124 cities reported an attendance of over 100,000,000 at bathing beaches and swimming pools.

The increased popularity of the automobile on land has been paralleled by the use of motor boats for recreation. In 1930 there were 250,000 registered motor boats, at least three-quarters of which were used for pleasure.

Skiing, formerly a recreation chiefly limited to Alpine and other European resorts, has attracted an ever greater number of Americans in areas where there is snow. Owing to the relative difficulty of motor travel in winter weather, the railroads have coöperated in bringing skiers to suitable locations. Special cars for skiers are added to regular trains, and special

ski trains are run from city centers to highlands and mountain areas. Airplanes are also widely used by the more opulent skiers.

Americans are notable organizers and joiners; hence, it is not surprising to find, besides local organizations devoted to the promotion of sports, national organizations which have formulated rules, stimulated activities, and endeavored to raise the general level of sportsmanship in various fields. Among these are The United States Golf Association, the American Lawn Tennis Association, Amateur Athletic Union of the United States, National Amateur Athletic Federation, American Olympic Association, Amateur Fencers' League of America, National Association of Amateur Oarsmen, Amateur Billiard Association of America, American Skating Union of the United States, American Canoe Association, American Snow Shoe Union, National Association of Scientific Angling Clubs, National Cycling Association, National Horse Shoe Pitchers' Association, National Ski Association, National Amateur Casting Association, National Collegiate Athletic Association, and United States Football Association.

By all odds the most important organization promoting an interest in recreation and raising the standards therein has been the National Recreation Association. This grew out of the devotion and enthusiasm of Joseph Lee (1862–1937), of Boston. In 1894, Lee learned in a newspaper that boys had been arrested for playing ball in a street. He indignantly protested that "those boys were arrested for living." From that time onward, he devoted himself to the playground movement, with the text that "the boy without a playground is the father to the man without a job." Important social workers, like Jane Addams and Jacob A. Riis, encouraged Lee. President Theodore Roosevelt enthusiastically supported the program.

The first meeting was called together in New York in the winter of 1904–05 by Dr. Henry S. Curtis, the most notable members of the original group being Lee and Dr. Luther H. Gulick. A number of meetings were held in the next few months, and, in November, 1905, the name of the Playground Association of America was chosen for the new organization. The organization was formally launched on April 12, 1906, with the warm approval of President Roosevelt. Lee, one of our leading authorities on recreation, became president of the organization in 1910, and remained at its head until 1935. The name was later changed to the National Recreation Association. Lee was a wealthy man and generously endowed the recreation movement, giving some $360,000 to the Playground Association. He was rewarded by seeing the number of playgrounds in the country increase by more than tenfold between 1910 and 1935. The National Recreation Association not only has labored vigorously to increase interest in sports and play; it has done more than any other organization to promote the growth of playgrounds and to emphasize the necessity of supervised play and recreation. It has tried to make the latter a source of personality-building as well as of physical exercise and emotional outlet.

Mainly as a result of the work of the National Recreation Association, there has been a remarkable expansion of community recreational facilities, a matter which we have already mentioned. Though the public playgrounds are almost exclusively an American institution, the playground movement was really introduced into this country from Europe. In 1885, Dr. Marie Zakrzewska visited Berlin and witnessed children playing on sandpiles in the public parks of that city. Upon her return, she opened a sand garden in Boston. These early play centers for small children later grew into model playgrounds, equipped with the customary apparatus. The social settlements also encouraged the early growth of playgrounds, Hull House in Chicago opening one in 1893, and the Henry Street Settlement in New York, another in 1895.

By the beginning of the present century, New York, Chicago, Philadelphia, Pittsburgh, Baltimore, New Haven, Providence, San Francisco and other large cities had begun to provide public playgrounds. The movement gained rapid headway after the formation of the National Recreation Association in 1906. In some 27 states, cities now have the right to set up public recreation systems. By 1939, some 792 cities provided 9,749 public playgrounds, together with 4,123 indoor community recreation centers, and 1,666 recreation buildings. There were about 100,000,000 participants in the recreation centers and recreation buildings. In 1939, no less than 1,204 urban communities were supplying organized public recreation facilities, at a total annual cost of approximately $57,000,000. The degree to which supervised play has developed is shown by the fact that in 1939 these 1,204 urban communities hired some 25,042 recreation workers to supervise playground activities. Along with these were some 18,000 supplementary supervisors, paid out of emergency funds supplied mainly by the federal government. And in addition to both of these were some 10,000 volunteer supervisors. The growth of the supervised play movement may be noted from the fact that, in 1912, there were only 5,320 paid supervisors of recreation, and the total amount expended for public community recreation was only $4,000,000.

Even private industry has extensively fostered recreation to improve the health and morale of employees. In a survey of 2,700 concerns, covered by the investigation of the National Industrial Conference Board, it was found that 552 provided athletic facilities and 411 had clubhouses for such activities.

A remarkable development in recreation and the extension of recreational facilities has been the generous aid rendered by the federal government under various New Deal auspices. E. C. Worman thus summarizes the extent of this government aid to community recreation:

> By 1938 the emergency relief agencies of the federal government, including the WPA, the National Youth Administration (NYA) and the Resettlement Administration (now the Farm Security Administration) had spent one billion dollars for recreation purposes. At one time there were 49,000 persons employed by the Recreation Division of the WPA and a similar number by the NYA. Literally thousands of recreation facilities, such as camps, picnicking grounds, trails, swim-

ming pools, and so forth, have been built. The Department of the Interior through the National Park Service and the Office of Education; the Department of Agriculture through the Forest Service, the Bureau of Agricultural Economics, the Bureau of Biological Survey, and the Bureau of Home Economics; and 32 other bureaus or offices are related in some way to recreation service, much of which has developed during the depression.[38]

To be more specific, to June, 1939, WPA workers had built 7,621 new recreation buildings, 2,394 athletic fields, 2,078 playgrounds, 1,164 new swimming and wading pools, and 6,347 tennis courts, and had cleared 332,618 acres of new park projects. The federal government contributed $26,000,000 to support supervised play in 1939.

This revolutionary increase in recreational facilities has been accompanied by a more dynamic philosophy with respect to play. There has been a shift of interest from mere play itself to an ever greater consideration of the effects of play upon participants. Physical hygiene has been supplemented by mental hygiene. There is no longer a tendency to believe that, once a playground is set up and supervisors supplied, the process will take care of itself. A serious research interest in the nature and effects of play has been developed. This new philosophy and the new objectives of play and recreation have been well summarized by Dr. V. K. Brown:

> Our objectives are moving over into new ground. Where we once were content to issue medals of award for signal accomplishment, and to consider victory a sufficient end in itself, in view of the striving and the sacrifice which made the victory possable, now we are concerned far more with the spiritual significances of that victory to the victor himself, to the steadying fact it represents to him—the fact, however later life may buffet him, that once, at least, in a contest where he threw his whole self into the issue, in spite of opposition, fatigue, and difficulty, he fought through to triumph, and stood at the end unconquered and unconquerable. Long ago, we passed the point where we were interested exclusively in what people do in recreation; the trend is now to consider, as more vital, rather what the thing done itself does, in turn, to the doer of it.[39]

The development of recreational facilities in rural areas has lagged behind the progress in cities and the larger village communities. A careful survey in 1935 showed that rural communities had a 96 per cent deficiency in personnel for recreational supervision and an even greater lack of recreational facilities. The very nature of rural life provides plenty of outdoor activity, but organized and supervised recreation in the country has been only slightly developed. A number of organizations have endeavored to overcome this deplorable backwardness of rural recreation. The extension service of the United States Department of Agriculture has promoted rural recreation through the 4-H Clubs and has encouraged camping by rural women. The National Recreation Association has held systematic rural institutes for more than a decade and has trained about 60,000 rural recreation leaders, drawn from schools, churches, the Grange, 4-H Clubs, and the like. Some of the emergency

[38] "Recreation," *Social Work Year Book, 1939*, pp. 371–372.
[39] V. K. Brown, "Trends in Recreation Service," *Recreation*, May, 1931, p. 63.

relief work carried on by the WPA has been devoted to the improvement of rural recreational facilities.

But far and away the most important practical advance in rural recreational facilities has been the appearance and growth of consolidated and centralized schools. These merge and concentrate the resources of the rural community and provide playground facilities accessible to rural youth. All the better schools of this sort have paid supervisors of athletics. But even here the facilities favor the participation of the children who reside in the village where the centralized school is located. The rural children can normally use these facilities only during noon and recess hours, since the buses bring them to the schools at the moment school begins and takes them home as soon as the period of instruction is over. Most of the new mechanical facilities for recreation and amusement, notably the automobile, movies, and radio, are enjoyed by the rural population.

In spite of the remarkable development of recreational facilities, we have as yet only scratched the surface in the way of providing thoroughly adequate playground facilities for American youth, to say nothing of American adults. In 1930 it was estimated that only 5,000,000 out of approximately 32,000,000 children between the ages of 6 and 18 were served by public playgrounds. Even in 1938, it was estimated that at least 8,000,000 urban children and 12,000,000 rural children had no public playground facilities. There is also a shortage of park acreage to meet the needs of the present urban population. Notwithstanding the growth of parks and better automobile transportation, most young people living in cities still have to depend upon motion pictures, dance halls, pool rooms, and the like for most of their diversion. One of the most notorious inadequacies of our day has been the failure, as yet, to force the public school system to coöperate intelligently and completely in the creation of a well-rounded municipal recreation program.

Despite their inadequacy, recreation and leisure-time activities already constitute a big business in themselves. They involve annual expenditures greater than any New Deal budget before 1940. In 1930, it was estimated that the total cost of recreation, broadly interpreted, amounted to a little more than $10,000,000,000, nearly two thirds of which could be attributed, directly and indirectly, to the use of automobiles and motor boats for recreational purposes. Professor Steiner has compiled the table on page 835, itemizing the expenditures for recreation, in the year 1930.

An outstanding leisure-time phenomenon has been the development of athletic sports as public spectacles and the commercialization of the latter. Millions attend these spectacles in person; many more millions participate in them vicariously through the newspapers, moving pictures, and radio broadcasts. Almost everything else is forced out of public attention at the time of radio broadcasts of championship boxing matches, World Series ball games, and leading inter-collegiate football games.

ESTIMATED ANNUAL COST OF RECREATION [40]
(In thousands of dollars)

	Amount of Expenditures	
A. Governmental expenditures:		
1. Municipalities	$ 147,179	
2. Counties	8,600	
3. Federal	9,300	
4. States	28,331	
Total		$ 193,410
B. Travel and mobility:		
1. Vacation travel in U. S.		
(a) Automobile touring	$3,200,000	
(b) Travel by rail	750,000	
(c) Travel by air and water	25,000	
2. Vacation travel abroad		
(a) To Canada	266,283	
(b) To Mexico	55,642	
(c) To countries overseas	391,470	
(d) To insular possessions	1,326	
(e) Alien American tourists abroad	76,000	
3. Pleasure-use of cars, boats, etc.		
(a) Automobiles (except touring)	1,246,000	
(b) Motor boats	460,000	
(c) Motor cycles	10,796	
(d) Bicycles	9,634	
Total		6,492,151
C. Commercial amusements:		
1. Moving pictures	$1,500,000	
2. Other admissions	166,000	
3 Cabarets and night clubs	23,725	
4. Radios and radio broadcasting	525,000	
Total		2,214,725
D. Leisure time associations:		
1. Social and athletic clubs	$125,000	
2. Luncheon clubs	7,500	
3. Lodges	175,000	
4. Youth service and similar organizations	75,000	
Total		382,500
E. Games, sports, outdoor life, etc.:		
1. Toys, games, playground equipment	$113,800	
2. Pool, billiards, bowling equipment	12,000	
3. Playing cards	20,000	
4. Sporting and athletic goods	500,000	
5. Hunting and fishing license	12,000	
6. College football	21,500	
7. Resort hotels	75,000	
8. Commercial and other camps	47,000	
9. Fireworks	6,771	
10. Phonographs and accessories	75,000	
Total		883,071
Total annual cost of recreation		$10,165,857

[40] *Recent Social Trends*, McGraw-Hill, Vol. II, p. 949.

Baseball still remains the great "national game," though it is now being hard pressed by inter-collegiate and professional football. In 1941 each of the major leagues drew an attendance of over 5,000,000, the American League having an attendance of 5,220,519 and the National League of 5,029,689.

The greatest attendance comes at the time of the World Series games. This reached its maximum in 1926, when 328,051 saw the series between the St. Louis National League team and the New York American League team. The receipts in this year were $1,207,064. The nearest to a duplication of these figures came in 1936 when 302,924 persons witnessed the series between the New York National League and the New York American League teams, the receipts being $1,204,399.

Inter-collegiate football also grew into a big business. In 1930, some 3,289,000 persons attended these games, the receipts being $8,363,674, a gain of 210 per cent over the figures of 1921. Seating facilities grew from 929,000 in 1920 to 2,307,000 in 1930. The figures for 1930 were based upon the reports of 49 institutions as to attendance, and 65 institutions as to receipts. It has been estimated that the total attendance at all inter-collegiate football games in 1930 was over 10 million with receipts of over 21 million dollars. The increasing commercialization of inter-collegiate football has brought serious criticism from educators, who feel that this development has distracted attention from learning.[41]

There has been a notable growth in the popularity of professional football, especially in the larger cities of the East. The teams are recruited chiefly from the stars of former inter-collegiate teams. The attendance at these games has come to rival seriously the figures in the most thrilling and exciting inter-collegiate games. This popularity of professional football has become most marked in the years since 1930. Official organizations of professional football leagues were instituted in 1941.

Boxing, particularly in the heavy-weight class, has produced a greater attendance and larger receipts than any other type of commercialized sporting spectacle. A generation ago, men like Corbett and Fitzsimmons fought for a purse of a few thousand dollars, but a million-dollar gate was produced in 1921, at the Dempsey-Carpentier fight at Boyle's Thirty Acres in Jersey City. The high point in professional boxing came in 1927, when the return engagement between Dempsey and Tunney drew a gate of $2,650,000. The inferior quality of heavy-weight boxers in the decade which followed produced smaller gates, though the most perfunctory engagement brought an income which would have seemed mythical in the days of John L. Sullivan. Even the fight between Jack Sharkey and Tommy Loughran in 1929 paid $320,335, as against $270,755 for the dramatic Johnson-Jefferies fight in 1910, which marked the largest gate ever known down to that time. The unusual fistic prowess of Joe Louis, and his unprecedented willingness to defend his heavyweight "crown" frequently, have stimulated interest in boxing in the last few

[41] See above, pp. 761–763.

years, but even here the game has suffered for lack of competent opponents for Louis. There has been less popular interest in the far more exciting fights between lighter weight pugilists, though the remarkable achievements of Henry Armstrong in 1938–1940 brought about a considerable following for this class of fighters.

Professional wrestling has not attained the prestige or popularity of commercialized boxing. The sport has not been as thoroughly regulated as boxing, championships are always in dispute, and the sport is not unfairly suspected of much dishonesty and the "fixing of bouts." However, wrestling has become ostensibly more rough and brutal in recent years, perhaps thus seeking to increase popular following. Some major bouts do attract large crowds, but nothing comparable to those at championship boxing matches.

Despite efforts to curb racetrack gambling, horse racing has become an important commercialized sport, though by no means attracting the attendance of baseball and football games. Large sums are paid to owners of winning horses. In 1920, the earnings were approximately $7,775,000. By 1930, they had almost doubled. But the sums involved in the stakes won by horses are insignificant when compared to the gambling bill associated with horse racing. It has been estimated by experts that the annual losses by those betting on horse races in the United States amounts to at least one and a half billion dollars.

This brief discussion of the development of recreation in the twentieth century will suffice to demonstrate the vast increase of interest and the enormous growth of receipts. Nevertheless, the majority of Americans are not provided in any adequate manner with opportunities for wholesome recreation. Further, the increasing stress upon victory and championships, at whatever cost, rather than the enjoyment of sport for its own sake, destroys the intellectual and cultural effects of a great deal of our recreational activity. The latter is also degraded through the excessive commercialization of sports, with occasional overt dishonesty and exploitation by gamblers. However, we may expect the revolutionary growth of recreational interests, activity and expenditures to continue, and we may hope for an ever increased control of this development by sound psychological, sociological, and aesthetic principles. Professor Steiner has well summarized the outstanding trends in contemporary recreation:

> This brief survey of recent recreational developments gives some conception of the magnitude of the leisure time field, as well as its growing importance in present day affairs. The trends that stand out most prominently and seem to be characteristic of the whole movement may be summarized as follows: interest in active participation in games and sports; the nationwide vogue of automobile touring and pleasure travel; the development of outdoor life and vacation activities; acceptance of governmental responsibility for providing public recreational facilities; expansion of the field of commercial amusements; the desire for amusements that provide thrills and excitement; preoccupation with the outcome of competitive games and sports; popularity of forms of creation that promote social relations between the sexes; and the development of organizations that

facilitate recreational interests. More briefly, the two most important trends in modern recreation in this country have been the widespread development of commercialized facilities for the enjoyment of passive amusements, and the rapid growth of private and public facilities for participation in a large variety of games and sports and other active recreational activities. From the point of view of numbers reached, commercial amusements, largely because of motion pictures and the radio, seem to occupy the leading position, but when costs are taken into consideration, the bulk of our recreational expenditures must be charged against active rather than passive forms of leisure time pursuits. . . .

However difficult their solution, modern forms of recreation have become so deeply rooted in our social fabric that there can be no thought of going back to the simpler pleasures of an earlier generation. To a degree hitherto unknown, sports, games and amusements have gained recognition as a vital part of human living and are accepted as a necessity for which provision must be made. The depression is temporarily curtailing some of these activities but there is no evidence of any declining interest. During the next few years the curve of recreational growth may not rise as rapidly as in the immediate past, but there seems to be no doubt that it will continue to move upward. What is needed is a larger degree of statesmanlike planning than has yet been attempted in order that the further development of the recreation movement may be as much as possible in the interests of the general welfare.[42]

Art as a Phase of Leisure-Time Activity

Along with play and recreation, we must surely consider art as an outstanding expression of the leisure-time activity of man. In our discussion of art we shall interpret it in the broadest sense as including architecture, sculpture, painting, music, the drama, literature, and all phases of aesthetic expression.

There is no sharp break or wide gulf between play and art. Indeed, art is a sort of racial expression of the play motive in the individual. As Irwin Edman puts it:

> The arts serve in an important sense the same function in the race that play does in the individual. 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.[42a]

In briefly summarizing the rôle of the arts in leisure time activities we shall deal only with the social aspects of art, making no pretense whatever to giving a technical analysis of the history and nature of art.

Perhaps as good an introductory definition of art as any we could offer is suggested by Alfred D. F. Hamlin, who says that "art, in its broadest sense, is the purposeful exercise of human activities for the accomplishment of some predetermined end of use or pleasure. Art is thus set apart from Nature which exists and operates outside of man, and which can enter the domain of art only when and insofar as man calls her into his service by employing her powers for his own purposed ends."[43] The deliberate element in art is more directly related to the practical arts than to the fine arts. The latter have no function other

[42] *Recent Social Trends*, McGraw-Hill, Vol. II, pp. 954, 957.
[42a] Article "Art," *Encyclopaedia of the Social Sciences*, Vol. 2, pp. 225–226.
[43] Article "Art," *Encyclopaedia Americana*, Vol. 2, p. 335.

than to provide enjoyment and they are mainly the product of spontaneous creative activity on the part of the artist.

In discussing the arts a sharp distinction is usually made between the fine arts, and the useful or practical arts. The fine arts are characterized primarily by the fact that they have little practical utility but are capable of bringing spontaneous and immediate enjoyment to the artist and the observer. In the broadest sense, the practical arts include all industries and the techniques for producing food, shelter, and clothing. Often the term is given a more limited application, describing objects that are both useful and beautiful, such as Indian baskets, beautiful vases, and decorative iron work. The distinction between the fine arts and the practical arts is not always clearly drawn. In primitive times, tools and weapons were a matter of artistic effort as well as of utilitarian value, and even ostensibly artistic products had a practical value through their relation to religion and magic. Pictures of animals, for example, were thought to give some magical control over them and to facilitate the process of hunting. Among the Greeks, and again in the medieval craft gilds, there was such a pride in workmanship that even utilitarian products were turned out with something of the artist's pride and seriousness. The industrial arts, especially the handmade metal work, of colonial America were probably the outstanding art products of that era.

Since the Industrial Revolution and the rise of mechanical industry, a real gulf seems to have appeared between the fine arts and the practical arts. However, recently an effort has been made to give some artistic flavor to objects of utility. We see this in the artistic design of skyscrapers, in the attention given to the beautification of automobiles, in the decoration of buildings, and in the design of furniture. The drab standardization of former days is passing away.

The fine arts may be regarded, in a fundamental way, as a product of our emotions. Sex, the play impulse, and other phases of the drive for self-expression seem to lie at the foundation of art. But this fact should not obscure the outstanding element in the origin of art, namely that art is a social product. The emotions which underlie art are called forth mainly by social situations and needs, such as religion, war, sex and family activities, ritual, and group play. Art serves a definite social function in providing sources of spontaneous enjoyment for social groups. Art provides expression for social values. The changes in artistic ideals and methods are closely related to underlying social transformations. However individualized may be the emotional experiences of the artist, it remains a fact that art is socially conditioned in its origins, functions, and manifestations.

Landmarks in the Development of Art

There are several outstanding elements to be emphasized in describing primitive art.[44] Since religion dominates all phases of primitive life,

[44] *Cf.* E. A. Parkyn, *Prehistoric Art*, Longmans, 1915.

it is not surprising that it exerted a great influence over primitive art. Many authorities believe, for example, that the marvelous cave paintings of the stone age were produced because of the belief that they would give the hunters a magical control over the animals drawn. Some authorities question this interpretation, but there is no doubt of the importance of magic in primitive art. The great stone monuments of the Neolithic age attest the degree to which religion could bring forth social effort of a fundamentally artistic character. The totem poles of the American Indians admirably illustrate the fusion of the social and religious in primitive art. Another phase of primitive art was its practicality. Much of primitive artistic effort and design had a utilitarian basis and was connected with the development of weapons, tools, textiles, and pottery. There were relatively few products of primitive art which did not have some utility, real or imaginary, of a magical or industrial sort. A third characteristic of primitive art lay in the use of symbolism, wherein a part was made to stand for the whole, and conventionalization, which might go so far that the original figures and objects would be unrecognizable. Decorative tendencies tended to crowd out realism. In some cases, primitive decorative art attained an elaborate technique, as in the Maya art of Yucatan and Guatemala.

In the ancient Near East, art became far more divorced from the common people than in primitive times. In primitive society, almost everybody participated in artistic activity in one way or another. But with the rise of a rich leisure class of kings and nobles, art became limited mainly to this group, though the people might view it from afar. The religious motive was still powerful. The sculptures of gods, guardian animals and monsters, and the temples, tombs, and pyramids attest the strength of the religious motive in art. The ruling classes exploited art to glorify their status and prestige. This tendency is shown in the remains of their elaborately decorated palaces. Assyrian art expressed and glorified the war motive more, perhaps, than has been the case in any other period of history. Since sex and reproduction were prominent in oriental religion, it is not surprising that they were conspicuous in oriental art. This was especially true of the art of the Hittities, Cretans, and Philistines.

No other people have been as profoundly influenced by or devoted to art as were the ancient Greeks, especially the Greeks of ancient Athens. With most of us in the United States, art is something apart from our daily life. It does not in any large sense pervade our very being and order our reactions toward life. But this was exactly what it did with the cultured Greeks of Periclean Athens. To them, art was not something to look at in bored fashion in a museum on a Sunday afternoon, but it was a vital aspect of their existence. Such things as rhythm, proportion, balance, order, and taste were as important to the cultivated Greeks as bank balances, stock-exchange reports, baseball scores, and fashion plates are to us today. The artist then was regarded as one of the most honored and respected members of the community. The Greeks never regarded a work of art as a "good" existing in a void. Plato seems to

have regarded such an idea as inimical to social well-being and looked askance upon "pure" aesthetics.

Since the Greeks possessed a high degree of civic devotion and community spirit, the artists' works often depicted the more notable civic activities or achievements. The influence of religion on Greek art cannot be ignored. While the cultivated Greeks were free from gross and brutal superstition, they reveled in a rich and suggestive mythology which furnished many and varied themes for art.

Among the Greeks art became, for the first time, a subject of philosophical speculation. Plato and Aristotle discussed the nature and desirable qualities of art and its rôle in life. They thus created that branch of philosophy which we call aesthetics. Art exerted an important influence on the Greek theories of morals. Aristotle held that the good life is one controlled by the ideals of the disciplined artist and consists in steering a happy mean between self-denial and indulgence.

So profound was the artistic influence among the Greeks that it even affected their industrial life. It produced an ideal of craftsmanship that was virtually artistic. There was a narrow borderline between the Greek workman and the Greek artist. Indeed, some of the great Greek temples and other works of art were made in part by Greek craftsmen drawn from everyday industrial pursuits. While the slaves and some of the lower order of workmen may not have had much part in making or appreciating Greek art, it is probable that Greek art dominated the whole populace of Athens to a greater degree than has ever been the case before or since. The more backward and warlike of the Greek city-states were little interested in art, and Greek art really means the artistic ideals and achievements of ancient Athens and Alexandria.

The Romans added little in the way of original contributions to art. They mainly adopted Greek ideals and models in art. The wealth of Rome, at its height, produced elaborate works of art based on Greek precedents. But the extent of the Empire permitted the Romans to gather artistic and architectural inspiration from other sources than Hellas. Many oriental elements entered into Roman art, especially into Roman architecture, with its wide use of the arch and dome construction. The rebuilding of Rome by Trajan and Hadrian represented the culmination of Roman artistic achievements. Even here the chief artists were Hellenistic, and Trajan's chief city-planner was a Syrian architect.

The Greeks and Romans were chiefly interested in things of this world and, while the religious motive was strong in classical art, the purposes and results of Greek and Roman art were primarily secular. Hence it was inevitable that the rise of Christianity would work a marked revolution in the arts. The Greeks were perfectly frank in making an appeal to the senses. The Christians regarded this as sinful, and the new attitude had its effect in suppressing nudity in art and in otherwise lessening its sensuous appeal. But as soon as the Christians became established, they became deeply impressed with the services which art might render to the glorification of God. So, it was not long before the richest and

most civilised of the early Christians, those in the Eastern or Byzantine Empire, were erecting churches more magnificent and more elaborately decorated than any temples of pagan antiquity. Such, for example, was the great church of Sancta Sophia built by the Emperor Justinian in Constantinople, in the first half of the sixth century. Soon the western Christians were erecting the impressive Romanesque and Gothic cathedrals of the Middle Ages. These were never, however, as elaborately decorated as the Byzantine churches. The erection of medieval cathedrals almost matched the building of the Greek temples as a matter of community effort and pride. A medieval archbishop thus describes, somewhat lyrically, the building of the cathedral of Chartres in France:

> The inhabitants of Chartres have combined to aid in the contruction of their church by transporting the materials. . . . Since then the faithful of our diocese and of other neighboring regions have formed associations for the same object; they admit no one into the company unless he has been to confession. . . . They elect a chief under whose direction they conduct their wagons in silence and with humility. Who has ever seen? Who has ever heard tell, in times past, that powerful princes of the world, that men brought up in honors and in wealth, that nobles, men and women, have bent their proud and haughty necks to the harness of carts, and that, like beasts of burden, they have dragged to the abode of Christ these wagons, loaded with wines, grains, oil, stone, timber, and all that is necessary for the construction of the church? . . . They march in silence that not a murmur is heard. . . . When they halt on the road nothing is heard but confession of sins, and pure and suppliant prayer . . . When they have reached the church they arrange the wagons about it like a spiritual camp, and during the whole night they celebrate the watch by hymns and canticles. On each wagon they light tapers.[45]

Inasmuch as the medieval cathedral was a real community center for secular as well as religious life, the populace of medieval cities were thus able to participate directly in enjoying the chief products of medieval art. In the craft gilds we find a devotion to fine workmanship as notable as that which characterized the Greek craftsmen. Indeed, the craft gilds imposed severe penalties on workers who turned out inferior products. And, just as the better Greek workmen helped in the construction of Greek temples, so the medieval craftsmen did most of the work in the building of the medieval cathedrals. The intimate relation between craftsmanship and art is also well illustrated by the beautiful illuminated manuscripts and tapestries of the Middle Ages.

The most notable outburst of artistic enthusiasm and productivity between Greek days and our own came in the period of the so-called Renaissance, which fell roughly in the three centuries between 1350 and 1650. There are a number of reasons for this. There was a great revival of interest in Greek and Roman culture. As a result, the pagan enthusiasm for art gained respectability. A sort of adjustment between Christianity and the pagan point of view was achieved in what is called the cult of beauty. Beauty was believed to provide man with a glimpse into the

---

[45] J. W. Thompson, *Economic and Social History of the Middle Ages*, Appleton-Century, 1928, p. 672.

higher world of the spirit. It connected the mundane with the eternal. With the revival of the pagan outlook more importance was attached to man as man, and human experience came to be regarded as the practical measure of all things. While most early Renaissance art was highly religious in theme and much Renaissance art always remained so, there was a gradual secularization of art. This reached its highest development in Dutch painting, where something resembling a return to the humanity of paganism was manifested. Another tendency during the Renaissance was the marked growth of individuality. This reacted upon art in the way of stimulating artistic activity and producing a number of world-famed individual artists in every field of artistic activity. Never before or since in western Europe has art enjoyed such popularity or brought forth such notable products as during the era of the Renaissance.

The Catholic Church approved of Renaissance art and did little to combat the pagan and secular trends. But Puritanism, born of the Protestant Reformation, was highly hostile to many forms of art. It revived the ascetic tendencies of early Christianity and was violently opposed to any appeal to the senses. It did much either to suppress art in Protestant countries or to divert it into forms of expression in which an appeal to the senses could not be regarded as in any way sinful.[46] Of course, not all Protestants were Puritans and not all Protestant art was blighted by puritanism.

The secularization of art, which had been aided by the Dutch, was carried further by the reaction of overseas discoveries upon art. Ocean scenes, ships, sailors, adventurers, and idealized Indian maidens in part displaced priests, martyrs, and the Virgin as pictorial subjects. This secularizing influence was also aided by the Rationalism of the period of the Enlightenment. The court life of the time, especially in France, promoted a sort of neo-pagan realism in depicting the eroticism and voluptuousness of the era. Venus became more popular than the Virgin with the artists of the day. A new enthusiasm for the study and the practice of art was generated by the Romantic movement of the first half of the nineteenth century. Romanticism especially emphasized the importance of the emotions as a guide to life and its values. This directly stimulated artistic expression.

The Industrial Revolution of the eighteenth and nineteenth centuries had an important reaction upon art. Hitherto, industry had been carried on by handicraft methods and there was some opportunity for art to express itself through work in fine craftsmanship. The mass production of the factory system did not permit personal joy and artistic satisfaction in work. John Ruskin and William Morris in the middle of the nineteenth century came forward to stress the need for artistic expression among the mass of the people. They vigorously condemned the drab dreariness and drudgery of factory production. Both empha-

[46] For a more favorable view of the Reformation and art, see G. G. Coulton, *Art and the Reformation*, Knopf, 1928.

sized the desirability of reviving the handicrafts and manual arts and giving greater play to the motive of craftsmanship. An American echo of this attitude was seen in the work of Elbert Hubbard and, more recently, in that of Ralph Borsodi. The economist, Thorstein Veblen, reëmphasized what he called the instinct of workmanship and condemned its extinction by the factory system.

The rise of capitalism and the growth of a class of wealthy men represented another influence on art arising from the Industrial Revolution. Many of these new plutocrats, while they had little personal knowledge or appreciation of art, became collectors of art as a phase of their leisure-class activity. It gave them social prestige and ministered to their zeal for display. They not only collected art for their own personal galleries but also founded art museums. In this way, they contributed to art appreciation and education. This was offset in some degree by the elaborate and costly monstrosities which they all too often erected for private dwellings. Capitalism in art also tended to revive, to a certain extent, puritanical standards. For protective purposes, the capitalists had adopted the puritanical notion that sin and immorality are purely a matter of sexual behavior. Hence capitalism tended to frown upon nudity and other forms of appeal to the senses. It was no accident that the leader of American capitalism was also the chief financial supporter of Anthony Comstock, who is still remembered for his suppression of "September Morn," a picture which now seems superbly innocent.

In our day, there has been a revived interest in art and a great variety in the forms of its expression. Modernism in art was launched by Cézanne and van Gogh, who led the revolt against tradition and convention. Modernism has extended all the way from sound realism to such bizarre trends as Cubism. Despite the vagaries of extremists, the works of the leading modernists, Cézanne, van Gogh, Seurat, Gauguin, Rousseau, Renoir, Matisse, Picasso, Manet, and Derain exhibit true artistic genius. Private support for art has been supplemented by an ever increasing government subsidy. Under the Roosevelt administration various artistic enterprises were subsidized to provide work for unemployed artists. In totalitarian states, art has been exploited as a means of propaganda for the new régime. A new proletarian art has arisen in Russia and Mexico which glorifies the worker in modern life.

The Growth of Art in the United States

Let us now review briefly some of the factors that have brought about increased interest and activity in the field of art in the United States. Colonial civilization flourished in the period before the Industrial Revolution, and the element of fine craftsmanship which was present in the handicraft stage is evident in the furniture and metal work of colonial times. Colonial architecture also had a severe simplicity, especially in New England, which constituted a definite artistic trend. It has been

revived with enthusiasm in our own century. Some of the better trends in European art, especially English art, were reproduced in the Southern colonies. By and large, however, the more notable colonial contributions to art were exhibited in interior decoration and in the handicraft activities of daily life. The country was relatively poor, and the Puritanism which prevailed in many of the colonies was antagonistic to art.

Nor did the appreciation and exploitation of beauty make much headway in the first three quarters of the nineteenth century. Our isolation from Europe after the War of 1812 brought a repudiation of English as well as most continental European cultural influences. We were a pioneer country, and the poverty and seriousness of pioneer life led to the idea that art is an effeminate waste of time on trivialities. As industrial expansion set in, we became primarily absorbed in business and making money. The remarkable growth of the evangelical religions between the Revolutionary War and the Civil War gave a new impetus to Puritanism. The latter was strongly opposed to art as a manifestation of the sensuous and the sinful. The middle of the century was notable as the period of the flowering of democracy, and democracy, born in part on the frontier, looked askance at the refinement which art expresses and encourages. The destruction of Southern culture by the Civil War was a serious blow to art. Though some writers like Ralph Waldo Emerson raised their voices against the anti-aesthetic trends in American culture, they were not able to make much headway against such tendencies in American life.

Nevertheless, the United States did make certain important contributions to artistic life in this period. Major Charles Pierre L'Enfant brought over Continental ideas of architecture and city planning and laid out plans for the new capitol at Washington, as well as for a number of public buildings and private homes. Thomas Jefferson combined Renaissance and classical styles at Monticello, the University of Virginia, and the state capitol at Richmond. The architect Charles Bulfinch (1763–1844) has been called the Christopher Wren of the United States. He introduced Renaissance architectural styles into this country in such buildings as the original State House in Boston. There was a widespread imitation of classical Greek architecture in this country as a result of the influence of Benjamin H. Latrobe (1764–1820), who was once described as "the man who brought the Parthenon to America in his gripsack." An excellent example of this type of architecture is the Treasury Building in Washington.

Musical appreciation and some musical performance got under way before the end of the Civil War. The Handel and Haydn Society was founded in Boston in 1815, and this and other choral societies promoted an interest in vocal music. The New York Philharmonic Orchestra was founded in 1842. The first grand opera was performed in New York in 1825, and an opera house was built there in 1833. The Boston Academy of Music, opened in the same year, launched capable musical instruction. Distinguished foreign artists, such as Ole Bull, Jenny Lind, and Adelina

Patti, were warmly welcomed. Towards the end of this period Stephen Foster composed his immortal American folksongs.

For a time after the Civil War artistic tastes seemed to grow worse. We had a generation of mushroom millionaires, with a great urge for display, unrestrained by taste and unguided by education. The country was flooded with the new machine products of which we were so proud at the time. We even insisted on bringing in atrocities from England, like the Eastlake and Queen Anne houses. This was the nadir period, known as "the Black Walnut" or President Grant era.

In the 'seventies and 'eighties, however, there was a slow awakening of interest in art in this country. The new leisure class of wealthy businessmen and bankers, in spite of their frequent bad taste, helped to endow art by founding a number of art museums and subsidizing such worthy institutions as the Metropolitan Opera House and the New York Philharmonic Society. Their private art collections also gave some favorable publicity to artistic interest. One of the greatest of American architects, Henry H. Richardson (1838–1886), did his work in this period. He revived interest in Romanesque styles, well illustrated by Trinity Church in Boston. The other outstanding architect of the day was Richard Morris Hunt (1828–1895), who inclined towards French Renaissance styles and is best known for building magnificent homes for the new millionaires of the period, the Tribune Building in New York, the Fogg Museum at Harvard, and the Capitol extension in Washington. Charles Eliot Norton (1827–1908) took a chair in the history and theory of art at Harvard in 1875 and had great influence in promoting art education and in making it a respectacle department of higher learning. When the Roeblings built the Brooklyn Bridge, completed in 1883, they showed that engineering enterprise could produce a work of beauty as well as of utility.

The World's Columbian Exposition in Chicago, in 1893, gave a great impetus to the popular appreciation of art. It brought together such able architects as Richard M. Hunt, Charles F. McKim, Stanford White, Louis Sullivan, Daniel H. Burnham, and Charles B. Atwood. They designed many of the important buildings in artistic fashion. The classical style dominated, and perhaps the best piece of designing was done by Atwood for the Palace of Fine Arts. Burnham later had a great deal of influence on the artistic renaissance in the Midwest through his work on the Chicago planning commission.

As the wealthy grew richer, they devoted more of their riches to the collection and support of art. Led by Andrew Carnegie, they continued to establish and endow art museums and galleries. They brought over millions of dollars worth of European art treasures. The lack of true artistic sensibilities on the part of some of them is well-illustrated by the annoyed surprise of Senator William Clark of Montana, the copper king, when the Dresden Museum refused to sell him the Sistine Madonna at any price they pleased to name.

The marked increase in immigration from southern Europe, especially from Italy, provided a new element in our population which was traditionally devoted to every form of artistic expression. This laid the basis for greater popular interest in art in generations to come.

The turn of the century brought with it a sort of outburst of American art, unprecedented in our history. This was the product of a combination of European influences and new internal developments, such as we have described above. Richardson, Hunt, and their leading successors in architecture were trained abroad. The immigrant influence was important. The Chicago Fair galvanized the new artistic impulses. Louis Sullivan established a new school of architecture which provided an unprecedented fusion of utility and beauty. It was Sullivan's basic dictum that form should follow function in architecture.[46a] He created the first modern office building of real distinction. Sullivan and Cass Gilbert also transformed the new skyscraper architecture into works of art. One of the first great triumphs in the field was the Woolworth Building, designed by Gilbert.

The main American achievements in painting during this period were in the field of landscape painting, in which Americans led the world. Probably the ablest of our landscape painters was George Innes, but others like Winslow Homer and Alexander Wyant did highly competent work. Excellent portrait painting was done by the expatriate John Singer Sargent and by Abbot Thayer and George Bellows, among others. John La Farge and Edwin Abbey produced creditable mural decoration, and Frederick Remington and Charles Dana Gibson led in brilliant illustration. In the field of sculpture, the genius of the period was Augustus Saint-Gaudens (1848–1907), America's greatest sculptor, known for such masterpieces as the statue of "Grief" in the Rock Creek cemetery in Washington and the Shaw Memorial in Boston.

American interest in music grew during this period, and substantial contributions were made to musical composition. The fame of the New York Philharmonic Orchestra grew under its able conductor, Theodore Thomas. Leopold Damrosch founded the New York Symphony Society in 1881, and most of the other large American cities followed suit before the end of the century. German choral societies stimulated the interest in vocal music. Competent composers appeared in the persons of Edward A. McDowell, Dudley Buck, John K. Paine, Horatio Parker, Arthur Foote, and G. W. Chadwick. John Philip Sousa popularized band music and contributed many compositions of his own. Foreign artists were welcomed in greater numbers, especially in grand opera, and better facilities were created for musical instruction.

In the period since the first World War, artistic interest and activity

---

[46a] On Sullivan and the Chicago school of architecture, which also included William L. Jenney and John Root, see Sigfried Giedion, *Space, Time and Architecture*, Harvard University Press, 1941.

have been further increased. As the United States became richer, we imported even more of the European art treasures than in early decades. It has been estimated that the objects of art now in private and public collections in the United States are worth approximately 2 billion dollars, if their value can be measured in money. More and more of these art treasures are being given to public museums. It is estimated that, in the year 1931 alone, the art gifts to the public amounted to more than 135 million dollars. Art education assumed a new importance and the great foundations have given ever more liberally to promote the study and appreciation of the arts. The revival of interest in the Colonial period and the restoration of Williamsburg, Va., by John D. Rockefeller, Jr., have stimulated our appreciation of early American art and architecture.

The influence of the government has been favorable to artistic activity. Especially notable here have been the various art projects subsidized by the Roosevelt Administration. City planning has made marked headway. The most notable achievement here has been the astonishing work of Robert Moses on the parks and parkways of Greater New York. The World Fairs in Chicago in 1933 and 1934 and in New York in 1939 and 1940 did much to acquaint the public with modern trends in art. But it was no less than a national scandal that the foremost architect of our day, Frank Lloyd Wright, was not employed to contribute designs to the New York exposition.

Even business and industry have made their contribution to the arts. The New York city zoning law introduced the "set-back" style in skyscraper architecture, good examples of which are the New York Telephone Building designed by Ralph Walker and the Hotel Shelton designed by Arthur Harmon. The evolution of the automobile in the last two decades well illustrates the evolution of artistic considerations in industry and engineering. Modernistic furniture has shown how artistry and efficiency may be combined in objects of utility. The movies and the radio have helped to popularize art and music. Greater emphasis upon the manual arts in education is working, though unconsciously and often in awkward fashion, towards the ideal expressed by Ruskin and Morris.

There was important progress in American art between the two World Wars. In architecture, the main developments were the further expansion of skyscraper architecture and the extension of modern trends in every field, even into ecclesiastical architecture. In the skyscraper field, the influence af Sullivan and Gilbert continued, but Harmon, Walker, Raymond Hood, and others took up the earlier tradition and expanded it. Eliel Saarinen was more influential than any other in promoting modernism in skyscraper architecture. The outstanding architect of both America and the world in this period was Frank Lloyd Wright (1868–), who developed a daring functional modernism. He introduced functional utility in his buildings, related the design of a given building to its surroundings, and experimented extensively with new building materials, especially steel and glass. He had even more influence and prestige in Europe and the Orient than in the United States,

where traditionalism was strong enough to delay recognition of his genius for a time.[46b]

In painting, the landscape tradition was continued by able and original artists, such as Rockwell Kent, who is also noted for his skill with woodcuts and murals. John Marin exhibited genius with his brilliantly colored marine landscapes, mainly watercolors and miniatures. Georgia O'Keefe captivated the discerning with her symbolic paintings of flowers. Various American artists, such as Arthur Dove, Marsden Hartley, and Charles Demuth, flirted with various phases of modernism, but the outstanding development in American painting in the period was to be found in realistic and colorful murals, free from the stiffness and conventionality of the academic school. Leaders in this class were Thomas H. Benton, William Gropper, George Biddle, Howard Cook, and others. Mural painting was still further "brought down to earth" and adapted to a democratic, proletarian public in the work of two Mexicans, Diego Rivera and José Orozco. Rivera is a deadly earnest apostle of the working class, while Orozco satirizes the leisure class and their academic servants. Alfred Stieglitz has not only raised photography to the level of an art, but has probably been the most potent and persistent personal force in promoting native American art and artists.

The most dramatic innovation in the appreciation of painting in the United States between the two wars was the establishment of a respectable status for modernistic art in this country, almost a single-handed achievement of Albert C. Barnes of Merion, Pennsylvania. Making a large fortune as the discoverer of a valuable antiseptic, argyrol, he devoted himself to the collection and promotion of modern art, of which he has by far the greatest collection in the world. His wealth, persistence, and pugnacity, as well as his genius for art appreciation, enabled Barnes to overcome, to some degree, the prejudices of the classicists and purists and enormously to increase the standing of modern art, not only in America but in Europe itself.[47]

In sculpture there were a number of able artists in this period, even though none reached the stature of Saint-Gaudens. Perhaps closest to the tradition of the latter is the work of Daniel Chester French. Lorado Taft is well known for his fountains. George Grey Barnard has been called, with good reason, the American Rodin. The leading American eclectic was Paul Manship, best-known for his bronzes and his versatility in decorative design. Carl Milles, a Swede, has exerted a considerable influence upon American sculpture, especially in the design of fountains.

One of the more original achievements of the United States in the fine arts between the two World Wars was in music. For the first time, American composers showed more originality than Europeans. Jazz music was perhaps the most original American contribution. It is char-

[46b] On Frank Lloyd Wright and his work, see H. R. Hitchcock, *In the Nature of Materials*, Duell, Sloan & Pearce, 1942.

[47] See the four articles by Carl W. McCardle, "The Terrible-Tempered Dr. Barnes," *Saturday Evening Post*, March 21–April 11, 1942.

acterized by emphatic syncopated rhythm, repetition, and moving emotional appeal. Its sources are many and contrasting—Negro and Spanish rhythm, melodic idioms, "blues" harmonies, and even classic harmony and melody. Among the American composers who have combined the conventional and the modernistic are Henry Hadley, John Alden Carpenter, Arthur Shepherd, Deems Taylor, Philip James, and Howard Hanson. Leading American modernists in composition have been Aaron Copland, Roy Harris, Roger Sessions, Leo Ornstein, and William Grant Still. George Gershwin and Paul Whiteman raised jazz to the level of an art. Jerome Kern and Cole Porter elevated the lyric level of musical comedy. The United States has, of late, produced able performing artists in music, especially vocalists. The Metropolitan Opera Company has, on occasion, put on performances of European grand opera with a full cast of American singers.

Trends in Contemporary American Art

We may now consider some developments in art and art appreciation since the first World War. A number of agencies have furthered popular interest in art. Prominent here have been the art museums, many of which are under private control. The art museum acquires and assembles objects of art, makes possible an increase in our knowledge of the history and nature of art, and contributes to public enjoyment by making it possible for large numbers of people to view outstanding examples of artistic achievement. In 1890, there were 76 art museums in the country. By 1929, they had increased to 167. Some 41 were added in the decade from 1920 to 1929. There is an art museum in every city in the United States with a population of 250,000 or over. The capital invested in art museums in 1929 was approximately 60 million dollars, exclusive of art treasures. While most of the larger museums are in the great cities of the East, a greater per capita interest is shown in the art museums of cities in the Middle West and the Far West. In the last two decades much progress has been made in linking up the museums with art education. Art classes make use of the resources and facilities of the museums, and this tendency is encouraged by most museums.

Despite their valuable social and educational service, our art museums have been sharply criticized for their alleged conservatism and sterility and their lack of democratic spirit and virility. Such were the charges made by Park Commissioner Robert Moses of New York City in the winter of 1940–41. The American painter Thomas H. Benton presents the extreme of critical attitudes toward our art museums:

> A graveyard run by a pretty boy with delicate wrists and a swing in his gait. . . . Do you want to know what is the matter with the art business in America? It's the third sex and the museums. Even in Missouri we're full of 'em. Our museums are full of ballet dancers, retired businessmen and boys from the Fogg Institute at Harvard where they train museum directors and art artists. I'd have people buy the paintings and hang them in privies or anywhere anybody had time to look at them. Nobody looks at them in museums. Nobody

goes to museums. I'd like to sell mine to saloons, bawdy houses, Kiwanis and Rotary Clubs and Chambers of Commerce—even women's clubs.[48]

Architecture has been another important agency in bringing art before the public. In every field of construction greater attention is being given to artistic considerations in the erection of buildings. Frank Lloyd Wright has done more than any other architect to urge the combination of beauty with functional utility in the design of public buildings, business plants, hotels and private homes. Wright and Eliel Saarinen have even introduced highly modernistic design into church buildings in such structures as the Christian Church in Columbus, Indiana, and the Community Church in Kansas City. Public buildings are usually designed by skillful architects and not only their exterior but their interior, as well, shows an increasing concern with art. Art figures more prominently than ever before in the interior decoration of buildings. It was not so long ago that murals of distinction were limited to a few public buildings like the Boston Public Library or the Library of Congress. Today, even great office buildings like Rockefeller Center have extensive mural decorations. Business buildings, which formerly were all too often monstrosities, are now very generally designed with an eye to artistic appeal. Skyscrapers, in particular, have been so beautifully designed that they have been aptly called "the cathedrals of commerce." The private dwellings of the rich were once notorious for their drab monotony or their monstrous and lavish decoration. Most of the great apartment houses which have replaced them are far more pleasingly and artistically designed. This is especially true where city planning and large housing projects have dominated the construction picture. It is rare to find a large ugly building of recent construction. Even factories, which were once a blot on the landscape, are now often laid out with due consideration for architectural appeal and landscaping possibilities.

It is where city planning and large building projects have been executed that we find the fullest rein given to considerations of aesthetic appeal and to housing utility. Since there is every probability that city planning and large scale housing developments will be far more marked in the future than they have been in the past, we may expect much more of an artistic impulse from such tendencies. Unless our civilization collapses, there is every probability that the cities of the future will be examples of planned beauty as well as of service and convenience.

Of all forms of art, it is probable that music has had the greatest popular appeal since 1918. A complete revolution has been worked here by the radio, exclusively in the last two decades. Today over 26 million families own radio sets. While much of the radio music is the intolerably banal crooning and commercial jazz, there is a residual element of high-grade performance. Such is the weekly program of the New York Philharmonic Society and the Metropolitan Opera Company, and the sustaining programs provided by the great broadcasting chains. In the

[48] Quoted in *Time*, April 14, 1941, p. 70; see also Thomas Craven, "Our Decadent Museums," in *The American Mercury*, December, 1941.

summer, a number of excellent programs are provided by stadium concerts and other community projects. Important regional music festivals are also usually put on the air. Radio lectures on music have increased popular musical appreciation.

Far more attention is given to music in the colleges and schools than ever before, a matter which we shall comment upon later, in connection with art education. There are school and college glee clubs, orchestras, and bands. Many music contests are conducted in public schools. In 1931, it was estimated that at least 73,000 high school students played in some form of instrumental competition. The number is much larger today. The introduction of consolidated or centralized community schools in rural areas has greatly facilitated the extension of musical instruction and activities in our schools. Community singing has been more actively promoted during the last twenty years than ever before, and regional music festivals are more numerous and better attended. Both vocal and instrumental concerts of high merit are being brought to smaller cities.

One deplorable trend in musical activity, which has been especially a result of the radio and the phonograph, has been the marked falling off in the amount of individual music performed in the home. For example, by 1929, the total value of musical instruments produced in the United States had dropped to less than one half the figure for 1925. This trend has continued. Many professional musicians have also been deprived of work.

The old monopoly over the drama once possessed by the legitimate theatre has been undermined by the movies. Nevertheless, the conventional theatre is by no means a dying art, though the movies have all but destroyed the road companies, except for performances of smash hits in the larger cities. This loss has been somewhat offset by the growth of the little theatre movement and the summer theatre movement, which bring a superior type of dramatic production to non-metropolitan districts.

Among those who have made the modern theatre a work of art in something more than the acting, the leading place must be assigned to Edward Gordon Craig, an English-born actor and stage director. He declared war on artificial stage-settings and scenery and insisted on introducing realism and beauty into stage equipment. He held that a good play must be an all-round artistic production in which actors, musicians, and stage technicians must coöperate. Lavish spectacle plays were introduced on the American stage by Max Reinhardt and Norman Bel-Geddes. Conspicuous among such Reinhardt productions have been "The Miracle" and "The Eternal Road." Others who have promoted beauty and realism in stage decoration and management have been Robert Edmond Jones and Lee Simonson. Not all novelty in stage design has been in the direction of lavishness. There have been trends towards simplicity, as well, and some cases of extreme simplicity, as in Orson Welles' "Caesar," and Thornton Wilder's "Our Town," were well received.

It can hardly be said that the movies have elevated our artistic perspective and sensibilities, but they have undoubtedly increased aesthetic appreciation on the part of the masses, many millions of whom have never seen a legitimate drama performed by a first-class company. And some movie productions, especially those reproducing the plays of Shakespeare, have been works of art, not only in regard to the acting but also with respect to the scenic settings. The animated cartoons of Walt Disney and his productions of "Snow White and the Seven Dwarfs," and "Fantasia" have notably promoted art on the screen. No doubt the total impact of the movies has been a marked positive contribution to art education for the masses.

Pageantry, which is perhaps the most social of the arts, has definitely gained ground in the last two decades. Norman Bel-Geddes and Max Reinhardt have introduced elaborate pageantry in the theatre. It is especially exploited in portraying scenes of regional historical and cultural development. Closely related is the interest created in rhythmic dancing, in which the number of participants has increased rapidly since the first World War. Isadora Duncan, Ruth St. Denis, Martha Graham, and Doris Humphrey have been mainly responsible for introducing naturalistic rhythmic dancing. Among other things, they studied and adapted the dances of Egypt, India, and Greece.

World Fairs have become more frequent and more lavish. The Chicago Exposition of 1933–34 and the New York and San Francisco Expositions of 1939–40 did much to popularize recent artistic developments, especially in the field of modernistic architecture and furniture and mural decoration.

Regional and racial monopoly in the field of art have been undermined. While the great museums and theatres in the Eastern metropolitan centers still dominate the artistic scene in the United States, they are now being rivaled by those in the Midwest and on the Pacific coast. Artistic interest and achievement are now taking on a national character. This trend has been notably forwarded by the government art projects, and by the radio and the movies. And the artistic products of the white race are now supplemented by those of the Negro, the American Indian, and the Mexicans. The Negroes have been especially successful in the field of music.

Another mode of promoting art as a social force has been the increasingly artistic character of those things which touch our daily lives. The city homes of a few generations back, even those of the rich, were for the most part terrible to behold. Today the tendency is toward more convenient and sanitary housing and also more artistry in the construction of apartments and individual dwellings. This has reached its highest form of expression in the projects associated with city planning. Much more attention than ever before has been given to landscaping in connection with home construction. The increasing amount of suburban life has forwarded and facilitated this development. A great deal more care has also been given to artistic considerations inside our homes. Electric fixtures have become more artistic as well as more efficient.

Household furnishings are simpler and more beautiful. Nothing reflects the progress of artistic interest and achievement in the home more completely than the improvement in bathroom designs and decorations. Even kitchen stoves and sinks can now be a work of art. A modern kitchen has contributed as much to the improved appearance of the home as it has to increased household efficiency. Our clothes unquestionably also reveal the progress of artistic values, though this is contaminated by the profit motive in commercialized fashions, which often decrees bizarre monstrosities that can make no claim to artistic merit.

Since ours is a business civilization, we cannot ignore the relation of recent trends in business and industry to artistic considerations and interests.

Business buildings and factories, as we have seen, are built with more of an eye for art and beauty than ever before. Among the artist-engineers who have helped to make factories and factory-products beautiful have been Joseph Sinel, Norman Bel-Geddes, George Sakier, Henry Dreyfuss, Raymond Loewy, and Harold Van Doren. Some business plants, especially in suburban areas, have taken the lead in the community for architectural beauty and skillful landscaping.

Many products of industry have become ever more attractive. We have already made reference to better housing and interior decoration and equipment. The almost incredible improvement in automobile design has reflected artistic advance as much as anything else in our generation. Nor can we overlook the services of writers like Lewis Mumford in stressing the possibilities of art within the modern industrial framework, in such books as *Technics and Civilization; The Culture of Cities; Sticks and Stones;* and *The Golden Day.*

Probably nothing has more directly reflected the increasing interest in artistic appeal than competitive commercial advertising. All big companies today have art directors, and advertising itself has become as much a matter of art as of commerce. While advertising has certainly done little to promote creative originality in art, it has surely helped to make the masses art-conscious. Dr. Frederick P. Keppel has fairly stated the position of commercial advertising in current artistic trends:

> Granting that advertising has its full share of the general failings of our age, plus a few special crimes of its own, one cannot escape the conviction that it is today exercising a very powerful and, on the whole, a wholesome influence on our aesthetic standards.[49]

Another phase of modern business which has made its contribution to an increase of artistic appeal has been the publication of our leading "class" and popular magazines. They have become ever more artistic in layout, format, typography, illustrations, and color work. The most notable achievements along this line have been the sumptuous magazines like *Fortune* and *Esquire* but many less pretentious publications show a

---

[49] *Recent Social Trends,* McGraw-Hill, Vol. II, p. 978.

great aesthetic improvement over the periodicals before the first World War.

We have been talking about the contributions of business to art; but art has also contributed to business. Even if we exclude the radio and the movies, the various branches of artistic activity constitute a large financial investment and provide employment for hundreds of thousands of persons. If we include radio and movies, it is evident that art today constitutes a business enterprise of tremendous proportions.

The increase of interest in the field of art since the turn of the century has not been wholly spontaneous. To a great extent, it has been promoted by direct and indirect art education, though it still remains true that artistic interest is developing more rapidly than the facilities in formal art education.

Until the present century, there was little provision for systematic art instruction in this country. Individual painters and musicians might study privately under great masters at home and abroad, but there was slight interest in systematic art education even in private schools. We have already pointed out how Charles Eliot Norton founded art education at Harvard in 1875, but his example was not widely imitated. In colleges, art was regarded, particularly by the men, as a "sissy subject" suitable only for girls.

A strong impulse to art education in the schools grew out of the Progressive Education Movement in the elementary schools. Art education is today generally a part of the curriculum in public schools. There has been a marked increase in art courses in men's colleges as well as in coeducational and women's colleges. Art is no longer regarded as effeminate. The American Institute of Architects launched a strong drive in 1923 to encourage art education in the colleges. Most college art courses still remain, however, those in the history and appreciation of art.

At the same time that general and untechnical art education in the schools and colleges is increasing, there have also been marked gains in professional art and music schools. In the 18 outstanding art schools of the country, the attendance increased from 10,000 to 18,000 between 1920 and 1930. Art and music training today are less narrow and specialized, and make an effort to provide broad all-round training.

In addition to direct education in the arts there is much indirect art education, implicit in the artistic trends which we have already noted. The graphic arts are brought constantly to our attention in the form of photography, wood engraving, etching, lithography and the like. The periodical press is an important source of indirect art education, as is also the daily press. Art exhibitions and art lectures are a source of competent instruction to many. Especially important are the traveling exhibitions which bring both art treasures and current artistic productions to small communities. The wide circulation of books on art such as those by Hendrik Van Loon and Thomas Craven, has contributed to popular education in this field.

Viewing artistic developments in the United States since the first World

War, one may discern not only greater interest in the arts but also a tendency toward direct participation in creative artistic endeavor. This important transformation is summarized by Dr. Keppel:

> Taking the evidence as a whole, however, there seems no question that it indicates a definite trend toward the belief that beauty, its creation, reproduction, its passive enjoyment has an essential place in normal human life. Today people by the tens of thousands will look at exhibitions in museums and fairs, in hotels and office buildings. They will listen by the millions to good music on the radio and at the summer concert. Perhaps as many take real pleasure in the design of articles in daily use, from safety razor to motor car, and in the play of color and light and shade. Few relatively, but still an increasing number, do something besides look and listen; they participate in the little theater, in school and community orchestras, in businessmen's sketch clubs.[80]

Some of the outstanding tendencies in the artistic scene since the first World War are the following: Primarily as the result of increased leisure, art has received more attention from the public than ever before. Art has become more dynamic and may be entering into a new period of creation and expansion. Industry is putting out its products with an eye for artistry as well as utility. There has never been so much concern for design and landscaping for dwellings, office buildings, and factories. Advertising is becoming more expensive, ingenious, and artistic. The United States is producing far more original art than ever before and is less content to rest satisfied with merely viewing foreign masterpieces. There has been a remarkable expansion of interest and facilities in every phase of art education. There is an increasing amount of governmental interest in, and support of, art. Finally, mere passivity is being supplemented by a greater degree of creative participation in every field of art.

The New Deal Art Projects

The federal government was not entirely a newcomer in the field of art in 1935 when the WPA Art Projects were created. At the close of the eighteenth century Major L'Enfant, a famous French architect, was brought over to lay out the city of Washington. His plan was followed roughly in the building of the city. In 1803, Jefferson appointed Latrobe Surveyor of Public Buildings and commissioned him to carry on work on the federal capitol. This building as it stands today is a sort of recapitulation of the artistic history of the country. In some ways more distinguished is the new Library of Congress with its famous murals. A Commission of Fine Arts had been appointed in 1859, but was abolished a year later. In 1910 a National Fine Arts Commission was provided for, made up of seven members appointed by the President. Its function was purely advisory and it did not receive a salary.

Another example of governmental patronage of the arts is the Chamber Music Foundation established by Elizabeth Sprague Coolidge and housed

---

[80] *Recent Social Trends*, McGraw-Hill, Vol. II, p. 1003.

in a special hall in the Library of Congress. At the other extreme in musical expression are the Army, Navy, and Marine bands, of which the last is the oldest. The government also supports some national galleries, such as that in the Smithsonian Institute and the Freer Gallery. On the whole, however, federal support of art before 1935 was slight and unimpressive. The gift of a great national art museum in Washington by Andrew Mellon, together with his art treasures, was probably the most notable private benefaction for national art interest. The museum was opened with appropriate ceremonies in the spring of 1941.

The excursion of the federal government into the rôle of Art Sponsor Number One was, like the conservation program, stimulated by the unemployment and relief situation. It began with the creation of a small experimental unit known as the Public Works Art Project in December, 1933. This lasted until June, 1934, and gave work to about 3,000 painters and sculptors. In 1934, a Section of Painting and Sculpture was created in the Treasury Department and employed about a thousand artists. In October, 1938, it was changed to the Section of Fine Arts and made permanent. The Section of Painting and Sculpture, though ill-housed and working under considerable handicaps, did accomplish some good work, the best of which has been put in government buildings.

But the art enterprise which attained impressive proportions was the four Art Projects created in August, 1935, under the general supervision of the Works Progress Administration. These projects were the Federal Arts Project, the Federal Music Project, the Federal Theatre Project, and the Federal Writers Project. While these projects were under the formal supervision of Harry Hopkins, as head of WPA, the actual supervision was handed over to his assistant administrator, Ellen S. Woodward. Competent directors were selected for the several Projects by R. J. Baker, then assistant to Mr. Hopkins. Holger Cahill was appointed director of the Arts Project, Nikolai Sokoloff of the Music Project, Hallie Flanagan of the Theatre Project, and Henry C. Alsberg of the Writers Project.

These four art projects reached their peak in 1936, when they employed about 42,500 persons. Some 5,330 were enrolled in the Arts Project, 15,629 in the Music Project, 12,477 in the Federal Theatre, and 6,500 in the Writers Project. The personnel was cut rather sharply thereafter and, by January, 1938, only 27,000 were employed. The projects tapered off and were pretty much closed by the end of 1939. War crowded out art in federal interests. By January, 1938, about $87,000,000 had been expended on these projects. The revolutionary character of the federal art enterprise has been well stated by *Fortune:*

> What the government's experiments in music, painting, and the theatre actually did, even in their first year, was to work a sort of cultural revolution in America. They brought the American audience and the American artist face to face for the first time in their respective lives. And the result was an astonishment needled with excitement such as neither the American artist nor the American audience had ever felt before.

Down to the beginning of these experiments neither the American populace nor the American artist had ever guessed that the American audience existed. The American audience as the American artist saw it was a small group of American millionaires who bought pictures not because they liked pictures but because the possession of certain pictures was the surest and most cheaply acquired sign of culture. Since all pictures, to qualify, must necessarily have been sold first for a high price at Christie's in London this audience did not do much for American painters. The same thing was true of the American audience as the American composer saw it. The American audience as the American composer saw it was something called the concertgoer: a creature generally female and ordinarily about sixty years of age who believed everything Walter Damrosch said and prided herself on never hearing anything composed more recently than 1900 or nearer than Paris, France. This audience also was little help to the American composer. From one end of the range to the other, American artists, with the partial exception of the popular novelists and the successful Broadway playwrights, wrote and painted and composed in a kind of vacuum, despising the audience they had, ignoring the existence of any other.

It was this vacuum which the Federal Arts Projects exploded. In less than a year from the time the program first got under way the totally unexpected pressure of popular interest had crushed the shell which had always isolated painters and musicians from the rest of their countrymen and the American artist was brought face to face with the true American audience.[51]

The work of the Arts Project was varied and voluminous. Architects were put to work on WPA building projects. Painters and sculptors produced works that were loaned to tax-supported institutions or exhibited throughout the country. Other artists were given work to do in art education. A searching history of American decorative art before the twentieth century, "An Index of American Design," was compiled. The extent and variety of the accomplishments of the Arts Project through the year 1938 are well summarized in the following paragraph from an official bulletin:

A total of 13,458 tax-supported public institutions have received allocations of project work for which they have contributed the material and other nonlabor costs. On the walls of schools, hospitals, armories, and other public buildings all over the country hang the works of project artists. A total of more than 100,000 works of art created by Works Progress Administration artists in the fields of painting, sculpture, and graphic arts have been allocated to these institutions. Other art workers have created 550 dioramas and models, 450,000 posters, 35,000 map drawings and diagrams, 45,000 arts and crafts objects, 350,000 photographs, 10,000 lantern slides and various types of visual aids, and 10,000 Index of American Design drawings, making a grand total of about a million works of all kinds allocated by the project to tax-supported institutions during the past 3 years. In addition to these allocations there are another 25,000 works circulating in traveling exhibitions throughout the country, which will be included in future allocations. This means that for every worker now employed on the program the public has received 200 works in creative and applied art. Over 1,200 artists who are not producing work for allocation are engaged in the art educational and teaching program.[52]

In popularizing art and carrying it to areas which had had little previous opportunity to appreciate art, the most important work of the Federal

[51] *Fortune*, May, 1937.
[52] *Report on the Federal Arts Project*, January, 1939, p. 5.

Arts Project was its coöperation with local communities in setting up some 62 community art centers and galleries throughout the country. By January, 1939, over 4½ million persons had visited the community galleries, listened to government-paid lecturers on art appreciation or participated in the art classes which were established. The appreciation and enthusiasm of the communities is well demonstrated by the fact that they themselves contributed over $300,000 to the support of these community art projects. The nature and variety of the services of these community projects to January, 1939, were well described by Thomas C. Parker, assistant director of the Federal Arts Project:

> Like our thousands of fine libraries throughout the country, the community art centers endeavor to reach and serve average American communities in fields of art and its application to everyday life. There are changing exhibitions of various types of art, both local and national, giving a fresh selection every three weeks. There are docents and artist-teachers in constant attendance who give to questioning visitors of all ages, races and classes a friendly and human introduction to the meaning of art. There are afternoon and evening classes ministering both to the needs of exuberant youngsters who must have an outlet for their abundant energy, and to the problems of adults who find a new source of interest and service in the fine arts. There are demonstration talks in which the processes of print-making, of fresco painting, of poster making, and sculpture are removed from the mysterious technical jargon in which they have long been veiled and brought to the understanding of Mr. and Mrs. Average American. Thus, through the opportunity of actually seeing the artist at work, and through carefully prepared exhibits of materials, tools and progress stages of the creation of a work of art, people in all sections of the country are feeling the desire both to possess art and to participate in painting, print-making, sculpture or arts and crafts, according to their talents.[53]

So far as artistic achievement is concerned, the most notable work of the Arts Project has been that done in murals and sculpture. Over 1,200 murals and mosaics have been completed and installed in public institutions. About 1,800 works of sculpture have also been turned out for public buildings, parks, battlefields, and other historical sites. The demand for the products of the Arts Project by hospitals, schools, and the like was far greater than could be supplied by the personnel of the Arts Project. All in all, the work of the Arts Project justifies the comment of Lawrence Coleman, the director of the American Association of Museums, to the effect that "the Federal Arts Project is one of the most important things that has happened to American art in a hundred years."

The Federal Music Project reached more Americans than any other WPA art project. It put on more than 100,000 programs and it has been estimated that they reached 100 million persons. The Music Project had little opportunity to do creative work, but it did make extensive use of interpretative artists. Director Solokoff showed that orchestras could produce the music of the great masters in competent fashion without having world-famous directors. The Music Project also proved

---

[53] Quotation from typewritten manuscript furnished to the author by the Federal Art Project.

that music is more important than the names of its performers, which was a good lesson for American musical audiences to learn. Dr. Sokoloff also rendered an important service in giving proper attention to American composers who have been quite generally slighted in American music. The "Index of American Composers" prepared by the Music Project gave us for the first time a full comprehension of the extent of American musical composition. The educational work of the Music Project was also impressive. In December, 1936, over 200,000 persons were enrolled in music classes, with some 1,300 qualified musicians as teachers. Classes were held everywhere from metropolitan slum districts to the most remote reaches of rural America.

The Federal Theatre Project also attained great popularity. Over 1,700 performances were given between February, 1936, and January, 1938. They were played before audiences that totaled over 30,000,000 persons. It is estimated that at least half of those who attended these performances had never before seen an actor on the stage. Perhaps the outstanding performance was the play "The Living Newspaper." Other important plays were "Prologue to Glory," "Triple-A Plowed Under," "One Third of a Nation," and "It Can't Happen Here," which was barred from the movies. The marionette shows in New York City and elsewhere were viewed by at least 5 million school children.

In addition to its dramatic performances, every Federal Theatre group in the country offered courses in dramatic art to train actors for more competent performance. All in all, one may safely say that the Federal Theatre represented the most remarkable renaissance of the legitimate stage since it was challenged by the rise of the movies.

The most important work of the Federal Writers Project was the "American Guide Series," admirable handbooks of practical information on each of the forty-eight states and Alaska, Hawaii, and Puerto Rico. Guides were also prepared for certain important American cities. Supplemental volumes on folklore, local culture, and racial groups were prepared. Sponsors put up over $400,000 for these guides.

Closely related to the Writers Project was the Historical Record Survey, which made a careful record of documents in public offices, libraries, and historical association files.

There has been much criticism of the fact that over 100 million dollars was spent on the various Federal Art Projects. But it is doubtful if any public money was more fruitfully expended. One of the greatest deficiencies in our national culture has been our backwardness in the field of art. The Federal Art Projects constituted an impressive, if temporary, effort to remedy this deficiency. The total cost was less than the cost of two great modern battleships.

That we have a long road to travel before we appreciate the true value of art in American life is evident from the fact that one of the first things to be dismantled in the economy drive of 1939 were the Federal Art Projects. And the very people who most bitterly criticized these expenditures were the ones who most enthusiastically supported the expenditures

of billions for the armaments which may ultimately destroy any civilization capable of appreciating art.

American states have not done so much to subsidize art projects as have the American municipalities, which appear to be increasing the extent of their support. In 1823 the Brooklyn Museum was founded and has been supported by taxation. The St. Louis Art Museum, founded in the 'seventies, is also supported by taxation. The Metropolitan Museum of Art in New York City receives large municipal appropriations. Other important museums and galleries which get aid from taxation are the Detroit Institute of Art, the Chicago Art Institute, the Newark City Art Museum, the DeYoung Memorial Museum in San Francisco, city galleries in Los Angeles, Oakland, Sacramento, and San Diego, the galleries in San Antonio, Houston, and Dallas, Texas, the galleries in Indianapolis, Evansville, and Fort Wayne, Indiana, and the civic galleries in Buffalo, Albany, and Yonkers. There are other publicly supported museums and galleries but these are the more important ones.

Baltimore and San Francisco are the two cities that support municipal symphony orchestras. The Baltimore Symphony was established in 1916; that of San Francisco in 1935. We read about civic opera companies in various American cities, but, almost without exception, these are privately supported. The first municipal grant for an opera in the United States was made by Philadelphia in 1923, but the move was premature, as there does not seem to be enough demand for opera as yet to warrant public financing.

Government aid to the arts is heartily to be welcomed, so long as it does not assume to dictate artistic standards and coerce individual artists in their creative activity. Indeed, public support of art, along with the preservation of freedom, is an indispensable phase of any true civilization:

> Whether the state's participation in the affairs of art is a power for evil or for good may depend first of all upon the degree of liberality inherent in the form of government itself. Second, it is in large part a matter of the direct administering of the art activities. In a democracy, a sensible and just art administration is not beyond the limits of possibility; indeed, it is well within the range of hope.
>
> It is important, however, that the permanent fine arts system now definitely in the making in our country, avoid prescribing the policies or usurping the art activities of the nation; that the government provide a center for the arts, but leave ample opportunity for independent effort outside; that it strive to keep the product of the country's creative workers free from the label, "government art." . . .
>
> The problem of "government interference," as it may accompany state subsidy of the arts, was once discussed by the late John Drinkwater in connection with the moot question of England's national theatre. His epigrammatic conclusion, which might serve as a motto for any government in its relationship to art was simply this: "The state should pay the piper, but should not call the tune." [54]

---

[54] Grace Overmyer, *Government and the Arts*, Norton, 1939, pp. 216-217. For a good discussion of the effect of the two World Wars on recreation and the arts, see R. B. Fosdick, "Leisure Time in the Army and Navy," in *Survey Graphic*, June, 1942.

CHAPTER XX

Summary Appraisal of Our Institutional Crisis

LET US gather together the main threads of the argument we have presented in this book. We made it clear, at the outset, that social organization is an outgrowth of the natural sociability of mankind and indispensable for the development of human culture. In spite of his superior intelligence, man, in isolation, is a relatively weak and helpless animal. In association with his fellowmen, however, he finds strength for defense and for dynamic achievements. Through coöperative endeavor, social groups have brought about division of labor and industrial specialization. These facilitate the provision of the necessities of life and help *to create a surplus, thereby making possible further achievements in* cultural evolution. Moreover, group life has enabled man to use the special talents of individual members. As culture develops, social organization becomes more complex, and, if the society is an efficient one, its growing social complexity contributes to further progress.

The advantages of group life and social organization are not obtained without a price. This price is the discipline imposed upon the individual by the group and the loss of liberty which this involves. For a long time in the experience of mankind, the question of group discipline was a purely automatic and spontaneous affair. There was no philosophic reflection on the problem of how much discipline might be good for the individual and as to how far excessive regimentation might hamper progress. Reflection of this sort began with the Greeks. There is no doubt that, for many thousands of years, the potential progress of the race has been slowed down through the excessive regimentation of the mass of mankind. The supreme problem of social philosophy is to outline a society which will assure just enough discipline to secure orderly social life and yet provide enough liberty and independence to encourage individual invention and freedom of speculation. It is easy enough thus to state the issue theoretically, but it is desperately difficult to solve the problem in the actual operations of mankind and the control of human society.

We made it clear that institutions are the chief means by which group life is carried on. These institutions have been built up to control the main problems of organized existence. They have governed our relations with the supernatural world, the problems of sex and procreation, the gaining of a livelihood, the enforcement of group discipline through government, the transmission of folkways and knowledge from genera-

tion to generation, the modes of communication between groups and regions, the relations between social classes, our attitudes towards strangers, the contacts between groups, and the like. The security and well-being of mankind depend very directly upon the efficiency of our social institutions.

In their origins, institutions are rarely the product of conscious thought or deliberate choice. They are the outcome of man's blundering efforts to satisfy the various drives inherent in human nature. If these efforts are successful enough to allow the group to maintain itself, they take on a permanent character as institutions. Since primitive man attributes causation mainly to the supernatural world, our early institutions were usually regarded as of divine origin and accorded a suitable reverence. This has made it very difficult to alter institutions, except through the shock of war, revolution, and other violent forms of impact on the life and culture of the group. Even after we have given up any formal belief in the divine origin of our institutions, the vested interests in society are able to provide rationalizations which confer a large amount of sanctity upon our institutions and make it almost as difficult to change them as in primitive times.

Institutions can operate efficiently only when they are in reasonable adjustment to the basic conditions of life, especially the state of technology and industry. An acute cultural crisis always arises when institutions get out of adjustment with fundamental life conditions. If the latter have changed markedly since the period when institutions arose, we have a social maladjustment which bodes ill for the future of society. This failure of institutions to keep pace with life conditions is known among social scientists as cultural lag. It is the foremost problem with which organized society must cope. It is especially serious in contemporary times, when material conditions are changing rapidly while institutions maintain a stubborn reluctance to change with anything like comparable rapidity and rationality.

The institutional crisis of our day is far more marked and serious than in any earlier period in the history of mankind. In the last hundred years, our science and technology have made more rapid strides than in the million years preceding the middle of the nineteenth century. We have an extremely impressive body of scientific knowledge and technological equipment. But we continue to try to control this empire of laboratories and machines through basic institutions which were fully developed by the time of George Washington. In many of of them there are definite strains from the culture of the caveman. In this way, we are veritably trying to control an airplane era by means of oxcart institutions, and the experiment is not succeeding.

In earlier days, institutions tended to keep pace with the slight body of scientific knowledge and a handicraft technology. But today they lag sadly behind scientific research and mechanical invention.

A vast gulf has developed between our archaic institutions and our highly advanced science and technology. This creates the basic social

problem of our day. All of our other social problems—the waste of natural resources, starvation in the midst of plenty, the crisis in democratic government, international enmity and war, religious disintegration, the futility of education, the breakdown of morals, the disintegration of family life, the crisis in property rights, the losses due to crime, mental instability, the sense of insecurity, and the like—are primarily subordinate and incidental results of the gulf between machines and institutions. We shall solve none of these social problems satisfactorily until we bring our institutions up to date and make them as efficient as our technology.

If we can modify our institutions so that our science and machinery work efficiently for the benefit of mankind, a material utopia will be within our grasp, and we shall also be able to rid ourselves of that supreme menace—international war. If, however, we continue to sabotage our new science and technology through archaic institutions, we face inevitable economic collapse and international anarchy. Our science and machinery are assets only if they are used wisely and efficiently. If we continue to use them as we do today, they will only provide us with an effective short-cut to oblivion. Mankind, very literally, has the choice in our day between utopia and chaos. Upon our success in bringing our institutions up to date will depend the outcome.

In treating of industry, we made it clear that most of the human effort in getting a living before the rise of modern industrialism was bestowed upon hunting, pastoral life, and agriculture. Our present-day industrial and manufacturing era is a very recent episode in human evolution. Even today, the majority of those on the planet are still engaged in hunting, herding, or farming. Down to the Industrial Revolution, most manufacturing activity was carried on within the home. However, there were some central shops in ancient Babylonia, and small factories in Egypt, Greece, and Rome. In the Middle Ages, a great deal of industry was carried on under the supervision of the guilds and the monasteries. The putting-out system, which became popular in early modern times, has often been called the domestic system because it was located primarily in the homes of workers. The factory system, which followed on the heels of the Industrial Revolution, has been a very late arrival in the evolution of manufacturing.

From the earliest stone ages to the eighteenth century of the Christian era, the prevailing technique of production was that of handicraft methods. Man relied upon his hands and upon tools which extended his manual power. Mechanical production began to appear in the seventeenth century. By the nineteenth it dominated manufacturing in civilized states. The evolution of the empire of machines has passed through three stages in modern times. First came the development of machines for making cloth, the introduction of the steam engine for power services, and cheaper methods of making iron and steel through the use of coke furnaces. Next, came the rise of large-scale industry and improved methods of factory administration. Finally, in the twentieth century, we have witnessed the widespread introduction of electrical power, of

mass production, and automatic machinery. All of this may be the prelude to even more striking and momentous mechanical advances.

We now have the technological equipment to produce enough food and goods to provide everybody with a high standard of living with a minimum of physical effort. But we have not realized any such benefit, because our protential productivity has been curtailed and sabotaged by an economic system which arose in the period of handicraft industry and is consecrated to the limitation of production and linked to the economy of scarcity. The technology of abundance cannot long coexist with a scarcity economy and philosophy. We must either put our machines to work directly for human service in an efficient manner or be resigned to the collapse of both our economic order and our technological equipment. Every year that passes gives greater evidence of the incompatibility between our technological prowess and our archaic economic ideas and practices. Many believe that the only solution lies in handing over the control of our economic life to trained industrial engineers, who can set up a planned and efficient economy.

We have become so accustomed to capitalism as a method of economic control that we are wont to imagine that it has always dominated economic ideals and practices. As an actual matter of fact, it is a product of modern times and was not highly developed until the nineteenth century. Greek and Roman philosophers were highly critical of even rudimentary capitalistic ideals and practices. Medieval church ethics practically outlawed them. They did not become popular until the rise of Protestantism. Even then, it required a couple of centuries to accumulate enough financial reserves and to develop enough commercial enterprise to give capitalism a firm foothold in the modern economic order. Capitalism may have its virtues or defects, but it can scarcely be regarded as a universal institution, coexistent with the entire economic experience of mankind.

We traced the various stages through which capitalism has developed. It started out as commercial capitalism, under the leadership of the merchant classes, after the discovery of America and the expansion of Europe. The coming of machinery and the factory system brought into being industrial capitalism, then controlled by the rising class of factory owners. As factories grew larger and the great industrialists became richer and more powerful, industrial capitalism moved on into monopoly capitalism, with control centered in a few powerful individuals and groups. They sought to increase profits through reducing waste, restricting output, and maintaining high prices. In the twentieth century, capitalism passed out of the control of industrialists, save in the case of a few exceptions like Henry Ford, and came to be dominated by the great investment banking interests. The latter were chiefly interested in making profits through speculative financial manipulations, often at the expense of sound industry and trade. The excesses of this type of capitalism, which we know as finance capitalism, brought on the great depression of 1929 and the years following.

The depression may prove the undoing of private capitalism, since the efforts to recover from it have, almost without exception, stimulated the growth of state capitalism or state socialism. The second World War seems to have hastened such developments. Prior to the war, it seemed as though economic problems might be solved by means of the so-called "middle-way" system, so successfully applied in Scandinavian countries and Finland. Here, private and state capitalism were combined successfully with coöperative enterprise. But the strains and stresses of the second World War seem likely to wreck this promising development and to favor the progress of an ever more rigorous collectivism.

Perhaps the most sacred of our economic institutions is private property. While there have been certain types of private property since primitive times and tribal society, the rise of property to a position of institutional sanctity is as recent a development as that of mechanical production. Property rights and usages were strictly controlled in ancient pagan times and during the Middle Ages. Private property was, in theory at least, subordinated to religious and moral conceptions of social welfare. The sanctification of private property was a rationalization provided by the philosophical apologists for the rise of capitalism and industrialism. Being the spokesmen for those who accumulated the most property, they portrayed its accumulation as a divinely-approved process and sought to protect property against assault by proclaiming it to be indispensable to social well-being. Their arguments possessed some validity in early modern times. At that time, the possessors of property dominated economic enterprise and were responsible for the majority of economic achievements. The urge to accumulate property then undoubtedly stimulated industrial enterprise. Property owners directly controlled and managed commercial and manufacturing projects in those days.

In recent times, the relation of property owners to economic enterprise has changed greatly. Through the rise of corporations and holding companies and the resulting ascendancy of finance capitalism, the ownership of property had been widely divorced from the control and management of economic enterprises. Those who own securities in our great industrial concerns actually have little or nothing to do with the policies and practices through which they are operated. Those who do control them are frequently more interested in making money out of financial speculation, at the expense of stockholders, than they are in efficient methods of operating the plants. Property, in our economic age, has tended more and more to become passive and parasitical. The arguments for its sanctity become yearly more musty and more lacking in validity.

At the very moment when private property was becoming a less dynamic factor in industrial progress, property owners and their lawyer retainers extended the conception of property beyond all precedent, especially in the United States. The Fourteenth Amendment and the "due process of law" clause therein has permitted a reactionary Supreme Court to confer essential sanctity upon private property. Therefore, the pow-

erful vested economic interests in the country sought to christen their every selfish policy and practice as property and thus to place it beyond the reach of the law. Almost every effort to promote social reform, economic justice, and public decency was vigorously opposed, on the ground that it invaded the sanctity of property. Such things as the open shop, dangerous and atrocious working conditions, dishonest weights and measures, shoddy products, exposure to mutilation and death in factories and mines, and gigantic financial larcenies, were all defended as property interests, and this defense was usually upheld by the supreme tribunal of our land. Not until President Roosevelt's attack upon the Supreme Court in the late 'thirties was this enormous extension and distortion of property rights seriously checked. In the Old World, the growth of state capitalism and war measures have seriously restricted private property rights.

In spite of the tremendous prestige of property rights and the stubborn defense of property by the courts, there have been serious inroads upon private property in recent times, even in the United States. Paradoxically enough, the most serious undermining of property and the greatest losses to property owners have been the result of the policies and practices of the great financial moguls who control our economy and have been most active in defending property rights through the courts. The same corporation lawyers who have argued in behalf of property rights before the courts have guided their corporate employers in those policies which have brought billions of dollars in losses to bondholders and stockholders. It is doubtful if the taxes imposed upon property by public agencies have exceeded the waste and larcenies carried out by those in control of corporations at the expense of security holders, who are the chief property-owning classes in the community.

The breakdown of private capitalism and the increase of state capitalism have enormously increased the taxes laid upon private property and income. The unemployment associated with a declining capitalism has thrown far greater expenditures upon governmental agencies, which have had to assume responsibility for relief and employment. Further, the greater complexities of our society have led to new governmental responsibilities. All of this has increased public expenditures and made higher taxes necessary. These restrict and lessen the amount of property that can be accumulated by any generation and handed on to the next. The most direct attack of our tax system upon private property probably lies in our heavy estate and inheritance taxes. These are being ever increased, and to evade them is becoming more and more difficult.

As the state intrudes more and more into economic and financial enterprises, the area open to private property dominion and operations is being constantly restricted. World war is, perhaps, more menacing to private property than any other factor in our generation. War leads to an enormous increase in the amount of state activity, at the expense of private property and enterprise. Less and less freedom is left to private agencies and the profit system. Taxes become ever higher, and less and

less profits and other forms of income are available to property owners. It is not at all unlikely that the second World War will mark the termination of the economic order which has been based primarily upon private enterprise and devoted to the accumulation and transmission of private property.

We traced the stages through which the public control of society by government and politics has passed. For thousands of years, there was little government other than that exerted by fathers in the family and by powerful individuals in small groups of hunters and fishermen. In the later stages of primitive society, we find a form of government based upon blood relationship, real or alleged. This is diversely known as gentile or tribal society. Government in this stage of human development was vested mainly in a group of elders or chieftains, frequently elected by tribesmen. In some cases, a chief might rise to the status of a rudimentary king. Representative government and a considerable amount of personal liberty usually prevailed in primitive governments.

In due time, powerful chieftains and their tribal followers were able to overcome other tribes and to impose their power on them. When they did so they usually created little city-states. The latter have usually been the first definite type of civil society, in which territorial residence and property rights, rather than kinship, real or alleged, were the dominating features of political life. It was very usual for a stage of feudalism, based upon personal relations, rather than either kinship or residence, to intervene between tribal society and the well consolidated city-state. In Egypt, Babylonia, Greece, and Rome, the city-states were the earliest historical examples of civil government. When one city-state succeeded in conquering others, it set up a kingdom or, if more successful in conquest, a patriarchal empire. The culmination of ancient political development was the Roman Empire. In the history of Rome we can trace political evolution from tribal society through feudalism, a republican city-state, and kingdoms, to the greatest empire the world ever knew prior to the rise of the British Empire.

In the Middle Ages, we find a recapitulation of all the stages of political evolution before the medieval period. The Middle Ages started with tribal society. Then there were centuries of feudalism, characterized also by an attempt to revitalize the ghost of the Roman Empire, followed by the rise of city-states and national kingdoms.

In modern times, we come upon the rise of the national state, the most characteristic political institution of modern society. The national state was most frequently created by absolute monarchs out of the ruins of feudalism. In time, the absolute monarchs were overthrown and representative government was set up under middle-class auspices. In many countries in the nineteenth century, a more radical and aggressive type of government, known as democracy, was brought into being. Patriotism and nationalistic sentiment were more vigorous in democracies than they had been in absolute monarchies.

The national state of our day is a dual challenge to human civilization.

It has become so overgrown and top-heavy that the problems of government have become ever more difficult to solve through democratic methods, and the resulting crisis invites the institution of dictatorship. Further, the warlike character and bellicose patriotism of national states constitute a special menace in our day of ever more efficient armament and mechanized warfare.

War, under modern conditions, is economically more expensive than ever before, and it is far more destructive to life and property. Unless some method can be devised for peacefully resolving the disputes which now give rise to warfare, and for creating an international army powerful enough to curb war between national states, it seems unlikely that orderly human civilization can endure for many more decades. Logical and powerful federations of adjoining states may serve as the first step in the creation of international political control.

It is thought by some that the problem of the top-heavy belligerent national state will be solved as the result of the creation of the next stage in political evolution. It is held that the territorial national states, based on the representation of geographical districts, must be replaced by the functional state, in which government will be administered by elected representatives of vocations, professions, and occupations. This may prove true. In fact, since the first World War there have been some developments along the line of vocational representation.

The technique of government which has prevailed since absolutism was supplanted by representation is what has been called party government. Parties have, thus far, constituted the only agency through which representative government can be operated. While governments have been able to exist under the party system, the latter has been weighed down by such basic defects that party government is proving ever more inadequate as a mode of handling the complex problems of modern life. Though party government is supposed to be an agency of democracy, it is fundamentally undemocratic in its organization and operation. Parties fall under the control of machines and leaders which become as oligarchical as any feudal oligarchy. Parties come to be operated more for the benefit of the machine and its leaders than for the service of the public weal. Moreover, whereas the complicated problems of modern government demand expertness and superb rationality, party government is fundamentally anti-rational and tends to exclude experts in favor of irresponsible and untrained rabble-rousers. The most successful party is the one that can appeal most potently to emotions, passions, and prejudices. And a conscienceless party orator or propagandist can command far more votes than the most highly trained and public-spirited expert on government affairs. Unless vocational representation can remedy the evils of representative government under the party system, the world is likely to head rapidly for dictatorship, under which there is only one party and no real party government.

Democracy is now in a most critical situation. It has already, at least temporarily, disappeared from the majority of the countries of the world.

It worked very well in small communities in a simple agricultural society. But it has proved incompetent and wasteful in large industrialized states. It has been able to persist in the United States mainly because we have been so big and rich that we could withstand, for a time, an unusual amount of graft, corruption, and incompetence. If there is to be any hope of democracy surviving in large states, we must introduce drastic reforms. We must extend the civil service to cover both legislative and judicial departments, as well as the administrative side of government. Only competent and trained persons should be allowed to be candidates for any public office. Some voting system must be developed which will accord more voting power to an able and educated person than can be claimed by an illiterate moron. Vocational and proportional representation must be introduced to provide just and efficient representative government. Unless such reforms are introduced, there is little prospect that the democratic era will survive the present generation.

Law and legal practices are among the most important institutions of society, and they illustrate to a rather unusual degree the fact of cultural lag. Only orthodox religion and conventional morality are as far out of line with the realities of contemporary life as is the law. In many ways, ours is a law-controlled, if not a law-made, civilization. The lawyers occupy a place in contemporary life comparable to that held by the medicine men in primitive society and by the theologians in the Middle Ages. And the law, today, has as little relation to either fact or justice as magic in the stone age or theology in the medieval period.

In the first place, we are swamped with an excess of overcomplicated laws. There are a vast number of laws that grew out of earlier conditions of society and have little relation to contemporary conditions. Then, our legislatures have passed swarms of laws, as a result of the growing tendency of government to interfere in all phases of modern life and to regulate even the details of personal life. The laws themselves are further complicated by a vast body of technical and often contradictory judicial decisions and legal opinions. Not even the most learned lawyer can be familiar with more than a small portion of extant law. If he is honest and clear-sighted, he usually confesses that the law which he does know has little bearing upon the facts of life which the law is supposed to regulate. Legal language is an archaic and barbarous collection of technical jargon, which is far more helpful to the lawyers in concealing their ignorance than it is to the cause of promoting justice or handling contemporary realities. Yet, this jargon has taken on a quasi-sanctified character and the most respected lawyer is the one who is most facile in its manipulation. The average lawyer has far more respect for the technicalities of legal procedure than he has for the administration of justice. The rules of legal evidence and the methods of legal procedure are almost the reverse of the rules followed in presenting scientific evidence to establish facts.

In the execution of law today, the whole set-up favors the rich, at the expense of the poor. Lawyers and judges are usually prejudiced in favor

of the vested interests of society, and only the wealthy can normally secure legal aid competent to cope with the technicalities of law or meet the expense of legal procedure. The technicalities and delays in the law almost always operate in the favor of the wealthy. The poor man has great difficulty in securing justice in criminal procedure and he is usually at even more of a disadvantage in civil cases. The main exception is where juries may, at times, be partial to poor persons who are parties to negligence cases. But even here the advantage usually lies with the party who can afford to hire a lawyer who is competent in "tear-jerking" antics before a jury.

It has been said that legal practice today, outside of criminal law, falls into the big and the little legal racket. The big legal racket is the practice of corporation law, in which the most expensive counsel available tell corporations how they may evade the laws through which the government has endeavored to control their operations in the interest of society. The main instrument used has been constitutional law, because of the solicitude shown by constitutions and courts for the sanctity of property and property rights. We have already seen how the remarkable extension of property rights to cover nearly all business practices, especially corporate practices, has made it possible for great corporations to protect themselves through appeals to constitutional law.

The little legal racket encompasses all the frantic efforts of the rank-and-file lawyers to get enough legal business to make a living. Their chief salvation lies in negligence cases. The coming of the automobile has been a godsend in this respect. A goodly portion of the cases in our courts today arise out of automobile accidents and the injuries, real or alleged, which come therefrom. A considerable racket has literally developed out of purely faked negligence cases, where no accident at all has taken place. It has often been asserted by competent lawyers that, in their mad search for business, more litigation is created by lawyers than arises from any other single source.

Our criminal law, while superficially sophisticated and impressively complicated, actually gets little closer to the truth and justice than the criminal procedure of primitive peoples. The jury trial, for example, is little more scientific or reliable than the ancient ordeal or trial by battle. Even when justice is actually done in a courtroom, the result may be forfeited through setting aside a verdict on the basis of hair-splitting technicalities.

Through obstructing justice and frustrating normal progress, the law not only injures society, but also places the law itself in jeopardy. If progress is so delayed as to bring revolution and dictatorship, conventional law and legal procedure are invariably suppressed and the decrees of the dictator are substituted therefor. Hence, the lawyers should take warning and clean house while the opportunity still remains for them to do so in the few democracies that are left.

One of the most novel and up-to-date aspects of our institutional life are those techniques associated with contemporary transportation and

the communication of information. Most of these are highly novel, a product of the last half-century or so. To a considerable extent, they have been created on the basis of the remarkable discoveries in electromechanics. Streamlined trains on railroads, automobile buses, airplanes, and transoceanic clippers have facilitated and quickened transportation. They have also extended and speeded up the postal service. The telephone, telegraph, wireless telegraphy, the radio, the movies and television, and the press have given us a new and impressive equipment for the transmission of information. Together these have all but conquered time and space, so far as travel and communication are concerned.

The fact that the agencies of transportation and communication have been thoroughly commercialized has greatly extended their service to our material life. Otherwise, they would have remained chiefly scientific curiosities. But we have paid a price for this commercialization. The fact that they have been brought under the control of business has inevitably meant that they reflect conventional business ideals and prejudices. This becomes of practical significance chiefly in connection with the press, radio, and the movies. Our railroads and airplanes carry radicals as well as conservatives, provided the radicals can raise the money to pay their fares and behave themselves while on board. But the press, radio, and the movies reveal no such hospitality to progressives, to say nothing of radicals. With only sufficient exceptions to prove the rule, their intellectual message reflects the economic interests which have built them up and receive the revenue that they produce.

Thus even the agencies of communication show the incongruities growing out of the gulf between science and institutions. Perhaps the most advanced and impressive phases of applied science, they become means of disseminating ancient ideas and outworn institutions. Even astrology broadcasts have proved popular. As Clifford Kirkpatrick observes: "It is amazing that primitive conceptions of the universe, developed some three thousand years ago in Arabia, are spoken with greater conviction than ever into a tiny microphone and sent winging their way into thousands of homes."

Outside the dictatorships and war-regimented democracies, most of the censorship of the agencies of communication is still voluntary, though often very extensive. Censorship exists mainly for two purposes: (1) to exclude progressive and radical notions which threaten the existing social order and (2) to exclude material, whether radical or not, that might offend the prejudices of the mass of newspaper readers, movie fans, and radio listeners. The result is inevitably the intellectual debasement of the product, as well as the promotion of conservative propaganda. Because the liberal and radical attitudes are severely curtailed in the press, movies and radio broadcasts, our agencies of communications can be labeled anti-democratic, even though these agencies may fervently ballyhoo a desperate world war in behalf of democracy.

In their general cultural effects, we may readily concede that modern agencies of communication have greatly enriched the material available

to the common man. But the efforts to get mass appeal, and thereby realize the maximum profits, have suppressed artistic originality and any spirit of intellectual adventure.

The lesson of revolution and dictatorship abroad should be clear enough to those who control our agencies of communication so that they can literally read it while running. If essential reforms are delayed to the point where revolution and dictatorship are inevitable, the press, movies, and the radio are taken over by the state and become obedient agents of dictatorial propaganda. Insofar as censorship and other anti-progressive policies on the part of these agents of communication weaken and destroy democracy, their owners and custodians are only digging their own economic graves. If they are wise they will mend their ways before it is too late.

Despite the great advances in knowledge and experience in the twentieth century, our culture is still weighed down with prejudices which handicap democracy, threaten liberty, and lessen the desirable spirit of tolerance. The main prejudices of our time are economic, in the same way that they were religious and theological in the Middle Ages and early modern times. They grow chiefly out of the efforts to defend and perpetuate the capitalistic system and private property. The economic prejudice, which arises in this fashion, colors most of the prejudices exhibited in other fields, like politics, law, and the propaganda executed by the agencies of communication. But even radical countries like Russia have not been able to free themselves from economic prejudices which, in such countries, take the form of anti-capitalism. In some dictatorial countries in Europe we have witnessed, in recent years, an amazing development of racial prejudices which are likely to get worse before they are subdued.

The social conflicts of our day, together with the remarkable development of new agencies of communication, have greatly encouraged and facilitated the growth of propaganda. This now dominates every field of communication. Owing to the fact that the agencies of communication are overwhelmingly in the hands of the wealthy, present-day propaganda favors the classes rather than the masses. As we have just pointed out, this makes contemporary propaganda overwhelmingly anti-democratic. Since most of the information of the common man comes from this propaganda, it is becoming ever more difficult for the mass of mankind to participate intelligently in public life and democratic government.

The chief protective device against misleading propaganda is a widespread knowledge of the devices of propaganda. But it is difficult to spread any such knowledge effectively because the agencies that would have to be used are all controlled by the propaganda mongers. Public education should have as one of its main objects the exposure of propaganda and propaganda agencies. But education itself still remains chiefly under the control of the same social classes and forces which disseminate reactionary propaganda through our agencies of communication. Such valuable organizations as the Institute for Propaganda

Analysis are nearly helpless in the face of the avalanche of propaganda which overwhelms the man on the street.

Censorship threatens the free play of ideas which is essential to democracy and social progress. Censorship which grows out of puritanical prejudices is annoying and is disastrous to both art and literature. But it is less menacing than the censorship produced by reactionary economic forces. This latter type of censorship is what obstructs the most essential reforms and heads us towards economic collapse, revolution, dictatorship, and collectivism. The most extreme form of censorship is produced by war. Now that the entire planet is being involved in war, we face the gloomy prospect of nearly complete global censorship. It is doubtful whether even the return of peace will put an end to a censorship which has been so extreme and become so habitual.

We, in this country, should learn the lessons of the danger of censorship from the experience with it overseas. If we persist in censorship to such an extent that we prevent reforms under democratic auspices, we shall turn the country over to a dictatorship which will censor ideas as ruthlessly as any in existence in the Old World.

The human family is the most basic, most ancient, and most persistent of our institutions. The authoritarian rural family, which has dominated the social scene in the West since the fall of the Roman Empire, is now being undermined. There are a number of reasons for this, the most important of which are economic. The rise of industrialism and the growth of city life have produced a social situation vastly different from the conditions of rural life which favored and supported the old type of family. The city home is no longer so vital a social cell as was the rural home. Children are no more so great an asset as they were on the farm. Social and recreational interests no longer center in the home. Women can freely enter industry and the professions and are not as dependent upon a male partner for their support. Intellectual factors also play their part in undermining the family, most notably in the breakdown of conventional morality and the growth of sexual enlightenment.

As the result of these new factors and forces, the old type of family life is becoming progressively more unstable. In the United States, at the present time, about one marriage in every six ends in divorce. However, though the family may be unstable, there is no prospect that marriage will disappear. Indeed, the marriage rate is increasing, though not so rapidly as the divorce rate.

There is every probability that the family can adjust itself to the new conditions of modern life. We are fairly safe in predicting that, in the new form of family which will emerge, the mother will be more important than she was in the period of the authoritarian rural family. It is also fairly certain that the state will take over many responsibilities which have been executed by the family.

A number of reforms may be suggested as means of checking the growing instability of the family. Economic reforms, which will produce an adequate income and economic security, will do much to give cohesive-

ness to family life. The growth of sex education and adjustment will eliminate many of the causes of divorce. Social workers and psychiatrists can contribute much to solving problems of marital discord.

None of our institutions finds itself in a more critical situation than does organized religion. Religion has, thus far, represented man's reaction to a hypothetical supernatural world. The decline of belief in supernaturalism has inevitably undermined religion. Earlier crises in religion have not been based upon any scientific assault upon supernaturalism. They have represented nothing more than the substitution of one form of supernaturalism for another. It is the current scientific questioning of the whole supernatural hypothesis which renders the religious revolution of our day so unique and so devastating.

The liberal friends of religion have endeavored to readjust religion to the newer outlook and have sought to establish religion on a secular and human basis. They have endeavored to make religion serve man rather than to execute the supposed will of the gods. There is little doubt that an enlightened secular religion, supporting social justice and world peace, could render many important services to humanity. But it is very difficult to get an adequate mass following for a secular religion, divorced from any fear of a supernatural world or of the tortures of hellfire. Religious scepticism and indifference in our day unusally lead to an abandonment of all forms of religious interests.

Far more menacing to religion today than scientific scrutiny or sceptical assault is the intervention of the new secular interests which tend to crowd out the attention formerly given to religion. The automobile, the movies, the radio, golf, commercialized sports, and the like, have done more to produce religious indifference among the masses than all the results of scientific research and all the attacks of sceptics.

Many believe that a substitute for the old supernatural religion will be found in new economic and political cults. It is readily apparent that Bolshevism in Russia and Fascism in Germany and Italy have many affinities with the older religious emotions and practices. Service clubs have taken on a quasi-religious cast in this country.

Since the older morality is directly linked with supernatural religion, the decline of the latter has naturally undermined the conventional moral codes which rested upon a supernatural basis. It is now difficult to promote good behavior solely through an appeal to the fear of the gods or the penalty of damnation in the world-to-come. But the complicated nature of contemporary life creates a greater need than ever for a sound moral code. It is evident to all enlightened students of ethics that such a moral code must be erected on secular foundations. It must grow out of prolonged and profound research into the nature of man and his social obligations. The current mental hygiene program is generally believed to represent the best substitute at hand for the old supernatural morality, and to point the way to the type of studies and attitudes upon which we must rely for the creation of an adequate code of secular morality.

Education offers the only possibility of bringing about social change in orderly fashion without running the risk of violence and revolution. Unfortunately, education today is not adapted to execute this responsibility. We have made education available for the masses, but we have not adapted the content of education to the realities of modern life. We go on with a curriculum which was designed to train children in the declining days of feudalism. We seem to think that such subject matter will prepare people to run a twentieth-century democracy. We are shocked when it fails to do so.

Our elementary and grammar schools are clogged with archaic material and make too little allowance for mental differences in children. Our high schools train pupils to enter college rather than to enter life. Our colleges and universities are hampered by the fact that we have the same institutions and instruction for the mass of students, who go to college as a matter of fad and fashion, and for the able and serious few who go to college to get an education.

Education cannot guide social change until we give far more attention to the social studies and teach them much more realistically. To do so safely, teachers will be compelled to organize to assure stability of tenure. Owing to the seriousness of the social crisis which is upon us, many believe that the only hope of using education to direct social change lies in an enormous extension of adult education. Some feeble steps are being taken to promote this movement.

Our new empire of machines has, for the first time, now made possible leisure and security. If we use these machines wisely and efficiently in the service of society, we shall be able to get on what Plato described as the supra-pig level of culture and to create a truly human civilization.

One of the most important fields of social science in the future must be that devoted to a scientific study of leisure. We must know the full implications of leisure and how to cultivate it most effectively for the good of the human race. Otherwise, our increased leisure may only result in degeneracy and confusion.

An important phase of leisure-time activity is play or recreation. Play has become enormously diversified and extremely popular. As the result of various social agencies, it is now more efficiently administered and supervised. But, even yet, recreational facilities are miserably inadequate for those who dwell in city slums and in rural regions. Under the influence of the profit sysem, play has been thoroughly commercialized; it constitutes a phase of American big business. The invention and exploitation of the automobile has been the most important factor in the extension of recreation in recent times.

If we cultivate leisure in a civilized fashion, we must make far greater provision for the popular appreciation of art and participation in it. Art must enter definitely into the life of the whole people. It must no longer remain an exhibition for the favored few. The movies and the radio have done much of late to popularize interest in the arts, especially music.

Especially important and promising has been the government support

of art in revolutionary countries and in the United States under the Roosevelt administration. The latter has done more than anything else to bring art directly to the people of our country. But the expenditures for art have been the merest triviality compared with what will be necessary to make art a vital factor in modern life.

We may conclude with a theme that has oft been repeated in this book; namely, that our social institutions are in a most critical period, owing to the great gulf between them and our material culture. Until we close this gulf by bringing our institutions up to date, there will be no hope of solving our social problems. Indeed, our whole civilization will remain in grave jeopardy. The present total and global war has already placed it in a state of unprecedented fluidity and uncertainty. We may well close with a recent pronouncement of the British Labor Party:

> The Labour Party asks that we register now, as a nation, our recognition that this war has already, socially and economically, effected a revolution in the world as vast, in its ultimate implications, as that which marked the replacement of Feudalism by Capitalism. All over the world, the evidence is abundant that this revolution has deeply affected men's minds; our central problem is to discover its appropriate institutions, above all, if we can, to discover them by consent.

Selected References

Selected References

*Note. Publisher and date are given only in the first listing of any book.

Chapter 1

Atteberry, G. C., Auble, J. L., and Hunt, E. F., *Introduction to Social Science*, 2 vols., Macmillan, 1941.

Ballard, L. V., *Social Institutions*, Appleton-Century, 1936.

Balz, A. G. A., *The Basis of Social Theory*, Knopf, 1924.

Barnes, H. E., *An Economic History of the Western World*, Harcourt, Brace, 1938.

————, *History of Western Civilization*, 2 Vols., Harcourt, Brace, 1935.

————, *Sociology and Political Theory*, Knopf, 1924.

————, *The Twilight of Christianity*, Vanguard, 1929.

Boodin, J. E., *The Social Mind*, Macmillan, 1939.

Bossard, J. H. S., ed., *Man and His World*, Harper, 1932.

Bristol, L. M., *Social Adaptation*, Harvard University Press, 1915.

Burgess, E. W., ed., *Personality and the Social Group*, University of Chicago Press, 1929.

Chapin, F. S., *Cultural Change*, Appleton-Century, 1928.

Coker, F. S., *Organismic Theories of the State*, Columbia University Press, 1910.

Cooley, C. H., *Human Nature and the Social Order*, Scribner, 1902.

————, *Social Organization*, Scribner, 1909.

————, *Social Process*, Scribner, 1918.

Dixon, R. B., *The Building of Cultures*, Scribner, 1928.

Dorsey, J. M., *The Foundations of Human Nature*, Longmans, 1935.

Durkheim, Emile, *The Division of Labor in Society* (translated by George Simpson), Macmillan, 1933.

Eldridge, Seba, *Political Action*, Lippincott, 1924.

Ellwood, C. A., *Sociology in Its Psychological Aspects*, Appleton-Century, 1914.

————, *The Psychology of Human Society*, Appleton-Century, 1925.

Faris, Ellsworth, *The Nature of Human Nature*, McGraw-Hill, 1937.

Folsom, J. K., *Culture and Social Progress*, Longmans, 1928.

Gesell, Arnold, *Wolfchild and Human Child*, Harper, 1941.

Giddings, F. H., *The Elements of Sociology*, Macmillan, 1898.

Groves, E. R., *Personality and Social Adjustment*, Longmans, 1923.

————, *An Introduction to Sociology*, Longmans, 1928.

Hankins, F. H., *The Racial Basis of Civilization*, Knopf, 1926.

Hart, Hornell, *The Science of Social Relations*, Holt, 1927.

Hertzler, J. O., *Social Institutions*, McGraw-Hill, 1929.

Hetherington, H. J. W., and Muirhead, J. H., *Social Purpose*, Allen & Unwin, 1918.

Hobhouse, L. T., *Social Development*, Holt, 1924.

————, *Social Evolution and Political Theory*, Columbia University Press, 1913.

Jenks, Edward, *The State and the Nation*, Dutton, 1919.
Keller, A. G., *Man's Rough Road*, Macmillan, 1932.
Kropotkin, Peter, *Mutual Aid: A Factor of Evolution*, Knopf, 1925.
Lumley, F. E., *Means of Social Control*, Appleton-Century, 1925.
MacIver, R. M., *Society: Its Structure and Changes*, Farrar & Rinehart, 1936.
————, *Community: A Sociological Study*, Macmillan, 1917.
Mackenzie, J. S., *Introduction to Social Philosophy*, Glasgow, 1895.
Martin, E. D., *The Behavior of Crowds*, Harper, 1920.
Mecklin, J. M., *Introduction to Social Ethics*, Harcourt, Brace, 1920.
Monroe, Paul, *A Textbook in the History of Education*, Macmillan, 1912.
Müller-Lyer, Franz, *The History of Social Development*, Knopf, 1921.
Ogburn, W. F., and Nimkoff, M. F., *Sociology*, Houghton Mifflin, 1940.
Panunzio, Constantine, *The Major Social Institutions*, Macmillan, 1939.
Riegel, R. E., ed., *Introduction to the Social Sciences*, 2 Vols., Appleton-Century, 1941.
Robinson, T. H., *et al.*, *Men, Groups and the Community*, Harper, 1940.
Ross, E. A., *Social Control*, Macmillan, 1901.
————, *Social Psychology*, Macmillan, 1908.
————, *Principles of Sociology*, Appleton-Century, 1920.
Salt, E. M., *Political Institutions*, Appleton-Century, 1938.
Schmidt, E. P., ed., *Man and Society*, Prentice-Hall, 1938.
Storck, John, *Man and Civilization*, Harcourt, Brace, 1927.
Thomas, Franklin, *The Environmental Basis of Society*, Appleton-Century, 1925
Zane, J. M., *The Story of Law*, Ives, Washburn, 1927.
Zimmermann, E. W., *World Resources and Industries*, Harper, 1933.

Chapter 2

Allport, F. H., *Institutional Behavior*, Duke University Press, 1933.
Ballard, *Social Institutions*.
Barnes, H. E., *History of Western Civilization*.
Barnes, H. E., and Becker, Howard, *Social Thought from Lore to Science*, 2 Vols., Heath, 1938.
Campbell, C. M., *Human Personality and the Environment*, Macmillan, 1934.
Chapin, *Cultural Change*.
————, *Contemporary American Institutions*, Harper, 1935.
Cole, G. D. H., *Social Theory*, Stokes, 1920.
Cooley, *Social Organization*.
Dampier-Whetham, W. C. D., *A History of Science*, Macmillan, 1930.
Davie, M. R., *The Evolution of War*, Yale University Press, 1929.
Dorsey, *The Foundations of Human Nature*.
Dunlap, O. E., *The Story of Radio*, Dial Press, 1935.
Edman, Irwin, *Human Traits*, Houghton Mifflin, 1920.
Ellwood, C. A., *Cultural Evolution*, Appleton-Century, 1927.
Faris, *The Nature of Human Nature*.
Fosdick, R. B., *The Old Savage in the New Civilization*, Doubleday, Doran, 1929.
Gardner, Helen, *Art through the Ages*, Harcourt, Brace, 1926.
Goldenweiser, Alexander, *Robots or Gods*, Knopf, 1931.
Gore, Charles, ed., *Property: Its Rights and Duties*, Macmillan, 1922.
Haddon, A. C., *Evolution in Art*, Scott, 1895.
Hamilton, Walton, "Institutions," *Encyclopaedia of the Social Sciences*.

Hertzler, *Social Institutions.*
Hibben, Thomas, *The Sons of Vulcan,* Lippincott, 1940.
Jenks, *The State and the Nation.*
Jennings, H. S., *The Biological Basis of Human Nature,* Norton, 1930.
Judd, C. H., *The Psychology of Social Institutions,* Macmillan, 1926.
Keller, A. G., *Societal Evolution,* Macmillan, 1931.
————, *Man's Rough Road.*
Laguna, T. de, *The Factors of Social Evolution,* Crofts, 1926.
Lang, P. H., *Music in Western Civilization,* Norton, 1941.
Lee, Joseph, *Play in Education,* Macmillan, 1915.
Lowie, R. H., *Primitive Society,* Boni & Liveright, 1920.
Marshall, L. C., *The Story of Human Progress,* Macmillan, 1925.
McMurtie, D. C., *The Book,* Covici-Friede, 1937.
Monroe, *Textbook in the History of Education.*
Montross, Lynn, *War through the Ages,* Harper, 1940.
Moore, G. F., *A History of Religion,* 2 Vols., Scribner, 1919.
Morgan, L. H., *Ancient Society,* Holt, 1877.
Muller-Lyer, *History of Social Development.*
Mumford, Lewis, *Technics and Civilization,* Harcourt, Brace, 1934.
Nef, Karl, *An Outline of the History of Music,* Columbia University Press, 1935.
Ogden, C. K., *The Meaning of Psychology,* Harper, 1926.
Panunzio, *Major Social Institutions.*
Robinson, J. H., *The Human Comedy,* Harper, 1937.
Robinson, Victor, *The Story of Medicine,* Boni, 1931.
Rugg, Harold, *The Great Technology,* Day, 1933.
Schoen, Max, *Human Nature,* Harper, 1931.
Schwesinger, G. C., *Heredity and Environment,* Macmillan, 1933.
Stern, B. J., *Lewis Henry Morgan: Social Evolutionist.* University of Chicago Press, 1931.
Strecher, E. A., and Appel, K. E., *Discovering Ourselves.* Macmillan, 1931.
Sumner, W. G., *Folkways,* Ginn, 1907.
Sumner and Keller, *The Science of Society,* 4 Vols., Yale University Press, 1927.
Tansley, A. G., *The New Psychology,* Dodd, Mead, 1920.
Thomas, *The Environmental Basis of Society.*
Thorndike, E. L., *Human Nature and the Social Order,* Macmillan, 1940.
Todd, A. J., *Theories of Social Progress,* Macmillan, 1918.
Vagts, Alfred, *The History of Militarism,* Norton, 1937.
Warden, C. J., *The Evolution of Human Behavior,* Macmillan, 1932.
Webster, H. H., *Travel by Air, Land and Sea,* Houghton Mifflin, 1933.
Wells, F. L., *Pleasure and Behavior,* Appleton-Century, 1924.
Willson, Beckles, *The Story of Rapid Transit,* Appleton-Century, 1903.
Winston, Sanford, *Culture and Human Behavior,* Ronald Press, 1933.
Woodworth, R. S., *Dynamic Psychology,* Columbia University Press, 1918.

CHAPTER 3

Ballard, *Social Institutions.*
Barnes, H. E., *Can Man Be Civilized?* Brentano, 1932.
————, *Society in Transition,* Prentice-Hall, 1939.
Beard, C. A., ed., *Whither Mankind?* Longmans, 1929.
————, *Towards Civilization,* Longmans, 1930.

Borsodi, Ralph, *This Ugly Civilization*, Harper, 1933.
Bossard, J. H. S., *Social Change and Social Problems*, Harper, 1938.
Burnham, James, *The Managerial Revolution*, Day, 1941.
Case, C. M., *Social Process and Human Progress*, Harcourt, Brace, 1931.
Chapin, *Cultural Change.*
Chase, Stuart, *Men and Machines*, Macmillan, 1929.
Crawford, M. D. C., *The Conquest of Culture*, Greenberg, 1938.
Dixon, *The Building of Cultures.*
Edwards, L. P., *The Natural History of Revolution*, University of Chicago Press, 1927.
Ellwood, *Cultural Evolution.*
Fodor, M. W., *The Revolution Is On*, Houghton Mifflin, 1940.
Fosdick, *The Old Savage in the New Civilization.*
Gilfillan, S. C., *The Sociology of Inventions*, Follett, 1935.
————, *Social Effects of Inventions*, Government Printing Office, 1937.
Goldenweiser, *Robots or Gods.*
Hart; Hornell, *The Technique of Social Progress*, Holt, 1931.
Hertzler, *Social Institutions.*
————, *Social Progress*, Appleton-Century, 1928.
Huberman, Leo, *Man's Worldly Goods*, Harper, 1936.
Keller, *Societal Evolution.*
————, *Man's Rough Road.*
Loeb, Harold, *Life in a Technocracy*, Viking Press, 1933.
Lynd, R. S. and H. M., *Middletown*, Harcourt, Brace, 1926.
————, *Middletown in Transition*, 1937.
Lynd, R. S., *Knowledge for What?* Princeton University Press, 1939.
Mannheim, Karl, *Man and Society in an Age of Reconstruction*, Harcourt, Brace, 1940.
Marshall, L. C., *The Story of Human Progress*, Macmillan, 1925.
Mumford, *Technics and Civilization.*
Ogburn, W. F., *Social Change*, Huebsch, 1922.
————, *Sociology.*
Panunzio, *The Major Social Institutions.*
Randall, J. H., *Our Changing Civilization*, Stokes, 1929.
Robinson, *The Human Comedy.*
Rugg, *The Great Technology.*
Sims, N. L., *The Problem of Social Change*, Crowell, 1939.
Smith, J. R., *The Devil of the Machine Age*, Harcourt, Brace, 1931.
Sorokin, P. A., *The Sociology of Revolution*, Lippincott, 1925.
Stamp, Josiah, *The Science of Social Adjustment*, Macmillan, 1937.
Thornton, J. E., ed., *Science and Social Change*, Brookings Institution, 1939.
Todd, *Theories of Social Progress.*
Udmark, J. A., *The Road We Have Covered*, Modern Age, 1940.
Wallis, W. D., *Culture and Progress*, McGraw-Hill, 1930.
Warden, C. J., *The Emergence of Human Culture*, Macmillan, 1936.

Chapter 4

Ashley, P. W. L., *Modern Tariff History*, Dutton, 1920.
Barnes, *Economic History of the Western World.*
Baxter, W. J., *Chain Store Distribution and Management*, Harper, 1931.
Beard, Miriam, *A History of the Business Man*, Macmillan, 1938.

Bent, Silas, *Slaves by the Billion*, Longmans, Green, 1938.
Birnie, Arthur, *An Economic History of the British Isles*, Crofts, 1936.
Boissonnade, Prosper, *Life and Work in Medieval Europe*, Knopf, 1927.
Bowden, Witt, *Industrial Society in England toward the End of the Eighteenth Century*, Macmillan, 1925.
Bruck, W. F., *Social and Economic History of Germany, 1888–1938*, Oxford, Press, 1938.
Burlingame, Roger, *March of the Iron Men*, Scribner, 1938.
———, *Engines of Democracy*, Scribner, 1940.
Carcopino, Jerome, *Daily Life in Ancient Rome*, Yale University Press, 1940.
Clapham, J. H., *The Economic Development of France and Germany, 1815–1914*, Macmillan, 1923.
———, and Power, Eileen, eds., *The Agrarian Life of the Middle Ages*, Macmillan, 1941.
Clough, S. B., and Cole, C. W., *The Economic History of Europe*, Heath, 1942.
Coulton, G. G., *The Medieval Village*, Macmillan, 1925.
Crawford, M. D. C., *The Heritage of Cotton*, Putnum, 1931.
Day, Clive, *History of Commerce*, Longmans, 1922.
———, *Economic Development in Modern Europe*, Macmillan, 1933.
Ely, R. T., *Studies in the Evolution of Industrial Society*, Macmillan, 1903.
Erman, Adolf, *Life in Ancient Egypt*, Macmillan, 1894.
Faulkner, H. U., *American Economic History*, Harper, 1924.
Frank, Tenney, *Economic History of Rome*, Johns Hopkins Press, 1927.
Fraser, H. F., *Foreign Trade and World Politics*, Knopf, 1921.
Giddins, P. H., *The Birth of the Oil Industry*, Macmillan, 1938.
Glotz, Gustave, *Ancient Greece at Work*, Knopf, 1926.
Gras, N. S. B., *A History of Agriculture in Europe and America*, Crofts, 1940.
Guillebaud, C. W., *The Economic Recovery of Germany, 1933–1938*, Macmillan, 1939.
Hammond, J. L. and B., *The Village Labourer*, Longmans, 1911.
———, *The Town Labourer*, Longmans, 1925.
———, *The Skilled Labourer*, Longmans, 1920.
———, *The Rise of Modern Industry*, Methuen, 1925.
Hawks, Ellison, *The Book of Electrical Wonders*, Dial Press, 1936.
Hayward, W. S., and White, Percival, *Chain Stores*, McGraw-Hill, 1928.
Heaton, Herbert, *Economic History of Europe*, Harper, 1936.
Heckscher, E. F., *Mercantilism*, 2 Vols., Macmillan, 1935.
Herskovits, M. J., *The Economic Life of Primitive Peoples*, Knopf, 1940.
Hibben, *Sons of Vulcan*.
Hobson, J. A., *Incentives in the New Industrial Order*, Seltzer, 1925.
Horrocks, J. W., *Short History of Mercantilism*, Brentano, 1925.
Jastrow, Morris, *The Civilization of Babylonia and Assyria*, Lippincott, 1915.
Kirkland, E. C., *A History of American Economic Life*, Crofts, 1932.
Laut, A. C., *The Romance of the Rails*, McBride, 1929.
Loeb, *Life in a Technocracy*.
———, ed., *National Survey of Potential Product Capacity*, New York City Housing Authority, 1935.
Mantoux, Paul, *The Industrial Revolution of the Eighteenth Century*, Harcourt, Brace, 1928.
Marshall, L. C., *The Story of Human Progress*, Macmillan, 1937.
McVey, F. L., *Modern Industrialism*, Appleton-Century, 1923.
Meakin, Walter, *The New Industrial Revolution*, Brentano, 1929.

Merz, Charles, *And Then Came Ford*, Doubleday, Doran, 1929.
Miller, J. A., *Master Builders of Sixty Centuries*, Appleton-Century, 1938.
Mitchell, H., *The Economics of Ancient Greece*, Cambridge University Press, 1940.
Morgan, O. S., ed., *Agricultural Systems of Middle Europe*, Macmillan, 1933.
Müller-Lyer, *A History of Social Development*.
Mumford, *Technics and Civilization*.
Nussbaum, F. L., *A History of the Economic Institutions of Modern Europe*, Crofts, 1933.
Ogg, F. A., and Sharp, W. R., *Economic Development of Modern Europe*, Macmillan, 1926.
Person, H. S., ed., *Scientific Management in American Industry*, Harper, 1929.
Pirenne, Henri, *Economic and Social History of Medieval Europe*, Routledge, 1936.
Pitigliani, Fausto, *The Italian Corporative State*, Macmillan, 1934.
Preston, H. W., and Dodge, Louise, *The Private Life of the Romans*, Sanborn, 1930.
Prothero, R. W., *English Farming, Past and Present*. Longmans, 1922.
Renard, G. F., *Life and Work in Prehistoric Times*. Knopf, 1929.
———, *Guilds in the Middle Ages*, Harcourt, Brace, 1919.
———, *Life and Work in Modern Europe*, Knopf, 1926 (with Georges Weulersse).
Rogers, Agnes, *From Machine to Man*. Little, Brown, 1941.
Sayce, R. U., *Primitive Arts and Crafts*, Macmillan, 1933.
Taussig, F. W., *The Tariff History of the United States*, Putnam, 1923.
Thompson, J. W., *Economic and Social History of the Middle Ages*. Appleton-Century, 1928.
———, *Economic and Social History of Europe in the Later Middle Ages*. Appleton-Century, 1931.
Thurnwald, Richard, *Economics in Primitive Communities*, Oxford Press, 1932.
Toutain, J. F., *Economic Life of the Ancient World*. Knopf, 1930.
Tyler, J. M., *The New Stone Age in Northern Europe*, Scribner, 1921.
Unwin, George, *Industrial Organization in the 16th and 17th Centuries*. Oxford Press, 1904.
Usher, A. P., *An Introduction to the Industrial History of England*, Houghton Mifflin, 1920.
Veblen, Thorstein, *The Instinct of Workmanship and the State of the Industrial Arts*, Macmillan, 1914.
Walton, Perry, *The Story of Textiles*. Tudor, 1936.
Ward, H. F., *In Place of Profit*, Scribner, 1933.
Weber, Max, *General Economic History*, Greenberg, 1927.
Webster, *Travel by Air, Land and Sea*.
Westerbrook, F. A., *Industrial Management in this Machine Age*, Crowell, 1932.
Westerfield, R B., *Middlemen in English Business*, Yale University Press, 1915.
Willson, *The Story of Rapid Transit*.
Wolf, Howard and Ralph, *Rubber: A Story of Glory and Greed*, Covici, Friede, 1936.

Chapter 5

Anderson, Nels, *The Hobo*, University of Chicago Press, 1923.
———, *Men on the Move*, University of Chicago Press, 1940.

Arnold, T. W., *The Folklore of Capitalism*, Yale University Press, 1937.
————, *The Bottlenecks of Business*, Reynal & Hitchcock, 1940.
Baake, E. W., *The Unemployed Man*, Dutton, 1934.
Barnes, H. E., *The Money Changers versus the New Deal*, Long & Smith, 1934.
Beaglehole, Ernest, *Property*, Macmillan, 1932.
Berle, A. A., and Means, G. C., *The Modern Corporation and Private Property*, Commerce Clearing House, 1932.
Blair, John, *Seeds of Destruction*, Covici-Friede, 1938.
Bonbright, J. C., and Means, G. C., *The Holding Company*, McGraw-Hill, 1932.
Bowers, E. L., *Is It Safe to Work?* Houghton Mifflin, 1930.
Brandeis, L. B., *Other People's Money and How the Bankers Use It*, Stokes, 1932.
Brooks, R. R., *When Labor Organizes*, Yale University Press, 1937.
Chase, Stuart, *The Tragedy of Waste*, Macmillan, 1925.
————, *A New Deal*, Macmillan, 1932.
————, *The Economy of Abundance*, Macmillan, 1934.
————, *Idle Money, Idle Men*, Harcourt, Brace, 1940.
Clark, Evans, *et al.*, *The Internal Debts of the United States*, Macmillan, 1933.
————, *More Security for Old Age*, Twentieth Century Fund, 1937.
Corey, Lewis, *The House of Morgan*, Watt, 1930.
Coyle, D. C., *Roads to a New America*, Little, Brown, 1938.
Daugherty, C. R., *Labor Problems in American Industry*, Houghton, Mifflin, 1938.
Davis, Forrest, *What Price Wall Street*, Godwin, 1932.
Davis, Jerome, *Capitalism and Its Culture*, Farrar & Rinehart, 1935.
Dennis, Lawrence, *Is Capitalism Doomed?* Harper, 1932.
————, *The Coming American Fascism*, Harper, 1936.
Doane, R. R., *The Measurement of American Wealth*, Harper, 1933.
————, *The Anatomy of American Wealth*, Harper, 1940.
Dobb, M. H., *Capitalist Enterprise and Social Progress*, London, 1925.
Douglas, P. H., *Social Security in the United States*, McGraw-Hill, 1939.
————, *Controlling Depressions*, Norton, 1935.
————, and Director, Aaron, *The Problem of Unemployment*, Macmillan, 1931.
Douglas, W. O., *Democracy and Finance*, Yale University Press, 1941.
Epstein, Abraham, *Insecurity: A Challenge to America*, Smith & Haas, 1933.
Flynn, J. T., *Investment Trusts Gone Wrong*, New Republic Press, 1930.
————, *Graft in Business*, Vanguard, 1931.
————, *Security Speculation*, Harcourt, Brace, 1934.
Foster, W. Z., *Towards a Soviet America*, Coward McCann, 1932.
Fuller, R. G., *Child Labor and the Constitution*, Crowell, 1923.
Gill, Corrington, *Wasted Manpower*, Norton, 1939.
Goldberg, R. M., *Occupational Diseases*, Columbia University Press, 1931.
Goldmark, Josephine, *Fatigue and Efficiency*, Russell Sage Foundation, 1917.
Gras, N. S. B., *Business and Capitalism*, Crofts, 1939.
Hacker, L. M., *American Problems of Today*, Crofts, 1938.
————, *The Triumph of American Capitalism*, Simon & Schuster, 1940.
Hacket, J. D., *Health Maintenance in Industry*, Shaw, 1925.
Hamilton, Alice, *Industrial Poisons in the United States*, Macmillan, 1925.
Hansen, A. H., *Fiscal Policy and Business Cycles*, Norton, 1940.
Hart, A. G., *et al.*, *Debts and Recovery*, Twentieth Century Fund, 1938.
Jones, Bassett, *Debt and Production*, Day, 1933.
Josephson, Matthew, *The Robber Barons*, Harcourt, Brace, 1935.
Kemnitzer, W. J., *The Rebirth of Monopoly*, Harper, 1938.

Kennedy, E. D., *Dividends to Pay*, Reynal & Hitchcock, 1940.
Keynes, J. M., *et al., Unemployment as a World Problem*, University of Chicago Press, 1931.
Kuznets, Simon, *National Income and Its Composition, 1919–1938*, 2 Vols., National Bureau of Economic Research, 1942.
Laidler, H. W., *Concentration in American Industry*, Crowell, 1931.
Leven, Maurice, *The Income Structure of the United States*, Brookings Institution, 1938.
Lowenthal, Max, *The Investor Pays*, Knopf, 1933.
Lundberg, Ferdinand, *America's Sixty Families*, Vanguard, 1937.
MacDonald, Lois, *Labor Problems and the American Scene*, Harper, 1938.
MacDougall, E. D., ed., *Crime for Profit*, Stratford, 1933.
————, *Speculation and Gambling*, Stratford, 1936.
Mallon, G. W., *Bankers versus Consumers*, Day, 1933.
Mangold, G. B., *Problems of Child Welfare*, Macmillan, 1936.
Melvin, Bruce, *Youth—Millions Too Many*, Association Press, 1940.
Moulton, H. G., *The Formation of Capital*, Brookings Institution, 1935.
Myers, Gustavus, *History of Great American Fortunes*, 3 Vols., Kerr, 1909.
Myers, M. G., *Monetary Proposals for Social Reform*, Columbia University Press, 1940.
Newcomer, Mabel, *Taxation and Fiscal Policy*, Columbia University Press, 1940.
Noyes, A. D., *The Market Place*, Little, Brown, 1938.
O'Leary, P. M., *Corporate Enterprise and Modern Economic Life*, Harper, 1933.
Perlman, Selig, *Theory of the Labor Movement*, Macmillan, 1928.
Rautenstrauch, Walter, *Who Gets the Money?* Harper, 1934 (new ed. 1939).
Ripley, W. Z., *Main Street and Wall Street*, Little, Brown, 1927.
Rochester, Anna, *Rulers of America*, International Publishers, 1936.
Rogers, J. H., *Capitalism in Crisis*, Yale University Press, 1938.
Rorty, James, *Our Master's Voice: Advertising*, Day, 1934.
Rosenfarb, Joseph, *The National Labor Policy*, Harper, 1940.
Rubinow, I. M., *The Quest for Security*, Holt, 1934.
Scherman, Harry, *The Promises that Men Live By*, Random House, 1938.
Simons, A. J., *Holding Companies*, Pitman, 1927.
Simpson, Kemper, *The Margin Trader*, Harper, 1938.
————, *Big Business, Efficiency and Fascism*, Harper, 1941.
Snyder, Carl, *Capitalism the Creator*, Macmillan, 1940.
Stewart, P. W., and Dewhurst, J. F., *Does Distribution Cost Too Much?* Twentieth Century Fund.
Tannenbaum, Frank, *The Labor Movement*, Putnam, 1921.
Tawney, R. H., *The Acquisitive Society*, Harcourt, Brace, 1920.
Veblen, Thorstein, *The Theory of Business Enterprise*, Scribner, 1904.
Webb, Sidney and Beatrice, *The Decay of Capitalist Civilization*, Harcourt, Brace, 1921.
Weber, Max, *The Protestant Ethic and the Spirit of Capitalism*, Scribner, 1930.
Wickwire, A. M., *The Weeds of Wall Street*, Newcastle Press, 1932.
Winthrop, Alden, *Are You a Stockholder?* Covici, Friede, 1937.
Wormser, I. M., *Frankenstein Incorporated*, McGraw-Hill, 1931.

Chapter 6

Arnold, *The Bottlenecks of Business*.
————, *The Folklore of Capitalism*.

Babson, R. W., *If Inflation Comes*, Stokes, 1937.
Barnes, *The Money-Changers versus the New Deal.*
Beaglehole, *Property.*
Berle and Means, *The Modern Corporation and Private Property.*
Borsodi, Ralph, *Prosperity anod Security*, Harper, 1938.
Boudin, L. B., *Government by Judiciary*, 2 Vols., Godwin, 1932.
Brailsford, H. N., *Property or Peace*, Covici, Friede, 1934.
Breimer, C. D., *American Bank Failures*, Columbia University Press, 1935.
Briefs, G. A., *The Proletariat*, McGraw-Hill, 1937.
Brown, H. G., *The Economic Basis of Tax Reform*, Lucas, 1932.
Bye, R. T., and Blodgett, R. H., *Getting and Spending*, Crofts, 1937.
Calhoun, A. W., *The Social Universe*, Vanguard, 1932.
Clark, *The Internal Debts of the United States.*
————, *The National Debt and Government Credit*, Twentieth Century Fund, 1937.
Clay, Henry, *Property and Inheritance*, Daily News Co. (London), 1923.
————, *The Problem of Industrial Relations*, Macmillan, 1929.
Coker, F. W., *Democracy, Liberty and Property*, Macmillan, 1942.
Coon, Horace, *Money to Burn*, Longmans, 1939.
Coyle, D. C., *Why Pay Taxes?* National Home Library, 1937.
Davis, *Capitalism and Its Culture.*
Delaporte, L. J., *Mesopotamia*, Knopf, 1925.
Doane, *The Measurement of American Wealth.*
Ely, R. T., *Property and Contract*, 2 Vols., Macmillan, 1914.
Emden, P. H., *The Money Powers of Europe*, Appleton-Century, 1938.
Epstein, Abraham, "Do the Rich Give to Charity?" *American Mercury*, May, 1931.
Flynn, J. T., *Investment Trusts Gone Wrong*, New Republic Press, 1930.
————, *Security Speculation*, Harcourt, Brace, 1924.
Glotz, *Ancient Greece at Work.*
Gore, *Property: Its Duties and Rights.*
Greenwood, Ernest, *Spenders All*, Appleton-Century, 1935.
Hamilton, W. H., "Property," *Encyclopaedia of the Social Sciences*, Vol. 12.
Hardy, C. O., *Tax-Exempt Securities and the Surtax*, Macmillan, 1926.
Haxey, Simon, *England's Money Lords*, Harrison-Hitton, 1939.
Hazelett, C. W., *Incentive Taxation*, Dutton, 1936.
Helton, Roy, *Sold Out to the Future*, Harper, 1935.
Herskovits, *The Economic Life of Primitive Peoples.*
Hobson, J. A., *The Evolution of Modern Capitalism*, Scribner, 1926.
————, *Incentives in the New Industrial Order.*
Jackson, R. H., *The Struggle for Judicial Supremacy*, Knopf, 1941.
Jones, A. W., *Life, Liberty and Property*, Lippincott, 1940.
Keller, A. G., *Social Science*, Ginn, 1925.
————, *Man's Rough Road.*
Kelley, F. C., *How to Lose Your Money Prudently*, Swain, 1933.
Kennedy, *Dividends to Pay.*
Kimmel, L. H., *The Taxation of Banks*, National Industrial Conference Board, 1934.
Larkin, Paschal, *Property in the Eighteenth Century*, Dublin, 1930.
Lindeman, E. C., *Wealth and Culture*, Harcourt, Brace, 1935.
Louis, Paul, *Ancient Rome at Work*, Knopf, 1927.
Lowie, *Primitive Society.*

Lundberg, *America's Sixty Families.*
Moret, Alexandre, *The Nile and Egyptian Civilization*, Knopf, 1927.
Moulton, *The Formation of Capital.*
Nussbaum, *A History of the Economic Institutions of Modern Europe.*
Palm, F. C., *The Middle Classes: Then and Now*, Macmillan, 1936.
Ramsay, M. L., *Pyramids of Power*, Bobbs-Merrill, 1937.
Rautenstrauch, *Who Gets the Money?*
Rignano, Eugene, *The Social Significance of the Inheritance Tax*, Knopf, 1924.
Scherman, *The Promises Men Live By.*
Schultz, W. J., *The Taxation of Inheritance*, Houghton Mifflin, 1926.
Sinclair, Upton, *Upton Sinclair Presents William Fox*, Sinclair, 1933.
Snyder, *Capitalism the Creator.*
Studenski, Paul, ed., *Taxation and Public Policy*, R. R. Smith, 1936.
Taussig, F. W., *Inventors and Money-Makers*, Macmillan, 1915.
Tawney, R. H., *The Acquisitive Society*, Harcourt, Brace, 1920.
———, *Religion and the Rise of Capitalism*, Harcourt, Brace, 1926.
Thompson, *Economic and Social History of the Middle Ages.*
———, *Economic and Social History of the Later Middle Ages.*
Tilden, Freeman, *A World in Debt*, Funk & Wagnalls, 1936.
Untermeyer, R. E., *The Tax Racket*, Lippincott, 1933.
Veblen, Thorstein, *The Theory of the Leisure Class*, Macmillan, 1899.
———, *Absentee Ownership*, Huebsch, 1923.
———, *The Theory of Business Enterprise.*
Wallis, Louis, *Safeguard Productive Capital*, Doubleday, Doran, 1935.
Ward, C. O., *The Ancient Lowly*, 2 Vols., Kerr, 1907.
Weber, *The Protestant Ethic and the Spirit of Capitalism.*
Wedgwood, Josiah, *The Economics of Inheritance*, Routledge, 1929.
Winthrop, Alden, *Are You a Stockholder?* Covici, Friede, 1937.

Chapter 7

Barnes, H. E., *History and Social Intelligence*, Knopf, 1926.
Beard, C. A., *The Open Door at Home*, Macmillan, 1934.
———, *The Idea of National Interest*, Macmillan, 1934.
———, *The Economic Basis of Politics*, Knopf, 1932.
Bennett, H. A., *The Constitution in School and College*, Putnam, 1935.
Borgeaud, Charles, *The Rise of Modern Democracy in Old and New England*, Scribner, 1894.
———, *The Adoption and Amendment of Constitutions in Europe and America*, Macmillan, 1895.
Brant, Irving, *Storm Over the Constitution*, Bobbs-Merrill, 1936.
Elliott, W. Y., *The Need for Constitutional Reform*, McGraw-Hill, 1935.
Gellerman, William, *The American Legion as Educator*, Teachers College Publications, 1938.
Gibbons, H. A., *Nationalism and Internationalism*, Stokes, 1930.
Greenberg, L. S., *Nationalism in a Changing World*, Greenberg, 1937.
Hamilton, W. H., and Adair, Douglass, *The Power to Govern*, Norton, 1937.
Hayes, C. J. H., *Essays on Nationalism*, Macmillan, 1926.
———, *Historical Evolution of Modern Nationalism*, Long & Smith, 1931.
Holcombe, A. N., *The Foundations of the Modern Commonwealth*, Harper, 1923.
Jenks, Edward, *The State and the Nation*, Dutton, 1919.

Jensen, Merrill, *The Articles of Confederation*, University of Wisconsin Press, 1940.
Levy, B. H., *Our Constitution, Tool or Testament?* Knopf, 1940.
Lowie, R. H., *The Origin of the State*, Harcourt, Brace, 1937.
Lyon, Hastings, *The Constitution and the Men Who Made It*, Houghton Mifflin, 1936.
MacDonald, William, *A New Constitution for a New America*, Huebsch, 1921.
MacLeod, W. C., *The Origin and History of Politics*, Wiley, 1931.
McBain, H. L., *The Living Constitution*, Macmillan, 1927.
McIlwain, C. H., *Constitutionalism, Ancient and Modern*, Cornell University Press, 1940.
———, *Constitutionalism and the Changing World*, Macmillan, 1939.
Merriam, C. E., *The Making of Citizens*, University of Chicago Press, 1931.
———, *The Written Constitution and the Unwritten*, Smith, 1931.
Miller, H. A., *Races, Nations and Classes*, Lippincott, 1926.
———, *The Beginnings of Tomorrow*, Stokes, 1933.
Morey, W. C., *The First State Constitutions*, Annals of the American Academy, 1893.
Muir, Ramsay, *Nationalism and Internationalism*, Houghton Mifflin, 1917.
Partridge, G. E., *The Psychology of Nations*, Macmillan, 1919.
Pillsbury, W. B., *The Psychology of Nationality and Internationalism*, Appleton-Century, 1919.
Riegel, O. W., *Mobilizing for Chaos*, Yale University Press, 1934.
Robinson, J. H., *The Human Comedy*, Harper, 1937.
Rose, J. H., *Nationality in Modern History*, Macmillan, 1916.
Salt, *Political Institutions*.
Smith, J. Allen, *The Growth and Decadence of Constitutional Government*, Holt, 1930.

Chapter 8

Adams, S. H., *The Incredible Era*, Houghton Mifflin, 1940.
Barnes, *Sociology and Political Theory*.
Beman, L. T., *The Direct Primary*, Wilson, 1926.
Bentley, A. F., *The Process of Government*, University of Chicago Press, 1908.
Brooks, R. C., *Corruption in American Politics and Life*, Dodd, Mead, 1910.
———, *Political Parties and Electoral Problems*, Harper, 1923.
Bruce, H. R., *American Parties and Politics*, Holt, 1927.
Buck, A. E., *The Budget in Governments Today*, Macmillan, 1934.
Buehler, A. G., ed., *Billions for Defense*, Annals of the American Academy, 1941.
Carpenter, W. S., and Stafford, P. T., *State and Local Government in the United States*, Crofts, 1936.
Chamberlain, J. P., *Legislative Processes*, Appleton-Century, 1936.
Childs, H. L., *Labor and Capital in National Politics*, Ohio State University Press, 1930.
Dinneen, J. F., *Ward Eight*, Harper, 1936.
Dobyns, Fletcher, *The Underworld in American Politics*, Kingsport Press, 1932.
Douglas, P. H., *The Coming of a New Party*, McGraw-Hill, 1932.
Durham, Knowlton, *Billions for Veterans*, Harcourt, Brace, 1932.
Fine, Nathan, *Labor and Farmer Parties in the United States*, Rand School, 1928.
Fish, C. R., *Civil Service and the Patronage*, Longmans, 1905.

Friedrich, C. J., *et al., Problems of American Public Service*, McGraw-Hill, 1935.
Garrigues, C. H., *You're Paying for It*, Funk & Wagnalls, 1936.
Greenwood, Ernest, *Spenders All*, Appleton-Century, 1935.
Harding, T. S., *T.N.T. Those National Tax Eaters*, Long & Smith, 1934.
Harris, J. P., *Election Administration in the United States*, Brookings Institution, 1934.
Haynes, F. E., *Third Party Movements*, Iowa State Historical Society, 1916.
Helm, W. P., *Washington Swindle Sheet*, Boni, 1932.
Herring, E. P., *Group Representation Before Congress*, Johns Hopkins Press, 1929.
———, *The Politics of Democracy*, Norton, 1940.
Holcombe, A. N., *Political Parties of Today*, Harper, 1924.
———, *The New Party Politics*, Norton, 1933.
———, *The Middle Classes in American Politics*, Harvard University Press, 1940.
Key, V. O., *Politics, Parties and Pressure Groups*, Crowell, 1942.
Laswell, H. D., *Politics*, McGraw-Hill, 1936.
Logan, E. B., ed., *The American Political Scene*, Harper, 1938.
Luce, Robert, *Legislative Problems*, Houghton Mifflin, 1935.
Ludlow, Lewis, *America Go Bust*, Stratford, 1933.
Lundberg, *America's Sixty Families*.
Mayo, Katherine, *Soldiers What Next?* Houghton Mifflin, 1934.
McKean, D. D., *The Boss: Machine Politics in Action*, Houghton Mifflin, 1940.
Merriam, C. E., *The American Party System*, Macmillan, 1940
Michels, Robert, *Political Parties*, Hearst's International Library, 1915.
Myers, Gustavus, *A History of Tammany Hall*, Boni & Liveright, 1917.
Northrop, W. B. and J. B., *The Insolence of Office*, Putnam, 1932.
Odegard, P. H., and Helms, E. A., *American Politics*, Harper, 1938.
Overacker, Louise, *The Presidential Primary*, Macmillan, 1926.
Powell, Talcott, *Tattered Banners*, Harcourt, Brace, 1933.
Ray, P. O., *An Introduction to Political Parties and Practical Politics*, Scribner, 1917.
Sait, E. M., *American Parties and Elections*, Appleton-Century, 1939.
Salter, J. T., *Boss Rule*, McGraw-Hill, 1935.
———, *The Pattern of Politics*, Macmillan, 1940.
Sikes, E. R., *State and Federal Corrupt Practices Legislation*, Duke University Press, 1928.
Wallas, Graham, *Human Nature in Politics*, Houghton Mifflin, 1909.
Wallis, J. H., *The Politician*, Stokes, 1935.
Werner, M. R., *Privileged Characters*, McBride, 1935.
Willoughby, W. F., *The National Budget System*, Brookings Institution, 1927.
———, *Financial Conditions and Operations of the National Government, 1921–1930*, Brookings Institution, 1931.

Chapter 9

Agar, Herbert, *The People's Choice*, Houghton Mifflin, 1933.
Albig, William, *Public Opinion*, McGraw-Hill, 1939.
Anastasia, Anne, *Differential Psychology*, Macmillan, 1937.
Ansben, R. A., ed., *Freedom: Its Meaning*, Harcourt, Brace, 1940.
Assoli, Max, *Intelligence in Politics*, Norton, 1938.

Viereck, G. S., *Spreading Germs of Hate*, Liveright, 1930.
Walker, S. H., and Sklar, Paul, "Business Finds Its Voice," *Harper's Magazine*, January–March, 1938.
Whipple, *Our Ancient Liberties*.
————, *The Story of Civil Liberty in the United States*.
White, Walter, *Rope and Faggot*, Knopf, 1928.
Willis, I. C., *England's Holy War*, Knopf, 1928.
Wolf, Lucien, *The Myth of the Jewish Menace in World Affairs*, Macmillan, 1921.
Wolfe, A. B., *Conservatism, Radicalism and Scientific Method*, Macmillan, 1923.
Wood, Mary, *The Stranger*, Columbia University Press, 1934.
Woodward, Helen, *It's An Art*, Harcourt, Brace, 1938.
Young, E. J., *Looking Behind the Censorships*, Lippincott, 1938.
Young, Kimball, *Bibliography for Propaganda and Censorship*, University of Oregon Press, 1928.

CHAPTER 15

Abbott, Edith, *Women in Industry*, Appleton, 1910.
Apstein, T. E., *The Parting of the Ways*, Dodge, 1935.
Baber, R. E., *Marriage and the Family*, McGraw-Hill, 1939.
Bartlett, George A., *Men, Women & Conflict*, Putnam, 1932.
Beard, Mary, *Woman: Co-maker of History*, Longmans, 1940.
Bernard, Jessie, *American Family Behavior*, Harper, 1942.
Binkley, R. C., *What Is Right With Marriage*, Appleton-Century, 1929.
Bowman, H. A., *Marriage for Moderns*, McGraw-Hill, 1942.
Briffault, Robert, *The Mothers*, 3 Vols, Macmillan, 1927.
Burgess, E. W., and Cottrell, L. S., *Predicting Success or Failure in Marriage*, Prentice-Hall, 1940.
Butterfield, Oliver, *Sex Life in Marriage*, Emerson Books, 1937.
Calhoun, A. W., *A Social History of the American Family*, Clark, 1917.
Calverton, V. F., *The Bankruptcy of Marriage*, Macaulay, 1928.
Cavan, R. S., *The Family*, Crowell, 1942.
Colcord, J. S., article, "Family Desertion," *Encyclopaedia of the Social Sciences*.
————, *Broken Homes*, Russell Sage Foundation, 1919.
Davis, K. B., *Factors in the Sex Life of 2,200 Women*, Harper, 1921.
Dickinson, R. L., and Beam, Laura, *The Single Woman*, Williams & Wilkins, 1934.
Elmer, M. C., *Family Adjustment and Social Change*, Long & Smith, 1932.
Fiske, G. W., *The Changing Family*, Harper, 1928.
Goodsell, Willystine, *History of the Family as a Social and Educational Institution*, Macmillan, 1915.
————, *Problems of the Family*, Appleton-Century, 1928.
Groves, E. R., *Social Problems of the Family*, Lippincott, 1927.
————, *The Marriage Crisis*, Longmans, Green, 1928.
————, *Wholesome Marriage*, Houghton Mifflin, 1927.
————, *Marriage*, Holt, 1933.
————, *Sex in Marriage*, Emerson Books, 1940.
————, *The American Woman*, Greenberg, 1936.
————, and Ogburn, W. F., *American Marriage and Family Relationships*, Holt, 1928.
Groves, G. H., and Ross, R. A., *The Married Woman*, Blue Ribbon Books, 1939.
Gwynne, W., *Divorce in America under State and Church*, Macmillan, 1925.

Hamilton, G. V., *A Research in Marriage*, Boni, 1929.
———, and Macgowan, Kenneth, *What Is Wrong With Marriage*, Boni, 1929.
Hankins, F. H., "Divorce," *Encyclopaedia of the Social Sciences*. "Illegitimacy," *Ibid.*
Hayden, J. F., *The Art of Marriage*, Union Library Association, 1938.
Holmes, J. H., *Marriage and Divorce*, Huebsch, 1913.
Howard, G. E., *A History of Matrimonial Institutions*, 3 Vols., University of Chicago Press, 1904.
Hutchins, Grace, *Women Who Work*, International Publishers, 1934.
Jung, Moses, *Modern Marriage*, Crofts, 1940.
Keezer, F. H., *A Treatise on the Law of Marriage and Divorce*, Bobbs-Merrill, 1923.
Kitchin, S. B., *A History of Divorce*, London, 1912
Knox, S T., *The Family and the Law*, University of North Carolina Press, 1941.
LaFollette, Suzanne, *Concerning Women*, Boni, 1926.
Levy, John, and Munroe, Ruth, *The Happy Family*, Knopf, 1940.
Lichtenberger, J. P., *Divorce*, McGraw-Hill, 1931.
Lindsey, *Companionate Marriage.*
Mangold, G. B., *Children Born Out of Wedlock*, University of Missouri Press, 1921.
May, Geoffrey, *Marriage Laws and Decisions in the United States*, Russell Sage Foundation, 1929.
Mencken, H. L., *In Defense of Women*, Garden City Pub. Co., 1931.
Messer, M. B., *The Family in the Making*, Putnam, 1925.
Morgan, W. L., *The Family Meets the Depression*, University of Minnesota Press, 1939.
Mowrer, E. R., *Family Disorganization*, University of Chicago Press, 1927.
———, *Domestic Discord*, University of Chicago Press, 1928.
Müller-Lyer, Franz, *The Evolution of Modern Marriage*, Knopf, 1930.
Neumann, Henry, *Modern Youth and Marriage*, Appleton, 1928.
Nimkoff, M. F., *The Family*, Houghton Mifflin, 1934.
Oglesby, Catharine, *Business Opportunities for Women*, Harper, 1937.
Popenoe, Paul, *Conservation of the Family*, Williams & Wilkins, 1926.
Pruette, Lorine, *Women Workers Through the Depression*, Macmillan, 1934.
Reed, Ruth, *The Modern Family*, Crofts, 1929.
Reuter, E. B., and Runner, J. R., *The Family*, McGraw-Hill, 1931.
Russell, Bertrand, *Marriage and Morals*, Liveright, 1929.
———, *Divorce*, Day, 1930.
Schneider, D. M., and Deutsch, Albert, *History of Public Welfare in New York State, 1867–1940*, University of Chicago Press, 1941.
Sellin, J. T., *Marriage and Divorce Legislation in Sweden*, University of Minnesota Press, 1922.
Stekel, Wilhelm, *Marriage at the Crossroads*, Godwin, 1931.
Stern, B. J., *The Family, Past and Present*, Appleton-Century, 1938.
Stone, Hannah and Abraham, *Marriage Manual*, Simon & Schuster, 1935.
Stouffer, S. A., and Lazarsfeld, P. F., *Research Memorandum on the Family in the Depression*, Social Science Research Council, 1937.
Thomas, W. I., *The Unadjusted Girl*, Little, Brown, 1923.
———, *The Child in America*, 1928.
Tietz, E. B., and Weichert, C. K., *The Art and Science of Marriage*, McGraw-Hill, 1938.

Van der Welde, T. H., *Ideal Marriage*, Covici, Freide, 1930.
Waller, Willard, *The Family*, Cordon, 1938.
Westermarck, Edward, *A History of Human Marriage*, 3 Vols., Macmillan, 1921.
Wile, I. S., *et al.*, *Sex Life of the Unmarried Adult*, Vanguard, 1934.
Winter, Ella, *Red Virtue*, Harcourt, Brace, 1933.
Zimmerman, C. C., and Frampton, M. E., *Family and Society*, Van Nostrand, 1935.

CHAPTER 16

Apstein, *The Parting of the Ways.*
Blumenthal, Albert, *Small-Town Stuff*, University of Chicago Press, 1932.
Bossard, *Social Change and Social Problems.*
Burr, Walter, *Rural Organization*, Macmillan, 1921.
Cavan, R. S., and Ranck, K. H., *The Family and the Depression*, University of Chicago Press, 1938.
Clarke, I. C., *The Little Democracy*, Appleton-Century, 1918.
Colcord, *Broken Homes.*
———, *Your Community*, Russell Sage Foundation, 1939.
Cook, L. A., *The Community Background of Education*, McGraw-Hill, 1938.
DeSchweinitz, Karl, *The Art of Helping People Out of Trouble*, Houghton Mifflin, 1924.
Elliott, M. A., and Merrill, F. E., *Social Disorganization*, Harper, 1941.
Engelhardt, N. L., *Planning the Community School*, American Book Company, 1940.
Gilbert, G. B., *The Country Preacher*, Harper, 1940.
Goodsell, Willystine, *Problems of the Family*, Appleton-Century, 1936.
Hart, Hastings and E. B., *Personality and the Family*, Heath, 1935.
Hart, J. K., *Community Organization*, Macmillan, 1920.
Hayes, A. W., *Rural Community Organization*, University of Chicago Press, 1921.
Hertzler, A. E., *The Horse and Buggy Doctor*, Doubleday, Doran, 1939.
Lee, Joseph, *Play in Education*, Macmillan, 1915.
Lichtenberger, *Divorce.*
Lindeman, E. C., *The Community*, Association Press, 1921.
Lumpkin, K. D., *The Family*, University of North Carolina Press, 1933.
Lutes, D. T., *The Country Kitchen*, Little, Brown, 1936.
———, *Home Grown*, Little, Brown, 1938.
———, *Country Schoolma'am*, Little, Brown, 1941.
McClenahan, B. A., *Organizing the Community*, Appleton-Century, 1922.
———, *The Changing Urban Neighborhood*, University of Southern California Press, 1929.
Mowrer, *Family Disorganization.*
———, *Disorganization: Personal and Social*, Lippincott, 1942.
Osborn, L. D., *Community and Society*, American Book Company, 1933.
Partridge, *Country Lawyer.*
Phillips, W. C., *Adventuring for Democracy*, Social Unit Press, 1940.
Queen, S. A., *et al.*, *Social Organization and Disorganization*, Crowell, 1935.
Rainwater, C. E., *Community Organization*, University of Southern California Press, 1920
———, *The Play Movement in the United States*, University of Chicago Press, 1922.

Sanderson, D. L., *The Rural Community*, Ginn, 1932.
Shaler, N. S., *The Neighbor*, Houghton Mifflin, 1904.
Sorokin, P. A., and Zimmerman, C. C., *Principles of Rural-Urban Sociology*, Holt, 1929.
Steiner, J. F., *The American Community in Action*, Appleton-Century, 1928.
————, *Community Organization*, Appleton-Century, 1930.
————, *America at Play*, McGraw-Hill, 1933.
Stern, *The Family, Past and Present*.
Taylor, C. C., *Rural Sociology*, Harper, 1933.
Terpenning, Walter, *Village and Open-country Neighborhoods*, Appleton-Century, 1931.
Ward, E. J., *The Social Center*, Appleton-Century, 1913.
Warner, W. L., and Lunt, P. S, *The Social Life of a Modern Community*, Yale University Press, 1941.
Wood, A. E., *Community Problems*, Appleton-Century, 1928.
Woods, R A., *The Neighborhood in Nation Building*, Houghton Mifflin, 1923.
Zimmerman, C. C., *The Changing Community*, Harper, 1938.

CHAPTER 17

Aubrey, E. A., *Present Theological Tendencies*, Harper, 1936.
Barbour, C. E., *Sin and the New Psychology*, Abingdon Press, 1930.
Barnes, H. E., *Intellectual and Cultural History of the Western World*, Reynal and Hitchcock, 1941.
————, *The Twilight of Christianity*
Betts, *The Beliefs of Seven Hundred Ministers*.
Braden, C. S., *Varieties of American Religion*, Willett, Clark, 1936.
Briffault, Robert, *Sin and Sex*, Macaulay, 1931.
Browne, Lewis, *This Believing World*, Macmillan, 1927.
Burtt, E. A., *Religion in an Age of Science*, Stokes, 1929.
————, *Types of Religious Philosophy*, Harper, 1939.
Calverton, V. F., *The Passing of the Gods*, Scribner, 1934.
Cantril, Hadley, *The Psychology of Social Movements*, Wiley, 1941.
Chaffee, E. B., *The Protestant Churches and the Industrial Crisis*, Macmillan, 1933.
Cooper, C. C., ed., *Religion and the Modern Mind*, Harper, 1929.
Darnell, T. W., *After Christianity—What?* Brewer and Warren, 1930.
Douglass, H. P., and Brunner, E. S., *The Protestant Church as a Social Institution*, Harper, 1935.
Drake, Durant, *The New Morality*, Macmillan, 1928.
Ellwood, C. A., *The Reconstruction of Religion*, Macmillan, 1922.
Ferm, V. T. A., *Contemporary American Theology*, Round Table Press, 1932.
Flower, J. C., *An Approach to the Psychology of Religion*, Harcourt, Brace, 1927.
Fosdick, H. E., *As I See Religion*, Harper, 1932.
Friess, H. L., and Schneider, H. L., *Religion in Various Cultures*, Holt, 1932.
Givler, R. C., *The Ethics of Hercules*, Knopf, 1922.
Haydon, A. E., *Biography of the Gods*, Macmillan, 1940.
Hobhouse, L. T., *Morals in Evolution*, Holt, 1915.
Kallen, H. M., *Why Religion?* Boni & Liveright, 1927.
Kirkpatrick, Clifford, *Religion in Human Affairs*, Wiley, 1929.
Kirchwey, Freda, ed., *Our Changing Morality*, Boni, 1924.
Lake, Kirsopp, *The Religion of Yesterday and Tomorrow*, Houghton Mifflin, 1925.

Lamont, Corliss, *The Illusion of Immortality*, Putnam, 1935.
Leuba, J. H., *God or Man?* Holt, 1933.
Levy, Hyman, *The Universe of Science*, Appleton-Century, 1933.
Lippmann, Walter, *A Preface to Morals*, Macmillan, 1929.
Lowie, R. H., *Primitive Religion*, Boni & Liveright, 1924.
Martin, E. D., *The Mystery of Religion*, Harper, 1924.
May, M. A., *Studies in the Nature of Character*, Macmillan, 1928.
Maynard, Theodore, *The Story of American Catholicism*, Macmillan, 1941.
McGiffert, A. C., *History of Christian Thought*, 2 Vols., Scribner, 1932.
————, *Protestant Thought Before Kant*, Scribner, 1915.
Myers, P. V. N., *History as Past Ethics*, Ginn, 1913.
O'Toole, G. B., *The Case Against Evolution*, Macmillan, 1925.
Parshley, H. N., *Science and Good Behavior*, Bobbs-Merrill, 1928.
Potter, C. F., *Humanism*, Simon & Schuster, 1930.
————, *Humanizing Religion*, Harper, 1933.
Radin, Paul, *Primitive Religion*, Viking, 1937.
Randall, J. H., and J. H., Jr., *Religion and the Modern World*, Stokes, 1929.
Reese, C. W., *Humanist Sermons*, Open Court, 1927.
Rice, W. N., *Christian Faith in an Age of Science*, Doran, 1903.
Robinson, *The Human Comedy.*
Rogers, A. K., *Morals in Review*, Macmillan, 1927.
Russell, Bertrand, *Religion and Science*, Holt, 1935.
Russell, Dora, *The Right to Be Happy*, Harper, 1927.
Shapley, Harlow, *Flights from Chaos*, McGraw-Hill, 1930.
Shipley, *The War on Modern Science.*
Shotwell, J. T., *The Religious Revolution of Today*, Houghton Mifflin, 1915.
Sumner, *Folkways.*
Trattner, E. R., *Unraveling the Book of Books*, Scribner, 1929.
Tufts, J. H., *America's Social Morality*, Holt, 1933.
Wallis, W. D., *Religion in Primitive Society*, Crofts, 1939.
Ward, H. F., *Which Way Religion?* Macmillan, 1931.
Williams, Michael, and Kernan, Julia, *The Catholic in Action*, Macmillan, 1934.

Chapter 18

Beale, H. K., *Are American Teachers Free?* Scribners, 1936.
Buchholz, H. E., *Fads and Fallacies in Present-day Education*, Macmillan, 1931.
Burnham, W. H., *The Great Teachers and Mental Health*, Appleton, 1926.
Butts, R. F., *The College Charts Its Course*, McGraw-Hill, 1939.
Coe, G. A., *Educating for Citizenship*, Scribner, 1932.
Coon, *Money to Burn.*
Corbally, J. E., and Bolton, F. E. *Educational Sociology*, American Book Company, 1941.
Counts, G. S., *The American Road to Culture*, Day, 1930.
————, *The Social Foundations of Education*, Scribner, 1934.
————, *The Prospects of American Democracy.*
————, *The Schools Can Teach Democracy.*
Curti, M. E., *The Social Ideals of American Education*, Scribner, 1935.
Douglass, H. R., *Secondary Education for Youth in America*, National Council on Education, 1937.

Eby, Frederick, and Arrowwood, C. F., *The History and Philosophy of Education, Ancient and Medieval*, Prentice-Hall, 1940.
———, *The Development of Modern Education*, Prentice-Hall, 1937.
Elsbree, W. S., *The American Teacher*, American Book Company, 1939.
Ely, Mary, ed., *Adult Education in Action*, Am. Assoc. for Adult Education, 1936.
Gellerman, William, *The American Legion as Educator*, Teachers College Publications, 1938.
Gulick, L. H., *Education for American Life*, McGraw-Hill, 1938.
Hambidge, Gove, *New Aims in Education*, McGraw-Hill, 1940.
Hansome, Marius, *World Workers Education Movements*, Columbia University Press, 1931.
Hewitt, Dorothy, and Mather, K. F., *Adult Education*, Appleton-Century, 1937.
Hollis, E. V., *Philanthropic Foundations and Higher Education*, Columbia University Press, 1938.
Judd, C. H., *Education and Social Progress*, Harcourt, Brace, 1934.
Kallen, H. M., *Education, the Machine and the Worker*, New Republic Press, 1925.
Keppel, F. P., *Education for Adults*, Columbia University Press, 1926.
———, *Philanthropy and Learning*, Columbia University Press, 1936.
———, *The Foundation*, Macmillan, 1930.
Kilpatrick, W. H., *et al.*, *The Educational Frontier*, 1933.
Langford, H. D., *Education and the Social Conflict*, Macmillan, 1936.
Leary, D. B., *Living and Learning*, Smith, 1931.
Lindeman, E. C., *Social Education*, New Republic Press, 1933.
Lynd, *Knowledge for What?*
Maller, J. B., *School and Community*, McGraw-Hill, 1938.
Martin, E. D., *The Meaning of a Liberal Education*, Norton, 1926.
McConn, C. M., *College or Kindergarten?* New Republic Press, 1928.
Meiklejohn, Alexander, *The Experimental College*, Harper, 1932.
Melvin, A. G., *The Technique of Progressive Teaching*, Day, 1932
Morgan, J. E., *Horace Mann*, National Home Library, 1936.
———, *The Life of Horace Mann*, National Education Association, 1937.
Mort, P. R., *American Schools in Transition*, Teachers College, 1941.
Myers, A. F., and Williams, C. O., *Education in a Democracy* (with revisions), Prentice-Hall, 1942.
Newlon, J. H., *Education for Democracy in Our Time*, McGraw-Hill, 1939.
Norton, T. L., *Education for Work*, McGraw-Hill, 1938.
Osborne, A. E., *An Alternative for Revolution and War*, Educational Screen, 1939.
Pressey, S. L., *Psychology and the New Education*, Harper, 1933.
Raup, Bruce, *Education and Organized Interests in America*, Putnam, 1936.
Rugg, Harold, *Culture and Education in America*, Harper, 1935.
———, *That Men May Understand*, Doubleday, Doran, 1941.
Russell, Bertrand, *Education and the Modern World*, Norton, 1932.
Schmalhausen, S. D., *Humanizing Education*, New Education Press, 1926.
Sinclair, Upton, *The Goose-step*, Sinclair, 1923.
Smith, Harvey, *The Gang's All Here*, Princeton University Press, 1941.
Snedden, David, *What's Wrong with American Education?* Lippincott, 1927.
Spaulding, Francis, *The High School and Life*, McGraw-Hill, 1938.
Tugwell, R. G., and Keyserling, L. H., eds., *Redirecting Education*, 2 Vols., Columbia University Press, 1934.
Tunis, J. R., *Was College Worth While?* Harcourt, Brace, 1936.
Tuttle, H. S., *A Social Basis of Education*, Crowell, 1934.

Waller, Willard, *The Sociology of Teaching*, John Wiley & Sons, Inc., 1932.
Washburne, Carleton, *Remakers of Mankind*, Day, 1932.
Woody, Thomas, *New Minds, New Men*, Macmillan, 1932.

CHAPTER 19

Appleton, L. E., *A Comparative Study of the Play Activities of Adult Savages and Civilized Children*, University of Chicago Press, 1910.
Barnes, *Can Man Be Civilized?*
Barzun, Jacques, *Of Human Freedom*, Little, Brown, 1939.
Bekker, Paul, *The Story of Music*, Norton, 1927.
Bemis, A. F., and Burchard, John, *The Evolving House*, Technology Press, 1933.
Burns, C. D., *Leisure in the Modern World*, Appleton-Century, 1932.
Cheney, Sheldon, *The Theatre*, Longmans, 1929.
————, *The Story of Modern Art*, Viking Press, 1941.
Craven, Thomas, *Men of Art*, Simon & Schuster, 1931.
————, *Modern Art*, Simon & Schuster, 1934.
De Rougemont, Denis, *Love in the Western World*, Harcourt, Brace, 1940.
Dulles, F. R., *America Learns to Play*, Appleton-Century, 1940.
Elson, Arthur, *The Book of Musical Knowledge*, Houghton Mifflin, 1927.
Ewen, David, *Music Comes to America*, Crowell, 1942.
Faulkner, Ray, Ziegfield, Edwin and Hill, Gerald, *Art Today*, Holt, 1941.
Faure, Elie, *Ancient Art*, Harper, 1921.
Feldman, H. A., *Music and the Listener*, Norton, 1940.
Gardner, Helen, *Art Through the Ages*, Harcourt, Brace, 1926.
Gassner, John, *Masters of the Drama*, Random House, 1940.
Giedion, Sigfried, *Space, Time and Architecture*, Harvard University Press, 1941.
Gilbert, K. E., and Kuhn, Helmut, *A History of Aesthetics*, Macmillan, 1939.
Gray, Cecil, *The History of Music*, Knopf, 1928.
Greenbie, M. B., *The Arts of Leisure*, McGraw-Hill, 1937.
Groos, Karl, *The Play of Animals*, Appleton-Century, 1898.
————, *The Play of Man*, Appleton-Century, 1901.
Grousset, René, *Civilizations of the East*, 3 Vols., Knopf, 1941.
Hambidge, Gove, *Time to Live*, McGraw-Hill, 1933.
Hamlin, A. D. F., *History of Architecture*, Longmans, 1925.
Harrison, Jane, *Ancient Art and Ritual*, Holt, 1913.
Hitchcock, H. R., *In the Nature of Materials*, Duell, Sloan & Pearce, 1942.
Hoffman, Malvina, *Sculpture, Inside Out*, Norton, 1939.
Howard, J. T., *Our Contemporary Composers*, Crowell, 1941.
Jacks, L. P., *The Education of the Whole Man*, Harper, 1933.
Johnson, Philip, *Machine Art*, Norton, 1934.
Keppel, F. P., and Duffus, R. L., *The Arts in American Life*, McGraw-Hill, 1933.
Kieran, John, and Golinkin, J. W., *The American Sporting Scene*, Macmillan, 1941.
Krout, J. A., *Annals of American Sport*, Yale University Press, 1929.
Lang, *Music in Western Civilization.*
Lee, *Play in Education.*
Loeb, *Life in a Technocracy.*
Lundberg (F), *America's Sixty Families.*
Lundberg, G. A., *Leisure: A Suburban Study*, Columbia University Press, 1934.
Marquand, Allan and Frothingham, A. L., *History of Sculpture*, Longmans, 1912.
McMahon, A. P., *The Art of Enjoying Art*, McGraw-Hill, 1938.

Maurois, André, *The Art of Living*, Harper, 1940.
Nash, J. B., *Organization and Administration of Playgrounds*, Barnes, 1927.
————, *Spectatoritis*, Sears, 1932.
Nef, Karl, *An Outline of the History of Music*, Columbia University Press, 1935.
Orton, W. A., *America in Search of Culture*, Little, Brown, 1933.
Overmyer, Grace, *Government and the Arts*, Norton, 1939.
Pack, A. N., *The Challenge of Leisure*, Macmillan, 1934.
Patrick, G. T. W., *The Psychology of Relaxation*, Houghton Mifflin, 1916.
Rainwater, *The Play Movement in the United States*.
Read, H. E., *Art and Industry*, Harcourt, Brace, 1935.
Reinach, Solomon, *Apollo*, Scribner, 1914.
Rice, E. A., *A Brief History of Physical Education*, Barnes, 1926.
Ruckstull, F. W., *Great Works of Art*, Garden City, 1925.
Saint-Gaudens, Homer, *The American Artist and His Times*, Dodd, Mead, 1941.
Steiner, J. F., *America at Play*, McGraw-Hill, 1933.
Tallmadge, T. E., *The Story of Architecture in America*, Norton, 1927.
Terry, Walter, *Invitation to Dance*, Barnes, 1942.
Tomans, A. S, *Introduction to the Sociology of Art*, Columbia University Press, 1941.
Van Dyke, J. C., *History of Painting*, Longmans, 1915.
Venturi, Lionello, *Art Criticism Now*, Johns Hopkins Press, 1942
Waterhouse, P. L., *The Story of Building*, Appleton-Century, 1927
Welch, R. D., *The Study of Music in the American College*, Smith College Press, 1925.
Whitaker, C. H., *The Story of Architecture*, Halcyon House, 1934.
Wren, C. G., and Harley, D. L., *Time on Their Hands*, National Council on Education, 1941.
Wright, F. L., *Frank Lloyd Wright on Architecture*, Duell, Sloan & Pearce, 1941.
Young, C. V. P., *How Men Have Lived*, Stratford, 1931.

CHAPTER 20

Albig, *Public Opinion*.
Barnes, *Can Man Be Civilized?*
————, *Living in the Twentieth Century*.
————, *The Twilight of Christianity*.
Beaglehole, *Property*.
Beard, *A History of the Business Man*.
Bossard, *Man and His World*.
Burnham, *The Managerial Revolution*.
Burns, *Leisure in the Modern World*.
Chamberlain, John, *The American Stakes*, Carrick & Evans, 1940.
Chase, Stuart, *The Most Probable Tomorrow*, Harcourt, Brace, 1941.
Cole, *A Guide to Modern Politics*.
————, *A Guide Through World Chaos*.
Cooley, *Social Organization*.
Counts, *The Prospects of American Democracy*.
Davis, *Capitalism and Its Culture*.
Dennis, *The Dynamics of War and Revolution*.
Doob, *Propaganda*.
Drake, *The New Morality*.

Dulles, *America Learns to Play.*
Ernst and Lindey, *The Censor Marches On.*
Fodor, *The Revolution Is On.*
Freeman, *Conquering the Man on the Street.*
Furnas, C. C., *The Next Hundred Years,* Reynal & Hitchcock, 1936.
Gore, *Property.*
Grattan, *Preface to Chaos.*
Hallgren, *Landscape of Freedom.*
Hayes, *Historical Evolution of Modern Nationalism.*
Howe, *The News and How to Understand It.*
Huberman, *Man's Worldly Goods.*
Hertzler, *Social Institutions.*
Jackson, *Look at the Law.*
Jenks, *Man and the State.*
Keller, *Man's Rough Road.*
Keppel and Duffus, *The Arts in American Life.*
Langdon-Davies, *A Short History of the Future.*
Laski, H. J., *Where Do We Go From Here?* Viking, 1940.
Lichtenberger, *Divorce.*
Lundberg, *America's Sixty Families.*
Lynd, *Knowledge for What?*
Marshall, *The Story of Human Progress.*
McConn, *College or Kindergarten?*
McVey, *Modern Industrialism.*
Newlon, *Education for Democracy in Our Time.*
Ogburn, *Social Change.*
————, and Nimkoff, *Sociology.*
Ogg and Sharp, *The Economic Development of Modern Europe.*
Overmyer, *Government and the Arts.*
Penman, *The Irresistible Movement of Democracy.*
Pink, *A Realist Looks at Democracy.*
Porritt, *The Causes of War.*
Potter, *Humanism.*
Randall, *Our Changing Civilization.*
————, *Religion and the Modern World.*
Riegel, *Mobilizing for Chaos.*
Sait, *Political Institutions.*
Sargent, *Getting US Into War.*
Schmalhausen, *Humanizing Education.*
Smith, *The Devil of the Machine Age.*
Sorokin, P. A., *The Crisis of Our Age,* Dutton, 1941.
Soule, George, *The Strength of Nations,* Macmillan, 1942.
Steiner, *America at Play.*
Waller, *The Family.*
Willey and Rice, *Communication Agencies and Social Life.*
Wright, *The Causes of War and the Conditions of Peace.*

INDEX

Index

A

Abelard, Peter, 730
Abuses of property, 195–197
Academic freedom, problems of, 787–791
Activities, human, arising from needs, 24–29
Act of Settlement, 295
Adams, Charles Francis, 802
Adams, Evangeline, 523
Adams, John, 234, 299
Adler, Alfred, 22, 814
Adler, Felix, 691
Administration of public education, 741–742
Adult education, 745–746, 778–781
Advanced Modernists, doctrine of, 691–692
Advertising, radio, 517, 524
AFL, *see* American Federation of Labor
Agar, Herbert, 279
Age, as industrial and social problem, 156–158
Agricultural Revolution, 71, 78–81
Agriculture, changes since first World War, 84–85; control, forms of, 103–104; development of, 24; Greek and Roman, 72–74; mechanization of, 81–84; medieval, 74–78; Near East, ancient, 70–72; origins of, 69–70
Airplanes, development of, 474–476
Air warfare, 318–321
Alexander the Great, 311–312
Alimony, problem of, 633
Allen, Florence, 616
Allport, Floyd H., 808–809
Alphabet, origins of, 453–454
American Association for Adult Education, 779
American Association for the Advancement of Atheism, 692
American Association of University Professors, 789
American Automobile Association, 830
American Civil Liberties Union, 305, 593–594, 790, 791
American Federation of Labor, 14, 150
American Federation of Teachers, 786, 792–793
American Lawn Tennis Association, 828
American Student Union, 791
American Tobacco Company, 124
Analytical jurisprudence, 371
Anderson, Paul Y., 559–560
Angell, Norman, 274, 336, 348
Animals, use in agriculture, 70, 72, 74, 76–77
Anthony, Susan B., 617
Anti-Semitism, prejudice of, 542
Appleby, John F., 82
Aquinas, Thomas, 211
Architecture, development of, 844–846, 848, 851
Arkwright, Richard, 94, 107
Armament race, 345
Armstrong, Edwin H., 515
Arnold, Thurman, 158
Art, censorship of, 577–580; contemporary American, trends in, 850–860; development of, 6, 839–844; federal encouragement of, 850–857; growth of, in U. S., 844–850; leisure-time activity, 838–839
Aryan hegemony in Germany, 8, 330
Assizes of Jerusalem and Antioch, 305
Associated Press, 493
Associations, form of social organization, 15–16
Assyria, ancient, *see* Near East
Atheism, doctrines of, 692
Athenian society, *see* Greek society
Athletics, historical survey of, 818–823; in modern education, 761–763
Atlantic cable, 478–479
Atwood, Harry F., 383
Austin, John, 371
Automobiles, development of, 471–472
Aylesworth, M. E., 593
Ayres, Stuart, 546

B

Babson, Roger, 472
Babylonia, ancient, *see* Near East
Bachofen, J. J., 602
Bacon, Francis, 456
Baer, George F., 59
Bagehot, Walter, 205
Bakewell, Robert, 79
Baldwin, Roger, 305
Bank failures, 133
Bank holiday, 50–51
Banning, Margaret Culkin, 570
Bar Association of New York, 433
"Bargain-counter justice," 435
Barnard, George Grey, 849
Barnard, Henry, 732
Barnes, Albert C., 849
Barrett, Boyd, 711
Bartlett, George A., 628
Bartlett, Kenneth G., 525
Barton, Bruce, 551, 565
Baseball, growth of, 823, 836
Basketball, development of, 824
Bayle, Pierre, 681, 685
Beaglehole, Ernest, 164–165
Beale, Howard K., 787–788
Beard, Charles A., 230, 254
Beck, James M., 227, 252
Becker, Carl Lotus, 214, 758
Bedford, Duke of, 79

Beecher, Catherine E., 850
Behavior, human, change in, 35–38
Bell, Alexander Graham, 407, 480
Bellamy, Edward, 51
Bellows, George, 343
Bell Telephone Company, 483
Bennett, James Gordon, 480, 489
Bentham, Jeremy, 370, 371, 717
Bentley, A. F., 230, 333
Benton, Thomas Hart, 343, 849, 850
Berle, Adolph A., 182, 199, 417–418, 420, 445
Bernays, Edward L., 478, 508
Bessemer, Sir Henry, 95
Betts, George Herbert, 689
Bickel, Karl W., 495, 530
Bill of Rights, 294–295
Bill of Rights for Teachers, 790–791
Binder, twine, invention of, 82
Biological causes of war, 320–330
Birth-control movement, 617
Black, Hugo L., 414
Black, W. P., 432
Blackstone, William, 160, 177, 308
Blanshard, Paul, 700
Bleriot, Louis, 474
Blitzkrieg, methods of, 318–319
Bloc system, party politics, 232
Blouht, Charles, 575
Blum, Léon, 349
Boas, Franz, 44, 603
Bonds, social, types of, 7–10
Bonger, W. A., 713
Bonuses, excessive, mismanagement, through, 131
Books, censorship of, 577–580; rise of communication through, 460–463
Borchard, Edwin M., 442
Borsodi, Ralph, 844
Boss controlled politics, 241–243
Bourgeois revolution, 55
Bowles, Samuel, 488
Boxing, development of, 836–837
Brady, "Diamond Jim," 107
Brailsford, H. N., 196, 216
Brandeis, Louis D., 411, 414, 421
Breasted, James H., 546, 680, 799
Bridgewater, Duke of, 95
Briffault, Robert, 602
Brindley, James, 95
Brinkley, J. R., 594
British income tax, compared with U. S., 145
Bromley, Dorothy Dunbar, 396–398
Broun, Heywood, 577
Browder, Earl, 592, 593
Brown, Rollo Walter, 710–711
Brown, V. K., 833
Brunner, Heinrich, 371
Bruno, Giordano, opposition to, 53
Brutalization, effect of warfare, 342
Bryan, William Jennings, 62, 348, 548, 688
Bryant, William Cullen, 488
Bryce, James, 273, 286–287
Buchman, Frank N. D., 693
Buck, A. E., 254
Budget and Accounting Act, 253–254
Burke, Edmund, 871
Business propaganda, 564–569
Butler, Nicholas Murray, 281, 348, 403, 562
Butler, Pierce, 414
Bye, Raymond T., 139
Byrd, Richard, 404
Byrnes, James F., 414

C

Cables, communication, 478–479
Cadman, S. Parkes, 593
Calcord, Joanna C., 642
Caldwell, Erskine, 577
Calhoun, Arthur W., 184, 295
Cameron, William J., 155, 567–568, 803
Camp, Walter C., 823
Campbell, Marcus B., 390
Canals, development of, 95
Cannon law, Catholic, in Middle Ages, 365–367
Capella, Martinus, 729
Capitalism, appraisal of crisis in, 805–806; ascendency of, 125–127; defects in, 127–137; evolution of, 122–125; in ancient world, 115–116; industrial, 137–139; outlook for, in U. S., 158–159; problems of, 140–153; property under, 180–185; rise of, historical background, 115–121; traits and practices of, 119–120; value of, to society, 146–149
Cardozo, Benjamin, 399
Carnegie, Andrew, 124, 348
Carter, James Gordon, 371, 732
Cartoons, animated, 853
Cartwright, Alexander J., 823
Cartwright, Edmund, 94
Catholic Social Welfare Council, 699
Catt, Carrie Chapman, 617
Censors, types of, 576–577
Censorship, appraisal of crisis in, 872–874; art, books, theater, 577–580; history and nature of, 573–576; libel racket, 580–581; motion-picture, 585–591; of broadcasting, 522; political, 581–585; radio, 591–594; remedies for, 596–597; types of censors, 576–577
Cermak, A. J., 258
Chafee, Zechariah, Jr., 446–447
Chain-stores, development of, 102
Chamberlain, Houston Stewart, 330
Chamberlin, William Henry, 216, 274, 286
Change, social, and education, 772–778
Chase, Stuart, 136, 138–139, 457–459
Chase National Bank, 124
Chemistry, applied to industry, 95–96
Cheyney, E. P., 214
Child labor, 646
Child problems, 645–648
Children's Aid Society of New York, 646–647
Childs, Marquis W., 475
Chonte, Joseph H., 406–407
Christian art, 841–842
Christian synthesis, the, 678–683
Christianity, divorce, attitude toward, 620–621; nature of, 678–683
Churchill, Winston, 168
CIO, *see* Congress of Industrial Organizations
City life, impact of, effect on rural life patterns, 662–664
City planning, 845, 848, 851
City-states, early, government of, 202–205
Civilian Conservation Corps, 635, 640

Civilization, lawyer-made, 353–355; on supra-pig level, 795–797
Civil liberties, contemporary crisis of, 296–306; crisis in, 306–308; historical origins of, 292–296; laws and court cases destroying, 298–299; nature of, 290–292; struggle for, 290–308; war influence on, 343
Civil-service system, growth of, 252
Clark, Harold F., 83–84
Clarke, Edward Y., 688
Classes, social and economic, prejudices of, 535–536
Clean, fundamental religious concept, 677
Close, Upton, 523
Code Napoléon, 370
Cohen, Julius Henry, 419
Coke, first use of, 94–95
Coke, Thomas, 80
Coleman, Lawrence, 859
Collective bargaining, 149–150
Colleges, development of, 738–739
Collins, Anthony, 685
Columbia Broadcasting System, 517, 519, 592
Comenius, Johann Amos, 731
Commentators, radio, influence of, 523
Commerce, development of, 98–102
Commercial Revolution, 80
Common law, English, growth of, 367–368
Commonwealth Fund, 646
Communication, agencies of, development, 464–467; alphabet, origins of, 453–454; appraisal of crisis in, 872–873; development of, 26–27; language, origins of, 450–453; language, social and intellectual problems of, 454–459; means of, progress in, 476–487; modern, revolutionary character of, 463–464; motion pictures as factor in, 505–514; newspaper as means of, 487–503; periodical press, 503–505; postal service, 485–487; printing, invention of, 460–463; radio, development of, 514–530; rise of, through books and printing, 460–463; social future and, 530–532; telegraphic, 476–480; telephonic, 480–485; television, 527–530; travel and transportation, improvements in, 467–471; written language, origins of, 453–454
Communism, defined, 114–115
Community, form of social organization, 15
Community life, meaning of, 649–650; organization supplants primary groups, 664–666
Comparative school of jurisprudence, 371–372
Composers, American, 850
Comstock, Anthony, 577, 579, 844
Comstock Law, 576
Comte, August, 19, 39, 47
Conduct, historical attitudes toward, 714–718
Congress of Industrial Organizations, 14, 150, 231
Conrad, Lawrence, 806–807
Conscription, military, 324–325
Constitutional government, rise of, 221–228
Constitutional law, 406–417
Constitutions, modern, 223–224
Control, industrial, forms of, 103–111; social, modes of, 18–19
Cook, Whitfield, 524–525
Cooley, Charles H., 13, 14, 279, 650, 651
Coolidge, Calvin, 551
Coon, Horace, 588, 802
Coordinator of Information, 563
Coquille, Guy, 369
Corey, Lewis, 158
Cornell, Ezra, 479
Corporate control of finance, 125–127
Corporation law, 417–426
Corruption under party government, 248–259
Cort, Henry, 95
Coster, Lourens, 462
Costs of party elections, 243–244
Cotton-gin, invention of, 94
Cotton-picker, invention of, 82
Coughlin, Charles E., 555
Court cases destroying civil liberties, 298–299
Courtroom procedure, law in, 392–406; suggested reforms in, 442–449
Cox, Marion, 631
Coyle, David Cushman, 555
Crane, Frederick E., 421
Cravath, Paul D., 418
Craven, T. A. M., 464–465, 531
Crime, an inroad on private property, 197; religion, morals and, 712–714
Criminal law, defects of, 432–437
Crompton, Samuel, 94
Cromwell, William Nelson, 419
Cugnot, Joseph, opposition to, 54
Cultural bond, group influence of, 12
Cultural implications of gulf between machines and institutions, 55–58
Cultural lag, 18
Cultural outlook, common, promotes group life, 9
Culture, contemporary, institutional lag in, 58–63; impact of war upon, 339–344; prejudices of, 536
Curriculum, development of, in public education, 743–744
Curtis, Henry S., 831
Custom, prejudices of, 534
Cutten, George Barton, 747
Cylindrical press, introduction of, 491

D

da Feltre, Vittorino, 731
Daguerre, Louis, 506
Dalton system of instruction, 733
Dana, Charles A., 488, 489
Darby, Abraham, 94–95
Darrow, Clarence, 432, 592–593, 688
Darwin, Charles, 38, 40
Daughters of the American Revolution, 299, 305
Davis, Elmer, 331, 523
Davis, Jerome, 793
Davis, John W., 59
Davis, Katharine B., 639
Davis, Kingsley, 631
Davy, Humphry, 80
Dawson, Mitchell, 422
Debs, Eugene V., 273
Debt, public and private, menace of, 133–134
Declaration of the Rights of Man, 295
de Couvertin, Pierre, 825

Deering, William, 82
de Gobineau, Joseph Arthur, 330
Deists, religious liberals, 685
Democracy, appraisal of crisis in, 869–870; assumptions of, 274–278; history of, 268–274; political future and, 287–290; propaganda and, 572–573; testing of, 278–290
Democratic party, 237–238
Democratic-Republican party, 237
Dennett, Mary Ware, 578, 580
Depression, periods of, 80–81, 147, 198
de Schweinitz, Karl, 666
Deserted women, family problems of, 641–643
Devout Modernists, doctrine of, 689–691
Dewey, John, 207, 647, 733, 776–777
d'Holbach, Baron, 685
Dies Committee, work of, 303–304, 565
Dietrich, John H., 674–675, 701
Dillon, Read and Company, 124
Disarmament conferences, 345–346
Discipline, result of social organization, 17
Disease, effect of war, 343
Disintegration of primary groups, 651–657
Divorce, causes of, in U. S., 625–629; extent and prevalence, in U. S., 622–625; legislation and practices, history of, 618–622; remedies for, 629–633
Doherty, Henry L., 126
Domestic industry, medieval, 90–92, 93
Donovan, William J., 563
Doob, Leonard W., 546
Doubleday, Abner, 823
Douglas, Paul H., 154, 266, 267
Douglas, William O., 414
Draper, J. W., 506
Drew, Daniel, 131
Drives, basic human, 22–24; property, 165–168
Duffus, Robert L., 537
Dunn, C. V., 713
Dunning, William A., 39
Durant, Will, 278, 279–280
Durkheim, Emile, 15, 201
Dyer, Gus W., 805

E

Economic causes of war, 333–336
Economic prejudices, 530
Economic problems, nature of, 113–115
Economic society, development of, 5–6; group influence of, 11–12
Eddy, Sherwood, 700
Edison, Thomas A., 54, 506
Edman, Irwin, 838
Education, academic freedom, problems of, 787–791; adult, 778–781; appraisal of crisis in, 876; art, 848; as primary institution, 33–34; contemporary, defects of, 746–763; cultural lag of, 61; demoralized by war, 340; history of, landmarks in, 728–734; importance of today, 726–728; mass, 734–746; prejudices of, 543; propaganda, 571–572; raids on, 781–787; rational system of, 763–772; scientific study of, 740; social change and, 772–778; teachers, organization of, 791–794
Efficiency, social, and institutions, 35–38
Egypt, ancient, *see* Near East
Eliot, Charles W., 733
Elliott, W. Y., 227
Ely, Richard T., 68
Emerson, Ralph Waldo, 845
Employment of women, 613–618
Enclosures, in English agricultural development, 80
Engelbrecht, H. C., 346
Engels, Friedrich, 779
Engine, internal combustion, development of, 82; steam, development of, 94
England, democracy in, 271
English political parties, 233–234
Epidemics, effect of war, 343
Epstein, Abraham, 149, 154–155
Equal Rights Law, Wisconsin, 616–617
Ericsson, John, 95
Ernst, Morris L., 578, 580, 585
Estabrook, Henry D., 226
Ethical Culture Society, 691
Ethics, historical attitudes toward, 714–718
Ethnology, property drives in light of, 165–168
Etiquette, social, prejudices of, 536
Evolution, agriculture, aspects of, 69–85; capitalism, 122–125; law, 355–370; manufacturing, trends in, 85–112; social institutions, 38–47; warfare, 311–326
Experimental schools, 733
Expression, self, basic human drive, 22
Extravagance under party government, 248–259

F

Fabian Society, 779
Factory system, development of, 106–108
Facts and Figures, Office of, 563
Fairchild, Henry Pratt, 809–810
Family life, appraisal of crisis in, 874–875; as primary institution, 32; as social group, 11; basis of social organization, 5, 7; child care outside of, 645–648; deterioration of, 651–655; development of, 601–613; divorce, problems of, 618–633; evolution of, 46; future of, 633–637; illegitimacy as social problem, 643–645; incomes, average, 143; instability of, remedies for, 629–633; patriarchal, break-up of, 608–613; present concept of, 60–61
Faneuil, Peter, 123
Farago, Ladislas, 561
Fascism, defined, 114–115
Fear, group influence of, 12; reaction to, as psychological bond, 8
Federal Communications Commission, 520–522, 529, 594
Federal Constitution, 295, 381–384
Federal payroll, 249–252
Federal Radio Commission, 520
Federalists, political party, 237
Federated American Engineering Societies, report on industrial waste, 139–140
Federation of Teachers' Associations, 793
Feeble-mindedness, study of, 733–734
Fee system, legal practice, 419, 422–424
Feminism, rise of, 613–618
Fertilization, artificial, early use of, 72, 80

Fetishism, fundamental religious practice, 677–678
Feudal law, 364–365
Feudal politics, medieval Europe, 208–212
Fichte, Johann Gottlieb, 455
Field, Cyrus W., 478
Finance capitalism, abuses of, 196; ascendency of, 125–127; defects in, 127–137; property under, 180–185
Financial raid on education, 781–783
Fisher, Irving, 218–219
Fiske, Irving, 528–529
Fiske, John, 601
Fleck, A. C., 225
Fly, James Lawrence, 521
Flying shuttle, invention of, 94
Flynn, John T., 130, 158, 258
Follett, M. P., 263
Football, development of, 823–824, 836
Forbes, William H., 483
Ford, Henry, 108, 124, 471
Foreign news, censorship of, 584–585
Fosdick, Harry Emerson, 290–300, 593
Fouillée, Alfred, 20
Foundations of property, psychological, 164–165
Fourteenth Amendment, 183, 297
Fox, William, 419
Fraenkel, Osmond K., 297
France, suffrage in, 271
Frankfurter, Felix, 414
Franklin, Benjamin, 805
Franks, medieval law among, 362–364
Fraudulent elections, 245
Frazer, J. G., 451, 673
Frederick the Great, 732
Freedom of press, 574–575
Free Thinkers Society, 692
French, Daniel Chester, 849
Frequency modulation, development of, 514–515
Froebel, Friedrich, 733
Frozen foods, 84
Functional society, development of, 9
Fundamentalism, doctrine of, 687–689
Furnaces, air-blast, invention of, 95

G

Gantt, Henry L., 108
Garrison, William Lloyd, 548
Gaudet, F. J., 437
Geographic influence, on social development, 7; on social groups, 10–11; prejudices of, 535
General Motors Corporation, 137
Gerard, James W., 287
German Imperial Code, 370
Germany, censorship in, 582; control of trade, 110; planned economy, 98; propaganda in, 556–559; recreation in, 825; suffrage in, 271
Gibbons, John M. F., 396–397
Giddings, Franklin Henry, 8, 14, 15, 19, 39, 240, 268, 533
Gilbreth, Frank B., 108
Gild industry, medieval, 90–91, 105, 110
Ginn, Edward, 563
Girdler, Tom, 149
Gisnet, Morris, 375
Gitlow, Benjamin, 299
Glass industry, development of, 93
Gods, rise of, 674–677
Goebbels, Paul Joseph, 556, 582
Goldberg, Louis P., 401
Goldenweiser, Alexander, 37
Goldman, Emma, 301
Golf, development of, 824
Goodsell, Willistyne, 651–652
Goodyear, Charles, 96
Gormley, M. J., 470
Gould, Jay, 131
Government, appraisal of crisis in, 868–869; as social institution, 34; development of, 27–28; evolution of, 46; expenditures of, 248–253
Government Reports, Division of, 563
Graft, in party politics, 256–259
Grant, Madison, 330
Gras, N. S. B., 80–81, 127
Gray, Elisha, 480
Greek society, agriculture in, 72–73; art in, 840–841; capitalism in, 116; censorship in, 573; city-states, government of, 203–205; civil liberties in, 292–293; commerce and trade, 99, 102; contributions to Christianity, 681; democracy in, 269; divorce in, 619; education in, 728–729; family in, 606; inheritance of property, 187; manufacturing in, 88–89; property in, 172–174; recreation in, 816, 818; warfare, methods of, 311–312
Greeley, Horace, 488
Griffith, D. W., 506
Groos, Karl, 813
Group activity, modes of, 18–19
Group life, foundations of, 7–10
Groups, social, leading forms of, 10–13; primary, 13–14; secondary, 14; we-groups, 14–15
Gulick, Luther H., 545, 831
Gunpowder, use in warfare, 316
Gutenberg, Johann, 460, 462

H

Habeas Corpus Act, 294
Habit, prejudices of, 534
Hague, Frank, 259
Haines, Charles G., 60, 406
Hall, Edward J., 483
Hall, G. Stanley, 647, 722, 733, 813
Hall, Joseph, 95
Hamilton, Alexander, 215, 226, 237, 382
Hamilton, Alice, 373, 401
Hamilton, G. V., 639
Hamilton, Walton H., 29, 161, 222
Hamlin, Alfred D. F., 838
Hammurabi, code of, 162, 172, 358
Hancock, John, 123
Hand, Learned, 418
Hanighen, F. C., 346
Hanna, Mark, 243
Hanseatic League, control of trade, 110, 176
Hansen, Alvin H., 158
Harding, Warren G., 242, 349
Hargreaves, James, 94
Harper, Charles Rainey, 744
Harris, G. S., 437
Harrison, Jane, 816
Hartshorne, Hugh, 713
Hartwell, Edward M., 825
Harvesting machines, invention of, 82
Harvey, George, 242
Hatch Acts, 261

Hayes, Carlton J. H., 219–220, 333
Hays, Will, 587, 589
Healy, William, 647
Hearst, William Randolph, 489, 494, 495
Heisenberg, Werner, 758
Helvétius, Claude, 731
Henry II, 367–368
Henry, Patrick, 300, 382
Herbert of Cherburg, Lord, 685
Herrick, Myron T., 242
Herring, E. P., 247
Herron, Carl V., 338
Hertz, Heinrich, 479
Hertzler, J. O., 30, 32
Hewett, W. W., 139
Hibbard, Angus J., 483
Hightower, P. R., 713
Highways, construction of, 473–474
Hill, Rowland, 486
Hitler, Adolf, 8, 350, 554, 556
Hobbes, John, 371
Hobhouse, L. T., 194
Hobson, J. A., 194
Hockey, development of, 824
Hoe culture, 69–70
Holbrook, Stewart H., 307, 308
Holcombe, A. N., 247, 266
Holding companies, 127–131
Holland, Thomas Erskine, 371
Holmes, Oliver Wendell, 301, 399, 413
Holmes, Samuel J., 643–644
Holt, Benjamin, 82
Holy Roman Empire, 210
Hoover, Calvin B., 287
Hoover, Herbert, 59, 139, 147, 242, 796
Hopkins, Ernest Jerome, 433
Hopkins, Harry, 857
Hopkins, Mark, 754
Hopson, Howard, 198
Howard, Roy W., 494, 580
Howells, T. H., 713
Hubbard, Elbert, 844
Hughes, Charles Evans, 405, 415
Hull, Cordell, 335
Human behavior, basis of, 10; change in, 35–38
Human drives, basic, 22–24
Humanism, doctrines of, 691–692, 701
Hume, David, 177, 685, 716
Hussey, L. M., 388
Hussey, Obed, 81–82
Hutchins, Robert M., 772, 790

I

Illegitimacy, as social problem, 643–645
Incitement to Disaffection Act, 306, 502
Income, classes of, 143–144
Income tax, federal, 145–146
Industrial revolutions, first, 94–95, 219–220; property after, 178–180; second and third, 95–98
Industry, appraisal of crisis in, 864–865; control, forms of, 104–109; evolution of, 46, 66–69; Greek, 88–89; medieval, 90–92; modern, early, 92–93; Oriental, 87–88; recreation afforded by, 832; revolutions, 52–53, 94–102, 219–220; Roman, 89–90; unemployment, 153–156; waste in, 138–139; *see also* Agriculture, Manufacturing
Inflation, an inroad on private property, 197–198
In-groups, development of, 14–15
Inheritance of property, 185–189
Innocent III, 211
Institute for Propaganda Analysis, 550, 552, 556, 559, 567, 595
Institute of Social and Religious Research, 713
Institutional lag in contemporary culture, 58–63
Institutions, social, appraisal of crisis, 861–864; change in, 35–38; defined, 29–30; development of, 30–31; evolution of, 38–47; gulf between machines and, 52–55; impact of urban life on, 657–662; legal criticisms of, 372–377; machines and, implications of gulf between, 55–58; panorama of, 22–47; primary and secondary, 31–35; social efficiency and, 35–38; warfare as, 321
Insull, Samuel, 198
Interests, human, arising from needs, 24–29
International Harvester Company, 124
International Telephone and Telegraph Corporation, 482
Inventions, 94–97; mechanical, opposition to, 53–54; stimulated by war, 339
Ise, John, 777
Italy, after first World War, 349–350

J

Jacks, L. P., 807–808, 811
Jackson, Andrew, party politics and, 236
Jackson, Percival E., 375, 392–393, 420, 431, 442–443
Jahn, Friedrich Ludwig, 822
James, William, 534
Jastrow, Joseph, 596
Jaurès, Jean, 348, 349
Jazz music, 849–850
Jefferson, Thomas, 81, 237, 275–276, 299, 548, 685
Johnson, Andrew, 548
Johnson, Gerald, 595
Jones, Bassett, 134
Jones, Robert M., 388
Jordan, D. S., 329
Josephson, Matthew, 801
Journalism, cultural lag of, 61–62
Judaism, contributions to Christianity, 679–680
Junior colleges, development of, 745
Junior high school, development of, 745
Jury trial, travesty of, 437–442
Justification, social, of property, 189–195
Justinian, code of, 361

K

Kahn, Otto, 128
Kallen, Horace M., 61, 751
Kaltenborn, H. V., 523
Kant, Immanuel, 717
Karolyi, Michael, 301
Kay, John, 94
Kayakawa, S. I., 456, 457
Keith, Arthur, 543–544
Keller, Albert Galloway, 40–42, 160, 166
Kelley, Edward, 579
Kellogg Pact, 347
Kelly, Fred C., 198, 424–425, 456
Kelly, William, 54, 123
Kemal, Mustapha, 606
Kent, Rockwell, 849

Keynes, J. M., 158
Kindergarten, establishment of, 73
Kinship, as social bond, 7
Kirkpatrick, Clifford, 697–698
Klatt, Ellen, 639
Kohler, Joseph, 371
Kroeber, A. L., 86
Kuhn, Loeb and Company, 124, 128

L

Labor, child, 640; free, 81; organized, problems of, 149–153; slave, 89–90, 103, 104, 195, 799–800
La Follette, Robert M., 262, 273, 30
La Guardia, Fiorello, 579
Lake, Kirsopp, 703–704
Land transportation, beginnings of 405–406
Language, differentiation of, in medieval culture, 211–212; origins of, 450–453; social and intellectual problems of, 454–459
Laski, Harold J., 305, 306
Lasswell, Harold D., 196, 546, 562
Lavine, Emanuel, 433
Law, appraisal of crisis in, 876–871; canon law, Catholic, 361, 365–367; code of *Hammurabi*, 162, 172–358; common, *English*, 367–368; constitutional, 406–417; corporation, 417–426; criminal, defects of, 432–437; cultural lag of, 60; defects in current system, 377–381; development of, 6; evolution of, 355–370; feudal, 364–365; Franks, early medieval among, 362–364; institutions and practices, criticisms of, 372–377; in the courtroom, 39–406; jury trial, travesty of, 437–442 making, problems arising out of, 38–391; modern times, early, 368–370; national, rise of, 367–368; natural, 40–417; prejudices of, 540–541; primitive, 355–358; rank-and-file lawyers, activities and methods of, 426–432; Roman, 358–362; theories and schools, modern, 370–372
Law-making, problems arising out of, 381–391
Law Merchant, The, 365
Law schools, 361–362, 370–372
Laws destroying civil liberties, 288–290
Lawyer-made civilization, our, 355–355
Lawyers, rank-and-file, activities and methods, 426–432
Lawyers' lawyer, 418–419
Lazarus, Moritz, 813
League of Nations, 347
Le Bon, Gustave, 11
Lee, Higginson and Company, 124
Lee, Ivy, 549, 568
Lee, Joseph, 831
Leech, Margaret, 577
Legal institutions and practices criticisms of, 372–377
Legal practice, commercialized, 417–426; suggested reforms in, 442–449
Legion of Decency, 586
Leisure, appraisal of, 876; art-activity, 838–839; ethics of, 804–807; evolution of, 797–804; recreation and, 812–815; social and psychological phases of, 807–812
Le Play, Frédéric, 7
Lerner, Max, 415
Leuba, J. H., 712
Levenson, Eleanore, 401
Lewis, Dio, 825
Lewis, Joseph, 692
Lewis, Sinclair, 627, 628
Lewisohn, Ludwig, 629
Lewisohn, Sam A., 435
Libel racket, 580–581
Liberty, crisis in, 306–308
Liberty League, 418, 554
Lichtenberger, J. P., 653
Lilburne, John, 270
Lincoln, Abraham, 300
Lindeman, E. C., 188–189
Lippman, Walter, 155, 708, 803
List, Friedrich, 335
Little, Clarence C., 759–760
Livestock, use in agriculture, 70, 72, 74, 76–77
Lobby, national, power of, 246–247
Locke, John, 177, 178, 369, 685, 731
Lockhart, Robert, 824
Lockwood, Belva, 617
Locomotive, steam, invention of, 95
Loeb, Harold, 98
Lombard, Peter, 211
Loom, power, invention of, 94
Lorentz, Pare, 585
Lowell, A. Lawrence, 788
Lowell, Francis Cabot, 123
Lowenthal, Max, 128, 158
Lowie, Robert H., 44, 169, 603
Lucretius, 39
Lundberg, Ferdinand, 287, 355, 376, 377, 420, 422, 431, 432, 442
Lundberg, George A., 811
Lynd, Robert S., 46–47, 572, 776

M

MacDonald, Ramsay, 283, 285
MacDonald, William, 227
Machine politics, 236, 241–243
Machines, development of, 52–53, 94–97; institutions and, gulf between, social implications of, 55–58
MacIver, R. M., 15, 263
Mackay, John W., 480
MacLeish, Archibald, 563
Magic, distinguished from worship, 674
Magna Carta, 294
Maguire, John MacArthur, 446
Mahan, Alfred T., 317
Mail-order houses, development of, 102
Maine, Henry Sumner, 371
Maitland, F. W., 371
Malinowski, Bronislaw, 329, 603
Man, as an animal, 3; as a social being, 3–4
Manichaeism, contributions to Christianity, 680–681
Mann, Horace, 732
Manorial system, 74–75, 90–92, 103
Manton, Martin T., 403–404
Manufacturing, control, forms of, 104–109; evolution of, 85–112; first industrial revolution, 94–95; Greek and Roman, 88–90; industrial revolutions, 94–98; in ancient Near East, 87–88; medieval, 90–92; modern, early, 92–93
Marconi, Guglielmo, 479
Marett, R. R., 672

Marin, John, 849
Marriage, family and, 601–607
Marriage Counsel and Education, Bureau of, 631
Marshall, John, 215
Martial Relations Institute, 612
Martin, Everett Dean, 11, 779
Marx, Karl, 38, 779
Mass production, 95–98
Mass purchasing power inadequate, 143–146
Maurois, André, 342, 616
May, Mark A., 713
Mayo, Morrow, 82
McConnell, Francis J., 700
McCormick, Cyrus H., 81
McDougall, William, 104, 814
McEvoy, J. P., 510
McGuire, John MacArthur, 404
McReynolds, James C., 414
Means, Gardner, 182, 199
Mechanization of agriculture, 81–84
Mechanized warfare, 318–321
Medical science, development of, 25
Medieval society, agriculture in, 74–78; art in, 841–843; capitalism during, 118–121; censorship in, 574; civil liberties in, 293–294; commerce and trade, 100, 102; decline of, 49–50; democracy in, 269–270; education in, 729–731; feudal politics, 208–212; industry, 90–92; inheritance of property, 187; law in, 362–367; property in, 174–176; property rights, 162; recreation in, 816, 820; warfare, methods of, 314–316
Medill, Joseph, 488
Meiklejohn, Alexander, 771
Mellett, Lowell, 563, 591
Mencken, H. L., 578, 628–629, 723, 757, 760
Mental hygiene movement, 733–734
Mercantile system, 120–121
Merriam, Charles E., 763
Mesopotamia, *see* Near East
Metal working, early, 87–88
Methods of warfare, changing, 311–321
Metropolitan Life Insurance Company, 569
Metropolitan Motion Picture Council, 590
Michels, Robert, 240, 273
Middle Ages, *see* Medieval society
Military system, development of, 323–326
Mill, James, 59
Miller, Clyde R., 545, 550, 552
Miller, Gerrit Smith, 823
Milton, John, 575
Mishkin, Charles, 444–445
Mismanagement through finance capitalism, 127–131
Mitchell, Margaret, 548
Mithraism, contributions to Christianity, 680
Modern society, capitalism in, 120–121; divorce in, 621–629; law in, 368–370; property in, 176–178; property rights in, 163; religion in, 702–712; warfare in, 316–321
Moley, Raymond, 430–431, 432, 448
Monaghan, Robert, 429
Monks, as medieval farmers, 77; bookmaking by, 460; industry by, 91–92
Monogamy, 603–605
Montessori, Marie, 733
Moody, John Bassett, 408
Moral codes, genesis of, 718–719; rational, essentials of, 720–725
Morals, religion and crime, 712–714
Morgan, Louis T., 718
Morgan, Peter, 526
Morgan, J. P., 124, 126, 577
Morgan, Lewis Henry, 43–45
Morris, William, 111, 843
Morse, Samuel, opposition to, 54, 477
Moses, Robert, 848, 850
Motion pictures, censorship, 585–591; industry, rise of, 505–514
Motion Picture Producers and Distributors of America, 587
Motion Picture Research Council, 512–513
Motor buses, development of, 472–473
Mowrer, Ernest R., 624
Mumford, Lewis, 68
Mural painting, 847, 851
Murchison, Carl, 718
Murphy, Frank, 414
Museums, status of, 850–851
Music, interest in, 845–846, 847, 849–850, 851–852
Muslims, as medieval farmers, 77–78; manufacturing by, 92
Mussolini, Benito, 349–350
Mutual Act, 295
Mutual aid, value of social organization, 16–
Mutual Broadcasting System, 520
Mutual interest, group influence of, 11, 12–
Muzzey, David S., 17, 313, 583

N

Naismith, James, 824
National Association of Broadcasters, 523
National Association of Manufacturers, 568
National Board of Review, 586–587
National Broadcasting Company, 517
National City Bank of New York, 124
National Committee for Mental Hygiene, 645–646
National Council on Freedom from Censorship, 588
National Education Association, 741, 743, 786
National Electric Light Association, 569
National honor, concept of, 337–338
National Industrial Recovery Act, 149
National Labor Relations Act, 149–150
National law, rise of, 367–368
National parks, development of, as recreation centers, 828
National problems, how war complicates, 309–310
National Recreation Association, 829, 831–832, 834
National state, rise of, 212–214
National Youth Administration, 635, 646
Nationalism, history of, 200–221; in United States, 214–217; prejudices of, 537–538; sovereign states and, 217–219; war psychology and, 219–221
Natural law, doctrine of, 369, 370–371, 406–417

Riparian law, 362
Rivers, W. H. R., 164
Roads, development of, 95, 465–466, 473–474
Robinson, Edward S., 355, 813
Robinson, James Harvey, 219, 269, 597, 695–696, 720, 749, 759, 774
Robinson, Joseph T., 414
Rockefeller, John D., Jr., 848
Rockefeller, John D., Sr., 124
Rodell, Fred, 376–377, 378–381, 390, 391, 408, 418–419, 431, 443, 541
Roebuck, John, 95
Rogers, Lindsay, 349
Roman Catholic Church, canon law of, 361, 365–367; control over medieval culture, 210–211; divorce, attitude toward, 620–621; education, 735; influence in Middle Ages, 683
Roman society, agriculture in, 73–74; art in, 841; capitalism in, 116–118; censorship in, 573; civil liberties in, 292–293; commerce and trade, 99, 102; contributions to Christianity, 681–682; decline of, 49; democracy in, 269; divorce in, 619–620; education in, 729; family in, 606–607; inheritance of property, 187; law in, 358–362; manufacturing, 89–90; patriarchal government of, 207–208; property in, 174; property rights in, 162; recreation in, 817, 819; warfare, methods of, 312–313
Romanticism, school of, 685–686
Roosevelt, Eleanor, 351–352
Roosevelt, Franklin D., 50, 282, 300, 414, 555
Roosevelt, Theodore, 348, 802
Root, Elihu, 241, 405
Ross, E. A., 19, 649
Rotation of crops, 78–79
Rousseau, Jean Jacques, 270
Rubber industry, development of, 95–96
Rural life patterns, effect of city life on, 602–664
Rural play group, decay of, 656–657
Ruskin, John, 111, 843
Russell, Bertrand, 624, 625
Russell Sage Foundation, 154
Russia, after first World War, 349; civil liberties in, 295–296; constitution, 226; control of farming, 104; control of industry, 109; control of trade, 110; feminism in, 617; inheritance of property, 188; planned economy, 98; property rights in, 185; suffrage in, 272
Ryan, John A., 157, 699

S

Saarinen, Eliel, 848, 851
Sacred, fundamental religious concept, 677
Sacrifice, fundamental religious concept, 677
St. John, Charles W., 437
Salt, E. M., 266
Salaries, excessive, mismanagement through, 131
Salic law, 362
Sanger, Margaret, 617
Sapir, Edward, 451
Sargent, Dudley A., 825
Sargent, Porter, 753–754
Sarnoff, David, 517
Say, J. B., 59
Schäffle, Albert, 19
Schlesinger, A. M., 214
Schnitzler, Arthur, 577
Schoeffer, Peter, 462
School buildings, 735–738
Shuler, Robert P., 594
Schuman, Frederick, 274, 561
Schwimmer, Rosika, 301, 413
Science, conflict of religion with, 693–699; development of, 29; stimulated by war, 339
Scopes trial, 688
Scott, Jonathan French, 332, 571, 763
Scripp, E. W., 489
Sculpture, modern, 849
Seagle, William, 385, 441, 580
Secularism, influence on family life, 609–610
Seldes, George, 346, 501, 584
Seldes, Gilbert, 529
Self-esteem, prejudice of, 536
Self-expression, basic human drive, 22
Self-preservation, basic human drive, 22
Sellars, Roy W., 707
Senior, Nassau, 196
Sentences, percentage of each kind, given by judges, 437
Sex, abnormal, 639; as socializing influence, 7; basis of social organization, 5; Christian influence on, 607–608; double standard, 617; human characteristics, 601–602; monogamy, practice of, 603–604; mores, embodiment of present, 60–61; polyandry and polygyny, practice of, 604; Protestant influence on, 607–608; secularism, influence on, 609–610; unmarried adult, 638–640
Shand, Alexander, 814
Shapley, Harlow, 693
Shaw, Clifford, 647
Shearer, W. B., 346
Shinn, Henry A., 374
Shipbuilding, 93
Sills, Milton, 511–512
Skidmore, Thomas, 770
Skiing, popularity of, 830–831
Slater, Samuel, 123
Slavery, exploitation by, 195
Slesinger, Donald, 789–790
Slichter, Sumner H., 151
Small, A. W., 333
Smeaton, John, 95
Smith, Adam, 17, 59, 107, 177, 717
Smith, Alfred E., 448, 554
Smith, Charles B., 602
Smith, G. Elliot, 69, 450
Smith, Hart, 801–802
Smith, Preserved, 461–462, 463
Smith, Reginald Heber, 405
Smith, Young B., 394
Snyder, Carl, 137, 190
"Social Darwinism," 328–329
Social implications of gulf between machines and institutions, 55–58
Socialist party, 273
Social liberty, 291
Social organism, society and the, 19–21
Social organization, *see* Organization, social
Social revolution, behind second World War, 348–352

Social Security Act, 641
Society, form of social organization, 15; impact of war upon, 339–344; social organism and, 19–21
Society for the Prevention of Cruelty to Children, 647
Sociological causes of war, 333
Sociological school of jurisprudence, 872
Sociology, property drives in light of, 165–168
Socio-religious organizations, 711–712
Sokolsky, George, 565
Somerville, Lord, 79
Spanish Civil War, 347
Spartan society, *see* Greek society
Speculation, as inroad on private property, 198
Spencer, Herbert, 8, 19, 20, 38, 39, 813
Spinning machines, invention of, 94
Sports, historical survey of, 818–825
Stability, social organization needed for, 17
Stakhanov, Alexey, 109
Standard Oil Company, 124
Stanton, Elizabeth Cady, 617
State activity, nationalism and, 217–219
State Board of Censorship, New York, 586, 587
State capitalism, 123, 127
Steamboat, development of, 95
Stein, Ludwig, 15
Steiner, Frank, 713
Steiner, Jesse F., 827, 837–838
Steinheil, Karl A., 477
Stephenson, George, 95
Stern, Bernhard J., 53
Steuer, Max, 419
Stevens, Thaddeus, 548
Stock-breeding, development of, 79
Stockton, Robert, 333
Stopes, Marie, 617
Stowe, Harriet Beecher, 548
Strachey, John, 301
Strunsky, Simeon, 155, 803
Studebaker, John W., 560–561, 746, 780
Sturm, Johannes, 731
Suffrage, woman, 616
Sumner, John S., 577, 578, 579, 580
Sumner, William Graham, 31, 330
Superstitious beliefs, 58–59
Supreme Court, Federal, 408–416
Surpluses, agricultural, 84
Sutherland, E. H., 422
Swaine, Robert T., 418
Swancara, Frank, 389
Swing, Raymond Gram, 523

T

Tabloid newspapers, 489
Taboo, fundamental religious practice, 677
Taft, William Howard, 404, 562
Talbot, W. H. Fox, 506
Tank warfare, 318–321
Tarde, Gabriel, 97, 813
Taussig, F. W., 191
Taxation, an inroad on private property, 197
Taylor, Frederick W., 108
Teachers, academic freedom of, 787–791; bill of rights for, 790–791; dismissal of, 788–790; organization of, 791–794; restrictions on, 783–787
Teachers Union, 786
Techniques of warfare, changing, 311–321
Technocracy, industrial control by, 109, 285, 289
Technology, evolution of, 46, 62; modern machine, 97–98
Telegraph, development of, 476–480
Telephone, development of, 467, 480–485
Telephoto, introduction of, 491–492
Teletypesetting machine, invention of, 491
Television, development of, 527–530
Tennis, popularity of, 828
Textbooks, prejudice of, 332–333
Textiles, early, 88; early modern period, 92–93, 94–95
Thayer, Webster, 396
Theater, censorship of, 577–580; modern, 852–853
Theodosius II, code of, 361
Third Degree, in criminal law, 433–434
Thomas, Norman, 273
Thomasius, Christian, 732
Thompson, W. S., 258, 327
Thompson, William G., 432
Thorndike, Edward L., 779
Thrasher, Frederic M., 647
Threshing machine, invention of, 82
Tindal, Matthew, 575, 685
Toleration Act, 295
Tönnies, Ferdinand, 15
Tools, primitive, 85–86
Totalitarianism, established in Europe, 349–351
Total warfare, 320–321, 326
Townshend, Lord, 78–79
Tozzer, A. M., 58
Trade, control of, 109–111; development of, 26, 98–102
Traditions, common, promotes group life, 9
Trailers, development of, 472
Transitional character of era, 48–52
Transportation, appraisal of crisis in, 871–872; beginnings of, 465–467; development of, 25, 26, 96; early, 88; improvements in, 467–476
Travel, as antagonist of prejudice, 544; recreation and, 829–830
Trawney, R. H., 178
Trial by jury, travesty of, 437–442
Tribal society, government of, 201–202
Troeltsch, Ernst, 177
Trotter, Wilfred, 202
Trusts, industrial, development of, 124–125
Tull, Jethro, 78
Turner, Frederick Jackson, 11, 215
Tuttle, Charles H., 397
Twelve Tables, Laws of the, 359–360
Two-party system, 231
Tylor, E. B., 672
Type, printer's, early, 462
Typesetting machines, invention of, 461

U

Unemployment, industrial, problem of, 153–156
United Press agency, 493–494

United States Office of Education, 735
United States Steel Corporation, 124, 137
Universal suffrage, 271–272, 616
Universities, development of, 730, 738–739
Unmarried adult, problems of, 638–640
Untermeyer, Louis, 419
Urban life, impact of, on social institutions, 657–662

V

Vaerting, Mathilde and Mathis, 603
Vail, Theodore N., 483
Van Devanter, Willis, 414
"Vanishing voter," 281
Veblen, Thorstein, 166, 192–193, 801, 844
Vinogradoff, Paul, 371
von Liebig, Justus, 80
von Lilienfeld, Paul, 19
von Savigny, Friedrich, 371

W

Wages and Hours Act, 616, 646
Wagner Act, 150
Walker, "Jimmy," 258
Walker, Ralph, 848
Wallace, Henry, 304, 551
Wallace, W. K., 285
Wallas, Graham, 262, 277, 717
Waller, Willard, 637, 788
Walpole, Robert, 233
War, appraisal of crisis in, 869; as social institution, 33, 321–323; causes of, in contemporary society, 326–339; changing methods and techniques of, 311–321; complicates national problems, 309–310; evolution of, 311–326; family life and, 637; impact of, on society and culture, 339–344
Ward, Lester F., 38, 773, 776
War psychology, nationalism, patriotism and, 219–221
Washington, George, party politics and, 235
Waste in industry, 138–139
Watch and Ward Society, 578
Water sports, popularity of, 830
Water transportation, beginnings of, 466
Watson, Thomas A., 480
Watt, James, 94
Waugh, W. T., 463
Weber, Max, 177, 804
Weed, Thurlow, 488
We-groups, development of, 14–15
Weir, E. T., 149
Wells, H. G., 52, 596
Wergeld, table of, 362–363
Westermarck, Edward, 602–603
Western Union Telegraph Company, 479
Wheatstone, Charles, 477
Wheeler, Burton K., 414
Whelpton, P. K., 156
Whig party, 237
Whipple, Leon, 291
White, Andrew D., 693
White, Leslie A., 44
Whitehead, A. N., 696
Whitlock, Brand, 388–389
Whitney, Eli, 94, 108, 339
Widows, social problems of, 640–641
Wigmore, John H., 402
Wile, Ira S., 639
Wilkinson, John, 95
Willcox, O. W., 51, 83
Willey, Malcolm M., 472, 512, 526
Willkie, Wendell, 109
Wilson, Woodrow, 349
Winthrop, Alden, 129, 181
Wireless telegraph, development of, 479
Wirt, William, nominated by Anti-Masonic party, 236
Wollstonecraft, Mary, 617
Women, deserted, problems of, 641–643; education of, 732; employed, 613–618; suffrage for, 538–539, 616
Wood, Leonard, 245
Wood, Thomas, 524–525
Woodhull, Victoria, 617
Woolsey, John Munro, 299
Woolston, Thomas, 685
World fairs, 853
World Peace Foundation, 563
World Peaceways, 563
World's Christian Fundamentals Association, 688
World War, first, 317–318, 349; second, 318–321, 345–348, 352
Worman, E. C., 827, 832
Worms, René, 20
Wormser, I. Maurice, 397, 427
Wright, Frank Lloyd, 848, 851
Wright, Quincy, 338
Wright brothers, 474
Writing materials, 454, 460
Written language, origins of, 453–454

Y

Young, Arthur, 79–80
Young, Charles V. P., 819
Young, Eugene J., 582–583
Young, Kimbal, 13
Young, Owen D., 517, 591

Z

Zaharoff, Basil, 346
Zangwill, Israel, 200
Zilboorg, Gregory, 321
Zukor, Adolph, 506