

putes brought to industrial courts are settled by conciliation.

The decisions of these courts were originally based on the "customs of the trade," which were interpreted to govern, in the absence of written agreements, all labor contracts. But within recent years collective agreements between organizations of employers and wage-earners have become more and more important as definite statements of standards to be enforced. In Geneva a separate branch of the Conseil de Prud'hommes is organized for the settlement of strikes and impending strikes. The German courts, too, are directed by law to organize mediation in collective disputes. As a result, hundreds of trade agreements which have been entered into, directly or indirectly, under the guidance or through the influence of industrial courts, are on file in the archives of these courts in Geneva, Berlin, and many other European cities.

A trade agreement is not, however, essential to the existence of an industrial court. Clear-headed interpretation of the mutual rights and obligations of employers and wage-earners, by persons officially elected to represent the two interests involved and thoroughly competent to understand the facts described, is their essential function. A trade agreement defines these rights and obligations. But Conseils de Prud'hommes were conducted successfully long before formal trade agreements were invented. And even in this country, where custom is not so definitely fixed as in France, a group of employers and wage-earners acting together as judges of an industrial court would doubtless find that they could agree upon minimum standards for their trade.

At the same time, as such a court would be an official institution which could not be abolished at will, it would exert steady pressure in the direction of a trade agreement. Employers and workingmen would be obliged to meet frequently for discussion of disputes arising in their trade, and difficulties encountered in arriving at decisions would constantly emphasize the need for a written agreement. The less definite the customs of the trade, the more would organizations, both of employers and of employees, be needed to enter into collective agreements establishing trade standards, and the more likely would an industrial court be to guarantee the existence of such organizations.

The clothing industry is peculiarly difficult to govern, partly because of the large number of employers and establishments, and partly because of the comparatively small degree of skill required. It is in just this type of industry, however, that the industrial court system has in practice proved most successful. The plan has not worked so well in highly concentrated industries, where it is difficult to secure disinterested employers as judges and where work-

ing people often fear the boycott. But to the clothing industry, with its many employers and its comparative mobility of labor, particularly in a large city like New York, industrial courts seem peculiarly adapted.

Many questions arise, of course, as to the organization of such a system. If the plan called for extension of collective agreements to an entire trade, what authority should decree the extension? What conditions ought an agreement to fulfill before it could be extended? Over what classes of cases should the industrial court have jurisdiction? Should the number of judges be even, as in France, or odd, as in Germany? How should elections be conducted? In what class of cases and under what conditions should appeals to other courts be allowed? Upon these and many other questions of detail the experience of the various European countries which have long had courts of this character would be invaluable.

If collective agreements are to be a successful method of advance toward industrial democracy, must not the state recognize their reasonable standards and establish public tribunals for the enforcement of such standards throughout entire industries? If our judicial machinery is to meet the needs created by this new form of social compact, must not its basis be broadened by admitting to the sacred bench of the judge, not only experts in the law, but also experts in the hard, sordid conditions of wage labor?

HELEN L. SUMNER.

Margaret Derenzy

I HAD never heard of Margaret Derenzy, "that fair and gifted widowed wife," until a certain afternoon spent in an old-fashioned country-house near Philadelphia. Outside, a dispiriting winter thaw was in progress. There was nothing for it but tobacco, an easy chair, and a book. What book? Surely in so antique a mansion I might be able to discover (say in an upper chamber) a discredited bookcase containing the cast-off literature of our ancestors. Not the solemn, self-perpetuating classics, but some specimens of once-popular authors whose genius had not been able to go the pace of more febrile times. The house was deserted, I began to rummage, and lo! a thin little volume bound in maroon levant:

A WHISPER TO A NEWLY-MARRIED PAIR FROM
A WIDOWED WIFE

FIFTH AMERICAN EDITION, PUBLISHED
BY E. L. CAREY & A. HART, CHESTNUT
STREET, PHILADELPHIA, 1833.

The contents of that volume is divided into four parts, and the first is not the least interesting. It is

a "Biography of the Authoress" written by the "editor of the *Irish Shield*." Remain:

"A Whisper to the Husband. . ."

"A Whisper to the Wife. . ."

"Poems. . ."

I have studied these four parts with care. They fascinate me. Margaret herself fascinates me. She was a blue-stocking in the days when female stockings were often amazingly blue. But she was also, we must suppose, a breathing woman, and, as the editor of the *Irish Shield* will tell us, a most unhappy one.

"If," he writes, "we cannot weave a perennial garland of Parnassian laurels to decorate her tomb, we can, at least, pluck up the rank weeds that hide the tablet on which her epitaph is inscribed, and light a sepulchral lamp before her biographical shrine, to dispel the gloom of obscurity. . . . The lady whose genius has enriched our literature, and whose writings, fraught with exalted feelings, have added another plume to the chaplet of female talent, was the daughter of Anthony Graves of Thomastown, in the county of Kilkenny, of which beautiful and romantic village. . . ."

"Her stature was elegantly symmetrical, tall and graceful, and possessing that rotundity of outline which is so much admired in the Grecian statues. Few faces, even in Kilkenny, the Iona of lovely women, presented the mingled sweets of the lily and the rose, in such freshness of bloom, as that of Margaret Graves. Her fine black eyes, beaming with intelligence, threw a halo. . . . The snow-like whiteness of her bosom was exquisitely contrasted and set off by the luxuriant profusion of brown hair, that floated over it in graceful and curling festoons."

She began to write elegies at an early age, and her fame and beauty "attracted around her a brilliant circle of suitors." Then, in her sixteenth year, "Major Derenzy came, recommended to her partiality by the manliness of his person and the fame of his exploits in Spain and Portugal." Also, in the true manner of Desdemona, by "the sorcery of his conversation." They were married.

"But perfect happiness rests on a summit of bliss that is inaccessible to humanity. Major Derenzy, though passionately fond of his lady, and although conscious that her beauties and her virtues were peculiarly calculated to irradiate the sphere of domestic life—still his inconstant heart, initiated in the school of Continental vices, strayed from the only shrine it ought to have worshipped, into the mazes of illicit passion, and the syren grounds of forbidden love."

Briefly, he seduced a "young and fashionable lady" and "eloped with his paramour to Paris."

Turn for an instant to the "Poems." The first stanzas begin not unfamiliarly:

Fare thee well! alas! for ever!

Once this heart was all thy home;

Now thrown back, no longer cherished,

Scorned, rejected, and alone—

It faints; and never, never will it

Reassume its former tone. . . .

The lady's defeat in love is thus acknowledged. Following upon it she retired to the "sequestered mansion of her brother William . . . where she at once indulged her muse and her melancholy." Here she wrote a novel, entitled "The Old Irish Knight." Here too she wrote her successful "Whisper," and a "Parnassian Geography" in verse, for the instruction of young ladies.

Need we add that she died of consumption and a broken heart?

We have seen that Margaret came of a family of some little consequence. Her mother, had she lived to-day, would have been a feminist. She *was* a feminist. She did her utmost to force Margaret's precocious gifts. And the black-eyed Margaret took kindly to a superficial culture that must have developed her romantic self-consciousness at a tender age. She seems early to have seized on the idea of herself as a Celtic Muse, beautiful in mind and person, with her rotundity of outline, her curling festoons, her music and painting, her French and Italian, and her knack of scribbling imitative rhymes.

She perfectly foreknew her destiny. Her destiny was to make a brilliant marriage. At the appointed hour she would fall desperately in love with the divinest of men; he would woo her on his knees; she would droop forward upon his bosom. . . .

Meanwhile her father and mother saw to it that only men of "fortune and respectability" should frequent her. They, too, had foreknowledge of her destiny.

So Major Derenzy came.

This Major Derenzy—his very name marks him a hero of romance—could hardly have been young or he would not have been a Major. I read him forty, well set up, with the fame of his exploits in Spain and Portugal visible upon him. Now, having lived and loved and seen hard service, he will settle down and found a line to carry on the fortune and respectability of the Derenzys. And lo! a Celtic Muse of eligibility, possessing that rotundity of outline so much admired in the best statues. I read the Major a man with an eye for outlines.

"For some years after their marriage their lives exhibited a living picture of conjugal happiness, sweetened and exalted by the charms of rural retirement." Some years—and the line of the Derenzys is not yet founded. The Major has discovered that his Celtic Muse wears stockings of a most violent blue. The Major is living in the country, retired; and the Major has always been a man of action. One doesn't in any way forgive him, but one begins to understand.

As the wicked French say, in the school of whose

vices the Major's heart had early been "initiated," one thing leaps to the eyes. His fault was deliberate. He was not victimized by an adventuress. His fault was conquest, conquest of a "young and fashionable lady," whom the forsaken Margaret calls "Julia." She too was enjoying the charms of rural retirement, and we may safely guess that the Major's fault began with a casual flirtation, pricked on by those sad little imps of boredom, Beelzebub's choicest messengers.

The Major's Muse was after all but a precocious child. Adulation is not good for the infant mind, and during the ardors of courtship Major Derenzy had doubtless praised and overpraised her jejune verses. Quite naturally he had done his best to stimulate her romantic sensibilities. He may from time to time have mingled his tears with hers. Of course he had not the least intention of going on with this *comédie larmoyante* after marriage. Equally of course poor Margaret thought he would continue to play it with her through time and eternity. How does the forsaken Margaret moralize her catastrophe?

"Study your husband's temper and character; and be it your pride and pleasure to conform to his wishes. Check *at once* the *first* advances to contradiction, even of the most *trivial* nature. I repeat the word *trivial*, for it is really inconceivable the power which the *veriest trifles* have, *at times*, over the mind, either in *irritating* or *pleasing*."

"Particularly shun what the world calls, in ridicule, 'Curtain lectures.' When you both enter your room at night and shut to your door, endeavor to shut out at the same moment all discord and contention."

Again:

"You may be united to a man of a most uncongenial mind, who, though a very good sort of husband, differs from you in every sentiment. What of this?—You must only make the best of it. Look around. Numbers have the same, and infinitely worse complaints to make."

"You must only make the best of it. Look around!" But this serpent wisdom came too late. The Major is off with the undisciplined Julia.

Let me now briefly give the philosophical gist of Margaret's "Whisper." ". . . the sincere warning of one who unjustly suffered under the infliction of matrimonial discord and infidelity." It is not so moral as she meant it to be; it is naïvely cynical and human. She realizes clearly that to a woman marriage means an unending struggle to retain the love of a naturally inconstant male. Marriage (she implies) was ordained by heaven for the continuance of the race, and had man remained innocent it might have proved an agreeable institution. But, under present conditions, it is rather a trial of skill than a blessing. It is "the

long and dreary road that lies through the wilderness of life;" also "a chain, the links of which no human power can break." For a woman there is only one thing worse than marriage—spinsterhood. Yet if a woman is clever enough, if she foresees all the dangers, she can often succeed in creating within the bonds of matrimony a very fair imitation of peace. To do this she must realize from the start that her husband is an "opponent," that everything depends upon her power to outwit him. Everything, in short, depends on a woman's power to read her husband, while preventing him from reading her, or knowing that he himself is being read.

"When once you enter the matrimonial state, gentle lady, prepare for the various trials of temper which each day will produce. . . . At the present moment your husband thinks you the loveliest of beings. Destroy not the illusion!"

"Men are naturally more thoughtful and more difficult to please than women. A man will be very apt to seek elsewhere for those smiles which he finds not in his own house."

"In the article of dress, study your husband's taste. The opinion of others on this subject is of very little consequence."

"An admired writer says, 'Let it never be forgotten that, during the whole of life, beauty must suffer no diminution from inelegance, but every charm must contribute to keep the heart which it has won. Whatever would have been concealed as a defect from the lover, must, with greater diligence, be concealed from the husband.'"

"Endeavor to feel pleased with your husband's bachelor friends."

"At dinner—have his favorite dish dressed and served up in the manner he likes best."

"Perhaps your husband may occasionally bring home an unexpected guest. This is not at all times convenient. But beware, gentle lady, beware of frowns!"

"If possible, let your husband suppose you think him a *good* husband. . . . As long as he thinks he possesses the character, he will take some pains to deserve it."

Since Margaret's day a good deal of water has gone under the bridge. While the health of the marriage state is not at present entirely satisfactory, I am much mistaken if it be not considerably more so now than a hundred years ago. Man had not then even started "to round Cape Turk," nor woman to insist that he do so. To-day, oddly enough, the more directly woman competes with man, the more surely does she come to regard him not as an opponent but as an ally. Margaret's philosophy grows antiquated, though still extant. But one thing must be acknowledged. The free woman of to-day is a true descendant of the blue-stockings of the past. We smile at their memory, but we smile respectfully.

LEE WILSON DODD.

The German Polity

NOTHING has proved more baffling to the American seeking to understand European affairs than the German political system, with its seemingly incongruous juxtaposition of a *jure divino* kingship, and a legislature elected by universal manhood suffrage. The journalists, with their largely extemporized information, have been of slight assistance in explaining this apparent disharmony, and only little enlightenment has come from professional scholars, who have in the main relied upon the texts describing the legal framework, but have been unable to gauge the forces that determine its life. If one is not confined to the mother-tongue, the elusive explanation may be found in a hitherto untranslated German book by Hans Delbrueck, entitled "Government and the Will of the People."

This work, published in 1914 before the outbreak of the war, in its short compass of a scant two hundred pages gives us so deep an insight into the forces that are dominant in German political life that it deserves to rank with Bernhardt's "Germany and the Next War," Buelow's "Imperial Germany," Rohrbach's "Der Deutsche Gedanke," and Reventlow's "Deutschlands Auswaertige Politik," each of which in its particular sphere is equally illuminating. As professor of history in the University of Berlin and as Treitschke's successor in the editorial chair of the "Preussische Jahrbuecher," Delbrueck always commands attention. His historical interests cover a broad field, and his aim ever is to understand the inner significance of the events he narrates and of the institutions he describes. He is, however, a typical product of the Prussian school of historians in that, while writing of the past, his eye at the same time ranges over the present and peers into the future. In addition to being an historian, he is also a politician—always a dangerous, and at times a disastrous, combination for the scholar. He has not only taken an active part in political life, but has written extensively on current questions. His influence as a publicist is closely parallel to that enjoyed by Bryce in England.

Delbrueck approaches his theme with the proposition that there is everywhere to-day the demand that the people should govern itself by means of alternating parties and that the will of the people should be given expression and should determine the will of the state. But, he asks, is this in a literal sense feasible? The representative system, as it is constituted in America, England, and other democratic countries, he finds, does not afford an accurate expression of the popular will. Nor does he think that proportional representation, the referendum, the ini-

tiative or any other device whatsoever can remedy this defect, because of the fundamental fact that the will of the people is pure spirit and, as such, is not susceptible of physical embodiment in institutions. As the will of the people cannot be determined by means of voting, no matter what devices are adopted, hence the assumption that it finds expression in popularly elected legislatures is an illusion and a fiction. Furthermore, as a people cannot possess an organ for the expression of its will, it cannot know what it wills. From this it follows inevitably that the conception of popular sovereignty is also mere fiction, for if the people has no will that can be embodied in political institutions, so it cannot possess sovereignty, which is the highest will subject only to its own self-imposed limitations.

Delbrueck does not reject all principles of democracy and attempt to prove them absurd. He recognizes that the elective principle serves a fundamentally useful purpose, in that it brings great masses of the citizens into direct volitional relations with the state and its purposes. Although such a relation is not essential to the nature of the state, yet its strength is increased when the will of each citizen comes to the support of the state-will. In this connection Delbrueck points out that Bismarck needed the support of the people for his great plan of national unity and consequently he established representative institutions. The Reichstag was created to strengthen the government and to support its policies, while in all other states where similar legislatures exist, especially in England, France and America, these attained power by pushing aside or overturning the existing governments.

Thus, according to Delbrueck, the prevailing idea that democratic legislatures embody the will of the people is "an optical delusion." But if they do not represent the people, whom do they represent? On the strength of the investigations of such students and critics of modern democracy as Hasbach, Ostrogorski and Belloc, he maintains that these legislatures are really chosen by the oligarchies in control of the party machinery. He recognizes that public opinion is a corrective agency, but he underestimates its potency, presumably because in Germany this is so insignificant a force. Nor, in spite of the stress that he lays upon the inadequacy of democratic institutions, does he deny that a country such as England enjoys popular government. His contention is virtually limited to the fact that such government is not contingent upon representative institutions and may exist under an autocratic régime.

This system of parliamentary government, whose