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The Otterbein Miscellany - May 1973

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THE OTTERBEIN MISCELLANY

FEUDAL JURISPRUDENCE IN THE *ENCYCLOPEDIE* — Sylvia Vance

THE WESTERVILLE WHISKEY WARS — Harold B. Hancock

A VILLAGE LIFE: EDITH WHARTON'S *SUMMER* — James R. Bailey

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FOREWORD

The *Otterbein Miscellany* is published once or twice a year as an outlet for faculty writing on a wide variety of topics. The college underwrites this publication in the belief that it will help maintain a genuine community of scholars. Papers are accepted, therefore, on the basis of their interest to the whole academic community rather than to members of a particular discipline. Editorial responsibility rests with a committee of the faculty.

Contributions are considered from the Otterbein College faculty and administration, active and emeritus – others on invitation only.

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T. S. Eliot once described the process of writing as an "intolerable wrestle/With words and meanings." This process is intolerable because it is never ending. "A poem," said Valéry, "is never finished, only abandoned." And, by extension, a prose essay is never *finished.* The writer simply perfects it as he is immediately capable, and then presents it to his readers, in whose eyes it must live its own life.

The selections which comprise this edition of the *Miscellany* afford a cross-section of much that is being thought and said by members of the Otterbein community. Of the essays, three deal with history, one with social change, one with nature, and one with literature. Two of the selections are poems.

In choosing manuscripts for the *Miscellany*, the editors and editorial board are governed by a principle that recalls Montaigne. He wrote:

> When I want to judge someone else, I ask him how far he is pleased with his own work. I want none of these pretty excuses: "I did it only as a pastime – it didn't take me an hour – I've never looked at it since." Well then, say I, put it aside, and give me one which is indeed yourself – one you are willing to be measured by.

Each of the following selections contains something of the writer himself, something he is willing to be measured by. Each represents the results of one person's intolerable wrestle with words. And all the selections are offered here for whatever pleasure and knowledge the reader might derive from them.

We express our gratitude to Margie Shaw and Forest Moreland for their efforts in the preparation and printing of this journal, and to all those persons without whose support and assistance this yearly venture would not be possible.

The Editor

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Sylvia Vance

FEUDAL JURISPRUDENCE IN THE *ENCYCLOPÉDIE*

"Far from being less modern than they knew, they [*the* philosophes] *were even more modern than they claimed."*

– Peter Gay

Beginning in 1751 and continuing until 1765, the publication of the seventeen volumes of the *Encyclopédie ou Dictionnaire raisonné des sciences, des arts et des métiers* under the editorship of Diderot and (for a time) d'Alembert was a major eighteenth century event. The desires of the *philosophes* to acquaint the reading public with progress in philosophic, scientific and technical knowledge had led to their undertaking this monumental task in the firm Enlightenment belief that human understanding is capable of comprehending the system of the world, and that the popularizing of this knowledge will enable men to have a new mastery of it – a mastery whose ramifications could improve the lot of mankind in ways political, practical, ethical and esthetic. As we peruse the thousands of pages today and sample the entries, we realize that the titles of articles sometimes give scant clue to the fascinating turns and sudden wit of subtle political rhetoric. For example, who would expect to find in the article supplied by Diderot entitled "Agnus Scythicus" (a botanical term; the article is classed as a botanical one) an appeal for the just classification and appraisal of historical evidence, an appeal to avoid superstitious credulity? Sporadically plagued by (and ever conscious of) the off-again, on-again censorship of the Ancien Régime, the editors were sometimes surprisingly bold while under a real compulsion to be careful of what they said. This political temerity makes the best "copy" out of the *Encyclopédie* today (though the degree of its boldness is debated), but we can also find woven into the wide loom of its format a fascinating display of eighteenth century thought on a host of subjects. The editors adopted Bacon's schema of the fields of human knowledge, classifying their articles under sub-headings related to Memory, Reason, or Imagination.[1]

For modern readers interested in history (here classified under Memory) the *Encyclopédie* is an almost inexhaustible treasure. One is struck repeatedly by the concerns of the *philosophes* for the critical examination of historical data, by their appreciation

of the importance of a knowledge of ancient languages in the study of history, and by their expressed interest in the preservation of historical documents and materials. One can see, too, in such an article as "Diplôme" by Lenglet du Fresnoy, the extent of scientific knowledge called into play in establishing the authenticity of documents. And as a source of information on eighteenth century philosophies of history the *Encyclopédie* is also rich.[2] Within a representative group of some fifty or so articles in the *Encyclopédie* related to feudal jurisprudence, one can find ideas about history ranging from seeing it as the glorification of great houses and noble people (a typically sixteenth century view) through the utilitarian Enlightenment concept that history should serve the ends of the *philosophes*, and extending to a conception of history that is strikingly modern (in certain aspects) in the articles of Boucher d'Argis on feudal law.

Generally speaking, the *philosophes* wrote off the Middle Ages as having nothing to contribute to the Enlightenment. A tendency in the *Encyclopédie* is to talk about the Middle Ages as the "centuries of ignorance"; for Voltaire (article "Histoire"), the history of this period is the ". . . histoire barbare de peuples barbares, qui devenus chrétiens n'en deviennent pas meilleurs." (". . . barbarous history of barbaric peoples who, on becoming Christian, become no better.") But this general idea of eighteenth century views on the Middle Ages seems to deserve some further examination, for in looking at this group of articles on feudal law and feudal institutions one finds oneself stationed at a crossroads of political discussion in eighteenth century France, where certain developments of the Middle Ages are taken very seriously. It is essential to see in these articles the reflection of the political debate on the reform of the monarchy, and especially the reflection of the confrontation of the *thèse royale* ("royal thesis") and the *thèse nobiliaire* ("noble thesis") during the course of the eighteenth century.

Briefly explained, the *thèse nobiliaire* was the theory that the necessary reconstruction of the government should depend on autonomous powers held by the nobles to make of them a sort of intermediate body to limit the sovereignty of the king and to protect the fundamental laws of France. The *thèse royale*, on the other hand, held that France must have a strong monarchy based on the *bourgeoisie* which would suppress all intermediate powers, especially those of the nobility and of the Parlements.[3]

In 1727 Boulainvilliers published a book, *Histoire de l'ancien gouvernement de la France,* in which he connected the history of the "centuries of ignorance" with the *thèse nobiliaire.* He said that feudalism was as old as the Frankish monarchy, and that the history of the French kingdom was one of the usurpation by the king of feudal powers held by the nobles. In 1734, the abbé Dubos, in *Histoire critique de l'établissement de la monarchie française,* saw in those same centuries connections with (and evidence for) the *thèse royale.* He held that feudalism was a corruption of the monarchy which, in its beginnings, was the inheritor and a continuation of the *Imperium Romanum.* The Frankish kings were officers of the Roman Empire which, under Justinian (527-565), had ceded Gaul to them. Thus, the feudal nobles were usurpers of royal power. Montesquieu, writing in *L'Esprit des Lois* (1748) of the origins of feudal institutions (especially in Books XXVIII, XXX, XXXI) disputed the "facts" cited by the abbé Dubos, because he (Montesquieu) was partial to the *thèse nobiliaire;* although he criticized briefly the arguments of Boulainvilliers (Book XXX, chapter x) he followed them fairly closely in these parts of his work.[4]

Arriving then at the articles on feudal jurisprudence in the *Encyclopédie,* most of which were written by Boucher d'Argis, lawyer and member of the Parlement of Paris, one wonders how he is going to treat this dispute. Jacques Proust, in his book on the *Encyclopédie,* says, "Sur les origines de la monarchie française les encyclopédistes sont en général favorables à la thèse germaniste plûtot qu'à la thèse romaniste et ils tirent volontiers la théorie d'une monarchie plus ou moins tempérée."[5] ("Concerning the origins of the French monarchy the Encyclopedists are in general favorable to the Germanic [noble] theory rather than to the Romanist [royal] thesis and they willingly draw the theory of a more or less limited monarchy.") Proust also quotes René Hubert, who ". . . a montré que les encyclopédistes, comme les défenseurs des parlements, se présentaient plus volontiers en restaurateurs qu'en réformateurs."[6] (". . . showed that the Encyclopedists, as the defenders of the *parlements,* showed themselves to be more willingly restorers than reformers.") Considering the total thrust of the articles written by Boucher d'Argis, we find no real reason to dispute this general summary of the political views of "the Encyclopedists." Nor would we dispute it judging from those articles penned by the Chevalier de Jaucourt on feudal institutions. But from a point of view relating to philosophies of history, there is something to

add, for differences in views about history set in motion an obvious dialogue in certain similarly titled articles of Boucher d'Argis and of Jaucourt, which will be examined later. First, though, we examine the articles of Boucher d'Argis and repeat our question, How is he going to treat the dispute of the *thèse nobiliaire* and the *thèse royale?*

It was with the third volume of the *Encyclopédie* (1753) that Antoine Gaspard Boucher d'Argis, lawyer of the Paris Parlement and advisor of the sovereign court of Dombes, began his task of writing the articles on law. D'Alembert, writing in the foreword of this volume, welcomes him: "Grace aux soins de M. Boucher d'Argis, très connu par ses excellens ouvrages, la Jurisprudence, cette science malheureusement si nécessaire, et en même tems si étendue, va desormais paroître dans l'*Encyclopédie* avec le détail et la dignité qu'elle mérite." ("Thanks to the labors of Monsieur Boucher d'Argis, well known for his excellent writings, Jurisprudence, that science unfortunately so necessary and at the same time so vast, will from now on appear in the *Encyclopédie* with the detail and the dignity which it deserves.") We also know this Boucher d'Argis from the words of René Hubert (quoted, in English, by Nelly Schargo), "He is not a critic; he is an historian."[7] Boucher d'Argis himself, in the article "Jurisprudence" (Vol. IX, 81b) gives the reason for his historical procedures in the articles he writes: ". . . pour bien pénétrer l'esprit d'un usage, il faut en connoître l'origine et les progrès . . ." (". . . to comprehend fully the spirit of a practice, it is necessary to know its origin and its development . . .") And that is his guide in his articles; he speaks of the origin and traces the development of a practice, a law, or a term, analyzing various theories and interpretations relative to it as he writes. Is the judgment of Hubert, "historian, not critic," a just one? It seems to be. But to see in what ways it is true, we turn to the question of the political debate – that arena of which Nelly Schargo seems so strangely unaware, saying that in the *Encyclopédie*, "Strange as it may seem, medieval and feudal law is more fully represented than Roman as a subdivision of general legal history."[8]

Boucher d'Argis cites sources frequently, giving the name of the author, the work, the page numbers, and reading him from a present-day perspective, one expects to encounter the name of Montesquieu, for *L'Esprit des Lois* had appeared five years prior to the first *Encyclopédie* articles of Boucher d'Argis. The

name of Montesquieu, however, does not appear.[9] One wonders if it is possible that he is unaware of this work. Then one realizes that he is very much aware of Montesquieu's viewpoints on the origins of feudal institutions, for these theories appear as what "someone" has said, or are sometimes part of a summary statement about various explanations of what Boucher d'Argis is discussing at the moment – explanations which he is going to refute or correct or elaborate. Then one wonders if Boucher d'Argis holds to the contrary theory *(thèse royale)* from that of Montesquieu's preference. There are some indications, especially in the first articles that Boucher d'Argis wrote, that such is indeed the case. For example, in speaking about the *corvée* (article of this title, IV, 280 ff.), he speaks of lords ". . . qui, dans les commencements de la monarchie, ne tenoient leurs seigneuries qu'à titre d'offices et de bénéfices à vie ou à tems, vers la fin de la seconde race et au commencement de la troisieme, se rendirent propriétaires de leurs seigneuries; ils *usurperent* la puissance publique et tous les droits qui en dependoient." (". . . who, in the early days of the monarchy, had held their titles only by virtue of offices or benefits for their lifetime or limited to some other time span, toward the end of the second reigning house [the Carolingians] and the beginning of the third [the Capetians] had made themselves the owners of their manors; they *usurped* the public power and all the rights that depended on it." Italics by present writer.) Further, in the long and important article "Coûtume" (IV, 411b-415b), he mentions ". . . les ducs, les comtes, et autres officiers royaux, *s'étant attribué* la propriété des villes et provinces dont ils n'avoient que l'administration, et les plus puissants d'entr'eux s'étant même érigés en souverains, entreprirent chacun de donner des lois à leurs sujets. . . " (". . . dukes, counts and other royal officers, *having taken over for themselves* the property of cities and provinces whose administration only they possessed, and the most powerful of whom having set themselves up as sovereigns, undertook, each one, to give laws to their subjects . . ." Italics by present writer.) Even later, in the article "Justice seigneuriale" (IX, 97a-99b), when Boucher d'Argis is speaking of various theories of the origins of this institution, he says, "Il y a même lieu de croire que l'institution des *justices seigneuriales*, du moins pour les simples justices qui n'ont aucun titre de dignité, est plus ancienne que les fiefs tels qu'ils se formerent dans le tems dont on vient de parler, et que ces *justices* sont presque aussi anciennes que l'établissement de la monarchie. . ." ("There is even reason to believe that the

institution of manor courts, at least for the simple courts with no particular higher designation, is older than the fiefs such as they came to be in the period of which we were just speaking, and that these courts are almost as old as the establishment of the monarchy.") Further on in the same article: "L'origine de la plûpart des *justices seigneuriales* est si ancienne que la plûpart des seigneurs n'ont point le titre primitif de concession; soit que leur *justice* soit dérivée du commandement militaire qu'avoient leurs prédecesseurs, soit que ceux-ci l'ayent *usurpée* dans des tems de trouble et de révolution." ("The origin of most of the manor courts is so old that most of the lords do not have the original title, either for the reason that their court was derived from the military command of their predecessors, or because these predecessors had *usurped* it during periods of unrest and revolution." Italics of "usurped" by present writer.)

This view of the origins of manor courts is clearly opposed to that of Montesquieu. Of the many paragraphs Montesquieu devotes to an opposing theory (one more favorable to the *thèse nobiliaire),* we quote these two sentences as a summary. "La justice fut donc, dans les fiefs anciens et dans les fiefs nouveaux, un droit inhérent au fief même, un droit lucratif qui en faisoit partie. C'est pour cela que, dans tous les temps, elle a été regardée ainsi; d'où est né ce principe que les justices sont patrimoniales en France."[10] ("[The dispensing of] Justice was then, in the old fiefs as well as in the new form, a right inherent in the fief itself, a lucrative right which was an essential part of it. It is for that reason that it [the dispensing of justice] has been thus regarded at all periods, and from which view derives the principle that judgeships are hereditary in France.") But before we see in this opposition of theories evidence that Boucher d'Argis is promoting the *thèse royale* we must read the rest of his same article, where he goes on to say that it is an error to trace the origins of manor courts back to the Romans.

The article "Fief" (Jurisprudence) (VI, 693b-698a)[11] is one where it seems especially clear that Boucher d'Argis is writing carefully and that he is trying to be as impartial and objective in the political debate as it is possible to be – the ideal *sine qua non* of modern historians, regardless of their varying interpretations of the procedures necessary for attempting to reach this ideal, and regardless, too, of their estimate of the possibility of attaining it. Boucher d'Argis seems, in this article as usual, to be writing without partisan ideas and in the best light which

authorities and documents give him.[12] As usual, he begins by discussing origins: "L'origine des *fiefs* est un des points les plus obscurs et les plus embrouillés de notre histoire; elle paroît venir de l'ancienne coutume de toutes les nations, d'imposer un hommage et un tribut au plus faible." ("The origin of fiefs is one of the most obscure and confused points in our history; it seems to have come from the old custom of all nations of imposing an hommage and a tribute on the weakest.") Further on, "On trouve donc dès le tems des Romains le premier modele des *fiefs*, et l'obligation du service militaire imposée aux possesseurs." ("One finds, then, from the days of the Romans the first model of fiefs, and the obligation of military service imposed on those possessing them.") And further yet in the article, "Mais nonobstant ces diverses opinions, il paroît constant que l'usage des *fiefs* est venu en France du nord: qu'il y fut apporté par les Francs lorsqu'ils firent la conquête des Gaules." ("But in spite of these diverse opinions, it seems established that the custom of fiefs came into France from the north; that it was brought there by the Franks when they conquered the Gauls.") And in this last-quoted statement Boucher d'Argis shows himself (though he does not say so) to be sharing (on this point) the opinion of Boulainvilliers and Montesquieu, the latter of whom had vigorously refuted the theory set forth by the abbé Dubos on their Roman origin.[13]

Should one conclude that Boucher d'Argis is timid or vacillating? Jacques Proust calls him "le moins hardi" ("the least bold") of all the leading Encyclopedists.[14] But is it not a question here of a more "modern" attitude to history, rather than of a lack of temerity? Did not Boucher d'Argis say that in order to comprehend the spirit of laws it is necessary to know the circumstances of their origin, and through what changes they have passed? We will examine later his attitude toward the Middle Ages, for it is precisely there, in the effort to understand the mentality of another age, that we most clearly encounter the modern spirit of historical writing.[15] And it is interesting to note at this point that a recent history of French law (Olivier-Martin, *Histoire du droit français des origines à la Révolution,* 1951) treats this question of the origin of feudal legal institutions in a manner parallel to that of Boucher d'Argis, noting the same mixture of customs from the Gauls, the Romans and the Franks.[16] Olivier-Martin adds the idea (which helps to explain the mixture) of the *res publica* which existed among the Romans, disappeared during the reign of the Merovingians (when the *regnum Francorum*

was the property, the possession of the king), to return with the Carolingians because of the increasing intermarriage among peoples, making territorial considerations of greater and greater importance, and causing the return – by necessity – to the Roman conception of sovereignty.[17]

But let us look for a moment at the articles in the *Encyclopédie* written by the Chevalier de Jaucourt on feudal law and institutions. It is of him that Jacques Proust says, "Il est probable qu'il a pu très tôt décharger Diderot du soin écrasant de suppléer dans toutes les parties les articles manquants."[18] ("It is likely that he was able early to relieve Diderot of the crushing burden of supplying missing articles for all topics.") In two parallel articles – "Noblesse" (Jurisprudence) by Boucher d'Argis and "Noblesse, Haute" (Histoire de France) by Jaucourt – it is obvious that the two writers have rather different aims, though their political views may well be similar.[19] Jaucourt, in his article, wants to speak of origins – but it is only of Germanic ones that he speaks. "Les peuples du nord avoient une estime toute particuliere pour la valeur militaire . . . pour les distinguer des paysans ou routuriers, ils appelloient *nobles* ceux qui avoient défendu leur patrie avec courage, et qui avoient accru leur domination par les guerres: or pour récompense de leurs services dans le partage des terres conquises, ils leur donnerent des francs fiefs, à condition de continuer à rendre à leur patrie les mêmes services qu'ils lui avoient déjà rendus." (XI, 172b-173a) ("The peoples of the north had an esteem for military value that was particularly theirs . . . to distinguish them from peasants or commoners, they called nobles those who had defended their homeland courageously, and who had acquired their domination through wars: then for payment of their services in the distributing of conquered land, they gave them free (exempt) fiefs on the condition that they continue to give their fatherland the same services which they had already given.")

Boucher d'Argis speaks with more detail of origins; the Gauls had a nobility, ". . . l'ordre des chevaliers distingué des druides et du commun du peuple." (XI, 168b) (". . . the order of knights distinguished from the Druids and from common people.") And the Romans, having made the conquest of the Gauls, ". . . établirent peu-à-peu les regles du leur noblesse . . . Enfin, lorsque les Francs eurent à leur tour conquis les Gaules sur les Romains, cette nation victorieuse forma le principal corps de la noblesse en France." (". . . established little by little the rules

of their nobility . . . Finally, when the Franks had in their turn conquered the Gauls through the Romans, this victorious nation formed the chief body of the nobility in France.") Further on in the article he says, "Il y avoit donc au commencement de la monarchie trois sortes de nobles; les uns qui descendoient des chevaliers gaulois qui faisoient profession de porter les armes, d'autres qui venoient de magistrats romains, lesquels joignoient l'exercice des armes à l'administration de la justice et au gouvernement civil et des finances, et la troisieme sorte de nobles étoit les Francs qui, faisant profession des armes, étoient exempts de toutes servitudes personnelles et impositions . . ." ("There were, then, in the beginning of the monarchy three kinds of nobles; the ones who were descended from those knights among the Gauls who made a profession of bearing arms, others who came from the Roman magistrates, who joined the bearing of arms to the administration of justice and to civil government and finance, and the third kind of nobles was the Franks who, being soldiers by profession, were exempt from all personal servitude and assessment . . .")

We sense in comparing these two parallel articles the kind of thorough, impartial examination Boucher d'Argis characteristically prefers to the unified, unambiguous thrust of Jaucourt's articles. If Boucher d'Argis does have an *idée fixe* when he writes of the origins of feudal institutions, it is the idea of the dignity of the *noblesse de robe;* one might suspect such a prejudice when he speaks of the nobles descended from Roman magistrates in this article "Noblesse", or similarly, when he insists, in the article "Etats" (VI, 26a), "Chez les Romains la noblesse ne résidoit que dans l'ordre des sénateurs, qui étoit l'état de la robe. L'ordre des chevaliers n'avoit de rang qu'après celui des sénateurs, et ne jouissoit point d'une noblesse parfaite, mais seulement de quelques marques d'honneur." ("Among the Romans, nobility consisted only in the order of senators, which was the estate of the robe. The order of knights had rank only after that of senators, and did not enjoy perfect nobility, but only some marks of honor.") But on many occasions where Boucher d'Argis could have profited from the occasion to put forth his own ideas (those which one might expect from a lawyer associated with the Parlement of Paris) or those political ideas dear to the *philosophes*, he does not do so. In "Lit de Justice," for example, there is nothing but the history of the institution and a description of the ceremony. In "Remontrances" (a short article) he says only (after having defined the word) that the sovereign

courts have this right in relationship to the king. This habit on Boucher d'Argis' part of writing from an almost purely historical and descriptive point of view evidently exasperated Jaucourt eventually, and in some articles which he wrote parallel to the long, scholarly treatises by Boucher d'Argis, one can find the tone desired by Jaucourt, sometimes utilising historical information and sometimes not. For example, Boucher d'Argis wrote "Gabelle" (Jurisprudence) (the "gabelle" was the salt tax); Jaucourt wrote "Sel" ("salt"), a short article full of sentences such as, "La douleur s'empare de notre coeur à la lecture de l'ordonnance des gabelles."[20] ("Sorrow seizes our hearts when we read the salt tax law.") This impatience of Jaucourt's is especially clear in the article "Taille à Volonté" ("discretionary tax"). After having complained about the injustice of the law, Jaucourt says:

> J'entends déjà des gens de loi me dire que c'est une suite de la loi qui attachait les serfs à la terre. Je pourrais répondre que tous les taillables ne sont pas, à beaucoup près, issus de serfs; mais, sans sonder l'obscurité barbare de ces temps-là, il s'agit de savoir si l'usage est bon ou mauvais, et non pas de connaître son origine. Les rois trouvèrent avantageux pour eux et pour leur état d'abolir les servitudes, et comme l'expérience a justifié leur sage politique, il ne faut plus raisonner d'après les principes de servitude.[21]

> (I can already hear lawyers telling me that it is a consequence of the law which attached serfs to the soil. I might reply that all taxables are by no means sprung from serfs; but, without probing the barbarous obscurity of those times, it is a question of knowing if the law is good or bad and not of being acquainted with its origin. The kings have found it advantageous to themselves and to their state to abolish servitude, and as experience has justified their wise political action, one must no longer reason according to the principles of servitude.)

Should we see in Boucher d'Argis a reactionary force wanting to conserve the antiquated institutions of the Ancien Régime? On reading him, the word "reactionary" seems much too strong, the word "conservator" perhaps more just, but the word "restorer" much better, in the sense of the restoration of a rationality equivalent to that of the origins of the institutions, but appropriate to the more developed society of the eighteenth century. Even the word "reformer" is not unimaginable for him, if one can judge by one of those rare occasions when Boucher d'Argis lets his personal views be known. This is the article "Coûtume" (Jurisprudence) (IV, 411b-415b). After having spoken

of the codification of the hitherto unwritten laws (*coutumes*), Boucher d'Argis says, "Louis XI avoit, dit-on, dessein de réduire toutes les coûtumes du royaume en une seule, et que l'on usât partout du même poids et de la même mesure. Ce loüable dessein est demeuré jusqu'à présent sans exécution." ("Louis the Eleventh had, they say, intentions of reducing all the custom based laws of the kingdom into a single code, and of having people all use the same weights and measures. This praiseworthy plan has remained unexecuted up to the present time.") Then he poses the question of whether the well-known decrees of *Monsieur le premier président* de Lamoignon are a renewal of this idea, and he speaks of the various difficulties noted by Monsieur Auzanet in the attempts to arrive at a common set of laws. Boucher d'Argis continues:

> Ces considérations ne paroissent cependant pas capables de balancer l'avantage commun que l'on retireroit de n'avoir qu'une seule loi. N'est-il pas étrange de voir dans un même royaume tant de coûtumes différentes; et que dans une même province où il se trouve plusieurs coûtumes locales dont le ressort n'est séparé que par une rivière ou par un chemin, ce qui est réputé juste d'un côté, soit réputé injuste de l'autre? La prévention des peuples pour leurs anciens usages n'est pas ce que l'on doit consulter, mais le bien public. En rendant toutes les coûtumes uniformes pour l'avenir, on ne changeroit rien à ce qui auroit été fait par le passé; ainsi il n'y auroit nul inconvénient, et il ne seroit pas plus difficile de réduire tout à une même coûtume que de réduire tout à un poids et une mesure.
>
> (These considerations, however, do not seem capable of outweighing the advantage that we would all derive from having but a single law. Isn't it strange to see in the same kingdom so many different legal usages; that in the same province where there are several local systems of justice whose jurisdiction is separated only by a river or by a road, what is considered right on one side is wrong on the other? The prejudices of people for their old ways is not what should be considered, but the public good. By making all legal codes uniform for acts in the future, one would change nothing of what had been done in the past; thus there would be no real disadvantage, and it would be no more difficult to reduce everything to the same legal code than to reduce everything to one system of weights and of measures.

If one can judge by that, and by what his style sometimes lets show (the repetition, for example, of the idea that one man *alone* – the King – holds at that time the first rights to hunting, in the article "Chasse"), one can indeed believe that the political

opinions of Boucher d'Argis and of Jaucourt and the other Encyclopedists in general are not so very different.

The differences, then, of aim and of tone in the articles written by Boucher d'Argis and those written by Jaucourt have three probable causes, it would seem. First, the differences in personality (judged on their style) and the fact that Jaucourt is less learned than Boucher d'Argis. Secondly, the system for the classification of articles in the *Encyclopédie* may have influenced their orientation; those of Boucher d'Argis are, for the most part, classified "Jurisprudence" (which, in the schema of the Encyclopedists, belongs to civil history – the acts of men); those of Jaucourt are mainly classified "Droit politique" ("political law") or "Gouvernement politique" ("political government") which belong to "Histoire littéraire" – the ideas of men. But the most important reason for the differences would seem to be that the two men do not have the same philosophy in regard to history. Jaucourt evidently has the idea that history should serve the aims of the *philosophes* (d'Alembert had said as much in discussing Memory and Reason in the *Discours préliminaire* to the *Encyclopédie).* Boucher d'Argis sees history more purely; for him it is not a question of judging but of describing and (as we shall soon see) of reconstructing as much as possible the mentality of the past in the mind of the historian.

The view of Jaucourt has some important consequences when one reflects on the accusations by the modern philosopher Collingwood that "the historical outlook of the Enlightenment was not genuinely historical; in its main motive it was polemical and anti-historical."[22] This may be true, in general, in relationship to a philosophy of history such as that Collingwood holds in the twentieth century. But when we try to understand the viewpoint of the Encyclopedists we realize that they found it legitimate to ask Memory (under which Baconian classification history is found) to serve the ends of Reason; thus, this use of history (the past) for the aims of the present (that use which we call propaganda[23]) was not blameworthy for most of the *Encyclopédie* writers. This is why, no doubt, Jaucourt had a tendency to grow impatient with the more "modern" historian, Boucher d'Argis. (Or, of course, we might not want to discount an impatience, eventually, with the historical method of reasoning – that kind of impatience which had provoked the celebrated question of Helvetius to Montesquieu about whether it is necessary to inherit all the accumulated errors since the origin of

man.[24]) Voltaire is also impatient with research into the feudal origins of governmental institutions, but for the reason that we cannot know enough of the history of that barbarous and irrational age to judge well. We note what he says in the article "Histoire." "Pour pénétrer dans le labyrinthe ténébreux du moyen age il faut le secours des archives, et on n'en a presque point. Quelques anciens couvents ont conservé des chartres, des diplômes, qui contiennent des donations dont l'autorité est quelquefois contestée; ce n'est pas là un recueil où l'on puisse s'éclairer sur l'histoire politique et sur le droit public de l'Europe." (VIII, 223b)[25] ("To penetrate into the shadowy labyrinth of the Middle Ages one must have the help of archives, and we have hardly any. Some former convents have preserved some charters, some documents which contain deeds whose authenticity is sometimes questioned; that is not a collection where one can be enlightened on the political history and on the public law of Europe.") The widely-held view of the eighteenth century that the "centuries of ignorance" had hardly anything to contribute to the century of the Enlightenment (outside of the context of the *thèse nobiliaire* and the *thèse royale*) tended to deny any reasonableness to this early period – which impels Collingwood to say that the historical writing of the Enlightenment is "anti-historical." For, he says, "A truly historical view of human history sees everything in that history as having its own *raison d'être* and coming into existence in order to serve the needs of the men whose minds have corporately created it."[26]

On this note, we return to the articles of Boucher d'Argis, for this scholarly lawyer, author of several treatises on the history of jurisprudence, had studied the documents, the laws of the Middle Ages, and it is clear that he sees (as a lawyer and as a historian) a logic, a rationality in the development of the law during this period. The evidence is frequent in his articles. For example, in the article "Chasse" (Jurisprudence) (III, 225b-228a), where he traces the progressive limitations on this right of the hunt (which at first had been free to all men) to its contemporary situation (where the King alone holds first rights to hunting), Boucher d'Argis attributes the limitation under Charles VI (that young king who, before becoming insane, had wanted to give generously the permission to hunt in the preserves) to the fact that the forests were becoming denuded of wild life. Thus, what had been reasonable at that time had created a precedent of more and more strict limitation.

Another example: in the article "Coûtume" (IV, 411b-415b), Boucher d'Argis defines *droit coutumier* ("customary law") by opposition to *droit écrit* ("written law") and traces the process by which the *coutumes* had been codified, beginning during the reign of Saint Louis. Boucher d'Argis, who had studied the documents, noticed in some of them a *style grossier* ("clumsy (unpolished) style") and little in the way of methodical order; he explains this:

> La coûtume de Ponthieu fut rédigée par les officiers des lieux, seuls. La plupart des autres l'ont été par des commissaires nommés par le Roi, et tirés ordinairement du corps du parlement, lesquels ont présidé à l'assemblée des états, et arrêté les articles en la forme où ils sont; mais n'ayant eu le tems de composer eux-mêmes les cahiers des coûtumes, ni de les corriger à loisir, ce sont les officiers du pays qui ont eu le plus de part à la rédaction; c'est pourquoi le style de la plûpart de ces *coûtumes* est si grossier, et il s'y trouve si peu d'ordre et de méthode; ce qui n'empêche pas que les commissaires qui y ont présidé, ne fussent des gens de mérite. (p. 413a)

> (The document of legal practice of Ponthieu was codified by [judicial] officers of those parts, alone. Most of the others were prepared by commissioners named by the King, and drawn usually from among members of the Parlement. These men presided at the assembly of the estates, and decided on the articles in the form they now have; but not having had time themselves to make up the collections of local usage laws, nor to correct them at leisure, it was the petty officials of the region who were primarily responsible for drawing these up; that is why the style of these *coutumes* is so unpolished, and why there is in them so little order and method; which doesn't mean at all that the commissioners who presided over the task were not men of merit.)

Similarly, in the article "Etablissemens de S. Louis" Boucher d'Argis explains the frequent quotations seen there (some people having found them surprising, he says, in such a document), ". . . l'on doit être d'autant moins surpris de trouver tant de citations dans ces établissemens, que c'étoit-là l'ordonnance la plus considérable qui eût été faite; que l'idée étoit de faire un code général, et que l'on n'avoit pas alors l'esprit de précision et le ton d'autorité qui convient dans la législation." (". . . one should be the less surprised to find so many quotations in this code in that it was the most comprehensive ordinance which had yet been made, in that the idea was to put together a general code, and in that there did not exist at that time the spirit of precision and the tone of authority appropriate to legislation.")

Boucher d'Argis is evidently replying here in this article (though he does not mention it) to the arguments of Montesquieu (Book XXVIII, chapter xxxvii) that this code was never meant to serve as a law for the whole kingdom. Boucher d'Argis sees no problem in believing this code to be indeed a general code of Saint Louis, in spite of a lack of precision and in spite of the quotations within it. Here once again, he is looking for an explanation for a surprising kind of style – but this time, he is wrong, and it is Montesquieu who is right. Olivier-Martin says that this work is a private compilation, a collection of usages, which its unknown author had stuffed with Roman and canonical texts to display his erudition![27] One cannot always be right!

This does serve to underline that one cannot, finally, push too far the idea of a completely "modern" perspicacity on the part of Boucher d'Argis toward the Middle Ages. He, too, like Voltaire, was a man of the eighteenth century. He, too, used the word *barbare*. "On fut sans doute aussi bien aise de quitter la *loi salique*, à cause de la barbarie qu'elle marquait de nos ancêtres, tant pour la langue que pour les moeurs. . ." ("Loi Salique" IX, 670) ("They were doubtless also well quit of the Salic law, because of the barbarity to which it testified on the part of our ancestors, as much in language as in morals (mores).") But Boucher d'Argis does indeed make an effort to understand, in the documents with which he is acquainted, the mentality, the rationale of those who had written them. And it is this effort which is such an important aspect of the procedures of modern historians.

Montesquieu, less disinterested than Boucher d'Argis in his studies of feudal law, also shows evidence of this effort to understand – an attitude at times even more clearly "modern" in its scope than that of the *Encyclopédie* writer. For Montesquieu utilizes not only legal documents but also those recounting the lives of the saints (Book XXX, chapter xi). He tells us, in speaking of the captives of Pepin's army:

> . . . c'est dans la vie des saints que l'on trouve les plus grands éclaircissements sur cette matière. Quoiqu'on puisse reprocher aux auteurs de ces vies d'avoir été quelquefois un peu trop crédules sur des choses que Dieu a certainement faites si elles ont été dans l'ordre de ses desseins, on ne laisse pas d'en tirer de grandes lumières sur les moeurs et les usages de ces temps-là. . . Tous ces écrits froids, secs, insipides et durs, il faut les lire, il faut les dévorer, comme la fable dit que Saturne dévorait les

pierres.[28]

(. . . it is in the documents on the lives of the saints where one finds the greatest illumination on this question. Although one can reproach the authors of these lives for having been sometimes a bit too credulous concerning things which God certainly did if they were in the unfolding of his design, one nevertheless draws from them great enlightenment about the mores and customs of those times . . . All those cold, dry, insipid and difficult writings must be read, devoured, as the fable says Saturn devoured stones.)

This is an idea which Jaucourt echoes in the article "Vie des saints."

In the *Encyclopédie*, within the schema of outline for the articles known as the *Système figuré des connaissances humaines*, "history" (and the subheading "civil history") are found under the heading of "Memory." But this Baconian view has been surpassed by modern historians; history is not just attached to a category of Memory (which Collingwood makes equivalent to "statements of authorities") but can reconstruct by scientific methods a picture of the past which does not depend on any tradition or continuity.[29] In view of this claim, it is interesting to see if modern historians can tell us things which differ in kind (and not just in quantity and precision) from what the historians of the *Encyclopédie* tell us about feudal law. One topic serves us here by way of experiment, that of the *capitulaires*, those laws promulgated by the Carolingian kings in the presence of an assembly of bishops and lords of the realm. (The article on them in the *Encyclopédie* is rather short, having been written by Mallet and d'Alembert before Boucher d'Argis came on the scene, but the latter adds much information on them in various articles under other titles.)

In the conclusion of a rather short but very interesting book, *Recherches sur les capitulaires*, published in 1958 and written by F. J. Ganshof[30] one can find four ideas about the *capitulaires* which seem to be different from anything the Encyclopedists tell us:

(1) an idea that our knowledge about the *capitulaires* is uncertain (the Encyclopedists, with less research, make no such avowal)

(2) an idea that the *capitulaires* are not a single block or

kind of law, though they belong to a limited period of history (the Encyclopedists do not make any distinction, but treat them as a unit)

(3) an idea of the very limited place that actual legislation occupies in the *capitulaires* (the Encyclopedists treat them only as laws)

(4) an idea that the characteristics of what is *written* are very limited in comparison to what was *oral* in the lawmaking processes of the Carolingians; the terms in which the decision of the king was written down are rarely decisive when it comes to interpreting a *capitulaire* (the Encyclopedists do not have this concept of an oral environment)

It would seem that especially in the fourth idea expressed in the modern book and summarized above, it is clear how modern historians have gone beyond an idea of history as dependent on the statements of authorities to write a new history of the "centuries of ignorance" the Encyclopedists visualized.

In the introduction of the book on the history of French law by Olivier-Martin, he speaks of sources of our knowledge of the history of law. He mentions, of course, legal documents, but he also speaks of the importance of "monuments de la pratique" ("records of practices") such as *polyptyques* (detailed descriptions of the possessions of certain monasteries) *diplômes* (records of sale, gifts, wills) and *formulaires* (collections of models serving lawyers in drawing up judicial acts). Searching the *Encyclopédie* for evidence of whether or not the writers there were conscious of these sources, one finds no mention of *polyptyques;* the value of the *formulaires* was acknowledged; but it is in the article "Diplôme" (by Lenglet du Fresnoy) that one uncovers, not the idea of using such documents for the understanding of the history of law, but rather a wealth of illumination on further eighteenth century ideas about history. It is there that we come to realize the tremendous importance in the eighteenth century of the authenticity of documents (and hence that one common view of the role of history is that of establishing this authenticity), for claims to nobility and to property hinged on these papers. It is there that we realize how much acquaintance with scientific procedures historians did have to serve them in this process – examination of inks, of parchments, of styles of handwriting, of seals, etc. It is also there that one finds the cautionary note that the documents which one must examine with especially careful exactitude are those of abbeys, of the property of religious communities and even of cathedral churches. For it

seems that the article writer would have one know that there had been forgers among the regular and the secular clergy! Caught by surprise again, we see the *Encyclopédie* preaching the Enlightenment in an unlikely place, showing its propensity for religious skepticism where the censor is not so likely to look. Monument to the *philosophes'* faith in the efficacy of human reason, the *Encyclopédie* invited all branches of human knowledge to contribute to their goals. We realize that it was somewhat by exception that Boucher d'Argis saw his discipline more purely.

NOTES

[1]We cannot forget to acknowledge, either, in speaking of the *Encyclopédie,* the vast compilation of technical know-how presented to its subscribers, supported by the separate volumes of plates (illustrating manufacturing processes and scientific and craft techniques) which were published after the seventeen volumes of articles.

[2]We should note here the distinction between the expression "philosophy of history" which Jacques Proust, for example, uses when he speaks of a common philosophy of history on the part of the Encyclopedists *(L'Encyclopédie,* pp. 148-149) and the meaning of this expression when a writer like R. G. Collingwood uses it, as in *The Idea of History* where he says (page 2), "For the philosopher, the fact demanding attention is neither the past by itself, as it is for the historian, nor the historian's thought about it, as it is for the psychologist, but the two things in their mutual relation." Or, in *Philosophy of History,* W. H. Walsh says (page 119), "The term 'philosophy of history' was generally understood a hundred years ago in a sense very different from that given it in the preceding chapters. We have taken it to designate a critical enquiry into the character of historical thinking, an analysis of some of the procedures of the historian, and a comparison of them with those followed in other disciplines. . . But the conception of it entertained by most writers on the subject in the nineteenth century was entirely different. "The" philosophy of history, as they called it, had as its object history in the sense of *res gestae,* not *historia rerum gestarum;* and the task of its exponents was to produce an interpretation of the actual course of events showing that a special kind of intelligibility could be found in it." This nineteenth century sense of the phrase, it would seem, is the sense of the expression as Proust uses it – and this aspect is interesting – but it is rather the modern sense of the idea of a philosophy of history among historians which is important for this present study. In fact, the distinction is a fundamental one; the Encyclopedists did have (as Proust says) a common philosophy of history ("Le progrès des connaissances humaines est une route tracée d'où il est presque impossible de s'écarter." "The progress of human knowledge is a road laid out from which it is almost impossible to stray."). But their procedures in writing history were not at all the same, which reveals philosophies of history (in the modern sense) which are different. Or, to say the same thing another way, the Encyclopedists ask history to do different things, according to their view of

what history is.

[3]Franz Neumann, "Editor's Introduction," in Montesquieu, *The Spirit of the Laws,* trans., Thomas Nugent (New York, 1949), pp. xix-xxiv.

[4]*Ibid.* pp. xxiv-xxix.

[5]Jacques Proust, *L'Encyclopédie* (Paris, 1965), p. 146.

[6]*Ibid.*, p. 147.

[7]Nelly Schargo, *History in the "Encyclopédie"* (New York, 1947), p. 106, quoted from René Hubert, *Les Sciences sociales dans l'Encyclopédie* (Paris, 1923), p. 125.

[8]Schargo, *op. cit.*, p. 116.

[9]The contrary is true in Jaucourt's articles; he quotes Montesquieu often, sometimes saying so, much more often without acknowledging his source; one gets an impression of "déjà lu" sometimes in reading Jaucourt's articles after having read Montesquieu. D'Alembert also quotes Montesquieu; for example, he added a paragraph to the article "Capitulaires" (by Mallet) to present Montesquieu's theory about the disappearance of this kind of law. One gets a rather clear idea of why Boucher d'Argis doesn't quote Montesquieu as an authority after having read his article "Jurisprudence." That is the only place where he mentions the name of Montesquieu and of *L'Esprit des lois;* he calls him the "ingenious" author of the work, speaks of the difficulties (cited by Montesquieu himself) in the study of jurisprudence, and says, "L'esprit humain a ses bornes: un seul homme ne peut donc embrasser toutes les parties d'une science aussi vaste; il vaut mieux en bien approfondir une partie, que de les effleurer toutes." (IX, 82a) ("The human mind has its limits: a single man cannot, therefore, embrace all the parts of such a vast science; it is better to deepen one's knowledge of a part of it than to skim the surface of all of them.").

[10]Montesquieu, *Oeuvres complètes* (Tome II) (Paris, 1951), 920.

[11]The parallel article by Jaucourt, "Fief" (Droit politique, Histoire littéraire) gives the theories (and frequently the words) of Montesquieu concerning what follows from the fact that fiefs become hereditary. Jaucourt says at the beginning of the article that he has no intention of treating modern fiefs (which he doesn't) but wishes to consider the subject from a more general and more noble perspective – that of the establishment of fiefs. Thus, neither Boucher d'Argis nor Jaucourt treats the dispute over fiefs which had been a subject of debate since the sixteenth century.

[12]It is interesting to note that Franz Neumann says, "The truth contained in Dubos' thesis is infinitely greater than that of his opponent." (*op. cit.*, p. xxvi).

[13]Montesquieu, *op. cit.*, 897.

[14]Proust, *op. cit.*, p. 166.

[15]R. G. Collingwood, *The Idea of History* (New York, 1956), p. 69ff. (discussion of Vico) and p. 97 ff. (of Kant).

[16]Especially in Chapter III, "Les institutions politiques franques."

[17]p. 38.

[18]Proust, *op. cit.*, p. 85.

[19]There is also an article entitled "Noblesse" (Gouvernement politique) by Jaucourt, where he echoes the opinions of Montesquieu in regard to the nobility as an intermediate body limiting the power of the king.

[20]John Lough, *The "Encyclopédie" of Diderot and d'Alembert* (Cambridge, 1969), p. 211.

[21] *Ibid.*, p. 217. What is interesting here, too, is that Jaucourt, who quotes Montesquieu so often and who gives the impression of admiring him a great deal, shows here that he doesn't entirely understand him – or else that, considering the number of years that have gone by from the beginning of publication to the volume containing the letter "T", he doesn't admire him as much as he did formerly.

[22] Collingwood, *op. cit.*, p. 77.

[23] W. H. Walsh, *Philosophy of History* (New York, 1960), p. 112.

[24] Neumann, *op. cit.*, p. xxvi.

[25] If the quality of historical knowledge about the Middle Ages was always that which it is sometimes in Voltaire's writings, we would have reason not to trust such information. He says, for example, that it wasn't until 1454, under Charles VII, that the *coutumes* of France were set down in writing. ("Histoire" VIII, 221b) This date is too late by about two centuries, which Boucher d'Argis notes as an error, without saying that it is Voltaire who is making it.

[26] Collingwood, *op. cit.*, p. 77.

[27] Olivier-Martin, *op. cit.*, p. 117.

[28] Montesquieu, *op. cit.*, p. 894.

[29] Collingwood, *op. cit.*, p. 69.

[30] pp. 103-105.

Harold B. Hancock

THE WESTERVILLE WHISKEY WARS

Westerville was a quiet, peaceful village of 1200 persons in the 1870's. Its most important enterprise was Otterbein University, which had been founded in 1847 in buildings once occupied by Blendon Young Men's Seminary. The faculty members and 200 students of this United Brethren institution spent an estimated $60,000 annually in the community. Manufacturing was unimportant, being confined to a grist mill, a saw mill, a tile works, a spoke factory, and a foundry. Nearby farmers found it a convenient crossroads in which to buy supplies.[1]

Virginia and Dutch settlers from New York had bought land in the area early in the nineteenth century. After a great camp meeting in 1838, Peter and Matthew Westevelt had offered land for a Methodist educational institution. Part of it was reserved for the campus of Young Men's Blendon Seminary, but the remainder was platted in 1839 and sold as town lots. The new community was named Westerville in honor of the donors of the land and incorporated in 1858.[2]

The village prospered after the Cleveland, Mt. Vernon and Columbus Railroad constructed in 1872-1873 placed it within a thirty minute ride of the capital. Merchants erected several tall brick buildings on the principal business street, the upper stories being used by fraternal orders. New streets were opened, and old ones improved. A new town hall contained the post office, jail and mayor's office. Two imposing edifices were the Methodist and Presbyterian churches, while the campus of Otterbein University was dominated by a new main building erected in 1871 containing classrooms and a chapel.[3]

The peace and quiet of the community were disturbed in July, 1875, when Henry and Phyloxena Corbin opened a "Lager Beer Saloon" in a small building of three rooms at the corner of Knox and Main Streets. Tradition was against the new business, for Westerville had never been hospitable to saloons for long. A tavern had flourished for a time in 1836, but for twenty years before the Corbins came, Westerville had been dry.[4] One of the first ordnances passed by the village council in 1859 prohibited residents in any way from giving, selling, bartering, or disposing

of wine, fermented cider, ale, porter, lager beer, or spiritous liquors. It was one of Ohio's earliest local prohibition decrees. Subsequent state legislation in 1874 forbade the absolute exclusion of saloons from municipalities, though their regulation was permitted.[5]

In spite of the change in the laws of the state, the timing of the Corbins was bad. The lectures of Dr. Dio Lewis in December, 1873, at Hillsboro, Ohio, initiated a crusade against drink and led to the formation of the Women's Christian Temperance Union in Cleveland in November, 1874. A few days before this meeting, the ladies of Westerville had "revived" their temperance meetings and probably soon organized a local chapter of the WCTU. In any case, events were to demonstrate that they were prepared to battle vigorously against any such establishment, as their sisters had done in many other Ohio towns and cities.[6]

The pastors and most of the members of the Methodist, Presbyterian and United Brethren churches were strongly opposed. The United Brethren church had first officially taken a stand against the use of alcoholic beverages by members in 1814, and the columns of the *Religious Telescope*, the denominational newspaper, reflected this point of view.[7]

Otterbein University faculty felt that the institution was the main reason for the existence of the village and that students should not be exposed to such temptations. Publicity emphasized that the village was free of saloons and immorality.[8] President Henry A. Thompson was a leader in temperance circles in the state and ran for Vice-President of the United States on the Prohibition ticket in 1880.[9] Mrs. John Haywood, wife of a faculty member, was the first president of the village WCTU.[10] In retrospect, Professor Henry Garst considered Otterbein University had "borne a leading part in securing and maintaining the best that has been attained upon the aubject of temperance in the government of the place."[11]

Who was Corbin? He was not unfamiliar with the village, having once conducted a hardware business there. He was so obsessed with the idea of establishing a saloon in the village that one newspaper believed that his mind was "hazed." Tall, extremely slender, with eyes set far back in his head, he looked like an invalid. In his ears he wore small, round gold rings. His wife, Phyloxena, was the more vigorous of the two. A volatile

talker, she made her displeasure known to those whom she suspected of vandalizing her husband's saloon. An assistant who sometimes tended bar was nicknamed "Barefoot."[12]

Corbin underestimated the resistance that he would encounter. Before he made his first sale, delegations of men and of women separately tried to persuade him to abandon the attempt.[13] During the night of June 30, 1875, someone entered his place of business, emptied demijohns of whiskey and bored holes in the beer kegs, but the proprietor managed to secure a new supply from Columbus for his grand opening at nine o'clock in the morning on July 1.[14]

A few minutes later, college, church and fire bells rang. By prearrangement the members of the new fire company dashed to positions before the saloon, as if it were ablaze, and a crowd of 1,000 persons gathered. Expecting violence, Corbin flourished two "horse pistols" and swore to defend his establishment against all comers. But the only weapons used were words and reason. Clergymen, faculty members and townspeople spoke, hymns were sung and prayers offered. Corbin informed the spectators that he had the right under state law to engage in this business and promised to keep an orderly place in which he would serve only the "purest and most wholesome of liquors."[15]

Before dispersing, the crowd appointed a Vigilance Committee of 25 men, which then assembled in the Presbyterian Church. The women of the community met separately in the Methodist Church. The Vigilance Committee arranged for a series of mass meetings to unify feeling, raised pledges of $5,000 to prosecute the saloon keeper, and sent a delegation to ask the owner to abandon the enterprise. The committee circulated a Citizen's Pledge, which read:

> We, the undersigned, citizens of Westerville and vicinity, hereby solemnly pledge ourselves that we will not patronize any dry-goods merchant, groceryman, physician, lawyer, mechanic, or any other business man, or employ for any purpose a laboring man or hire help that will frequent, encourage, sustain, or furnish aid to a liquor saloon in Westerville.

Eventually 637 signatures were secured.[16] Professor Garst believed that all but a score of voters signed the document, though one reported declared that it included the names of some juveniles and 255 women.[17]

Thus far the resistance to having a saloon in Westerville had been confined to orderly means, except for the destruction of Corbin's liquor and beer, but now a lawless element, perhaps aroused by emotional denunciations at mass meetings, took over. Even before Corbin opened his doors, rotten eggs were thrown at the building.[18] On the night of July 1, the saloon was stoned and its windows broken. The ladies then tried "a dose of Crusade" by singing and praying with the owner, as their friends at Hillsboro had done in a similar situation, but the saloonkeeper's heart did not soften.[19]

On July 6 came the first of a series of explosions. About 1:30 in the morning a loud noise startled the residents. An explosion had burned a hole in the floor of the east room, blown out windows and loosened stone caps above them, and raised the roof four inches.[20]

Were the perpetrators the proprietor himself or an irresponsible element willing to use any means to rid the village of the nuisance? Contending that Corbin's motive was to collect insurance or to be reimbursed by the Brewers' Association in Columbus, President Thompson believed that the saloonkeeper was responsible and pointed out that bottles within the saloon remained unbroken. The press claimed that the structure was uninsured and suggested that extremists in the temperance group were responsible. This division of opinion as to the guilty party persisted in subsequent explosions.[21]

Explosion and a fire, which some suspected of being set by an arsonist, did $500 worth of damage to the west room on July 11. Another report was that the fire resulted from a lamp being knocked over by one of Corbin's drunken guards.[22] The Vigilance Committee posted sentries at the doors to note who entered and to watch for violations of law.[23] After his doorposts were smeared with filth, Corbin fixed a loaded musket aimed at the door to protect the saloon at night.[24]

A second explosion occurred "like a loud cannon peal" at nine o'clock in the evening of August 3 shortly after Corbin had left the saloon. The people of the village assembled for a temperance meeting in the Methodist Church were startled, and one lady in the audience fainted. The west end of the building was damaged, and the roof raised several inches.[25] President Thompson suspected that the perpetrator was the saloonist. He

believed that Corbin expected someone to rush into the building immediately after the incident and to be killed by the cocked musket fastened by a rope to the door. The proprietor still continued to dispense beer and liquor at the bar.[26]

A week later a third explosion again damaged the east room in which the first explosion had occurred. Explosive material had been placed under the beer cooler in this room through an iron grating in the foundation. Portions of the north and east walls caved in, allowing one part of the roof to rest on the ground. A reporter described the barroom as "a total wreck." The west room was in almost as bad a condition, and visitors feared to tarry there for fear that it might cave in. The proprietor continued undaunted to sell beer and whiskey in a small room in the rear built as a kitchen.[27]

During these months Corbin and the community engaged in a series of court battles. The village fathers amended the ordinance of 1859 on July 13, 1875, to prohibit sales to minors and intoxicated persons and for consumption on the premises. This local ordinance also fixed the hour of closing at eight o'clock.[28]

Corbin fought back by accusing seven prominent citizens of inciting a riot by assembling a mob at his opening. The list of names included the pastors of the Presbyterian and Methodist churches, the postmaster and four businessmen. A delegation of two hundred citizens in three special railway cars accompanied these men to Columbus for trial on July 7 before an unsympathetic German judge in the Common Pleas Court. At the Union Depot under the marshallship of President Thompson, they formed a procession and marched in almost military fashion to the Justice's office. The defendants were released under bond.[29]

After the proceedings were over, Corbin, alleging that his life was in danger and his property in jeopardy, had warrants sworn out against the pastors of the Methodist and Presbyterian churches, three United Brethren clergymen, and four other residents of Westerville. On July 8, sixty persons accompanied these men to the Court of Common Pleas. They were released under bond.[30]

Accused of keeping his saloon open after eight o'clock, Corbin demanded a jury trial in the Westerville Mayor's Court. His attorneys then asked the prospective members embarrassing

questions about whether they had signed the Citizen's Pledge, their attitude towards temperance, and what they knew about the destruction of Corbin's property. The effort to select jurors took a long time; for the first time a Negro served on a jury in the village. When Corbin could not pay the costs, his stock of liquor was confiscated. After doubts were expressed about the legality of the village ordinance, his bottles were returned to him.[31]

Corbin continued in business for a short time thereafter, but finally gave up the attempt.[32]

Four years later Corbin bought for $4,000 the Clymer House, containing twenty rooms. (Today the site is the location of the Westerville Theatre on State Street.) Here L. D. Green opened a saloon and billiard room in the basement in the fall of 1878, but public sentiment was so much opposed that he gave up the two enterprises in the spring of 1879. Corbin then operated the saloon. He expressed the opinion that no one would blow up the Corbin Hotel, for if it went, so would the rest of the business district.

On September 15, 1879, at two o'clock in the morning, an explosion shook the town with earthquake violence. The noise was heard seven or eight miles away. The theft of two 26-pound kegs of gunpowder from a shed owned by a local merchant revealed the means. The hotel was made uninhabitable, as severe damage was done to every room, to the walls and to the roof. The house of Mrs. Barkeefer next door suffered so much damage that it was considered unrepairable. Glass windows within a hundred yards were broken. Estimated damage to Corbin's Hotel totaled $2,500 and to the adjacent dwelling, $5,000. It seemed miraculous that none of the ten persons sleeping in the hotel received more than minor scratches, with the exception of Corbin. By the force of the blast he had been thrown out of bed. He lost two front teeth, received two severe head wounds, and was knocked into unconsciousness.[33]

Rumors circulated that five men had been seen running from the scene a short time before the explosion. Some persons suspected Corbin as the perpetrator because no one in the hotel had been seriously injured, the rugs in the front rooms had been rolled up and stored elsewhere, and his young son had supposedly mentioned that the family was in the backyard at the time of the explosion.[34]

Citizens responded indignantly to accusations that they had again taken the law into their own hands. The village council offered a reward of $300 for the arrest and conviction of the person or persons responsible, and hired a private detective to ferret out the culprit in a secret session. A mass meeting condemned the act of violence and raised $300 to supplement the reward offered by councilmen.[35]

Some people thought that Otterbein University and the United Brethren Church were responsible for the explosion. Rumors spread that Corbin sympathizers might burn down a college building. Cancellation of insurance policies by companies issuing them seemed a possibility. To make clear the attitude of responsible college officials, a meeting chaired by Professor John Haywood with Professor Henry Garst as secretary condemned the method used to put Corbin out of business.[36] Professor Haywood also presided over the quarterly conference of the United Brethren Church of Otterbein Station which denounced the violence.[37]

Corbin announced that he would continue his saloon, but his own building was wrecked, and no one dared to risk the destruction of property by renting to him. On charges brought by a private detective, he was brought before the Mayor's Court for malicious destruction of his own property. The evidence was inconclusive and contradictory, and he was acquitted.[38]

A children's story published in 1923 in the *Watchword*, a denominational magazine, presented an explanation for the blowing up of Corbin's saloon in 1879. When an Otterbein student found his roommate drunk after having purchased liquor at this establishment, he was so indignant that he undertook its demolition. He was rewarded by witnessing the conversion of his friend and his entrance into the ministry. The writer has not been able to establish the validity of the story.[39]

Resistance to Corbin's effort to operate a saloon in Westerville raises some interesting constitutional questions, some of which are currently relevant. Does an irresponsible element possess the right to demonstrate its displeasure by acts of violence? Assuming that the saloon was blown up by members of the community other than the proprietor himself, what responsibility do members of the community have who know the names of the perpetrators? What responsibility does a college have to protect its students from bad and immoral influences? What role

should the church and its leaders play in protecting the members of its congregation and the community from evil influences? Why did local and state authorities not take a more active part in seeking out the violators of state law? Was it partly because the acts of violence represented concensus opinion in the community?

While almost everyone in Westerville opposed the saloon – President Thompson estimated ninety-nine hundreds of the residents – the people in 1875 were not agreed as to the means of putting Corbin out of business.[40] Isaac Speer, who with his wife had been in charge of Saum Hall dormitory and a guard at the door of the saloon, summarized these points of view in a letter to the *Religious Telescope*. One group of citizens was willing to depend on local and state laws. Eventually if Corbin was harassed sufficiently, he would relinquish the business. A large class of citizens advocated moral suasion. These were the people who had signed the Citizen's Pledge. Another element would use rotten eggs, tar and feathers, gunpowder and hemp cord as potent weapons. In any case Speer thought that the people of the village were determined to fight it out if it took all summer.[41]

These attitudes were reflected in the press. One citizen expressed concern over the seizure of the reins of government by the Vigilance Committee and at the acts of violence. He feared that the reputation of Westerville as a quiet, peaceful law-abiding village might be forever lost. He concluded:

> Let the fair fame of our village be preserved and our reputation as law abiding citizens beuntamished. Redress our grievances by the law of kindness and through the ballot box; any violation of law is riot, discord, disgrace – and a failure to accomplish the object at which we aim.[42]

The cynical editor of the Ohio State Journal pointed out that if Christ had come to Westerville and had drunk wine with the publican, Corbin, he, too, might have been arrested.[43]

Another correspondent from Westerville in 1875 also expressed concern over the means employed to put Corbin out of business. He warned that the mob that winks today at the destruction of the saloonkeeper's property might turn tomorrow to attack someone because he was a Catholic, a Protestant, a member of a secret society, or a voter who supported an unpopular candidate. He saw a parallel to the case of a financial agent of Otterbein University (William Slaughter), who, contrary to the doctrine of

the United Brethren Church, joined the Masons in 1857. Subsequently under pressure from the church and the community, he found it desirable to resign from the position and to sell his drygoods business. Controversy split the denomination, the enrollment of the college fell by half, and the institution neared dying from "convulsions." But the mob had triumphed and had its way. The correspondent believed that three-fourths of the citizens of Blendon Township endorsed the attitude of the *Ohio State Journal* in favor of law and order rather than for irregular control by a Vigilance Committee.[44]

The editor of the *Ohio State Journal* in 1875 saw danger in the motto accepted by many residents of the village, "Anything to clean out Corbin." He feared that the "inflammatory character" of the speeches at mass meetings encouraged "irresponsible depredators" to engage in vandalism. He cited the example of a local minister who advised an audience that Corbin and his place of business were outlawed, and therefore, he, for one, would stand aside if it were rotten egged or destroyed. The *Ohio State Journal* summarized this speech as saying, "Go in, boys; we won't interfere with you." A reporter described similar speeches by other community leaders.[45]

The Westerville Whiskey Wars, as they were labeled by the press in 1875, even drew national attention. *The Independent,* a New York magazine, criticized the method used to put Corbin out of business. The perpetrators aimed at a noble object, but used bad means. If the facts were as reported, the periodical believed that the saloonkeeper should be protected in his rights as a citizen and the temperance rioters should be punished.[46] The *Religious Telescope* lambasted the editor of the *Independent* and blamed the explosions on "some irresponsible parties, if not the saloonist himself."[47]

President Henry A. Thompson of Otterbein University was adamant that the saloon must be closed. In the *Religious Telescope,* in an interview, and in speeches at mass meetings, he emphasized that the community was determined to have no saloons, and that "*cost what it may, they* (the people of the community) *will not have them.*" He pointed out that Westerville was not simply fighting its own battle, but was engaged in a struggle on behalf of the state and nation. By the middle of August, 1875, he believed that the saloon had been for all intents and purposes closed, since its quarters were reduced

to a "little, pitiful hole" so fragrant with the odor of rotten eggs that patrons stayed out unless they had the stomach of a horse. Even the dogs would not enter, but remained outside barking. He described the owners as "a lean, half-beast man and a more devilish woman."[48]

Faculty members at Otterbein University agreed with the point of view expressed by their President. In a mass meeting one professor declared that the business must be stopped, even if the building had to be torn down brick by brick. His wife advised the men in one mass meeting to take care of Corbin, and the women would look after his wife. Faculty members participated in train rides to Columbus to support citizens accused of inciting a riot.[49]

A village resident in 1875 took a similar stand. After a lengthy review of the situation, he asked petulantly:

> Can we not have one community in our common country, one oasis in all this land, one quiet retreat in this home of the free, where the sacredness of the Christian Sabbath, the quiet of the domestic circle, and the solemnities of the sanctuary will not be disturbed by the fruits of the dram-shop, the liquor traffic and the house of debauchery? . . . Is there no retreat, no respite from this gulping monster that is destroying its thousands annually?[50]

Did Corbin destroy his own property in 1875? His opponents accused him of acts of vandalism and of blowing up his saloon. They pointed out that the explosions did not damage his whiskey and beer. President Thompson believed that the first explosion was "a set-up job by the proprietor himself, and that it was done to secure sympathy for him, and to stigmatize his opposers." The property was mortgaged, he alleged, and Corbin's wife claimed that they had money promised to build another saloon.[51]

What would be Corbin's motive in destroying uninsured property? Isaac Speer believed that his reasons were to create sympathy outside of the community and to try to secure compensation from the village council. Others thought that he would be paid for his loss by the brewery industry in Columbus.[52] In retrospect, the reasons assigned to him for destroying his own business are very feeble, and it seems unlikely that he was responsible.

The same sort of rumors circulated in 1879, but a jury did not find him guilty of blowing up his own property because of conflicting and contradictory evidence.[53] The *Religious Telescope* printed a report that "the whole thing was the work of the saloonist himself, just as previously he had done the same thing, in order to cast odium upon the temperance work, and, if possible, secure money from his whiskey friends." Professor Garst agreed with this point of view.[54]

The explosion in 1879 also attracted national attention. A correspondent of the *New York Times* expressed one point of view in a telegraphic dispatch which appeared on the front page. He declared, "It is ascertained beyond question that the outrage was planned and executed by certain people in the village who were determined to rid the place of a saloon regardless of what means were used."[55]

Agreeing somewhat with this stand, the editor of the *Westerville Review* believed that any attempt to fix the act on any organization, party or church or the temperance people was "entirely unwarranted," but that it might have been accomplished "by a few fanatical members of some of them is not improbable."[56] The writer agrees with this point of view, and thinks it unlikely that Corbin destroyed his own property.

To this day the names of the persons who blew up Corbin's saloon have not become public knowledge, though some older residents hint that they know the answer.

Incidents of citizens taking the law into their own hands to express a point of view have numerous precedents in American history. Residents of Boston threw tea into their harbor on the eve of the American Revolution, vigilante committees operated on mining frontiers and in western towns, and the Ku-Klux-Klan by its activities after the Civil War paved the way for the assumption of control by white persons in the South. Recently blacks and white sympathizers have demonstrated on behalf of civil rights for Negroes, and students have rioted on campuses. Law and the constitution does not favor such procedures, but the perpetrators of the explosions were part of the stream of American history in doing their thing in Westerville in 1875 and 1879.

FOOTNOTES

1 *Ohio State Journal,* July 7, 30, August 16, 1875; *Columbus Daily Evening Dispatch,* Sept. 17, 1875; *History of Franklin and Pickaway Counties* (Columbus, 1888), p. 477.

2 *Westerville in the American Tradition* (Columbus, 1940), pp. 15, 23, 40; *History of Franklin and Pickaway Counties,* p. 477.

3 *Westerville in the American Tradition,* pp. 56-58; *History of Franklin and Pickaway Counties,* p. 477; *Ohio State Journal,* September 23, 1879.

4 *Westerville in the American Tradition,* p. 62; *History of Franklin and Pickaway Counties,* p. 477; *Columbus Daily Evening Dispatch,* July 3, 1875.

5 *Westerville in the American Tradition,* p. 41; *Ohio State Journal,* July 15, 1875.

6 Ernest H. Cherrington, ed., *Standard Encyclopedia of the Alcoholic Problem* (Westerville, 1930), Vol. £8, pp. 2891-2892; *Westerville in the American Tradition,* p. 62; *Ohio State Journal,* November 14, 1874. The date of the founding of the local chapter of the WCTU in Westerville is uncertain. The date given in *Westerville in the American Tradition* is erroneous, since it was over a year before the founding of the national organization. Consultation with the local librarian, members of the local chapter and the headquarters of the Ohio WCTU in Columbus has not established the date. Unfortunately, the files of of the *Westerville Review* were destroyed in a fire in 1880.

7 *Ohio State Journal,* August 12, 1875; Henry Garst, *History of Otterbein University* (Dayton, 1907), p. 145; *Religious Telescope, et passim.*

8 *Ohio State Journal,* July 30, 1875. In an interview, President Thompson said that he refused to change the usual advertisement for students that Westerville had no saloons. He did not consider Corbin's "miserable little business" was of sufficient consequence for him to modify the statement.

9 Garst, *History of Otterbein University,* p. 150.

10 *Westerville in the American Tradition, p. 62.*

11 Garst, *History of Otterbein University,* p. 150.

12 *Ohio State Journal,* July 8, 1875; *Columbus Daily Evening Dispatch,* July 9, 1875; /Isaac Speer/, Journal, July 10, 1875 (Otterbein Room, Otterbein College). Speer gave this journal kept by himself to the editor of *Public Opinion* for publication (*Public Opinion,* September 18, 1919). At the time of the explosion he was proprietor of a boarding house for students and in charge of Saum Hall dormitory at Otterbein University.

13 H. A. Thompson, "An Outrage in Westerville," *Religious Telescope,* July 14, 1875; *Columbus Daily Evening Dispatch,* July 1, 1875; I. Speer to Mrs. L. K. Miller, July 2, 1875 (Otterbein Room, Otterbein College.)

14 I. Speer to Mrs. L. K. Miller, July 2, 1875.

15 *Ibid; Westerville in the American Tradition,* p. 62; Thompson, "An Outrage in Westerville," *Religious Telescope,* July 14, 1875.

16 *Ohio State Journal,* July 30, 1875.

17 Garst, *History of Otterbein University,* p. 154; *Ohio State Journal,* July 31, 1875.

18 I. Speer to Mrs. L. K. Miller, July 2, 1875; /Speer/, Journal, July 2, 1875.

19 I. Speer to Mrs. L. K. Miller, July 7, 1875.

20 *Ohio State Journal*, July 8, 1875; Thompson, "An Outrage in Westerville," *Religious Telescope*, July 14, 1875.

21 /Speer/, Journal, July 6, 1875; Thompson, "An Outrage in Westerville," *Religious Telescope*, July 14, 1875.

22 *Columbus Daily Evening Dispatch*, July 13, 1875; /Speer/, Journal,

23 /Speer/, Journal, July 19, 1875.

24 *Ohio State Journal*, August 5, 1875; /Speer/, Journal, August 3, 4, 1875.

25 *Ohio State Journal*, August 5, 1875; Henry A. Thompson, "The Westerville Saloon," *Religious Telescope*, August 18, 1875; *Columbus Daily Evening Dispatch*, August 4, 1875; /Speer/, Journal, August 5, 1875.

26 *Ohio State Journal*, August 5, 1875; Thompson, "The Westerville Saloon," *Religious Telescope*, August 18, 1875.

27 *Ohio State Journal*, August 16, 1875; /Speer/, Journal, August 14, 1875; Isaac Speer, "The Situation in Westerville," *Religious Telescope*, August 25, 1875.

28 *Ohio State Journal*, July 15, 1875; *Columbus Daily Evening Dispatch*, July 14, 1875.

29 *Ohio State Journal*, July 8, 1875; *Columbus Daily Evening Dispatch*, July 6, 1875; Thompson, "An Outrage in Westerville," *Religious Telescope*, July 14, 1875. The men involved were the Rev. R. H. Wallace, pastor of the Methodist Episcopal Church; the Rev. H. M. Robertson, pastor of the Presbyterian Church; James Ranney, blacksmith and Methodist; J. N. Haynie, postmaster and member of the United Brethren Church; J. McCahon, photographer and Presbyterian; C. A. Redding, businessman, breeder of Norman horses and United Brethren, and W. O. Rowe, grocer and Presbyterian.

30 *Ohio State Journal*, July 8, 1875; *Columbus Daily Evening Dispatch*, July 7, 1875; Thompson, "An Outrage in Westerville," *Religious Telescope*, July 14, 1875. The names included the Rev. R. H. Wallace, the Rev. H. M. Robertson, the Rev. J. M. Spangler (United Brethren), ex-Bishop William Hanby (United Brethren), the Rev. William Spencer (United Brethren); Nathan Hatches (farmer), David Headington (farmer) and Edward Wines (carpenter).

31 *Ohio State Journal*, August 20, 27, 1875; October 9, 1875; *Columbus Daily Evening Dispatch*, September 4, 1875; /Speer/, Journal, August 18, 19, 20, 1875.

32 *Ohio State Journal*, September 16, 1879.

33 *Ibid.*, September 16, 23, 1879; *Westerville Review*, September 17, 1879; *Religious Telescope*, September 24, 1879.

34 *Ohio State Journal*, September 16, 20, 23, 1879; *Westerville Review*, September 17, 1879; *Religious Telescope*, September 24, 1879.

35 *Ohio State Journal*, September 13, 16, 1879; *Westerville Review*, September 17, 1879.

36 Garst, *History of Otterbein University*, p. 162; *Westerville Review*, September 17, 1879.

37 *Ohio State Journal*, October 23, 1879; Garst, *History of Otterbein University*, p. 162.

38 *Ohio State Journal*, October 23, 1879.

39 W. R. Hanawalt, "The O.C. Spirit of '82; An Unverified Explanation of the Dynamiting of Corbin's Saloon," *The Watchword*, June 24, 1923.

40 Thompson, "An Outrage in Westerville," *Religious Telescope*, July 14, 1875.
41 Speer, "The Situation in Westerville," *Religious Telescope*, August 25, 1875.
42 *Ohio State Journal*, July 20, 1875.
43 *Ibid.*, July 20, 1875.
44 *Ibid.*, August 14, September 16, 1875.
45 *Ibid.*, July 30, August 12, 14, 1875.
46 *The Independent*, July 15, 1875.
47 *Religious Telescope*, August 4, 1875.
48 *Ohio State Journal*, July 30, 1875; *Religious Telescope*, July 14, August 4, 1875.
49 *Ohio State Journal*, August 12, 1875; *Columbus Daily Evening Dispatch*, July 6, 1875.
50 *Columbus Daily Evening Dispatch*, September 6, 1875; Thompson, "An Outrage in Westerville," *Religious Telescope*, July 14, 1875.
51 /Speer/, Journal, July 6, 1875; I. Speer to Mrs. L. K. Miller, July 7, 1875; *Ohio State Journal*, July 8, 1875.
52 I. Speer to Mrs. L. K. Miller, July 7, 1875; *Religious Telescope*, July 14, 1875.
53 *Westerville Review*, September 17, 1879.
54 *Religious Telescope*, September 24, 1879.
55 *New York Times*, September 16, 1879, p. 1.
56 *Westerville Review*, September 17, 1879.

THE NEW BLACK MOOD

Winsom Amos has written two novels, several prose works, and poetry. For the past four or five years he has written almost exclusively about the "new black mood."

His latest works, like those of many contemporary black artists, depict the increased pride, self-worth, and self-determination which are observable in black peoples of the world. His writing also strikes out at contradictions, hypocrisy, and inhumaneness so widespread in society today. A compilation of several of his works called *Oriole to Black Mood* will be published in 1973. One poem that will appear in the 1973 publication, "Sit Perk and Label Me," is presented below:

SIT PERK AND LABEL ME

Sit perk in your suitable homes
    on Covenant street.
    Say I'm from the slum,
    living in poverty
    and very poor.
Sit perk, oppress me
    economically and politically,
    Bar doors to the system,
    Then label me culturally disadvantaged
    and deprived from lower class.
Sit perk; cast me forcefully
    to the slum school.
    Say I'm a slow learner
    or mentally retarded,
    And plan for me 'head start'.
Sit perk amidst the struggle
    of wealthy against poor,
    of the poor hopelessly against the rich,
    the poor needy and the rich greedy
    generating an endless paranoia.

Sit perk and price yourselves
into bankruptcy
and tear yourselves apart,
trying to crush my aspirations
with keep-the-poor-out house prices.
Sit perk, suburbanites, but remember . . .
the labels you hang on me
might be yours someday
when and if you should fall
and must leave Covenant street.

– Winsom Amos

James Winkates

CONCEPTS OF CHANGE: CAUSE AND RESPONSE

In order to manage change, and certainly to channel or control its effects, one must change himself. By definition to change is to alter, vary, modify, substitute or replace values. Because values are acquired largely through hard experience, human beings discover that to change is often difficult. Having admitted the difficulty, one finds however that there is little choice. In this sense, a refusal to alter, modify or replace some of our values is self-defeating, even if it is occasionally possible.

Examine for a moment a few of the examples of change offered by Alvin Toffler *(Future Shock)* and others. In the United States, certainly, the greater portion of our labor force is no longer engaged in primary and secondary industries. We are no longer hunters, farmers and fishermen. Indeed, we are no longer essentially engaged in manufacturing and product production. Rather, most of the current labor force finds employment or self-employment in service-related occupations. Americans have in fact exploded into the post-industrial society.

Mechanized farming and agrobusiness in large part have replaced the typically small, family owned farm. The assembly line, now computerized, routinely fashions engine blocks, the tools to repair them, and can even design new tools for as yet unthought of applications. These few changes alone have mandated further change for those who formerly found their livelihood in these skills.

As a direct result of the migration of American society from primary industries to tertiary or service-related occupations, the typical American has become more mobile as well. A recent governmental study noted that an average family makes seventeen moves of residence in a normal lifetime. Mobility then also affects and changes our values. The rise in production levels has meant the creation of more leisure and recreation time. Many citizens now live in modular housing, own disposable clothing, and buy or rent inflatable furniture for their home. Commuters will shortly travel to work on computerized traffic systems and conveyor-like thruways. And in the not-too-distant future some of us will no doubt live in underground cities, nourished by artifi-

cial sunlight, "eating" pills and concentrated foods in lieu of flavored, colored and crunchy staples.

What more does the imminent future hold? There will be families in large numbers who choose to have no children. Those with children will have their own school in the home through the use of telescreens. We could communicate by ESP and modes other than speech. Education will be capsulized, programmed, easily accessible for all, child and adult alike. Solid waste will be recycled into mulch and landfill for home and landscape use. Even new forms of corpse disposal will come about because of the dire need for landuse for betterment of society. Solar power, fusion energy and heat transfer processes will have replaced fossil fuels. Family vacations may be interplanetary or even galactic rather than local or continental. If it is an age of chaos or war, some people or whole families may decide to freeze themselves in suspended animation to re-emerge at a more propitious time. Medical advances now underway will provide us with organ bank rentals and organ factories to replace our worn out parts. The aged will be our living history books. When individuals choose to die they may be replaced by a twin in physical structure as a result of the cloning process. Three, four or five sequential careers could be common.

Some of these changes are of course only dimly seen at this point in time. A few may be unacceptable and thereby avoided. All, nevertheless, are at least feasible in the next generation. A few more are already in pilot stage, with still others quite likely to occur. None are improbable. There are more important factors for us to consider in the mid twentieth-century, however, than an examination of which ones will come about and which ones will not. On the contrary, what is critically important is how we will respond to systemic and value change. Some measure of our future response can be determined from the nature of human response to change today.

Coping Stances and Processes

The human being in all his glorious diversity perhaps resorts to as many coping mechanisms as there are changes with which to cope. As Toffler maintains, the chief social challenge will not be a scarcity of choice or options but rather overchoice, a plethora of alternatives. One will be concerned increasingly with the selection and allocation of values rather than with the creation of resources. However, even today in the midst of rampant

change our coping processes have been outdistanced by the nature, frequency, and intensity of change itself. As a result, man has opted to avoid, accept only partially, or trade off the changes about him. The variety of response can perhaps be suggested through a delineation of persons adopting certain coping "stances":

1. the opter-outer
2. the piece-mealer
3. the compromiser
4. the exchanger or trader
5. the illusion-creator
6. the warrior or challenger

With perhaps some exceptions, none of the above have learned to control the rate of change. At best they have avoided it, skated around it, walked through it, but they have not really confronted its substance nor its vicious pace.

When change or its accelerated pace overwhelms us we cry, swear, get drunk, return to a womb-like abandon, resort to prayer, pop pills, take a vacation, get observed in a hospital, see a shrink or, in desperation, end our existence. The highest suicide rate has traditionally occurred in those societies considered most advanced and in those age groups where pressures, responsibilities and expectations are the greatest.

By refraining from envisioning our future, by avoiding the need for planning, by escaping to eras and themes past (i.e. our present nostalgia fixation) we condemn ourselves to past and present. Unless we find new ways of adapting to rapid change, both substantively and emotionally, we are headed for a massive societal breakdown. The conclusion, if one is apparent, is that to regulate change, we must change all the more.

A Look at Crisis Management

A crisis is a turning point, a decisive moment or a crucial time in a given situation. We are no doubt quite familiar with personal crises – a death in the immediate family, a child's broken arm, or a fire in our home. Similarly, not by direct experience, but through the media, we are acquainted with or at least aware of international crises. But what is a community crisis, a vital turning point for a town?

It certainly can be viewed as a potential breakdown of a micro system. Crisis, like its parent, change, is both potentially

positive and negative. A certain amount and level of crisis is a sign of a community on the move. The secret, however, is how to control the frequency and the intensity of crisis.

The question of how to control the frequency and intensity of crisis ultimately comes to an even more basic question – how do we manage change? No easy answers or panaceas are obvious, but one can at least approach a response to that question rationally and systematically.

Such a systematic attack may be outlined as follows: motivation, information, activation and followup. Let us look at the elements of this "action route."

Motivation

- Internalize and "accept" as a starting point the changes which have already taken place
- Demonstrate interest in your neighborhood and your community
- Make time for community affairs and take some responsibility and initiatives
- Care enough to criticize, revise, add to or complement views expressed by other members of the community
- Remain prepared for and anticipate change

Information

- Get the facts and listen to the opposing arguments
- Make sure you are getting accurate information, not just opinions, expressed fears, and rumors
- Evaluate the facts, arguments and opinions in order to move toward a position or decision
- Remind yourself and others that what may be in the town's best interest will not always be in the self-interest of some citizens

Activation

- Communicate accurate and adequate information to others in the community
- Get involved on issues and community problems and involve others too
- Be willing to serve on city task forces, committees, etc.
- Move your community group, neighborhood or organization to act on important community issues

Followup

- Evaluate how well community leaders and decision-makers do their job
- Give them support when it is due and justified
- Let them know when you think, on the basis of sound evidence, they are wrong or unconcerned
- Help create an atmosphere for adaptation to change

Summing Up

This "action route" will not eliminate crisis nor should we want to prevent all crises. At the same time we must control the frequency of crisis and limit its intensity. That is best done by anticipating change and planning for it.

A community, like man, grows and matures through hard experience and crisis management. Too few crises or changes and we become stagnant. Too many crises and we are overwhelmed because our adaptive mechanisms cannot cope or respond quickly enough. To re-emphasize an earlier observation, in order to regulate change we must change all the more.

James R. Bailey

A VILLAGE LIFE: EDITH WHARTON'S *SUMMER*

The fiction of Edith Wharton is more closely identified with urban surroundings and characters than with those of American villages, but two notable exceptions in which Mrs. Wharton utilized her observations of rural New England life are the short novels, *Ethan Frome* (1911) and *Summer* (1917). The former, an artfully told story of a farmer, is well known; the latter, a tale of a rebellious girl in a Massachusetts hamlet, deserves more fame than it has won. Just as in Frome's story the novelist has made from the "local color" elements a taut, moving tragedy of ruined lives, so in *Summer* she has eventually wrought of the sparse materials of a rural village a sympathetic account of the coming of age of a young woman whose emotional and intellectual capacities have been stunted since childhood.

Judging from the author's later comments in her memoir, *A Backward Glance*, it was a few episodes that finally are rather insignificant for plot and theme that led her to write *Summer*. These are episodes dealing with a group of social outcasts who have settled on "the Mountain" which is situated close to the village, North Dormer. It was in these somewhat melodramatic scenes, among the most repugnant ever composed by Mrs. Wharton, as well as in the bleak portrayal of life in North Dormer, that the novelist sought to darken the too rosy fictional impression of rural New England that she thought was rendered in other fiction.[1]

But because in the novel itself Mrs. Wharton consistently focuses upon the youthful protagonist, Charity Royall, the regionalism and the specific social criticism are soon eclipsed by the drama of the young woman's efforts to escape the monotony and pettiness of North Dormer and, more importantly, by the drama of her halting inward growth that may lessen the constrictive effects of village life. Indeed, although perhaps Mrs. Wharton's original impulse was to pen an exposé of the dreary, and even sensational, elements in a New England village — including illegitimacy and incest — the novel eventually emphasizes not the deleterious results of rural life but the new, invigorating emotional responses that are fostered in Charity through her misfortunes and that are necessary before she can

achieve an equilibrium in which she may find a satisfying life.

It is also to the benefit of the novel's artistry that Mrs. Wharton has not merely documented a narrow determinism in which unalterable forces threaten to overwhelm or undermine a character's efforts; in this characterization – one more tinged with compassion than many of her other treatments of American women – Mrs. Wharton always suggests the complex causes that are operating. Charity is presented as a living, developing, and flawed human being, not as an embodiment of a theory nor as a subject in a controlled experiment.

The deprivations endured by the villagers, however, are emphasized by Mrs. Wharton in the description of North Dormer. It is a one-street town, its inhabitants undernourished in all ways. Their chief distraction from drudgery is gossip, and they seem to remain there because of ignorance and inertia or, as in the case of the middle-aged lawyer Royall, because of personal failure elsewhere.

Charity, who is in her late teens and has dwelt for as long as she can remember in the village as the ward of Royall and his late wife, anticipates a day when she can be free of her guardian's control and the village's tedium. Accordingly, she has acquired a job, with the lawyer's help, for which, untrained and undisciplined as she is, she is particularly unsuited. She presides over the community's dismal library, but since she dislikes reading and scarcely tolerates the other villagers, she is nearly as dissatisfied as before.

Disturbed by doubts about her birth and miserable in her present circumstances, Charity Royall is a quietly bitter young woman as the summer of the novel commences. About her parents she knows only that they were among the renegade mountaineers and that she is expected to be grateful to Royall for having rescued her as a child. The lawyer has offered no explanation of her past, and she has shrunk from hearing him reveal her shame.

Little communication has existed between the girl and Royall, even while his wife lived, and in the years since Mrs. Royall's death Charity has developed a genuine antipathy toward Royall, a lonely, undemonstrative man who tries to fill his personal void by reading oratory and by occasionally indulging himself in debauchery in the closest town, Nettleton. The girl's glimmering

pity has been extinguished when he, in an unguarded moment, has made a sexual advance, an advance immediately followed by a marriage proposal. Her compassion turned to contempt, Charity sneers at Royall and is not above using his weakness against him. Although Mrs. Wharton always encourages the reader to respond sympathetically to the girl's plight, she also details the blemishes in the portrait.

Her self-doubts, her upbringing in which affection has been extraordinary, and her frustrated aspirations all have conspired to make Charity an unpleasant human being. The novelist provides the keynote in the girl's opening statement: "How I hate everything!"[2] Her experiences and her drab surroundings evoke only distrust and dislike. It is also established from the beginning that a solution, if possible, will not be nearly so simple as Charity thinks. An exodus from North Dormer is not going to bring her the prompt happiness that she expects, for her interior landscape is as bleak and unpromising as the village scene. At this point Charity is so restricted emotionally that a new environment is likely to result in only more dissatisfaction. Charity's dilemma, of course, is compounded by the fact that she is imprisoned by bonds that she can only dimly perceive.

In at least one respect this characterization resembles other young American women in Mrs. Wharton's fiction. As an ill-formed, under-developed personality, Charity shares with the Midwestern social climber Undine Spragg, in *The Custom of the Country*, and the fashionable New Yorker Lily Bart, in *The House of Mirth*, a terrible shallowness, a lack of any inner resources. Like these two from quite disparate backgrounds, Charity, at first, is sustained only by dreams of romantic love and material improvement. In all three heroines lies an implicit criticism, a suggestion that American society offers its women, whether of the village or the city, whether poor or well-to-do, little real education and few opportunities to find satisfying lives.[3]

It is noteworthy, too, that by the end of *Summer* this limited village girl has achieved more self-knowledge, in terms of increased consciousness and new, favorable responses both to herself and others, than do either of these earlier protagonists whose opportunities are much richer. Charity's successes, which ultimately are ironic, depend upon a flexibility that the other two protagonists cannot or will not discover within themselves. Charity Royall belongs to the company of Wharton's seekers,

such as Newland Archer of *The Age of Innocence* and Anna Leath of *The Reef*, who cultivate inner resiliency while agreeing to accept less in life than they sought.

In her confused adolescence Charity's dominant – and illusory – quest is for love with Lucius Harney, an outsider, a young architect, and a cousin of North Dormer's first citizen. Although the couple feels a mutual attraction when they meet in June, each observes the social and cultural gulf. As Charity aids Harney in locating old homes to sketch, they become companions but remain careful not to overstep the bounds of friendship and stray toward a physical intimacy. But, partly because of the opposition of Royall, who is both wary and jealous of the younger man, the friendship does ripen into a passionate, sexual love. In August when Harney leaves North Dormer, he promises, again because of Royall's intervention, to "try" to return to marry Charity. Although she has exacted no promise from her lover, she cherishes a hope that he will return. The crisis ensues when she learns first that Harney is already engaged to a girl of his own rank, and then that she is pregnant.

Although Mrs. Wharton has taken a staple of romantic fiction for the plot of *Summer*, she has developed this version of mismatched lovers and a watchful guardian with unforced realism. Neither a village Romeo and Juliet nor a story of provincial innocence seduced and abandoned by urban sophistication, the love story is instead a straightforward narrative that emphasizes a youthful sexual awakening.

Certainly Mrs. Wharton's treatment of sexual love is muted in comparison with scenes written by later novelists; however, in *Summer* she emphasizes from the first the sexual magnetism drawing the couple together. Throughout this novel she writes of sex with an openness that challenges the notion of her as a prudish bluestocking.[4] At their initial meeting Charity senses that Harney finds her sexually attractive, and she responds with a private fantasy about him. A little later, when she fears that Royall's envy will separate them, she thinks of using sex to bind the youth to her; but remembering other country girls who have ensnared husbands, she proudly rejects such self-exploitation. Charity's honesty about sex, and especially her refusal to traffic in it for selfish ends, is an important trait in the characterization.

In writing of this youthful love that flowers during the waning summer, Mrs. Wharton carefully refrains from any authorial moral judgment. Instead of commenting, she lyrically describes the effects of love upon Charity.

> The only reality was the wondrous unfolding of her new self, the reaching out to the light of all her contracted tendrils. She had lived all her life among people whose sensibilities seemed to have withered for lack of use; and more wonderful, at first, than Harney's endearments were the words that were a part of them. She had always thought of love as something confused and furtive, and he made it as bright and open as the summer air.[5]

Any questions as to the general morality of premarital sex are put aside; in this case the girl who did hate everything about her life is clearly striding forward emotionally. The sexual relationship with Harney allows Charity to express openly newly discovered feelings, love and trust, and to give freely of herself while asking only affection in return.

Judgments about sexual morality are not posited by the characters nor directly by Mrs. Wharton; however, the physical and emotional consequences that Charity is left to face alone force her to re-evaluate her ecstatic reaction to love. Even before Harney returns to New York, the girl begins to assess the personal cost of the love affair when she suspects that her lover has been dishonest about himself. She wonders about the actual equality of a relationship which seems inevitably to exact a greater price from the woman.

> She had given him all she had — but what was it compared to the other gifts life held for him? She understood now the case of girls like herself to whom this kind of thing happened. They gave all they had, but their all was not enough: it could not buy more than a few moments . . . .[6]

Charity's suspicion, that her proffered love is insufficient to compete with Harney's career and his need for a wife complementary to his rank and ambition, is soon confirmed. When she writes and offers to release Harney from his promise, she receives a vague, but reticent and grateful reply. Although the disparity between the price of sexual liberty for the male and female is now inescapable for Charity, she does not write to Harney about her pregnancy. Apparently the very fact that she can compel Harney to return to her prevents her from employing

that power.

Charity, who has been characterized by pride and independence throughout, recoils from the obvious choices for an unwed, pregnant girl in North Dormer. She wants neither to be ridiculed by her neighbors as a shotgun bride nor to be ostracized as an unmarried mother. A third alternative, abortion, Charity does not seriously consider although an extremely disreputable woman physician is handily available in Nettleton.[7] Another course, to ask Royall for advice or aid, is ignored by the girl, for she still distrusts him and unjustly thinks that he will be elated at her dilemma. Her immediate reaction, based on a highly unrealistic hope, is to seek refuge among the outcasts on the Mountain.

Charity's delusion, that she may discover a new identity among her mountain kin and that she may even be reclaimed by a loving mother, is contrary to all that the girl knows about these people. Moreover, she has finally heard from Royall that her own parents were a convict and a sluttish derelict. Still, lured on by her false hope, Charity arrives at the mountain settlement in the company of the minister who has been sent for to attend a dying woman. The drunken squalor and the subhuman behavior of the mountaineers as they bury a wasted corpse, Charity's own mother, drive the girl away.

It is consistent with Mrs. Wharton's realistic characterization of the village girl that in the final episodes Charity must accommodate herself to actuality and respond to the help offered by her one remaining friend. Descending the Mountain and resolving to go away, Charity encounters Royall, who has come for her. Without reproach he renews his marriage offer, and she, not telling of her pregnancy, passively allows him to wed her that same day. Of course, Royall has already surmised her secret, and they arrive at a tacit understanding and a mutual trust with neither professing love. Their avowals are simply an admission that the other is a "good" person.

Mrs. Wharton wisely makes no effort to establish the middle-aged lawyer as a *deus ex machina* to provide a neat solution to the heroine's problems. This logical, unromantic ending has been prepared for throughout the narrative, since Royall's desire to marry the girl has been established from the first, and his continuing interest has been testified to at each turn of Charity's and Harney's relationship. Certainly the girl's acceptance of her

middle-aged lover does not provide an arbitrary happy ending, nor even an especially tidy one. Charity's immediate crisis is resolved. The kind of edifice she and her husband will erect upon the foundation of mutual need is left to the reader's imagination.

Despite the difficulties implicit in this wedding of May and January, the ending of *Summer* does have its optimism. There is the possibility that the couple can arrive at a mutually satisfying life. First of all, they are not bound economically to village life; they can leave North Dormer if they choose to escape its restraints and gossip. Of greater importance is the fact that each is capable of ministering to the most urgent needs of the other. The isolated lawyer needs a sympathetic companion, and the girl, having recognized the depth of his feeling and the extent of his devotion, can begin to respond to his need. Her immediate wishes – security and protection for herself and her baby – can be met by Royall, who despite his shortcomings does possess a patient and tender heart. Also, he can provide intellectual companionship, a need that Charity is only beginning to feel. Finally their marriage of convenience seems more likely to endure than could the passionate idyll of Charity and Harney.

Structurally the conclusion is highly ironic: *Summer* ends with Charity returning to North Dormer and now married to the man whom she most distrusted. However, in terms of characterization and the novel's themes, the ending is to be judged as a personal victory for the heroine. Her acceptance of Royall's love and her admission of his goodness are evidence of the emotional enlargement that began with Harney and that now continues. Charity does not retreat to the blindness and bitterness that limited her in June. Instead she reaches outward and may find a richer, more fulfilling life than she anticipated. Her increased stature is measured by the fact that the girl who did hate and distrust everything has first loved unselfishly and then has embraced the honest affection offered to her. Although Charity has not escaped the confines of the sickly village, the point of greater significance is that she has not been wasted by the atrophy which threatened her.

NOTES

[1]*A Backward Glance* (New York, 1934), pp. 293-94. In commenting on her New England fiction, Mrs. Wharton stressed the grimness of rural New England and questioned the account of life as viewed "through the

rose-coloured spectacles of my predecessors, Mary Wilkins and Sarah Orne Jewett." She also recalled that the seminal anecdote about the mountain settlement was given her by a rector from Lenox, the site of her home.

[2] *Summer* (New York, n.d.), p. 4.

[3] Although not overtly a feminist in her fiction, Mrs. Wharton is certainly usually careful to distinguish the problems that are especially the woman's, and not only in *The House of Mirth*, which is her most extended study of an American woman caught between what society expects of her and what it actually offers her. Furthermore, for male characters, even weak ones such as Royall, there is generally a security provided by education and vocation.

[4] Mrs. Wharton writes much more knowingly about sexual matters than she has been given credit for. In *The House of Mirth, The Custom of the Country, The Age of Innocence*, and *The Reef* – to mention four major novels – the plot complications turn almost entirely upon reactions that are frankly sexual.

[5] *Summer*, p. 132.

[6] *Summer*, p. 146.

[7] The sinister abortionist, Dr. Merkle, is rather typical of the exaggerated villainy that Wharton sometimes associates with women characters, but seldom with men. To the doctor, with her false hair and teeth and her false murderous smiles, the novelist attributes even a hint of lesbianism by having her treat Charity in a too friendly manner and suggest that she could stay with the doctor's "lady friend" in Boston.

A DREAM

I came to a river
I could not cross.
The road slid under
the water's edge.

A face in the water said,
"Strip off your clothes.
Everybody here knows
everybody tonight."

The pig-nuts knocked;
the grasses sighed.
I stripped me of
my coat and vest
and naked in
the water went.

Wet with dark,
my senses cried.
But pain then
turned to shudder.

I crashed my head
against a rock.
It was my brother.

– Norman Chaney

Michael F. Rothgery

MICHELET: ROMANTIC HISTORIAN OF JOAN OF ARC

Jules Michelet (1798-1874) is the supreme historian of the Romantic school in France. G. P. Gooch argues that in "combining his passionate love for the people with a grandeur and poetry of his own, [Michelet] stands as the greatest literary artist who has ever devoted himself to history in France." He, along with other Romantics, brought to the study of French history as a whole a new dimension freeing Clio (muse of history) from its eighteenth century classical chains.

Michelet deepened man's understanding of history by his concern for the force of nationalism, his feeling for the common people and their role in history, and his awareness of a continuous historical development. Furthermore, he deepened man's understanding of history by his extensive use of primary sources and his imaginative and graphic style. Yet, such methods of writing history brought many dangers which detracted from the works of Michelet and other Romantic historians, Chauvinism, a lack of critical sense, and a general neglect of the problem of historical causation (i.e. analysis of forces and events leading to a particular historical phenomenon such as economic conditions leading to the Revolution of 1789) were among the dangers which arose from Michelet's efforts to penetrate the meaning of history.

Michelet's major purpose was to resurrect the past. G. P. Gooch writes that Michelet's ". . . object was 'the resurrection of the life of the past as a whole,' the land, the people, events, institutions and beliefs." For Michelet the historian must give himself fully to the past. In order to achieve this object Michelet wrote his monumental *History of France*. Perhaps, in his narrative of Joan of Arc, volume V of this work, he most nearly achieved his goal.

In his history of Joan of Arc, Michelet was seeking to utilize the past in order to reawaken the French to the past glory of their country. Joan of Arc was the heroine who by her military successes and martyrdom could serve as a symbol for the revolution-torn French nation of the nineteenth century. Joan in her own time had arisen to eminence at a time of serious crisis in France.

Michelet wrote "... God himself must take command. The God of that age was the Virgin, far more than Jesus. The Virgin was descending upon earth in the guise of a maid from the common folk, young, fair, gentle, and bold." Thus, the French Romantic historian not only captured the spirit of the Middle Ages, but also depicted a heroine, with the characteristics of the common people, who was divinely destined to kindle in the French people a sense of national spirit. Joan saw her efforts rewarded when the dauphin was crowned at Reims as Charles VII. The young peasant girl proclaimed to the king, "Noble king, now God's will is fulfilled." In this, Michelet suggested the spirit of the age which might be interpreted by later generations as nascent nationalism. To his own generation, Michelet raised the question of national unity in his work *Le Peuple.* Realizing that France was surrounded by enemies, he pleaded for "one people, one country, one France."

Michelet also contributed to man's understanding of history by his feeling for the common people. Michelet was living in an age when the revolutionary upheavals had shown the power of the masses. It was only natural for Michelet, therefore, a commoner himself, to seek out the part such people played in France's history. More than anything else, he believed the common people shaped the past. Michelet wrote in *Le Peuple* that one of his central aims was "... to know the life of the people, their tools and their sufferings." Among the people he could find the "words of common sense." Joan of Arc, the plain, peasant girl, was the symbol of the significance of the common people. Michelet stresses the "eminent originality" of the maid and her "common sense." He delighted in telling how the maid got the better of the learned scholars in the trials. Her reply to the judge's question on the state of grace "dumfounded the pharisees." Michelet wrote, "She cut the knot with heroic and Christian simplicity." The truths of the heart were raised above the truths of the head. Joan was also symbolic of the common folk in her willingness to sacrifice even her life. Yet, despite Michelet's preoccupation with the common folk, it seems apparent that the Romantics were still infatuated with the role of a hero rather than the people, but a hero who personified an ideal.

Another way Michelet added to an understanding of history was his awareness of a continuous historical development. Michelet and the Romantics were aware that the characteristics of the present had grown from those in the past. Unlike Voltaire,

he saw and appreciated the contributions of the Middle Ages to the growth of France. And he perceived that Joan's contribution to this development was in helping implant a national consciousness. In other words, Michelet observed French history from a longer perspective than the historians of the Enlightenment. He saw that the past was unlike the present and he observed a linear movement in history toward a dramatic climax in his own time. For him France was a union of divergent lines of development and regional differences. He was keenly aware of the regional and national characteristics evident in his own generation and he sought their origin and development in the past history of Europe. He referred to Lorraine craftiness and bravery and Champagne gentleness. He regarded Joan's bravery as beyond that which a German or Englishman would have risked.

Michelet also excelled in his use of primary sources. He had been trained as an archivist and worked for some twenty years among old manuscripts in the Archives Nationales. He looked upon these primary sources as the life stories of men, of provinces, and of people. But Michelet exploited these sources more than he criticized them. He utilized them in order to add color to his narrative, rather than to seek objectively the truth behind a given historical event. In his story of Joan, he refers to the eyewitness account of Joan's character by her childhood friend Haumette. Although Michelet did not always hold up such testimony to careful scrutiny, it does show his awareness of the significance of primary sources.

Michelet's style was both imaginative and descriptive. Gooch describes him as having a "grandeur and poetry of his own." Although style may not deepen our understanding of history in the strictest sense of the word, it does enable us to have a greater appreciation of what happened in the past. A vivid portrayal of an event can bring it to life for the reader. The graphic description of Joan's death certainly demonstrates Michelet's feeling for the young maid. The description of the trial demonstrates Michelet's sympathetic imagination in relating the mental anguish of Joan. His style, however, suffers from at least one fault: it is more of a tableau than a narrative. His history lacks continuity, in spite of his evident awareness of the linear movement of history.

The most serious danger in Michelet's writing was that his sympathies led him to excesses. For example, his nationalism led to chauvinism. He tended to deprecate those who were not French. In particular, he hated the English. He suggested that they were suffering from pride; and he plays upon this theme throughout his account of Joan of Arc, placing the blame for the selfless Joan's death upon the English. (He was highly critical of the French bishop Cauchon at the trial in Rouen because he had sided with the English.) In *Joan of Arc* as in his other works, Michelet tends to view the struggle of men in history as a contest between good and evil. For him Joan is the symbol of all that is good and pure; she is the embodiment of France who struggles to defeat the forces of oppression.

In summary, therefore, we may say that Michelet as a Romantic historian lacks a certain critical spirit. Too often he identified glibly with his heroes. Too often he lost sight of the actual *commonness* of the common people. Too often he lost himself in the narrative and longed for the past. He wrote, "Ah! would I were with them, one of them, the simplest, the least among these children." In the final analysis, Michelet faced a dilemma. He wanted to put "his faith in the future" since he viewed history as a drama of liberty, a march to an era of democracy, but his heart was "obstinately attached to the past." But for all his shortcomings as a truly objective or scientific historian, Michelet as a writer made history live. And in reading him, even to this day, history is made to live again in us.

Norman Chaney

THE WONDER OF THE WORLD: A THEOLOGICAL REFLECTION

> *"If you really examined a kernel of grain thoroughly, you would die of wonder." – –*
>
> *Martin Luther*

Nature may be understood in at least two contrasting ways. The more common definition of nature is: the physical systems apart from man and his civilization which form man's basic, given environment. From this view, there is a tendency to think of man as standing over against nature. The second definition is less common but more comprehensive than the first, for it includes man and his works within its compass. From this view there is a tendency to think of man in nature, as an inextricable part of his environing world. For the sake of brevity, we may describe the first as an *exclusionist* view of nature, and the second as an *inclusionist* view.[1]

In the post-New Testament era, Christianity has been predominantly exclusionist in its view of nature.[2] And this attitude has caused a serious tension in the structure of Christian thought itself. Simone Weil alludes to this tension when she asks, "How can Christianity call itself catholic if the universe itself is left out?"[3] A main implication of this remark, as I interpret it, is that Christianity cannot presume to speak of a God who is concerned with the ultimate well-being of man without at the same time speaking of a God who is concerned with the ultimate well-being of everything which inhabits the earth. For just as God is the Creative Ground of human existence, so is he the Creative Ground of all existence. In a word, Christianity must broaden its conception of God's relation to the created order. It must become more inclusionist in its theological perspectives.

A main starting point for the broadening of these theological perspectives, I assume, is the biblical tradition itself. Emil Brunner has remarked that "the cosmic element in the Bible is never anything more than the 'scenery' in which the history of mankind takes place."[4] But such a remark is refuted in the light of the observations of so eminent a biblical scholar as H. Wheeler Robinson. He writes:

> History supplied a revelation of God which Nature, notwithstanding all its rich content and variety, could never afford. Yet the conception of the God who works in history is inseparably linked to His manifestation in natural phenomena. He is what Nature, as well as history, reveals Him to be, and Nature is His peculiar language.[5]

In Robinson's opinion, the main lines of the biblical picture of the divine history with nature are set forth in both Testaments, although most of the details of the picture come from the Old. But in its main lines, the New Testament is consistent with the Old in the sense that many of the details concerning nature found in the Old Testament are taken for granted by the New. This is particularly true in the teachings of Jesus, where he invites us (in a manner reminiscent of the Psalmists) to contemplate and imitate the lilies of the field and the birds of the air in their indifference concerning the future and their docile acceptance of destiny. Paul later brings this dominant Hebraic theme into theologocal focus when he speaks of the *apokaradokia* of nature, its straining forward, as with outstretched neck, towards a last redemption which mankind awaits. Paul's language obviously reflects the cosmology of his time, but his words of hope and exaltation simultaneously reveal his understanding of the divine essence of the world. And it is this understanding which certain theologians in our own day have attempted to recapture from their varying perspectives.

One of the most persuasive of these thinkers is Paul Tillich. In his essay "Nature and Sacrament,"[6] for example, Tillich attempts to offer a theological interpretation of nature by which modern man (who has lost his vision of the divine essence of nature) may once again come to conceive of nature as the bearer of divine meaning and power.

Tillich observes that in the past at least three basic metaphysical interpretations have been advanced which tend to oppose a merely technical or quantitative understanding of nature: (1) the magical-sacramental conception; (2) the vitalistic conception; (3) and the symbolic-romantic conception. The first of these, the *magical-sacramental*, we find earliest in history. "According to it everything is filled with a sort of material energy which gives to things and to parts of things, even to the body and the parts of the body, a sacral power." At bottom, Tillich declares, this conception of nature is both superstitious and utilitarian. Man attempts to control the powers of nature

through the performance of certain rituals or rites. The second interpretation, the *vitalistic,* has dominated Western thought since the days of Greek philosophy. "Here an immediate power of being is attributed to things. Everything, the whole world-process, is envisaged as an expression of life: *élan vital,* 'the vital urge.' " Through this interpretation, Tillich maintains, the concept of the power of nature is retained or recovered, "but it is a power without meaning" from a religious perspective, because it bears no relationship to the notion of transcendence. The third interpretation, the *symbolic-romantic,* "attempts to give back to nature its qualitative character, its depth, its meaningfulness, by interpreting nature as a symbol of the human spirit. The power of things is the power of soul or spirit imposed upon them. But this interpretation has little awareness of "the real structure of nature," Tillich maintains, because it substitutes for this awareness the symbolic "creations of an arbitrary imagination." What is needed in our time to overcome the quantitative, calculable "nature" of physics, Tillich claims, is yet a fourth interpretation, one in which "Power and physical character, meaning and objective structure, are not separated in nature." "The power of nature," he continues, "must be found in a sphere prior to the cleavage of our world into subjectivity and objectivity" (or thought and extension). And Tillich proposes what he describes as a "realistic" interpretation of nature as a means to this end. This interpretation is based on the notion that nature is in and of itself sacred (or the bearer of divine meaning and power) because nature (like man) is bound up in "the history of salvation." At this point, Tillich's thought affords a corollary to the speculations of R. G. Collingwood in *The Idea of Nature.* At the end of his study of this idea from the pre-Socratics to Whitehead, Collingwood observes that "nature, though it is a thing that really exists, is not a thing that exists in itself or in its own right, but a thing which depends for its existence upon something else."[7] This "something else" in Collingwood's view is *history.* Both Tillich and Collingwood are elaborating the Kantian perception that time (history) and space (nature) are the two prime categories of thought, and that in the processes of human thought these two categories always occur in conjunction. Tillich, unlike Collingwood, however, is expounding the theological implications of this Kantian perception.

Tillich's view of salvation history seems to me to be a remarkable combination of biblical thought (especially in its Pauline mode) and Western philosophical thought (especially in

its essentialist mode). The drive for combining these modes is revealed in his language about the ultimate fulfillment of all reality in God. Tillich describes his view as "eschatological pan-en-theism."[8] According to this view, to be "in" God means to be received back into or reunited with a creature's creative origin, the source of a creature's ontological dependence, and the realization of a creature's ultimate fulfillment. This process of fulfillment may be described symbolically as the movement from essence-to existence (fall) and from existence to essence (salvation or "essentialization"). But as Tillich readily admits, the prime difficulty of apprehending "the uncleft level of reality"[9] in which all creatures ultimately participate (and hence are in the here and now potential bearers of divine meaning and power) is "the necessity to penetrate into something 'nonsubjective' with categories of a subjective mind and into something 'non-objective' with categories of objective reality."[10] Indeed, Tillich declares, "the apprehension of the inherent powers of nature is not a possible task for rational discourse. Other methods of approach must be employed [such as myth and poetry], and these methods are not conclusive because they permit us to do little more than point to something the acknowledgement of which cannot be forced."[11] The principle which underlies all these methods of apprehending the uncleft level of reality, however, is for Tillich the principle of "faith," which he defines as "the state of being *grasped* by the transcendent unity of unambiguous [or uncleft] life." Faith "embodies love as the state of being *taken into* that transcendent unity."[12] And in this state, "Any object or event is sacramental in which the transcendent is perceived to be present."[13]

We may enlarge upon Tillich's observations at this point by noting that the person who experiences the sacred (or sacramental) in nature enters into the encounter, which means that he is not simply a theoretical knower, but one who lives in and through experience, who puts questions both to the world and to himself. Not every common object, to be sure, will figure in every possible encounter, but every such object *could* so figure, depending upon the particular circumstances. In any encounter, the sacred and the profane stand in polar relation to each other. In one sense they are antithetic because what is sacred stands over against the profane and cannot be dissolved into it; and yet the two must not be interpreted so that all relations between them are severed. It belongs to the character of the sacred to make its appearance in and through the profane, and it belongs

to the character of the profane to be sustained and illuminated by the sacred. The sacred, however, is the standard for judging the profane since the sacred provides man with a vision of what life should be, and thus reveals the extent to which mundane existence falls short of its ideal or "transcendent unity." An encounter with the sacred is therefore an occasion upon which man's capacity as a religious creature may be realized, for in this encounter he is driven *beyond himself* to ponder existence as having a Ground and final purpose. For Tillich, we may say in summary of his position, man's encounter with the sacred leads inevitably to what another theologian, Sam Keen, has described as "ontologic wonder,"[14] or to an experience of the world as necessitating a sufficient source beyond itself (the God who is the creator and sustainer of all being). But as Keen goes on to observe, in defense of a much less metaphysical position than Tillich's, "A world created by God is no less miraculous or wonderful than one that merely happens by chance."[15] And he maintains that there are some experiences of encounter with the sacred in which man feels no particular need to ponder existence as having a Ground and final purpose. Instead, he is content to respect, relish, and celebrate the object of his perception in its contingent *otherness*, in which it displays itself without bearing its own explanation. Keen describes this as "theophanic" wonder.[16] And it is this mode of wonder which seems to me to be the basic inspiration of the thought of the American theologian, Conrad Bonifazi.

Following the thought of Edmund Husserl, Bonifazi maintains that as we experience things (or phenomena), we impose upon them their *whatness* or essence. We give things significance in our human world, in other words, by relating them to ourselves. Such a theory rests on the notion that things are not simply *there* in their spread-out-ness. They are also within us, and they form the contents of our consciousness. By *consciousness*, however, Bonifazi means more than a mirror held up to the world to reflect it. Consciousness in his framework of thought points to things: it is *intentionally* related to them. The distinction between things vaguely apprehended and those upon which attention is focused makes possible the difference between mere awareness and actual experiencing. The intentional, creative glance permits us to receive the meaning of things, and in this sense we may say that *we* constitute the things before us. It is the perceiver's intentional glance towards things which gives them, not existence, but essence. It bestows upon them depth and meaning and

validity within the human world.[17]

It has been objected that in this scheme of thought, the natural world has no sacred meaning in itself except as the perceiver imposes that meaning upon it.[18] But a more precise interpretation of Bonifazi's attitude, I believe, is that the world has this meaning only insofar as man construes that meaning for himself, who is, after all, the only consciously religious creature on earth. (Bonifazi, as opposed to Tillich, is much more an existentialist than an essentialist thinker.)

But what quality of meaning, Bonifazi asks, is the contemporary religious man to impose upon things in his own inner world, especially in view of the fact that over the Christian centuries man has been content to divorce himself "emotionally from nature in the name of the transcendent God and on behalf of his own immortal soul"?[19] Bonifazi offers Kierkegaard's "knight of faith" as an adequate image of the modern religious man's proper response to the world of nature. After quoting Kierkegaard's description of the "knight," as it appears in *Fear and Trembling,*[20] Bonifazi adds:

> The "knight" is . . . a man for whom the things of this world are really interesting in themselves, in whose mind the "truth of things" is not engulfed and lost in some higher reference, and whose search for an *elsewhere* has led to the discovery that elsewhere is essentially here.[21]

The "knight of faith," according to Bonifazi's interpretation of Kierkegaard, is one who has embraced *theophanic wonder* as a mode of being-in-the-world. He is one who is willing to forego theological speculation about the Ground and purpose of things, and to assume instead, in the spontaneity of the moment, an attitude of surprise and delight in the sheer giveness of things. In so doing, perhaps even unbeknownst to the knight himself, he fulfills the biblical injunction to "praise the Lord," who has "made so many things" (Ps. 104).

It is therefore within two poles of thought that we may find development of a religious vision that is fundamental to our time. The first of these poles is represented by a basically essentialist thinker, Paul Tillich, who is an exponent of ontologic wonder: the second of these poles is represented by a basically existentialist thinker, Conrad Bonifazi, who is an exponent of theophanic wonder. The import of this vision, I submit, is that it causes us

to reflect upon a theme which stands at the very heart of the biblical witness. If we are to know God, we must not, we cannot, leave this earth. It is his home and dwelling-space, and every detail in it – for he who has the eyes to see – conveys the wonder of his presence.

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[1]Cf. Frederick Elder, *Crisis in Eden: A Religious Study of Man and Environment* (New York: Abingdon Press, 1970).

[2]Allan D. Galloway, in *The Cosmic Christ* (London: Nisbet and Company, 1951), points out that the biblical writers themselves, especially the writers of the apocalyptic books, were intensely inclusionist in their view of nature. The bright strand of cosmic redemption drawn through biblical literature not only indicates an affinity and destiny common to man and things, but also attributes to matter as to man a function within the salvation structures it describes. Among the theologians of the early centuries of the church, only Origen attempted to develop this theme with care. But his doctrine of the "restitution of all things," the *apokatastasis panton,* was generally rejected as undercutting the seriousness of religious and ethical decisions.

[3]*Waiting for God,* trans. Emma Craufurd (New York: Capricorn Books, 1959), p. 161.

[4]*Reason and Revelation,* trans. Olive Wyon (Philadelphia: Westminster Press, 1946), p. 33n.

In light of Brunner's defense of natural theology, this quotation from *Revelation and Reason* may appear as an anomaly in the context of his work. It was Brunner, after all, who is his famous disputation with Karl Barth in the 1930's, maintained that God reveals himself not solely in Jesus Christ as known in the Scriptures, but also in creation and in ongoing history. (Barth's response to Brunner's position – as detailed in *Natural Theology* – was a work entitled "*No!*") In the final analysis, however, Brunner's position is similar to Barth's. For while insisting that all men have the power, even apart from Jesus Christ as known in the Scriptures, to attain to some knowledge of God, Brunner yet declares that this knowledge is not of the least saving value. For an astute comparison and contrast of the Barth-Brunner positions, see John Baillie, *Our Knowledge of God* (New York: Charles Scribner's Sons, 1959), pp. 17-34.

[5]*Inspiration and Revelation in the Old Testament* (Oxford: Oxford University Press, 1946), p. 8.

[6]*The Protestant Era,* trans. James Luther Adams (Chicago: The University of Chicago Press, 1948), pp. 94-112. Quotations from Tillich's essay are from these pages without specific reference to number unless in the opinion of the author such reference is necessary.

[7]*The Idea of Nature* (Oxford: Oxford University Press, 1967), p. 176.

[8]*Systematic Theology,* Vol. III (London: Nisbet and Company, 1964) 450.

[9]"Nature and Sacrament," *The Protestant Era,* p. 102.

[10]*Ibid.*

[11]*Ibid.,* p. 103.

[12]*Systematic Theology,* Vol. III, 137.

[13] "Nature and Sacrament," *The Protestant Era*, p. 108.

[14] *Apology for Wonder* (New York: Harper and Row Publishers, 1969), p. 36.

[15] *Ibid.*, p. 37.

[16] *Ibid.*, p. 36.

[17] *A Theology of Things* (Philadelphia: J. B. Lippincott Company, 1967), pp. 85-90.

[18] Daniel Day Williams, in a critique of Bonifazi's position – *Christians and the Good Earth* (Alexandria, Virginia: The Faith-Man-Nature Group Press, n.d.), pp. 71-75 – says that even though Bonifazi attempts to get beyond an anthropomorphic interpretation of nature, his epistemology will not allow him to do so. Here Williams is pointing to a problem which is pivotal for the theology of nature. Does nature have a value and a significance and a *raison d'etre* which is at least in part independent of the value and significance and *raison d'etre* of man? Does nature have its own integrity, or does it have integrity only through its relationship to man? In spite of the efforts of certain thinkers (such as Williams and the later Heidegger) to indicate that nature does have its own integrity apart from man, it seems to me that the question is in the final analysis unanswerable. If nature did have such integrity apart from man, man could never be aware of it. The proper focus of the question is what integrity nature has *in relation* to man, and that is the focus with which Bonifazi is concerned.

[19] *A Theology of Things*, p. 158.

[20] Kierkegaard's description, as quoted by Bonifazi, is as follows: "The knight of faith . . . belongs entirely to the world . . . He takes delight in everything, and whenever one sees him taking part in a particular pleasure, he does it with the persistence which is the mark of the earthly man whose soul is absorbed in such things . . . He takes delight in everything he sees, in the human swarm, in the new omnibuses, in the waters of the Sound; . . . he is interested in everything that goes on, in a rat which slips under the curb, in the children's play" (p. 25).

[21] *Ibid.*

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