



## The Principle of Anticipation

Edward Alsworth Ross

*The American Journal of Sociology*, Vol. 21, No. 5. (Mar., 1916), pp. 577-600.

Stable URL:

<http://links.jstor.org/sici?sici=0002-9602%28191603%2921%3A5%3C577%3ATPOA%3E2.0.CO%3B2-P>

*The American Journal of Sociology* is currently published by The University of Chicago Press.

---

Your use of the JSTOR archive indicates your acceptance of JSTOR's Terms and Conditions of Use, available at <http://www.jstor.org/about/terms.html>. JSTOR's Terms and Conditions of Use provides, in part, that unless you have obtained prior permission, you may not download an entire issue of a journal or multiple copies of articles, and you may use content in the JSTOR archive only for your personal, non-commercial use.

Please contact the publisher regarding any further use of this work. Publisher contact information may be obtained at <http://www.jstor.org/journals/ucpress.html>.

Each copy of any part of a JSTOR transmission must contain the same copyright notice that appears on the screen or printed page of such transmission.

---

JSTOR is an independent not-for-profit organization dedicated to creating and preserving a digital archive of scholarly journals. For more information regarding JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

# THE AMERICAN JOURNAL OF SOCIOLOGY

VOLUME XXI

MARCH 1916

NUMBER 5

## THE PRINCIPLE OF ANTICIPATION

EDWARD ALSWORTH ROSS  
University of Wisconsin

Sociologists generally have held that the essential difference between the popular and the scientific view of a proposed law or policy is that the one takes in only proximate effects, while the other embraces ultimate effects as well. The shortsighted perceive the first order of effects, but not the train of consequences to which these effects give rise.

Now, this notion, borrowed from physiology and medicine, does not fit well in sociology. It is another of the limping analogies which have cluttered up our field. The fact is that the contrast between sage and tyro in social science does not hinge chiefly on the distinction between near consequences and remote consequences, but upon a distinction of a different character.

Shallow persons see the actions, good or bad, of individuals and governments as so many isolated facts. For them each case of lying, extortion, pardon, subsidy, or charitable relief stands by itself. The thinker, however, perceives that mankind is always taking action as a clue to future conduct, interpreting it as an indication of policy. And once people who are subject to the action of others discover, or imagine they discover, a policy behind it, they accommodate themselves as best they can to this policy.

Hence, action which leads the objects of it to anticipate like action in the future modifies conduct, sometimes in ways unintended and undesired. The social scientist ought to *anticipate these anticipations* and thereby arrive at a judgment as to how particular policies will work "in the long run." In matters social, then, what distinguishes sage from tyro is that, while the latter considers only the direct effects of a mooted policy, the former takes into account how the policy will react upon people through their anticipating its operation and endeavoring to adjust themselves to it.

The principle of anticipation may be stated as follows: *Any established and known policy, whether of government, of an association, or of an individual, which affects people favorably or unfavorably according to their conduct, will come to be anticipated and will result in modifying behavior. A favorable reaction will call forth more of the conduct, condition, or type of character favored, while an adverse reaction will tend to repress it.*

Let us now examine the more striking operations of this principle in the various provinces of social life.

#### ANTICIPATION IN THE TREATMENT OF CRIME

Authorities object to paying a reward for the return of an abducted person and "no questions asked" because such a policy lays a financial foundation for the following of abduction as a business. Here is a plain conflict of interest between the wealthy parent, anxious only to recover his child, and society, intent on discouraging the practice of kidnaping.

The practice of "compounding a felony" illustrates a like conflict of interest and is justifiably frowned on by the law.

The authorities go to great expense in order to pursue, ferret out, or extradite the individual lawbreaker, the expense being justified by the consideration that, if it is apparent that frequently the lawbreaker comes off scatheless, the dread of the law will be weakened in the hearts of the evil-disposed and crime will increase. On the other hand, a show of resolution and relentlessness, a demonstration that the law will never let up and that in the end justice will always get its due, fills the hearts of bad men with a deterring dread.

Failure to graduate legal penalty, so that the punishment for robbery is as severe as for robbery with murder, has the effect of causing the greater crime to be preferred to the lesser in case it happens to be more lucrative or safer to commit. "One might as well be hung for a sheep as for a lamb."

The policy of suppressing prostitution by prosecuting the harlot fails because she is often not a responsible person, and moreover she is not a resident with property or reputation to lose. But the "abatement of nuisance" policy of prosecuting the owner of property used for immoral purposes strikes the Achilles' heel of commercialized prostitution because it attacks the resident property-owner, the one person in the infamous partnership who has most to lose in the way of money and reputation.

The resort to the use of money by a public utility company in order to gain its will in a legislature acts in the end as a boomerang. The word travels through the political underworld that certain rich corporations are "easy," and the grafter strives desperately to get himself elected to a seat in the legislature. The quality of the legislators declines, "strikers" multiply, the necessity to use money in order to protect the legitimate interests of the company grows, until in the end the company is financially worse off than if from the first it had taken its chances with the uncorrupted representatives of the people.

The policy of compensation for accidents is a challenge to the ingenuity of imposters. In 1866 "dream neurosis" was first recognized in Germany as a form of nervous hysteria due to railroad accidents. Later it was accepted as a legitimate basis for compensation in the insurance system. At one time nearly 1 per cent of German pensioners drew money for this disorder. The fact that after lump-sum compensation the sufferer regained health with wonderful rapidity awakened suspicions. Investigation proved that the state had been the victim of skilful shamming. Compensation ceased and "dream neurosis" as a distinct malady no longer exists.

On the other hand, the happiest result of a workingman's compensation law is, not that injured workingmen get something, but that employers, anticipating their new full liability, adopt

safety devices and measures which greatly reduce the number of accidents.

One of the most shortsighted policies which an employer can embark on is the hiring of spies to worm their way into the labor unions and warn him of their plans. A demand for trouble will not long remain unanticipated. In order to justify and prolong their jobs spies take the lead in inciting to policies of outrage and thus stir up much of the mischief which their employer pays them to report to him.

Likewise to hire watchmen supplied by private detective agencies is to plunge into a quicksand of graft. These agencies live on the dread of industrial violence; hence they see to it that there shall be no lack of violence. Since the worse property-owners are frightened the more guards they will hire, nothing is more profitable to the detective agencies than an epidemic of strikes, even of arson and murder. From the moment their mercenaries, recruited from the desperate and vicious elements in society, arrive on the scene, a labor struggle enters upon a new and darker phase.

A repressive government has the same experience. Its dependence upon men of reptilian type, who work in the dark and can deceive their employers, is discounted to the extent of their organizing anarchist groups and instigating, even executing, the deeds of violence which cause the government to lean upon them. A few years ago it came out that a certain Azeff, who for sixteen years was a paid agent of the Russian police, had himself been the chief organizer of acts of terrorism among the social revolutionists. One will never know the amount of bad blood such *agents provocateurs* have stirred up between government and people in Russia and between employers and workingmen in the United States.

As the practice of tax-dodging becomes known, it produces a sense of unfairness and a resentment which leads other persons to evade their taxes. This in turn becomes known and creates still wider zones of resentment and evasion until finally only moral heroes declare all their taxable property. The experience of American states shows that in from five to eight years a stiffening of the tax laws designed to bring to light more personal property runs through a cycle of demoralization ending in a state of things as bad as ever.

The pardoning of convicted persons is much more likely to be discounted and to lead to crime than the forgiveness of injuries. If the wronged person forgives the evildoer after having him in his power—heaps “coals of fire” upon his head—the latter’s sense of fair play is powerfully appealed to, and he is not likely to discount such forgiveness by a wanton repetition of the offense. The state, however, cannot safely pardon unless there is clear evidence of sincere repentance and a desire for amendment. Forgiveness not based upon such repentance may easily constitute an encouragement to evildoing. This does not forbid us to emphasize forgiveness in God’s attitude toward the wrongdoer, for God cannot be deceived by empty professions of repentance. The toleration of injuries is more likely to lead to their repetition when states are concerned than when persons are concerned. Between states there is no room for an appeal to the offender’s better nature. The neglect promptly to protest against violation of the rights of a neutral by a belligerent may encourage the belligerent to a contemptuous disregard to neutral rights which may exasperate the neutral people to a point making war inevitable. On the other hand, a quiet, but vigilant, consistent, and firm policy by the neutral government may keep the belligerent within bounds and thus prevent the growth of bad blood between the peoples.

#### ANTICIPATION IN THE SPHERE OF GOVERNMENT

Taxes levied on voluntary actions or on the results of such actions have the same effect as fines, so that they modify behavior rather than yield revenue. Thus heavy taxes on windows may lead to shutting the light out of dwellings; on date trees, may lead to chopping down the trees; on wine, may cause the vines to be pulled up or the wine to be emptied into the river; on produce, may throw land out of cultivation. Inheritance taxes may lead to gifts between the living; customs duties, to smuggling. A tax will thus deform the economic society or economic life unless it is light or is broad and general and presses uniformly.

The conversion of arbitrary seizure into a system of taxation has often been enforced upon despotic governments by a dim perception of the *principle of anticipation*. The more thoughtful perceive that where wealth is seized rapaciously without rule or right

there is presently no wealth produced to seize. If the tax-gatherer leaves nothing which the cultivator can count on for his family, he emigrates, and soon the land is empty of taxpayers. This is one reason why the revenue system of government was early rationalized so as to guarantee to the wealth-producer a fixed and fore-knowable share of what he should produce. This is why, when absolutism ends and the people through their representatives come into control of government, the difference is on the side of what the people get for their money, not on the side of their payments. For instance, the Manchus in China were not at all impossible in their methods of raising revenue, but they gave the people almost nothing in the way of benefit.

#### ANTICIPATION IN INTER-INDIVIDUAL RELATIONS

The doctrine that the end may justify the means has fallen into merited odium, because the moment you learn that other people are acting on such a principle you know not what to expect of them. Character no longer gives a clue to conduct in particular situations. Since the very saint may lie, steal, cheat, forge, defraud, or forswear himself for the sake of some larger good, to you unknown, you have to be on your guard against the good man as well as the bad man. Thus the foundations of confidence of man in his fellows is destroyed. No wonder a doctrine so unsettling became infamous.

One important factor in the upbuilding of England's Indian empire has been the policy of truth-telling on the part of the English administrators; the result being that Hindoo leaders and statesmen accept official statements at par and rely serenely upon the fulfilment of England's promises.

"Honesty is the best policy" for one conducting a business or following a profession in one place, because in time customers or patrons know the treatment they will receive and govern themselves accordingly. The merchant who overreaches his customers in ways they finally are aware of presently has no customers.

It was this same perception that induced the Indians not to plunder the fur-trader who ventured among them. Their leaders were able to foresee that if they robbed him no other fur-traders

would come within their reach; so that the way to get guns and knives easily was, not to take them by force, but to buy them with peltries.

The high standards of honesty in Chinese merchants and bankers seem to be due, not to conscience, but to a slowly evolved perception of the real foundations of all continuing businesses.

Lord Bacon perceived how veracity creates a capital. "The ablest men that ever were," he says, "have had all an openness and frankness of dealing, and a name of certainty and veracity; . . . when they thought the case indeed required dissimulation, if then they used it, it came to pass that the former opinion spread abroad, of their good faith and clearness of dealing, made them almost invisible."

A theater manager stages a play of high tone, and finds half his patrons bored and leaving him. But if he perseveres in the presentation of clean, fine drama he is presently recompensed by the patronage of people dissatisfied with what they get in other theaters and by a growing attendance from the non-theatergoing public.

The lawyer who refuses every case he does not believe in is likely to have at first a scanty practice, but in time his reputation for championing only righteous causes gives his pleadings great weight with a jury and he will be much sought after because he has the name of winning lawsuits.

The writer, speaker, or expert witness who yields to the temptation to produce conviction by exaggeration and emphasis finds, unless he keeps on the move, that his influence diminishes; whereas the man who is consistently cautious and accurate in statement steadily grows in authoritativeness, provided that he is able to keep in the public eye.

The eloquent but mercenary spellbinder, after shifting twice or thrice to the side which offers him the more money, finds himself in a few years without a retainer, because the public has learned to discount his hired stump eloquence to such a degree that his services are no longer of value to a political party.

We are wary of itinerant peddlers, doctors, or promoters just because we realize that they are not subject, like the local



merchant or practitioner, to the operation of the *principle of anticipation*.

One "spoils" children, not simply by being "easy" with them, but by being so easy with them that they *count on* favor and leniency. They observe that if they will not wash or dress themselves somebody will do it for them; if they break or lose their toys they are promptly replaced; if they transgress the threatened punishment is never inflicted. The parent or schoolmaster who keeps himself unpredictable in the discipline of his children may safely forgive or overlook much.

#### ANTICIPATION IN THE SPHERE OF CHARITY

Social science began with the discovery that the treatment of the case in hand reacts, through anticipation of like treatment in the future, upon human conduct and character. In the moral sphere this led to the perception that "honesty lasts longest," "honesty is the best policy," "truth is the cement of all societies." In the economic sphere it brought insight into the reaction of laws upon enterprise and the accumulation of property. Next it put charity in a new light and gave currency to the view that "charity causes half the suffering she relieves, but she cannot relieve half the suffering she has caused."

It is now a century or more since it became clear to the wise how paupers are created by thoughtless benevolence, how indiscriminate alms constitute a standing premium on idleness and unthrift. In its youth political economy rode this idea so hard that benevolence was put on the defensive and the hard heart supplied with reasons for doing nothing. Later it was seen that charity may be "scientific" and that there is still a broad field for the help that does not harm.

The workings of anticipation in the field of charity are various and startling. If the beggar's whine opens the purse, mendicancy will be followed as a trade. If the moving "hard-luck" story draws forth alms, imposture will be developed into a fine art. If the maimed and twisted capture the coin from the passer-by, artificial deformations and mutilations will be forthcoming, as if society

had announced: "Produce me such and such ghastly spectacles and I will pay for them."

A system of public outdoor relief is likely to be counted on until it becomes in effect a bounty on idleness and improvidence. Under the Poor Law in force in England up to 1834 the pauper was often better off than the poor laborer, who was thus disheartened in his struggle to maintain his independence. Hence as time went on the proportion of paupers grew. In some parishes rents were so generally paid by the vestry that the poor made no effort to provide their rent. Landowners have been known to tear down cottages so as to keep out pauper settlers and to draw their labor from surrounding parishes which made up the deficit in wages by an allowance. When farmers were allowed to have the labor of the idle at a shilling a day, the deficit being made up by the overseers of the poor, they turned away their laborers, thus creating an idle class, in order later to get them back at the cheap rate. Where employers were required to hire paupers rather than the self-supporting, saving was seen to be a bar to employment, so that thriftlessness was encouraged. The policy of a regular allowance for the out-of-work prompted some laborers to be as lawless and useless at work as possible, so that they might be discharged and supported in idleness.

The readier relief of the married man than of the unmarried encouraged reckless marriage. One laborer when married went straight from the church to the poorhouse, having trusted to the parish to support a married man. Another demanded a house in advance, on the ground that he was about to take a wife. Not only did laborers marry earlier than was the custom before the allowance system grew up, but it was noticed that they married younger in liberal parishes than in strict parishes.

The prospect of additional money for every child born into a pauper family removed the check which anxiety naturally places upon the size of the family. The granting of 2s. a week for a bastard child, but only 1s. 3d. for a legitimate child, on the ground that the former had no father to support it, probably encouraged illegitimacy. Since the mothers of such children were more comfortably kept than married women, many, we are told, considered

it the best way to provide for themselves. Moreover, loose women with children were preferred as wives to modest women because of their incomes from the parish.

After 1834 the poorhouse became a workhouse; but even this was discounted. Its practice of giving lodging to destitute wayfarers created professional vagrants. The freedom to go and come called into being a class of loafers who availed themselves of the hospitality and the mixed company of the workhouse, but, when they craved a change, left it and lived as they pleased. When deterrent regulations were adopted, vagrants found jails more comfortable, and did little to escape imprisonment for a week or two for vagrancy or petty thievery. In Manchester an enormous prison-like casual ward was built on the newest deterrent model. The number applying for lodging fell off at least half, many homeless men preferring to sleep in the streets. Philanthropic people then provided a free shelter under lax management. This emptied the ward and the lodging-houses and attracted great crowds from neighboring towns. Public opinion forced the closing of the shelter and again the men slept out.

A recent critic of the English workhouse writes:

It was a curious experience in visiting a large number of workhouses to find, as one went from one place to another, that what one had to look for was the most spacious and prosperous-looking institution in the place, set in the best-kept grounds, surrounded with expensive walls and handsome gates. . . . "Indoor-relief" has bred a class of lazy parasites, willing to submit to any conditions so long as they are well fed and relieved from all responsibilities. They are not even precluded from injuring the outside community, inasmuch as the law permits them to go in and out at their pleasure, using the workhouse as a convenient resort and a protection to their noxious lives from the discipline of hunger and cold.<sup>1</sup>

The Poor Law Commission reporting in 1909 recommends that no outdoor relief be given save to persons leading respectable lives in decent houses. Slum areas should be proscribed, inasmuch as the attraction of these degraded areas lies, not in low rents—they are really high—but in the absence of restraint and the liberty to overcrowd and to lead irregular lives which is to be found under the slum landlord.

<sup>1</sup> Helen Bosanquet, *The Poor Law Report of 1909*, p. 186.

Nothing so lends itself to anticipation as *endowed* outdoor relief, which is sure to become widely known and which works blindly, in good years as in bad years. Not only has it been found that in English cathedral towns with endowments for the poor pauperism is far greater than in other towns, but fixed doles always attract to a place more than enough paupers to absorb them all. No doubt many a down-and-out has drifted to New York because of the publicity the Sunday newspapers have given to the midnight "bread line" maintained by the endowment of the baker who started it.

It is often proposed that the overcrowding and low wages resulting from our present immigration might be effectually diminished if only benevolent societies or government would take care of the immigrants, get them out upon vacant land sold to them on easy terms, and aid them until they had reached the point of self-support. This policy might give excellent results provided that immigration were restricted. But with the present situation such a policy could not but encourage immigration, so that presently we should have two or three hundred thousand more every year, and the more we did for immigrants the more immigrants we should have to do for. Such a stimulated influx might in the end cause more overcrowding and depression than the colonization could prevent.

In unexpected ways anticipation spoils the effect of the best-intentioned acts. The tender-hearted public which habitually turns aside to buy the wares of the smallest newsboy or peddler is unconsciously drawing children out of school and into industry. An enlightened kindness would deal quite otherwise with the children in the street trades.

The giving of tips to waiters, after it has become general and customary, is of no benefit to them. The starvation wage received by porters in standard sleepers in comparison with those of tourist sleepers proves that the generosity of the traveling public has been anticipated and capitalized by their employer, the sleeping-car company.

The granting of a subsidy of public money to a private charity is often the beginning of a process of shifting the entire burden of

support of the institution upon the taxpayers without giving their representatives any control. "Those institutions that have received public aid the longest most commonly receive least from private contributors." Such aid "tends to dry up the springs of private benevolence."

Subsidies which vary with the number of dependents constitute "a standing premium to the institution to keep the inmates longer than is necessary and to develop the work in magnitude." Thus there is a "strong tendency on the part of subsidies to increase the problem with which the subsidized institutions have to deal."

In the beginning the payment of subsidies is always urged on the ground of economy. With a given number of dependents in sight it is cheaper to pay for their care by an existing institution than to maintain them in a public institution. What the legislator overlooks is that as soon as subsidy-granting has become an established policy of the state with respect to private institutions doing a particular kind of work (e.g., caring for dependent children) the number of qualified subsidy-claiming institutions begins to multiply, and soon the charge upon the public is vastly greater than anyone had contemplated. Who could have anticipated that the subsidy-earning institutions in Pennsylvania would grow from 8 in 1880 to 176 in 1905? In 1875 a speaker before the National Conference of Charities and Corrections, referring to the union of public and private benefactions in the charities of New York, predicted that most of the aided institutions would eventually become entirely self-supporting, thus relieving the public treasury. But he failed to take into account the effect of subsidy anticipation in drying up private benefactions and in increasing their dependency. In 1870 New York City gave a third of a million dollars, i.e., a fifth of its appropriations for prisons and paupers, to private institutions. In 1898 it gave three and one-seventh millions, or 57 per cent. At first the state is looked upon as coming to the aid of private charity. Later, private charity is looked upon as coming to the aid of the state.

When subsidies are granted to institutions caring for dependent children there is a vast increase in the number of such children. In New York City the number grew from 14,773 in 1875 to 33,406

in 1895. The annual subsidy to orphan asylums in the state of California grew from \$58,000 in 1880 to \$410,000 in 1898. "It has almost killed any efforts to place the children in family homes, has in a large measure demoralized many families whose children are thus supported, and has reacted unfavorably upon the spirit and motive of many of the charitable societies themselves."

#### ANTICIPATION IN THE FIELD OF EDUCATION

H. G. Wells points out that the early endeavor to stimulate popular education in England by the government making grants in accordance with results obtained in examination gave rise to "grant-earning," which was by no means the same as education.

The task of examination was intrusted to eminent scientific men for the most part quite unaccustomed to teaching. . . . Year after year these eminent persons set questions and employed subordinates to read and mark the increasing thousands of answers that ensued, and, having no doubt the national idea of fairness well developed in their minds, they were careful each year to reread the preceding papers before composing the current one, in order to see what it was usual to ask. As a result of this, in the course of a few years the recurrence and permutation of these questions became almost calculable, and since the practical object of the teaching was to teach people, not science, but how to write answers to these questions, the industry of grant-earning assumed a form easily distinguished from any kind of genuine education whatsoever. [Competing firms] set themselves to produce textbooks that should supply exactly the quantity and quality of knowledge necessary for every stage of each of the five and twenty subjects into which desirable science was divided, and copies and models and instructions that should give precisely the method and gestures esteemed as proficiency in art. Every section of each book was written in the idiom found to be most satisfactory to the examiners, and test questions extracted from papers set in former years were appended to every chapter. By means of these last the teacher was able to train his class to the very highest level of grant-earning efficiency, and very naturally he cast all other methods of exposition aside. First he posed his pupils with questions and then dictated model replies.<sup>1</sup>

It is also to be noted that the system of "payment by results" led to teachers putting undue pressure on dull and weak children, often to their great injury.

<sup>1</sup> *The New Machiavelli*, p. 22.

The policy of intimidating by occasional dismissal university professors of economic opinions distasteful to the men of wealth who constitute the governing board is in its outworkings one of the most mischievous that could be devised. Once it were understood that a professor is subject to supervision as to his utterances on questions of public interest, and liable to dismissal when these do not please the governing powers, men of virile character and independent mind would avoid the calling. In the end the quality and standing of the universities would be lowered. Again, unless radical professors are safe, conservative professors lose the confidence of the public. The one thing that makes it worth while to cite the judgment of university professors in opposition to wild and crude proposals is the freedom with which, in our universities generally, opinions of a different tendency can be expressed. Once let it be understood that the conservative professor has to teach and talk as he does, or lose his living, and his influence with the public is at an end.

Free theological education with support no doubt enables some strong men to enter the Christian ministry, but it also tempts into it some youths without a "call" or a message, who are looking for the easiest route into some profession.

The instituting of graduate fellowships no doubt adds to the ranks of scholars, but it is likely that the existence of such aids shunts into college teaching many of no great vigor of intellect or character, but of excellent capacity for assimilation, who allow the line of least resistance to determine their life-work.

#### ANTICIPATION IN THE REALM OF LAW

In the history of social control one is struck by the fierce insistence of the people that judges apply law and not their own notions of right and wrong. In the absence of statute, judges are to apply customary or common law and, wanting even this guidance, they are to follow the trend of earlier decisions. All this has been prompted, not so much by mistrust of the individual judge as by the need of knowing in advance the rules of conduct in order that one might discriminate the licit from the forbidden. So hotly has uncertainty been resented that at times the people have sprung to

arms because judges did the will of their royal master, or administered strange law instead of the ancient well-known laws of the realm. "Political" courts have justly become infamous, and burghers become deeply agitated when their visiting monarch writes *voluntas regis suprema lex* in the municipal album.

The primitive ruler, to be sure, sat at the city gate or in his judgment hall, heard such suitors as appeared, and gave judgment according to the promptings of his conscience or the state of his digestion; but no modern autocrat dares regulate the conduct of his subjects in this way. Be he czar or even sultan, his people insist upon being regulated, not by his whim, but by settled customs or his published laws, so that they may know in advance what is not permitted.

So strong was the pressure from business men to know what was lawful under the Sherman Anti-trust act that the Supreme Court took the unprecedented step of virtually writing into the statute the word "unreasonable" before "restraint of trade," although Congress had consistently refused, for good political reasons, to insert this word.

It is just because a censor does not bind himself to decide according to explicit rules that a censorship has such a paralyzing effect upon literary production. Thus Tolstoi once wrote:

You would not believe how, from the very commencement of my activity, that horrible censor question has tormented me. I wanted to write what I felt, but at the same time it occurred to me that what I wrote would not be permitted, and involuntarily I had to abandon the work. I abandoned, and went on abandoning, and meanwhile the years passed away.

So blighting is a censorship that our unlicensed press is considered a "free" press, although it is certainly subject to legal prosecution for defamatory or seditious utterances. The motion-picture board of censors has been subjected to great pressure to formulate the principles of its discriminations, so that manufacturers may know in advance of production which films are likely to find favor.

It is owing to the *principle of anticipation* that law may often be adjusted to social needs without damage to private rights. Some strongly denounce a bankruptcy law, not perceiving that its action



will be anticipated by creditors, who will protect themselves by including in the selling price of their goods an insurance premium for the risk they run. In like manner, a homestead-exemption act need not wrong creditors, for they will reckon on it.

In the ancient world the law's recognition of the right of the borrower to pledge himself as security for the repayment of his loan wrought terrible evil by reducing great numbers to servitude. The prohibition of slavery for debt caused little loss to creditors, for they discounted their weaker legal situation by exercising greater care in lending.

In tropical South America I have heard peonage justified on the ground that the peons are so destitute that they need the right to pledge their labor in order after a bad season to procure from the planter the food necessary to keep them from starving. The true policy is to abolish the contract of peonage and let the laborer develop the capacity to look out for his future himself. Anticipating his plight without a master to fall back on, the laborer will be stimulated to save and to make himself a reputation for reliability. Thus he will rise in the scale of moral beings.

It is in consequence of anticipation that enforced laws may be so very potent in influencing economic life. Let the law provide adequate protection for some kind of property that does not exist—say artificial oyster beds on the bars of Chesapeake Bay—and if the state of the oyster market justifies it capital will be invested. Since capitalists are likely to have both foresight and far-sight, nothing is so shrewdly discounted as laws and conditions affecting invested capital. A general attack upon the institution of property or random condemnation of the rich without discrimination may discourage saving or investment. On the other hand, a discriminating agitation to curb a certain kind of property or to convert it to public uses need not check accumulation or investment. This is why, after a reform movement affecting some species of property has been worked up by radicals, it will succeed better if carried out by a conservative statesman who is not suspected of having other anti-property reforms “up his sleeve.”

The syndicalists who propose that the workers organize and take over and run the particular mills and factories in which they happen to find themselves do not foresee the effect of such action

upon industry at large. Certainly private individuals would no longer invest their savings in building plants from which they are liable to be ejected by groups of malcontent workers. Unless these groups voluntarily set aside a part of their product for new plants and drew in other workers to run them, no means would be forthcoming for the building of new mills and the opening of new mines to furnish employment and goods for an expanding population.

The socialists, on the other hand, have met this point by proposing that the capital necessary for the upkeep and extension of the industrial equipment of society be set aside out of current production by the collectivist state.

From what has just been said it does not follow that it is well always to give property the benefit of the doubt. The historic decision of the Supreme Court of the United States in the case of *Fletcher vs. Peck*, validating a huge grant of public land so fraudulent that every member but one of the legislative majority which voted it was interested and a party to the transaction, was a powerful encouragement to capitalists to engage in the corruption of legislatures. For the decision meant that any special privilege, any act bestowing property or creating new property, even if obtained by the grossest bribery, was a vested right which no subsequent legislative act could rescind.

#### ANTICIPATION IN THE SPHERE OF RELIGION

Nothing seems more likely than that the endowment of religious orders will promote the cause of true religion. At a given time the monks are observed to be devoting their time to the propagation of religion. If they were free from the burden of self-support, and there were more of them, surely the cause of religion would be advanced. But it is fallacious to assume that after the order controls rich endowments the quality and spirit of the brethren will be the same as it now is. The present members joined themselves to poverty and are spiritual men. But after an order is known to control wealth a different type crowds in, the prevailing tone changes, the spirit of enjoyment and ease spreads, and the ideal of service fades out. In time society wakes up to the fact that instead of a brotherhood of apostles it is harboring a nest of dissolute parasites.

The conditions set forth by Ulloa and Juan in their secret report to the King of Spain regarding the state of Ecuador and Peru about 1740 illustrates this principle:

The Gentile tribes bordering on the Province of Quito are so numerous that the missions there established are proportionally few, and the religious orders who consecrate themselves to them with evangelic zeal are still fewer; for, with the exception of the Jesuits' order, who have for many years sustained the mission of Maynas, all the other eithers have no missions or keep up a station here and there, which is barely enough to serve as an apology for calling over missionaries, the latter being afterward employed for the private ends and emolument of the order itself, for it is never known that they go to preach and spread the gospel among the heathen. This is so general that there is no religious order which does not adopt the same course, for it is also the practice of the Jesuits; so that, of every twenty individuals who go from Spain, there is scarcely one, or, at most, two, who join the mission, because the order itself does not appropriate a greater number for this service. It is true that the order of Jesuits sustains a greater number of stations among the Gentile Indians than any other order; but the number it retains permanently in the colleges is not less on this account than those retained by the former, but, on the contrary, far exceeds that of the others, which arises from the fact that they send for missionaries more frequently, and receive a greater number of them by every arrival from Spain.

In Spain, it is generally supposed (and the same opinion obtains in the convents themselves) that the missionaries who go to the Indies are to proceed immediately to the conversion of the natives; and many of them, full of zeal for the propagation of the faith, offer to go and connect themselves with the missions; but as this does not take place, they are disappointed when they arrive there, finding how different their situation is from what they had anticipated, and that it is impossible ever to get back again. The case with the missionaries who are sent is, that immediately on their arrival there, they are distributed, if Jesuits, in the colleges, or, if of other orders, which use rotation, in the convents of all the provinces; and some devoting themselves to professorships, others to the pulpit, others to attorneyships, and others to the management of the farms, precisely as is practiced in Spain, they keep them employed in these functions, or exchange them, by transferring them from some to others, but always for the benefit of the convents. Hence it appears that the only proper object of missionaries and missions is that which is least thought of; for when the limited number of stations which compose the mission is furnished with curates, it is only when one dies, or another wishes to retire, burdened with the weight of years, that a substitute is appointed in his place, and a long period frequently elapses without the occurrence of either event.<sup>1</sup>

<sup>1</sup> Ulloa and Juan, *Secret History*, pp. 142-45.

Heresy-hunting seems defensible until one looks ahead and notes how the practice will affect the composition of the clergy. No matter how fixed in the doctrines of his church a man may feel himself to be at the time of his entering the ministry, he should allow for the possibility of growth and change. The greater his intellectual vigor and the more independent his mind, the more this possibility becomes a probability. Hence the prospect of being unfrocked for heresy after one is committed to one's calling and well on in life will repel from the ministry virile young men likely to make the pulpit a power; but it will not deter those weaker in intellect or character. The church that is jealous for the dignity and leadership of its clergy will satisfy itself as to the orthodoxy of those whom it ordains, but, save in extreme cases, it will not pursue with a heresy trial the clergyman who has come into disagreement with its creeds. It will leave the question as to his continuance in its pulpit to his conscience and sense of propriety.

#### DEDUCTIONS AND CONCLUSIONS

It is recognition of the workings of this *principle of anticipation* that makes the chief difference between the attitude of the intellectual and that of the emotionalist in matters of policy. The emotionalist says: "This couple are unhappy together. Why not let them go their separate ways?" The intellectual replies: "Make divorce too much a matter of course and instead of having fewer unhappy marriages you will have more. For people will form risky and unstable unions because they know they can obtain a divorce if the union does not turn out well. Lessen the amount of caution and seriousness in marriage and the number of unions calling for divorce surgery will grow." The emotionalist says: "What is the good of hanging this murderer and orphaning his children? Have pity and let him go." The intellectual replies: "A too-free use of the pardoning power encourages the evil-disposed to yield to their criminal impulses, and thereby augments the amount of suffering among the innocent." The emotionalist urges: "How cruel to ostracize this girl for giving herself outside the marriage relation!" The intellectual queries: "Is there any other way to keep girls from yielding to their tempters?" The

emotionalist sees only the need of the lone woman with small children and demands mothers' aid. The intellectual prophesies that aid to abandoned mothers will stimulate desertion, while relief to the mothers of illegitimates will encourage laxity. A few seasons back an emotionalist in the United States Post-Office Department directed postmasters to turn over "Santa Claus" letters to local philanthropic societies. It was not long before the number of moving and apparently naïve petitions to Santa Claus from artful children for sleds, skates, and other objects of juvenile desire greatly multiplied, and the local societies came to realize that they were being "worked." The order had to be rescinded.

The emotionalist set up the revolving cradle in front of the foundling asylum so that foundlings might be deposited secretly. The theory was that this facility of disposal would do away with the murder of undesired infants. It certainly resulted in an alarming growth of illegitimacy and an irresponsible dumping of children upon the foundling asylums. A perfect case of shortsighted emotionalism is that of the late Empress Dowager of China, who, when she felt a tender impulse, would buy caged birds in the market and release them in the open. Aside from the fact that the courtiers just over Coal Hill snared these same birds and returned them to the dealers, it is obvious that the greater the demand for these birds in Peking the more active would be the bird-catchers in the provinces; so that the Empress releasing birds on Coal Hill was unconsciously setting the snarers to work in Shantung. Had she freed the caged birds in the market instead of buying them her action would have been more to the purpose. The tearing of egret feathers out of ladies' hats by our customs inspectors, although ruthless, has been effective for the end in view.

The *principle of anticipation* does not tell against the relieving of distress which has not been brought about nor could have been averted by any act of the sufferer. Widowhood, orphanhood, loss of health, and distress arising from such unforeseeable calamities as fire, flood, war, earthquake, or epidemic may be relieved without fear of pauperizing the unfortunates.

Again, if only the lesser part of a particular kind of distress can be relieved, the prospect of relief will not tend to augment the volume of such distress. Thus well-guarded accident or sickness insurance

need not increase the number of cases of accident or sickness. Free medical clinics or hospitals or dispensaries will not weaken the health of a people, although they may slacken the endeavor to lay by sums to provide medical attendance. By the policy of "matching dollars" such givers as Carnegie, Rockefeller, and Fels have avoided drying up the natural support of the institutions or causes they wish to aid.

The more the relief of the destitute and the pardon of the wrongdoer is discriminating, and based on a knowledge of merit in the individual case, the less will such action be presumed on by the unworthy. Carried away by their discovery that help and mercy, by being reckoned on, encourage idleness and crime, the early social scientists seemed to bring under suspicion all charity and pity beyond one's own circle. We now deem it safe to give rein to these nobler impulses provided that their action waits on thorough investigation. Wise relief or leniency implies, not only discrimination, but discrimination based on a sound principle. This principle is that *anti-social types of conduct and character should not be encouraged*. It is not enough that help be withheld when it will foster laziness. No such consideration enters into the question of relieving the aged poor; yet in the administration of an old-age pension system the problem must be faced whether pensions shall be granted to habitual drinkers and persons who have gained their livelihood by vice, such as gamblers, tipsters, liquor dealers, panderers, and streetwalkers.

It is now clear that good things made gratuitous do not pauperize. Getting something for nothing does not pauperize. Only those gifts pauperize which, being anticipated, encourage undesirable types of behavior and character. Thirty years ago Herbert Spencer declared that public libraries and reading-rooms pauperize, overlooking the fact that the pursuit of knowledge makes men better, not worse. The sneer of "free soup for the mind" is quite pointless. Free schools and universities, free lectures and libraries, free museums and art galleries, free social centers and churches, free entertainments and band concerts, free playgrounds, athletic fields, swimming-pools, and baths do not pauperize, seeing that they make people stronger and better and wiser, not lazy nor self-indulgent nor vicious.

The pioneers in social science also went too far in condemning mercy. A discriminating treatment of offenders is justifiable. The probation of first offenders holds no cheer for the professional criminal. The parole of convicts who have "made good" is not likely to encourage lawbreaking. Substituting reformatory for penal institution does not lower the hedge against crime; for if there is one thing the evil-disposed regard with horror it is reformation, especially after they learn of the regimen by which reformation is brought about. The policy of deterring the ill-intentioned by the relentless punishment of all caught lawbreakers assumes that foresight is universal. We now know that there exist born criminals too strong of impulse or too weak in self-control or foresight to be deterred from crime by even the smart of punishment, let alone the example of it. To set aside such offenders for cure rather than punishment is not to embolden the evil-disposed.

Publicity feeds anticipation; hence we should shun publicity for things we do not wish people to anticipate. Pardon, save of those exonerated, should be kept quiet, mercy should work under cover, charity should be furtive. "When thou doest alms, let not thy left hand know what thy right hand doeth." The secret help that passes between kinsfolk, friends, comrades, neighbors, fellow-workers, and fellow-members of the same church or lodge or union does little harm. At the other extreme are endowments or fixed funds or special taxes set aside for the relief of the poor. Because they become well known they are sure to be reckoned on. Such provision, therefore, is more likely to breed poverty than the fluctuating relief flowing from the current contributions of the charitable.

On the other hand, we should court publicity for things we wish people to anticipate—rewards or benefits held forth for desirable kinds of conduct or character. There cannot well be too much publicity for conditions of security of life and property, protection of contracts, low taxes, bounties, tax exemptions, military or civil pensions, thrift agencies, government aid to industry, honorary titles, scholarships, hero medals, and monuments or honors to public men.

Recurrence breeds anticipation. "In seizing a state," says Machiavelli in *The Prince*, "the usurper ought to examine closely

into all those injuries which it is necessary for him to inflict, and to do them all at one stroke so as not to have to repeat them daily; and thus by not unsettling men he will be able to reassure them, and win them to himself by benefits." The sage quite misses, however, the philosophy underlying his sound counsel and offers the fanciful reason: "For injuries ought to be done all at one time, so that being tasted less, they offend less; benefits ought to be given little by little, so that the flavor of them may last longer."

It is in the contrasted effects it produces in consequence of being anticipated that social reform is so much superior to charity in dealing with widespread or chronic misery. Think of the competition which determines the distribution of income in society as a race in which all who run receive, according to their speed and endurance, prizes varying in value from a trifle to a fortune. Charity now comes in to relieve the distress of those who from lameness, or having stumbled, or being tripped are unable to win even the trifle. But since running is not easy and the petty prizes for the slowest runners leave them worse off than those succored by charity, many resort to the trick of stumbling or giving up when they are really able to run. And the more charity does, the more malingerers there are.

Altogether different are the methods of social reform. It removes from the course the stones and pitfalls by which runners are thrown down. It punishes tricky runners who trip up or "spike" those who are just ahead of them and in their way. By a little forethought it greatly lessens the number of halt and ailing who cannot even enter the race. By providing all with a little instruction and training in the art of breathing, running, taking hurdles, etc., the number of those who can manage their feet well is greatly increased. Then, since there is much that is arbitrary in the relative magnitude of the prizes for swiftness, social reform aims to cut down the big prizes and add to the size of the prizes for ordinary running. Since it notices among the great throng of competitors some who without exertion are able to capture fine prizes in motorcycles or automobiles won in some previous race or left them by their fathers, it endeavors to handicap these contestants in the interest of those who rely on their legs.



To be sure, this image is faulty in that the running does not create the prize, while in the real world there would be no prizes were there no running. But for the purpose of contrasting the methods of charity and social reform the image is fair enough. Charity in caring for the crippled or unlucky unwittingly tempts others to drop out of the race. Social reform fits more persons to run, shows them how to develop their speed, clears their course, encourages the slow with bigger prizes, and altogether incites a much larger proportion to get into the race and do their best.

Only slowly do habits, standards, and social customs change in response to a changed outlook. Not only does it take time for a policy or practice to become sufficiently well known and understood for people habitually to reckon on it, but a process like pauperization is a gradual one. Very slow likewise is the substitution of the ease-loving for the spiritual types in a religious order which has become wealthy. The same is true of the processes of regeneration. With a population like certain subject peoples in the Turkish empire, whose bad economic habits are due to the long-continued influence of arbitrary and rapacious government, the introduction of justice and security does not at once make the people industrious, thrifty, and enterprising. It may be that the adults will never form better habits and that a new generation must appear upon the scene before the expected fruits appear.

The sage lawgivers of antiquity understood very well the *principle of anticipation*, although they did not formulate it. In their eagerness to take advantage of it they often drifted too far from the principle of individual responsibility. Bills of attainder, punishing the blood kin of the law-breaker, branding with ignominy the child of illegitimate amours, letting the child of the unworthy suffer with its parents—all these harsh policies shock our sense of justice and have been renounced, although there is no doubt that they aided in repressing undesirable conduct. In the same way hereditary offices and hereditary titles and privileges rewarding signal public service are no longer granted, while society is more and more inclined to restrict the inheritance of large wealth, despite the consideration that the privilege of transmission to one's heirs undoubtedly supplies a motive to accumulation.