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Cover illustration: Customers wait in line to remove their savings from a branch of the Northern Rock bank on 17 September 2007 (*Peter Macdiarmid/Gety Images*). See article on pages 1–3.

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The 'Credit Crunch' and Trust

Professor Geoffrey Hosking FBA *examines the role of trust in our financial systems, and argues that we need a fundamental rethink.*

THE 'CREDIT CRUNCH' which began in the summer of 2007 seems to be evolving into something even more sinister, with banks reluctant to lend to their potential customers or even to each other. It begins to look like not just a temporary crisis of liquidity, but something much deeper. The economic commentator Stephen King put his finger on it: 'We are witnessing a breakdown of trust on a scale that doesn't lend itself to easy answers.'[1]

Money is the paramount symbol of trust in modern society. It enables us in normal times to obtain goods and services from people we do not know, have no other grounds for trusting, and are never likely to meet again.

But money is complex and many-layered, and in each layer trust is at work. Much of the money that most of us possess takes the form of an entry in electronic account records. Behind that is paper money, which most people would accept as 'real money', but only because they are trusting. Each note bears a statement that the Bank of England 'Promises to pay on demand the sum of' ten pounds, or whatever it is. That promise refers to reserves of gold that the Bank of England holds – except that the Bank does not hold anything like enough of it to cover all the banknotes in circulation, and anyway it long ago cancelled its obligation to offer gold in return for notes. Even if it still did, what can you do with gold? You can't eat it, or wear it, or warm yourself with it. So money is not a real 'good' or benefit, just a symbol of entitlement to a benefit, a symbol that society trusts, yet one that is at least one stage removed from that benefit. The current voracious demand for gold shows that in uncertain times we feel safer descending several storeys in what begins to look like a rickety structure.

Modern financial systems, and their intimate link with politics, originated with the late seventeenth century revolution in England. After the overthrow of the Stuarts, through the Bill of Rights of 1689 the great landowners and London merchants bound the new monarch, William III, to constitutional rule: he had to share with parliament his power over the state budget and over the army and navy. He could not raise taxes or float loans without the consent of parliament. In return the landowners and merchants consented to being seriously taxed: this was their down-payment for gaining new powers.

All this was going on when war was threatening with France, a war which turned out to be extremely expensive, and which demanded effective mobilisation of the nation's resources. To cope with those expenses, the monarchy had to borrow huge sums of money. It floated new loans, and these were guaranteed by parliament in the form of the national debt. Those who bought Treasury bonds would receive guaranteed annuities for life, or for a stipulated period. Since parliament was elected, had decisive powers and represented the real wealth of the country, those bonds were as trustworthy as any investment can be. They became very popular, and the national debt actually became an engine for raising revenue.

It was crucial also that this settlement was guaranteed by a national bank. In 1694 the Bank of England was set up with two main functions: (1) it managed the government's debt; (2) it guaranteed the value of the pound sterling. It was able to issue paper money, backed by the authority of the English monarchy and parliament and hence by the trust people placed in them. Again, this greatly expanded the potentiality of the economy. Wealthy people gained far more confidence in investing their money, not only in the Bank itself, but in the economy generally. It became much easier to establish insurance companies, which not only augment people's confidence in the future, but also generate funds that can be used for investment. Later there followed institutions like joint-stock companies and the stock exchange, which also arose to facilitate collective economic enterprise and to give wealthy people confidence in investing their money. Taken together, these were powerful motors for wealth-creation, based on trust.

What was this wealth used for? At first mostly for war. The result was what the historian John Brewer has called the 'military-fiscal state', far more efficient than Britain's great rival France at raising both taxes and loans, so that with more modest resources it was able to mobilise much greater economic power for war-making purposes.[2] Later on this formidable money-making machine would be deployed for investment in the world's first 'industrial revolution'.

In a sense this was a great success story. But there were two serious problems. The first was that the new financial instruments added an extra layer to the trust already embodied in money. In modern parlance, the whole system was 'leveraged'. That meant that in a crisis it was liable to more abrupt and cumulative seizures of distrust than money itself. The first example of this ailment was the 'South Sea Bubble'. The South Sea Company was essentially a 'pyramid scheme', of the kind we saw in Russia and Albania in the 1990s, no longer paying dividends out of real profits, but using recent investments to pay off obligations to somewhat older investors. Eventually it became clear what was happening, and in September 1720 the 'bubble' burst. Dividends ceased, South Sea shares became almost worthless, and many investors faced ruin.

I mention this example to suggest that the capitalist economy, based on ever more complex layers of trust, is liable to panics and crashes. When trust breaks down, it does so abruptly and cumulatively. On the whole, over time, we become better at dealing with those crises, but we can never entirely

Figure 1: *Customers wait in line to remove their savings from a branch of the Northern Rock bank on 17 September 2007. (Peter Macdiarmid/Getty Images)*

overcome them, as the Northern Rock episode in September 2007 illustrated (Fig. 1).

The other major drawback of the new financial system was that it was very hard on the poor. Interest on the national debt was paid partly out of the highest tax rates in Europe, most of which were indirect and so inflicted the greatest hardship on the poorest people. Besides, to obtain secure collateral for raising loans, landowners would clear tenants with undocumented or short-term tenure off their lands, to become agricultural wage-labourers, to go into the towns to seek employment, and not infrequently to end in the workhouse. It took a political struggle lasting more than two centuries for some of the wealth of the rich and of the exchequer to be channelled into providing for social security, health and education for the great mass of the British people. Once that happened, though, the nation-state became the most effective instrument yet devised for spreading risk and redistributing benefits, and it thus became a very powerful repository of trust.

As a result, where in traditional societies people looked to family, friends, local community or religious institutions to help them face life's risks, nowadays most of us place our trust in state welfare systems, savings banks, insurance policies and pension funds – all of which require economic growth to operate effectively. As Robert Samuelson has remarked, 'The triumphant religion of the twentieth century was not Christianity or Islam but economic growth.'[3] Investment in economic growth became a panacea for all ills. In recent decades this has worked pretty reliably, but it has also erected a new storey – in fact several new storeys – on to the already highly leveraged edifice of trust on which we base our lives.

Since the massive deregulation of financial systems of the 1980s, even more layers have been added to the sprawling ziggurats of trust that already sheltered us. Banks and building societies have been advancing their customers more and more credit (the financial term for trust) on easy terms. They have been able to do this partly because prevailing interest rates were low, but partly because they no longer had to keep the accruing liabilities on their books: they split them up, repackaged them and offered them as securities for other banks to buy. Since these 'securitised' packages were apparently too complex for most dealers to understand, the resulting deals were based largely on trust. House prices rose steeply, so houseowners had greater assets to offer as collateral to raise further loans. Non-houseowners, though, unless they could acquire sub-prime mortgages, saw the possibility of buying a house recede further and further into the distance. Nearly everyone took on more and more debt, supported or unsupported. In this way a world of socially divisive make-believe – or, if you prefer, deceptive trust – was created.

Meanwhile, the funds in which we place our trust have been investing their resources all over the world to bring in a better return on our behalf. Today we have to all intents and purposes one single global financial system. Over the last twenty years most of us have – in many cases without even realising it – been investing in countries we have never visited and know nothing about. As Jeffry Frieden has pointed out, 'Mutual funds, investment trusts, and banks in the rich countries [have] brought small investors, retirees, union pension funds – anyone with even modest savings – into direct contact with stocks and bonds from Bangkok to Budapest to Buenos Aires, from Seoul to St Petersburg to Sao Paulo.'[4] Insurance companies have done the same. Between 1980 and 1995 investments from mutual funds, insurance funds, pension funds and

such like grew tenfold, and much of this is foreign investment, which often offers better returns.[5] Such investments have enabled us to feel confident in our own future, to feel assured that in case of disaster – fire, storm damage, a serious illness – we would be able to cope, and that when we get too old to work we shall be able still to lead a decent existence.

All this is right and proper, but it too has a downside. We have invested mainly in order to trust our own futures, and in doing so have ensured that most of the benefits of worldwide trade accrue not to the people who need them most, but to the citizens of the relatively wealthy countries. It is not just governments and multi-national companies that are to blame. We are all responsible, since we use the proceeds to insure against risk and provide for our own futures in the ways I have indicated above.

Even when it functions well, then, the present international financial system creates huge and ultimately unsustainable distortions, which are especially damaging to the poor. At the moment, moreover, it is not even functioning well, and many of the rich can no longer feel secure. So the system needs repairing, and while doing so we should endeavour to eliminate its underlying defects. I have been working on the history of structures of trust in various past societies.[6] My findings suggest that, when there is a real crisis of trust, the best way to tackle it is to both *broaden* and *democratise* trust.

Today's globalisation is potentially very beneficial, because it can help to spread risk more widely than ever before, and thus broaden trust. The richer countries are in a position to share the risks of those living in the poorer countries. For this to work, however, it needs to be *real* globalisation, from which people all over the world can benefit.

The international financial institutions set up after 1945, which once promoted stability and reduced poverty, are no longer doing so. By and large they are run by the USA and the wealthy western (in part east Asian) countries. And, as Joseph Stiglitz has shown, the way they are operated reflects the interests of those countries. Developed countries protect their own agriculture and ailing industries in a way that impedes the access poorer countries have to their markets. Developed countries ensure that capital flows are liberalised, since they make money from them, but that labour flows are not, though they would help poorer countries to earn money in their own way. Intellectual property rights obstruct the delivery of lifesaving generic medicines to those in poorer countries who need them and cannot pay first-world prices.[7] And so on. We are repeating the mistakes of the eighteenth and nineteenth centuries, and metaphorically consigning the world's 'bottom billion' to the workhouse.

All these defects intensify the instability of the whole international economy, and they also generate powerful resentment and distrust. Contemporary Islamist terrorism has many roots, but one of them is certainly extreme distrust of the west, directed against the way western economies have exploited non-western peoples and compelled them to adopt aspects of a secular, materialist life-style without gaining the benefits of it. Many Muslims, not only the terrorists, are rejecting Samuelson's 'triumphant religion of the twentieth century'.

Like all crises, the present 'credit crunch' gives us the opportunity to undertake a fundamental rethink and to reconfigure our international economic institutions so that they are both more equitable and more open to the input of the poorer countries. The key is to broaden and equalise the foundations of trust in the globalised world, so that the generally beneficial effects of money in its modern guises can be restored.[8]

Notes

1 *The Independent*, 17 March 2008, 50.

2 John Brewer, *The Sinews of Power: war, money and the English state, 1688–1783*, London: Unwin Hyman, 1989.

3 Robert J. Samuelson, 'The spirit of capitalism', *Foreign Affairs*, vol 80, no 1 (Jan/Feb 2001), 205.

4 Jeffry A. Frieden, *Global Capitalism: its fall and rise in the twentieth century*, New York: Norton, 2006, 386.

5 Robert Gilpin, *The Challenge of Global Capitalism: the world economy in the 21st century*, Princeton University Press, 2000.

6 See my 'Trust and distrust: a suitable theme for historians?' *Transactions of the Royal Historical Society* (6th series), vol 16 (2006), 95–116.

7 Joseph E. Stiglitz, *Making Globalization Work*, New York: Norton & Co, 2006, especially 77–9.

8 I must record my gratitude to the Institute for Advanced Study, Princeton, where I worked on the history of trust during the academic year 2006–07.

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Figure 2: *The trading floor of the Hong Kong Stock Exchange on 11 February 2008, a day when share prices opened lower amid fears of a global slowdown and bigger losses from the subprime mortgage crisis. (Mike Clark/AFP/Getty Images)*

'Levelled by booksellers': Sir Walter Scott, Robert Cadell, and the Economic Crash of 1825–1826

Dr Ross Alloway *recounts a nineteenth-century tale of easy money and reckless speculation.*

IN THE MIDST of a credit crunch and faced with the likely prospect of a considerable economic recession, it may be disheartening to readers to hear that it all happened in Britain two centuries before, with disastrous results. The economic 'crash' of 1825–1826 infamously led to the bankruptcy of several well-known figures in the nineteenth-century literary world, including the venerated publisher Archibald Constable, the talented printer James Ballantyne, and the world's most popular living poet and novelist, Sir Walter Scott. While the consequences of the crash on Scott are thoroughly documented – it is often implicated as a key factor in his death in 1832 – the event itself has never been fully understood. This state of affairs is largely because Robert Cadell, who played the central role in the drama, has been relegated to the margins of the stage. My British Academy Postdoctoral Fellowship award to investigate the documentary evidence surrounding the crash, much of which is contained in Cadell's personal diaries, means that we can now make sense of the complex web of events that brought a famous author, printer, and publisher to their ruin.

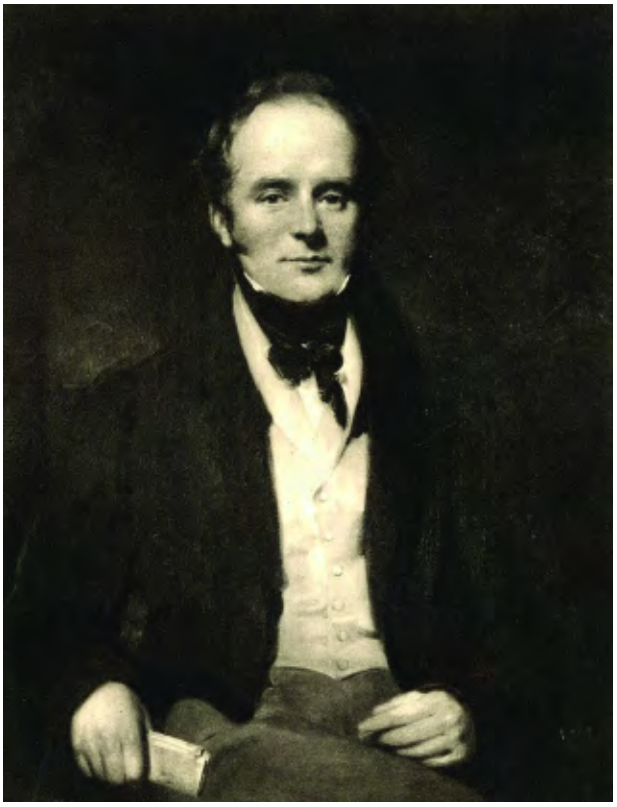

Figure 1: *Robert Cadell (1788–1849), by Sir John Watson Gordon.*

Robert Cadell (Figure 1) operated as chief financial officer of Archibald Constable and Co.'s (Constable & Co.), making the day-to-day decisions about paying the bills, borrowing money, and negotiating with the trade as well as the firm's authors. Cadell joined the publishing house in 1807 as a nineteen-year-old clerk, and became a partner four years later. When Cadell has been mentioned in previous historical accounts, he is regularly portrayed as a scheming businessman who led a great writer and publisher to their downfall. But Cadell, rather than ruining Scott, Constable, and Ballantyne, single-handedly delayed the sequestration for far longer than would have been possible without his aid.

The financial crash of 1825–1826 was completely unexpected. It lasted for only a few months, from October to January, and was primarily confined to England, though a number of Scottish businesses with financial dealings in the south failed as a result. Following the Napoleonic wars, a governmental policy of economic expansion encouraged low interest rates and an abundance of banknotes. In striking similarity to today's crisis, the easy money encouraged reckless speculation. The investments of choice were joint stock companies, and in April 1825 the Bank of England tried to cool the economy by withdrawing notes from circulation. Frightened investors tried to liquidate their holdings, causing a collapse in the stock market and a run on banks. In the panic a large number of English banks failed. Numerous businesses that had borrowed in order to finance speculation went bankrupt, because lenders were unwilling to renew debts which had come due or to loan more money. Booksellers often required ready cash to fund future profits and those who had over-borrowed were hard hit by the crisis.

Booksellers typically funded their speculations by 'discounting' trade bills at banks or other businesses. Discounting was the process by which the monetary amount listed on a trade bill was exchanged for money at a bank, for a small monthly interest payment. Essentially the trade bill functioned as collateral for the loan. Trade bills represented money that was owed to the bookseller by another business, but if a bookseller needed a loan and didn't have any legitimate trade bills, they could ask another business to grant a bill that declared they owed money to the bookseller. Such bills were indistinguishable from trade bills and could be discounted, but as they didn't represent any money that was actually owed to the bookseller, they were essentially a form of credit and could swamp a firm in insurmountable debt. Crucially, bills could also be exchanged between numerous parties in much the same way as a banknote as long as the bill was endorsed over to the person who held the bill, by way of signature (see Figure 2). All parties who had signed a bill were liable to the holder of the bill for payment. If any of them failed to pay a bill when it came due, a suspicion of insolvency fell on all parties and any further bills bearing

the name of the parties would immediately be refused for discount, making it impossible to raise cash, and thus impossible to continue. In such circumstances, declaring bankruptcy was often the only solution.

The Bank of England's cash withdrawal in April was immediately noticed by Constable & Co.'s London agents, Hurst, Robinson & Co. (Hurst, Robinson). Writing on 18 April, Joseph Ogle Robinson, Cadell's counterpart at Hurst, Robinson complained to the Edinburgh firm that 'money is by no means plentiful, and the reason assigned is that the Stock-jobbing companies have swallowed much good money.'

In the course of business with Hurst, Robinson, the Edinburgh firm had exchanged numerous accommodation bills which had been signed and immediately sent for discount, and a great amount of debt had been accrued by both parties. But it was Hurst, Robinson that experienced the brunt of the cash shortage and Cadell knew that if Hurst, Robinson failed to pay any bills bearing his signature, Constable & Co. would automatically be assumed insolvent; any threat to Hurst, Robinson's finances was thus a threat to Constable & Co. The third party implicated in Hurst, Robinson's cash crisis was the printing firm Ballantyne & Co., headed by James Ballantyne and partially owned by Scott. Ballantyne had exchanged around £25,000 of bills with Constable & Co. and if the Edinburgh publisher applied for sequestration after Hurst, Robinson stopped, Ballantyne & Co. would soon follow. Ballantyne helped to keep the London firm solvent by providing accommodation and sending trade bills for discount. Indeed, Constable & Co., Hurst, Robinson, and Ballantyne formed a fragile triumvirate of debt; if any party failed to pay a single bill that came due, all would be ruined. As Cadell wrote to Robinson, 'he, and you and us are one.' But Constable & Co. was the link in this chain and it fell largely to Cadell to perform the delicate task of propping up Hurst, Robinson in the short term via discounts, without letting Constable & Co.'s debts (or Ballantyne's) overrun the respective firms.

Figure 2: *Bank of Scotland Bill of Exchange endorsed by multiple parties between 1825 and 1826. Bank of Scotland Archives Acc. 2003, 105.*

In October, Cadell had his first bill refused for discount. Cadell had to be careful that his dash for ready money did not raise suspicion. In early nineteenth-century financial markets, the ability to acquire a discount was based almost exclusively on the reputation of the parties that were named on the bills. Rumours of desperate borrowing by any party could very quickly reduce the list of bankers willing to touch the bills. But banks were secretive organisations, not wanting to divulge information about over-extended borrowers as it would reflect poorly on their own finances. Cadell used this to his advantage, preferring to discount at the smaller, private banks first. Only as a last resort did he submit bills to major banks including the Bank of England, the Bank of Scotland, and the Royal Bank of Scotland.

Cadell was acutely aware of the threat to Scott. On 13 December, Cadell wrote to Ballantyne suggesting he press Scott to take out a £10,000 bond on his home, Abbotsford House, in order to 'put himself free from danger.' In as much as Cadell's strategy was to pay only the mature bills until more money could be earned, he hoped that £10,000 would enable Scott to do the same with Scott's own bills. Clearly at this point Cadell expected that the worst was likely and wanted to save Scott from sinking along with him. Constable was not so generous in his assessment according to Cadell's diary entry of 19 December: 'Mr C[onstable] returned from Sir Walter & Ballantyne – [I] had a long talk with him when he said to my utter astonishment that if a disaster befel [sic] us it would *be brought on by Sir Walter Scott* – and this when I stated that I mourned over the idea of Sir WS being levelled by Booksellers.'

As companies in the early nineteenth century operated with unlimited liability, Cadell's personal estate was under threat as well, and in late November he began selling his own stock holdings in order to pay the firm's debts, advising Robinson to do the same. Cadell also began to approach other members of the book trade, friends, and relatives for personal loans. The diaries reveal that Cadell also had other important connections, his brother William and his nephew Henry, William's son. William was conveniently placed as the Treasurer of the Bank of Scotland, and Henry as an accountant under his charge. The office of Treasurer was the second highest position at the bank and his main duty was to approve bills for discounting.

Each discount Robert applied for would have required the signature of the Treasurer or a secretary signing for him. If the bank did not pay the discounted bill in bank notes, it would have used bills of exchange, which would have required a signature of both

Figure 3: *Bank of Scotland Bill of Exchange signed by Henry Cadell, Accountant, and Robert Cormley, Secretary to William Cadell. Dated 6 December 1825. Bank of Scotland Archives, Acc. 2003, 105.*

William (or his secretary) and the Accountant, as you can see in Figure 3. Thus William would have been able to both accept Robert's bills and to pay him in notes or a bank draft without any oversight.

Were William and Henry colluding to defraud the bank? Possibly. Sometime after the crash William was investigated by the bank and was accused of having accepted a large number of bad bills and of not having operated in an open manner. William was certainly aware of the precariousness of the firm, and it is likely that Henry was as well. At the very least, William and Henry's loyalty to Robert seems to have overridden their responsibility to make prudent discounts. By January, major banks like the Bank of England, the British Linen Co., and the Royal Bank of Scotland, had been refusing Constable & Co.'s bills with regularity, but under William's treasurership and Henry's accountancy, the Bank of Scotland continued to discount the questionable bills right up until 13 January 1826, one day before Hurst, Robinson stopped payment.

The deception necessary to gain people's trust weighed heavily on Cadell's conscience and in the conclusion to his 1825 diary he morosely opined:

> If this Journal and this memorandum should at any time after my decease be read by any son that I may have, let him have my pew – the warning that experience gives of the utter want of comfort in trading upon borrow and capital – it is always deceitful & always dangerous, and places one if uncomfortable under such circumstances in the appalling situation of mining many persons ignorant of his situation – and who trusted and aided him on the strength of his character and Knowledge of business.

To save Scott, to be free of financial stress, Cadell recognised that a bolder strategy than paying off creditors piecemeal was needed. On 2 January 1826, Cadell wrote of the hope of acquiring 'a large monied aid'. In a display of creative finance, Constable suggested the scheme of raising £57,000 from London banks, a total comprised of Scott copyrights valued at £37,000 and a bond on Scott for £20,000. But, thwarting the plans, Constable declined to travel in a timely manner, claiming ill health. It was not until a number of bills were refused on the twelfth that Cadell demanded that Constable go to London at the risk of losing everything if he declined. Cadell wrote:

> Matters are now on such a pivot, that one day may do or undo all. For God's sake think of this; think of the many that must fall with us, and the ruin that must be spread far and wide. There is one other thing,—any delay, even a few hours, may stop you in a snowstorm, and upset all! Oh that you had been in London now, as at first intended.

Constable capitulated and travelled the next day. By the time he arrived on the night of the sixteenth, it was already too late. Two days before, on 14 January, Hurst, Robinson failed to pay the Bank of Scotland for a discounted bill of £1000 that had come due. It was the threat that Cadell had fought against for nearly four months and in his own words it 'settle[d] the business', ruining all three firms. Undaunted, Constable performed the quixotic task of attempting to wring money from bankers who knew his firm was ruined. Unsurprisingly, all the banks refused to discount any more bills. Upon receiving news of the stoppage, Cadell effused to Constable: 'Alas! alas! such is the end of all our hopes and expectations. I have struggled hard. I have fought as for my life … but now I see no escape.'

Cadell declared bankruptcy on 21 January 1826. Those who had been united in the common goal to stay afloat experienced very different outcomes. In a noble attempt to pay off his creditors, Scott worked himself to exhaustion and an early grave. By the time of the bankruptcy, Constable was 52 years old and in too poor health to make a financial recovery. He died in penury as an undischarged bankrupt one year later. It was the relatively young Cadell that managed to survive the failure with financial help from his family, and most importantly, the favour of Scott, who exclusively published his fiction with Cadell following the crash.

Ross Alloway is a British Academy Postdoctoral Fellow at the Centre for the History of the Book and the Department of English Literature at the University of Edinburgh. He has published widely on nineteenth-century Scottish publishing. A full-length study of the crash is due to be published in the journal *Book History* later this year. He gave a presentation on this topic at the British Academy Postdoctoral Fellowship Symposium in April 2008.

The Effect of Taxes and Bans on Passive Smoking

Jérôme Adda *and* **Francesca Cornaglia**

discuss a more precise way of measuring the impact of smoking bans on passive smoking, and report some surprising conclusions.

IN THE US, 15% of the population smokes regularly. Yet, detectable levels of tobacco-related chemicals can be found in body fluids in 84% of non-smokers of all ages. A large medical and epidemiological literature has stressed the dangers of exposure to environmental tobacco smoke. Passive smoking has been linked to serious illnesses such as lung cancer and heart disease in the adult population. In young children and babies, it causes asthma, bronchitis and sudden infant death syndrome.

Figure 1: *Not all cigarettes are smoked with the same intensity. A more accurate measure of smoke inhalation is needed than simply the number of cigarettes smoked.*

Exposure to smoke causes about 200,000 lower respiratory tract infections in young children each year, resulting in 10,000 hospitalizations (Environmental Protection Agency, 1992). Medical studies consistently find that smokers' behaviour damages the health of non-smokers. As a result, governments have come under pressure from the general public and from anti-tobacco groups to limit the exposure of non-smokers and generally to discourage smoking. Public intervention mainly uses two instruments to discourage smoking: directly by limiting or banning smoking in public places, and indirectly by raising taxes on cigarettes. Since the mid Eighties, support for smoking bans in public places has steadily risen: the proportion of individuals supporting a total ban in the US in restaurants has increased from 20% in 1985 to 54% in 2005.

The economic literature has focused on the effect of prices or taxes on *smokers*. Following the work of Becker and Murphy (1988), most papers estimate a measure of the responsiveness of the number of cigarettes consumed to their price both in the short and the long run. The evidence in these papers suggests that prices do have an effect on cigarette consumption. However, some recent papers dispute this: DeCicca *et al.* (2002) show that cigarette prices do not affect initiation at young ages; Adda and Cornaglia (2006) show that although taxes affect the number of cigarettes smoked, smokers compensate by smoking each cigarette more intensively. Few papers analyse the effect of bans on smoking. Among these, Evans *et al.* (1999) show that workplace bans decrease the prevalence of smoking in those who work.

While the research literature on the effect of taxes or prices on smokers is quite large, there is less evidence on the effectiveness of these measures and on the extent to which restricting smoking reduces smoking exposure for non-smokers. Yet the debate in public circles and in the media on the effectiveness of different measures has recently intensified, and policies to ban smoking are often justified by the protection of non-smokers rather than smokers. One of the main reasons why there is little work in the economic literature on the exposure of non-smokers to environmental smoke is the apparent difficulty of measuring passive smoking directly.

Cotinine as a measure for passive smoking

In a recent paper we analysed the effect of state interventions on non-smokers using a measure of the amount of tobacco smoke inhaled by non-smokers. Cotinine is a metabolite of nicotine. While nicotine is unstable and is degraded within a few hours of absorption, cotinine has a half-life in the body of about 20 hours and is therefore a biological marker often used as an indicator of passive smoking. It can be measured in body fluids (e.g. saliva or serum). The use of cotinine as a measure of exposure to tobacco smoke has several advantages. First, cotinine is directly associated with the exposure to cigarette smoke: there is a direct relationship between the number of cigarettes smoked in the household and the cotinine level in non-smokers living with smokers. Second, cotinine – and nicotine from which it is derived – is a good proxy for the intake of health-threatening substances in cigarettes. The nicotine yield of a cigarette is highly correlated with the level of tar and carbon monoxide, which causes cancer and asphyxiation: cotinine is therefore a good indicator of health hazards from passive smoking. Third, cotinine levels reveal variations in exposure caused by changes in policy more effectively than markers such as tobacco-related diseases, which take time to develop. Finally, there is minimal measurement error, compared with self-declared exposure to cigarettes, which is sometimes used as a measure of passive smoking. Cotinine is therefore a straightforward and precise measure of passive smoking, and one particularly

Figure 2: *Preparation for the smoking ban in the UK in July 2007. (Getty Images)*

suited to the evaluation of policies aimed at reducing smoking.

In our analysis we have used data from the National Health and Nutrition Examination Survey (NHANES), a nationwide representative sample of the US civilian population. It provides information, from 1988 to 1994 and from 1999 to 2002, for around 52,000 individuals from birth onwards. The data includes information on the age, sex, race, health, education and occupation of the individual, as well as information at the household level such as family composition, income or geographical location. In addition, the cotinine concentration in both smokers and non-smokers (aged four and above), and the number of cigarettes smoked in the household are reported. This last information allows one to distinguish between non-smokers that are exposed to passive smoke at home and non-smokers that live in smoke-free households. From the available sample we have selected non-smoking individuals – in total, around 30,000 non-smokers with a valid measure of cotinine concentration.

Taxes

We have merged the NHANES datasets with information on US excise taxes at state level. The data on excise taxes are from the Tax Burden on Tobacco. On average, taxes have increased by 2 cents per year.

Taxes have for a long time been used as a policy measure to reduce tobacco exposure. We find evidence of the fact that taxes do reduce the exposure of non-smokers. Cigarettes smoked in the presence of non-smokers seem to be the first to be cut as a result of a change in taxes. But the effect of taxes decreases with age: young children are the most sensitive to a change in taxes; for older individuals, taxes have no significant effect on exposure to tobacco smoke. This suggests that smoking is partly a social activity, and that smokers get more out of smoking in the presence of other adults. An alternative explanation could be that adults with children are poorer and are able less easily to borrow against future income, which would make them more sensitive to a change in tobacco prices.

Smoking bans

The other policy measure used to reduce tobacco exposure that we have considered is smoking bans in public places. We have merged the NHANES datasets with information on smoke-free laws in the different US states. Regulations on smoking bans in the US are obtained from the ImpacTeen website, based on state clean-air acts. This dataset reports the regulation in place, by year and by state, in different locations. Eleven different locations where regulations were enacted were identified: government worksites, private worksites, childcare centres, healthcare facilities, restaurants, recreational facilities, cultural facilities, public transport, shopping malls, public schools, and private schools. And for each of these locations the degree of restriction enforced has been measured. We have recoded the severity of the restriction into four categories: zero if no restrictions; one if smoking is restricted to designated areas; two if smoking is restricted to separate areas; three if there is a total ban on smoking.

Over the nineties, regulations became more stringent. Moreover, the proportion of states with no restriction in any places fell from 50% in 1991 to 36% in 2001. Similarly, in 1991 only 27% of the states had at least a total ban on smoking in one public space, whereas the figure was 51% in 2001.

Simple correlation analysis shows that states with more stringent restrictions on smoking also have lower exposure to passive smoking. This could be due to the causal effect of bans, or because more health-conscious states with lower smoking rates are more prone to ban smoking. We have therefore pursued the analysis by looking at differences across states *and* across time. This allows us to control for fixed states characteristics, which affects the attitude towards smoking and implemented policies.

When we consider the impact of smoking regulations on non-smokers' exposure in the whole sample of non-smokers, we obtain the striking result that smoking bans appear to have no role in preventing exposure. However, not to distinguish among the different locations where bans are enforced may be misleading. Smoking bans can apply to very different places and their effect may differ according to the location. We have therefore considered separately different places where regulation may be enforced. In particular we have distinguished between places where individuals spend their leisure time, and called them 'going out' (i.e. restaurants, recreational and cultural facilities), and public transport, shopping malls, workplaces, and schools. When we do this, we find evidence of the fact that tighter regulations have different effects on the cotinine concentration depending on where they are enforced. Tighter regulations in public transportation do not seem to have an effect on reducing the exposure of non-smokers. But tighter regulations do have an impact on the cotinine levels in non-smokers in schools and in shopping malls.

Displacement effects

Most interesting is what we observe as the impact of tighter regulations in 'going out' places. We observe a significant *increase* in the cotinine level in non-smokers when bans are enforced in public recreational places. The direct effect of the ban on non-smokers would be a *reduction* in exposure for individuals who spend time in such places, so why is there increased exposure? A plausible explanation is indirect contamination: the ban causes smokers to change their smoking habits and makes them more likely to smoke in the presence of non-smokers. We call this a 'displacement' effect.

To uncover displacement effects caused by tougher smoking regulations in places where people go out, we focus on non-smokers who would not be directly affected by such regulations: children. There are several reasons for doing this. First, it is likely that children are less prone than adults to go to bars, restaurants and, perhaps, recreational public places. Second, the displacement effect should be larger for children whose parents are smokers. Third, the displacement effect should also be larger when people are more likely to be indoors, such as in winter, especially at a young age.

When we distinguish by age, we find that in places like restaurants, bars and other recreational places ('going out'), a change in regulations *increases* the exposure of children. It can be interpreted that there is a displacement effect: leisure activities shift from public places, where regulation can be enforced, to private places, where no restriction on smoking can be enforced – leading to a displacement of smoking towards places where adults and children interact. To put it another way, when smokers cannot smoke in their 'going out' places, they smoke more at home instead.

On the other hand, tighter regulations in non-recreational public places do seem to reduce tobacco exposure in non-smokers, especially for young children. The effect of a ban in schools, for example, has a significant impact on children aged 8 to 12.

In general, smoking regulations have a larger impact, either beneficial or detrimental, on young children. For adults, we cannot find evidence of an effect of smoking regulations, wherever they are enforced. This is consistent with a displacement of smoking, with adult non-smokers accompanying smokers to places where smoking is allowed.

To substantiate further the displacement effect that results from tougher regulations in bars, restaurants and recreational places, we have investigated the differential impact of these measures during winter and summer: in colder months it is more likely that smokers will smoke indoors, exposing non-smokers to a higher level of environmental tobacco smoke than in the summer when they have the option to be outdoors. We find no seasonal effects for children living in non-smoking households. But when we look at children in smoking families, we find strong seasonal effects: the displacement effect of smoking restrictions in 'going out' places is more pronounced in winter than in summer; however, restrictions in non-recreational places are more efficient.

Conclusion

There seems to be evidence that children form the group of individuals most affected by changes in taxes and regulations. The observed effects of changes in regulations are considerably larger for children living in smoking households than for children living in non-smoking households. The effect of tighter regulations on children in smoking households differs according to where the regulations are enforced: restriction in bars, restaurants and other recreational places leads to significant increased exposure. These results are in accordance with the hypothesis of a displacement effect of adult smokers towards home.

Our results question the usefulness of bans in reducing smoking exposure for non-smokers. More precisely, we show that policies aimed at reducing exposure to tobacco smoke induce changes in behaviour which can offset these policies. It is therefore of crucial importance to understand how smoking behaviours are affected by regulations. So far, the research literature has not gone far enough in studying smoking behaviour to be able to evaluate its effect on non-smokers. It is not enough to show that smokers react to prices or taxes. Information on which particular cigarette is cut down during the day, where smokers smoke and with whom are also relevant. There are complex interactions at play and considerable variation in their effects across socio-demographic groups. Using a biomarker such as cotinine concentrations is a very direct way of evaluating the overall effect of interventions and the induced changes in behaviours.

It seems important when designing public policies aimed at reducing tobacco exposure of non-smokers to distinguish between the different public places where bans are introduced. Displacing smoking towards places where non-smokers live is particularly inefficient. It may also increase health disparities across socio-economic groups and in particular in children. Therefore total bans may not be the optimal policy. A better policy may be to allow for alternative places for smokers to turn to. There are several reasons why one may want to protect children. They constitute a vulnerable group with few options for avoiding contamination. The age group is particularly prone to tobacco-related diseases, and poor health in childhood has lasting consequences not only for future health but also for the accumulation of human capital (Case *et al.* 2005). Governments in many countries are under pressure to limit passive smoking. But a successful way of limiting second-hand smoke may need to take into account the possibility that public policies can generate perverse incentives and effects.

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Dr Cornaglia gave a presentation on this topic at the British Academy Postdoctoral Fellowship Symposium in April 2008. Summaries of other presentations given on that day may be found via www.britac.ac.uk/events/2008/pdf-symp/abstracts.html

Dispossession and Displacement: Forced Migration in the Middle East and North Africa

In February 2008, a group of British Academy-sponsored organisations held a conference to consider one of the world's pressing problems. The conference co-ordinator, **Dr Dawn Chatty**, *describes the background to the event and its conclusions.*

Dispossession and forced migration have been an indelible part of life in the modern history of the Middle East and North Africa – as witnessed by the waves of Circassian Muslim and Jewish groups dispossessed and forced into the region at the end of the nineteenth century, followed by the displacement, death marches and massacres of Armenians and other Christian groups at the end of World War I. Between the two World Wars, the Kurds emerged as the next victims of dispossession. They were followed by the Palestinians – Christian and Muslim – who fled their homes in the struggle for control over the formerly British-mandated Palestine shortly after the end of World War II.

In just the past twenty years, however, the scale of previous forced migrations has been dwarfed by the nearly four million Iraqis who have fled their country or been internally displaced since 1990. Two million of these fled into Syria and Jordan between 2006 and 2007. In the summer of 2006, one million Lebanese took refuge in Syria. And during this same period, Sudanese and Somali refugees have continued to flood into Egypt and Yemen seeking peace, security and sustainable livelihoods. These events have sometimes attracted penetrating media coverage, but also serious research interest: there are increasing numbers of applications for research and travel grants to study the growing phenomena of forced migration in the region. As a result, the Council for British Research in the Levant took the lead in suggesting that it was time to look more carefully at the subject as a whole and, whenever possible, encourage a comparative perspective.

A preliminary meeting on the subject was held at the Refugee Studies Centre, University of Oxford, in January 2007. Involved in this exploratory meeting were representatives from the Council for British Research in the Levant (CBRL), the British Institute in Eastern Africa (BIEA), the British Institute at Ankara (BIAA), the British Institute of Persian Studies

Hundreds of Iraqi refugees await their turn at a centre in Damascus to receive food aid offered to Iraqi refugees by the United Nations High Commissioner for Refugees and the World Food Program, on 3 December 2007. (Louai Beshara/AFP/Getty Images)

(BIPS), the British Institute for the Study of Iraq (BISI), and the British Society for Middle Eastern Studies (BRISMES), as well as staff and students of the universities of Durham, Exeter, Oxford, Sussex, London School of Economics, University College London, and Utrecht. The general sense emerging from this meeting was that it would be extremely useful to hold a conference on dispossession and displacement in the Middle East, and to try to identify areas of research that needed to be explored further. Although there were some sensitivities about the term 'Middle East', it was decided to accept the broadest definition of the area as extending from Mauretania and Morocco in the west to Afghanistan in the east. The lives of refugees and other forced migrants were recognised as a growing, highly pertinent area of contemporary research. Although most cases of people falling into the category of refugees and forced migrants arose from generally well-known complex humanitarian emergencies or natural disasters, the topic encompassed many others, including those who have been resettled through development programmes and government policies to reduce nomadic mobility, through biodiversity conservation programmes, and generalised poverty. What this preliminary workshop noted was that the researchers involved in this increasingly specialised area appeared to be tightly focused on their individual study areas, and that opportunities for collaboration and comparative initiatives and dissemination efforts were lacking.

As a result of this recognition, the CBRL, BIEA, BIAA, BIPS, BISI and BRISMES agreed to work together as institutional partners to develop a common agenda for the coming years. As a first step in this direction, a British Academy-sponsored conference was held on 28–29 February 2008 in London, which brought together a wide range of scholars as well as development/aid professionals working on the theme of forced migration in the region. The conference explored the extent to which forced migration has come to be a defining feature of life in the Middle East and North Africa. It presented research on refugees, internally displaced peoples (IDPs), as well as those who remain, from Afghanistan in the east to Morocco in the west, as well as Sudan to the south. The papers were grouped around four related themes: (1) displacement, (2) repatriation, (3) identity in exile, and (4) refugee policy, to give a sense of sequence and coherence to the conference. The proceedings were also grounded academically and substantively by two keynote papers which explored theory and policy with regard to refugees and other forced migrants, as well as the specific nature of Iraqi displacement: these were presented by Professor Barbara Harrell-Bond (the doyenne of forced migration studies) and Dr Effie Voutira, and by Dr Géraldine Chatelard.

The first theme, *displacement*, included papers on: the future of the Turkish immigrant settlers in northern Cyprus once an agreement was reached between north and south Cyprus; the continuing internal displacement and the loss of livelihoods among Palestinians in the West Bank and East Jerusalem; and the Afghan Hazara migratory networks between Afghanistan, Pakistan, Iran and the Western countries. The second theme, *repatriation*, included the topics of: reintegration of second generation Afghans – Aghan refugee youth as a 'burnt out generation' in post-conflict return; failed repatriation among Kibarti refugees in Uganda; and the transformation of identity and exile among Sudanese refugees. The third theme, *identity in exile*, had presentations on: Sahrawi identity in refugee camps as well as in Europe; expression of the 'self' in poetry among Afghan refugees in Iran; and oral history among Iraqi refugees in Jordan. The fourth theme centred on *policy and practice in forced migration* and looked at: the human rights of forced migrants in Morocco; the role which identity documentation has on the persistent dislocation and displacement of Palestinian refugees; and regional policy regarding Iraqi refugees in the Middle East as a whole.

Not surprisingly a particular interest in gender and generation ran throughout the conference – with significant scrutiny of the impact that the upheaval of forced migration has had on relations between men and women, and between generations. Whether regarded as 'burnt-out' by elders or generally traumatised and alienated, many refugee youths, particularly in urban contexts, have found their identity shaped by social narratives not of their own making. Their sense of discrimination and lack of opportunity thus emerged as an important theme at the conference. The plight of Iraqi refugees in the region and the very limited humanitarian assistance they were receiving was also closely considered. So few Iraqis, we were told, were applying for third country resettlement. Most, it seemed, preferred to wait in a bordering country – even with little or no international aid – so as to take the first safe opportunity to return to their homeland and homes. Yet, these Iraqis were increasingly running out of funds to keep their families together, while at the same time little was being done internationally or at the state level to extend humanitarian aid or legal protection to this largely self-settled refugee group. The need for protection and human security continues to increase as these dispossessed Iraqis struggle to protect their families and keep their society from fragmenting any further.

The conference concluded by exploring new research themes which the partners would take forward in the coming year. Not surprisingly, Iraqi refugees and IDPs were highest on the agenda, with a general agreement to secure funding to carry out grounded research with this group, exploring the ways in which Iraqi refugees in the region developed alternative strategies for protection and human security and international legal protection. Accompanying this research drive would be a related effort to create a series of 'poetry-contests' by Iraqi and other refugees, to encourage, stimulate and promote self-expression, identity and cultural pride.

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The Council for British Research in the Levant, the British Institute in Eastern Africa, the British Institute at Ankara, the British Institute of Persian Studies, the British Institute for the Study of Iraq, and the British Society for Middle Eastern Studies are organisations sponsored by the British Academy. More information can be found at www.britac.ac.uk/institutes/index.html

Toleration, Past and Present

The concept of 'toleration' has been the subject of two meetings organised by the British Academy. Two participants, **Dr Jon Parkin** and **Dr Timothy Stanton**, challenge our complacent assumption that increasing toleration is a historical inevitability.

TOLERATION IS VERY APT to be thought a rather simpler matter than it really is. We plume ourselves because we no longer persecute people for their religious beliefs or observances, and condemn the persecutions inflicted in earlier ages by the church and state as a kind of irruption of irrationality, malice and barbarism.[1] The very idea of persecution in the name of religion seems absurd or abhorrent to us; and inconsistent both with the demands of the religions in whose name it has been perpetrated and with the proper purposes of the state, which we take to include the safeguarding of certain rights and liberties of the individual with which state persecution for the sake of religion is perfectly incompatible. In short, toleration appears to us pretty self-evidently preferable to its opposite, and the seventeenth- and eighteenth-century intellectual and political effort to focus and vindicate it appears, to borrow John Dunn's phrase, 'a strenuous and not over-rapid march towards the obvious'. So too it has often appeared to historians who have traced the development of the idea of toleration in the West. Typically, they have presented this development as a progress, the history of an upward movement in which the changes they identify are changes for the better.[2]

There are at least two significant difficulties with presenting matters in these terms. One is that the sense in which things have changed for the better is ambiguous between two possible constructions – either that things have got better as a matter of fact, or that those who have registered the facts (whatever they are) are disposed to think that things have got better. On the first construction, the question of whether or not things *have* got better should be capable of being settled by a simple comparison: we know something of how we live today and something of how people lived in the past, and comparing the two will tell us whether things have improved, deteriorated or remained more or less the same. The problem with trying to settle the question this way is that the same comparison can deliver all three answers depending on how and by whom it is made – as Daniel Defoe showed when, in attempting to illustrate the superiority of toleration by satirising the diabolical barbarities of persecution, his *The Shortest-Way with the Dissenters* (1702) made so persuasive a case for those barbarities that it rallied support to the position it was mocking and he found himself charged with seditious libel, pilloried and gaoled (Figure 1).

Figure 1: *Daniel Defoe is pilloried in London for anonymously publishing a pamphlet called 'The Shortest Way With The Dissenters', satirizing the intolerance of the Anglican Church by pretending to share its views. (Three Lions/Getty Images)*

Defoe's case suggests the second construction – that progress and deterioration are not matters of fact but merely or at least partly reflections of habits of mind or ways of looking at and describing matters of fact. On this construction, whether a course of events is upward or downward depends not on it but on how it is represented, and how it is represented is a function of the dispositions of those doing the representing.

This way of construing matters is open to two obvious objections. The first is that it threatens to reduce history to a story told to flatter or to edify the contingent preferences of a particular group of people. If some philosophers, most notably Richard Rorty, have regarded this less as an objection than a recommendation, historians on the whole have found it more problematical. The second objection, which is effectively a more refined version of the first, is that once matters of fact are discriminated and represented according to individual dispositions, an appeal is no longer being made to history at all, but to one's arbitrary fancies. To go to history in order to pick out the arguments or positions of which one approves and to construct a chain of

doctrines across the centuries that point to what is approved as right and true is not historical but eristical: an attempt to win an argument in the present or to reinforce a particular persuasion of opinion.

Some historians have objected to the typical story of the development of toleration in the West on just these grounds. For example, John Christian Laursen and Cary J. Nederman have insisted that toleration was by no means a seventeenth-century invention and identified its pervasive presence in writings of the classical and medieval periods.[3] Argument from history for them means argument from the whole of history, not just the bits that one likes. The danger with developing the objection in this way is that, since toleration is still being presented in progressive terms, it looks as if the whole of recorded history is being invoked as revealing an unbroken process of development. Progress cannot begin at the very beginning of thought unless it is imagined that all of thought and all of history is a continuous sequence of logic gradually working itself out. This idea of a universal history was very much in vogue in the eighteenth and nineteenth centuries, but it has more recently fallen from favour and it would be surprising if Professors Laursen and Nedermen intended to revive it. The alternative is that history is a series of waves upon whose troughs and crests toleration ebbs and flows, or else that toleration is simply a ubiquitous feature in human life; in either case it is hard to understand the sense in which it signifies progress.

The same objection can, however, be developed in more telling ways. It seems to lie behind Professor Dunn's discussions of John Locke and toleration, for instance, which appear to have been undertaken with half an eye to unsettling the complacent self-approval of modern liberal accounts of both. The thought here is not that toleration is not in fact to be preferred to its opposite, but that it might not be as easily grasped and retained as we think, or as neutral in its presuppositions as it is sometimes presented as being. In effect, his is an attempt to complicate the history of its development. This development is still a progress because it is a development into something better. But the progress is not so straightforward, and the point towards which we have progressed or are progressing more closely specified, than is typical in many histories of toleration. Indeed, it is only with a very particular understanding of its development in place – of its beginnings, its sequence, and the point at which it has culminated or would culminate – that it is possible to speak of the progress of toleration as a march towards the obvious in the first place.

Putting these points generally, we can say that the very notion of progress presupposes a point of origin somewhere in time from which a series of steps may be seen to make sense as cumulative, and to converge on an end point in virtue of their common direction. Putting the points more particularly, we can say that in order to make sense of toleration, or indeed of any concept which has developed through a body of substantive thought, it is necessary to focus not simply on an end – the concept of toleration as it figures in contemporary thinking – or on a sequence – the more so if that sequence is indistinguishable from the whole of thought – but on a determinate point of origin too. Conceptual description or analysis by itself is inadequate. As the late Bernard Williams observed, if we are to know what reflective attitude to take to our own conceptions, we need to know whether there is a history of our conceptions that is vindicatory (if only modestly so), because 'this makes a difference to what we are doing when we say, [as] we do say, that the earlier conceptions were wrong'.[4] That is to say, there can be no teleology without genealogy and, more pointedly, no adequate grasp of toleration for us, here and now, without a sense of whence and how it came down to us and acquired the content and the value it possesses for us, here and now.

It was with these points very much in mind that the present writers participated in two recent events, generously supported and hosted by the British Academy. The first event, a British Academy workshop on 'Natural Law and Toleration in the Early Enlightenment', was held on 13 April 2007. The workshop was convened by Jon Parkin and Susan Mendus (both University of York); speakers included Ian Hunter (University of Queensland) and Knud Haakonssen (University of Sussex), and Ian Harris (University of Leicester), Simone Zurbuchen (University of Friborg), Thomas Ahnert (University of Edinburgh), Petter Korkmann (University of Helsinki) and Maria-Rosa Antognazza (King's College, London). The aim of this event was to examine the relationship between natural law theory and toleration in the seventeenth-century, the development of that relationship into the eighteenth-century and its residual importance for thinking about toleration in the present day. Through this examination it sought to focus attention on the origins, development and present state of thinking about toleration, with a view to constructing the kind of history that makes sense of toleration for us and (at least by implication) puts question marks against other, less satisfactory histories of the same thing that fail to make sense of it.

The origins of present thinking about toleration were found to lie in the grim experience of belligerent relations between the followers of different religions (or followers of different branches of the Christian religion) in the wake of the Reformation in the West. Seventeenth-century Europe was beset by religious conflict and religious violence on a very large scale. In response to this conflict, and in revulsion against the violence it evoked, natural law thinkers such as Samuel Pufendorf, Christian Thomasius and John Locke developed positions about religion, politics and toleration that continue to inform discussions of these topics even today. They bequeathed to their eighteenth-century successors views which could be elaborated in a number of different, and sometimes opposed, directions. Those successors, notably Jean Barbeyrac and Francis Hutcheson, brought sharply into focus the ambivalent legacy of natural jurisprudence to the idea of toleration: on the one hand, natural law theory could and did create the conceptual space for ideas of liberty of conscience and policies of toleration which have hardened in liberal modernity into guiding assumptions about the proper purposes of the state; on the other hand, it was also used to legitimize state control over external religious practices and to support intolerant civic religions whose role in securing political stability was taken to be indispensable – and may yet be so

taken again. Contemporary discussions of toleration continue to grapple, explicitly or otherwise, with this legacy; and since this legacy is both complex and poorly understood, an examination of how it was handed down to posterity by the thinkers of the Early Enlightenment remains very much in order. To this end, it is intended that a volume of essays arising out of the workshop will be published in the *Proceedings of the British Academy* series.

The second event was a British Academy public discussion on 'Toleration, Past and Present' on 8 October 2007, chaired by Professor Mendus and involving Professor Dunn. Here the aim was to draw some of the lessons from the history sketched in the workshop for thinking about toleration in the present. One implication of the points developed above, of course, is that this history is not just an optional extra but something to which we *must* attend if we are to work through the difficulties of toleration, both intellectual and practical, here and now, with even moderate hope of success. Some further reflections on this discussion and additional materials relevant to it are available on the British Academy's website and so it is unnecessary to give a detailed account of it here. What *is* necessary is to underline the connection between the two events. For on the view outlined here, to think about toleration's past is indispensably a part of thinking about its present and future prospects, and thinking about its present and future prospects in a productive way demands from us a properly historical understanding of its past. The inescapable and sometimes terrifying difficulties involved in managing societies divided along religious lines and marked by religiously-inspired difference, misunderstanding and mistrust make toleration a matter of continuing intellectual and practical importance. The fact that our own increasingly threatens to become such a society only sharpens this importance for each and every one of us. It presses upon us all the need to reflect upon why and how we came to think toleration better than its opposite and to protect it in all its fragility against those who would undermine it, whether by violent irruptions of barbarism or unwittingly through their own forgetfulness or neglect.

Figure 2, from top to bottom:

December 2004, a banner placed by members of the Sikh community outside Birmingham Repertory Theatre, in protest at the theatre's decision to put on the play 'Behzti'. (Reuters)

January 2005, members of Christian organisations burn copies of TV licences outside BBC Televison Centre, in protest at the decision by the BBC to broadcast 'Jerry Springer: The Opera'. (Stephen Hird/Reuters/Corbis)

February 2006, Muslims gather in front of Regent's Park Mosque, to march to the Danish embassy in Sloane Street, London, in protest at the publication of cartoons depicting the prophet Mohammed in Danish and French newspapers. (Ian Langsdon/EPA/Corbis)

Notes

1 This is not to deny that some people still regard persecution as a necessary corrective to infidelity or that others regard religion itself as irrational, malicious and barbaric.

2 See e.g. Wilbur K. Jordan, *The Development of Religious Toleration in England* 4 vols. (Cambridge, 1932–40); Henry Kamen, *The Rise of Toleration* (New York, 1967); Perez Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton, 2003).

3 See e.g. John Christian Laursen and Cary J. Nederman (eds.), *Beyond the Persecuting Society* (Philadelphia, 1998); John Christian Laursen (ed.), *Religious Toleration* (New York, 1999).

4 Bernard Williams, *Philosophy as a Humanistic Discipline* (Princeton, 2006), p. 191.

Dr Parkin and Dr Stanton work in the Politics Department, University of York. Both are members of the Morrell Centre for Toleration at York. Dr Parkin was a British Academy Postdoctoral Fellow 1998–99.

The article by Professor Sue Mendus FBA on the October 2007 discussion meeting, along with links to an audio recording of the event, can be found via www.britac.ac.uk/perspectives/

Why Humans aren't just Great Apes

Professor Robin Dunbar FBA *gave the 2007 Joint British Academy/British Psychological Society Lecture. He argued that the real difference between humans and the great apes lies in our ability to live in the virtual world of the mind. Story-telling plays an important role in social bonding in all human cultures, and it requires us to be able to imagine worlds that do not physically exist. In this edited extract, Professor Dunbar discusses the significance of the human 'social brain' and its computational power.*

Humans and the Social Brain

Modern humans have much larger brains (and especially neocortices) than other primates, and we can legitimately ask what the relationship between neocortex size and group size in primates can tell us about human group sizes. As Figure 1 suggests, there are quite distinct grades in this relationship within the primates: apes lie to the right of monkeys, and monkeys lie to the right of prosimians, suggesting that servicing groups of a given size requires proportionately more computational power as you pass from prosimians through monkeys to the apes. Hence, the appropriate regression line from which to predict human group sizes is that for apes. Interpolating the modern human neocortex ratio into the ape equation yields a predicted group size of around 150 (Figure 1).

A search of the ethnographic literature revealed that this is in fact the typical size of hunter-gatherer communities. More remarkably perhaps, this figure of ~150 appears frequently in many aspects of historical and contemporary human organisation (Table 1). It was the mean village size recorded for almost all English counties in the Doomsday Book as well as during the eighteenth century, and is the typical size of the company in most modern armies, the number of recipients of a typical Christmas card distribution list in Britain, and the size of the social network in reverse 'small world' experiments, amongst others. Thus, a wide range of contemporary social phenomena seem to yield much the same kinds of grouping patterns, despite marked differences in both scale and organisation. The only substantive difference between social networks in traditional hunter-gatherer and agricultural societies and modern post-industrial societies seems to be that, in traditional societies, everyone in the community has more or less the same network of 150 acquaintances, whereas in modern urban societies our networks are highly fragmented – my 150 consists of a set of sub-networks that barely overlap. You and I may share one small set of friends, say through work, but there is no overlap at all in the remaining subsets – we do not share any relatives, nor do we share hobby circles, church networks, spouses' friends, schoolgate friends (the often temporary friendships built up through one's children's school friends) or sports club friends. Networks in modern societies are fragmented and dispersed (often over considerable geographical distances), whereas in traditional societies they typically form a single cohesive community – even though that community itself may be

Figure 1: *Mean social group size for different species of primates (prosimians, monkeys and apes) plotted against relative neocortex size (indexed as neocortex ratio, the ratio of neocortex volume divided by the volume of the rest of the brain). Ape species are distinguished as open symbols (lower left to top right: gibbons, gorillas, chimpanzees and modern humans). The point labelled for humans is that predicted by the ape regression equation.*

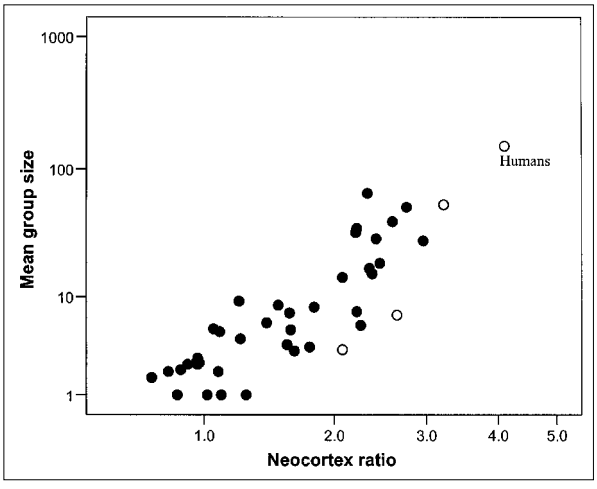

Table 1: *Examples of human social groupings that conform to the predicted size of ~150 individuals*[1]

Grouping	Typical size	Source
Neolithic villages (Middle East, 6500-5500 BC)	150-200	Oates (1977)
Maniple ('double century') (Roman army: 350-100 BC)	120-130	Montross (1975)
Doomsday Book (1085): Average county village size	150	Hill (1981), Bintliff (1999)
C18th English villages (mean of county means)	160	Laslett (1971)
Tribal societies (mean and range of communities; *N*=9)	148 (90-222)	Dunbar (1993)
Hunter-gatherer societies (mean clan size; *N*=213)	165	Hamilton *et al* (2007)
Hutterite farming communities (Canada) (mean, *N*=51)	107	Mange & Mange (1980)
'Nebraska' Amish parishes (mean, *N*=8)	113	Hurd (1985)
Church congregations (recommended ideal size)	200	Urban Church Project (1974)
E. Tennessee rural mountain community	197	Bryant (1981)
Social network size (mean, *N*=2 'small world' experiments)	134	Killworth *et al* (1984)
Goretex Inc: factory unit size	150	Gladwell (2000)
Company (mean and range for 10 World War II armies)	180 (124-223)	MacDonald (1955)
Christmas card distribution lists (mean total recipients: *N*=43)	154	Hill & Dunbar (2003)
Research specialities (sciences and humanities) (mode, *N*=13)	100-200	Becher (1989)

[1] Confidence intervals around the predicted mean are 100–200.

Figure 2: *A human social group – people chatting between lectures at the Dartington 'Ways with Words' literary festival. Photo: the author.*

distributed over a wide geographical area (as in many contemporary hunter-gatherers).

This figure of ~150 seems to mark a distinct limit for relationship quality: there seems to be a marked difference in the quality of the relationships we have with those who are inside the chosen circle versus those who are outside. My informal definition for this limit to our social world is that it is everybody whom we know as persons, everyone with whom we have a definable personal relationship. Those inside this circle are individuals towards whom we feel some sense of obligation, whom we trust would help us out if we so requested, who would reciprocate our sense of personal commitment. We know where these individuals fit into our network of relationships, they know where we fit into theirs, and our knowledge in both cases is based on personal acquaintance. Sometimes, that knowledge can be indirect (friends of friends, or a shared grandparent), but it defines those to whom we owe personal obligations; if we offend them, or spurn them in some way, that offence will come to haunt us through the effect it has on the relationships that link us. In contrast, beyond this circle of 150, people cease to be individuals, at least in so far as our relationships are concerned. Even though we recognise them as individuals (i.e. we can put names to faces), our relationships with them are less personal and more typological. We need rules of thumb to guide our interactions with them rather than being able to rely on personalised knowledge. In such cases, the rule is usually cued by some appropriate badge that signifies the status of an individual and how we should address them – uniforms, badges of rank, styles of speech, and so on.

As with all primate social groups, human social networks are highly structured. We do not interact equally with all members of our immediate social world. Rather, it seems that our social world consists of a series of hierarchically inclusive circles of acquaintanceship that are reflected in both the perceived intimacy of the relationship and the frequency of interaction. These circles of acquaintanceship seem to have a very consistent structure: each annulus includes about twice as many people as the one immediately inside it, so that the cumulative numbers of individuals included in successive circles exhibit a constant scaling ratio of approximately 3. Roughly speaking, they progressively include 5, 15, 50, 150, 500 and 1500 individuals, and, for all we know, may extend beyond that in a further series of circles that have the same ratios.

The Role of Cognition

The fact that brain size correlates with social group size implies that this involves a cognitive limit. However, we know surprisingly little about the kinds of cognition that might be involved in managing social relationships. Although everyone probably agrees that this is some form of 'social cognition', quite what that entails remains unclear. The only aspect of this that we know much about is what has become known as theory of mind. Theory of mind is the ability to reflect on another individual's mind states. As such, it is one level in a potentially endless reflexive series of mind states and beliefs about mind states known as the levels of intentionality. We know a great deal about theory of mind (which is equivalent to second order intentionality) because developmental psychologists have explored it in considerable depth. In simple terms, it is the cognitive rubicon that children pass through at about the age of 4–5 years, although some individuals (such as autistic people) never achieve this even as adults. However, the problem with theory of mind is that while we know a great deal about its natural history, we have almost no idea what it actually is.

Nonetheless, even though the exact processes involved may be somewhat opaque, we can perhaps use the notion of intentionality to give us some purchase on the problem of how humans differ from other primates since the orders of intentionality form a natural scale, and thus seem to provide us with an index of social cognitive competence (as indexed by the ability to hold several individuals' mental states in mind at the same time).

This being so, our main interest at this point is what the natural limits of intentional reasoning might be in humans. We have tested normal adults in a number of separate studies, and it seems that the limit of function for adults is consistently fifth order ('I *believe* that you *suppose* that I *imagine* that you *want* me to *believe* that…'). Around two-thirds of individuals have their limit at or below fifth order intentionality, and around three-quarters have their limit at or below sixth order. These competencies develop over a period of time between age 5 (when children first acquire theory of mind, or second order intentionality) and the early teens (when they finally acquire fifth order adult-level competencies).

Intentionality and the Virtual World

The issue of interest here is what can be achieved with different levels of intentionality. If intentional competencies allow us to hold several different individuals' mind states in mind at the same time, then it seems likely that it will impose constraints on cultural phenomena

that require us to think intentionally. This is perhaps most obvious in the case of imaginative play. The psychologist Alan Leslie noted that theory of mind may be crucial for children to be able to engage in fictive (i.e. pretend) play where they have to imagine that the world is other than it really is (i.e. dolls can drink tea, the steering wheel on the back of a chair is a real car). Leslie's point can be extended to drama. Consider the case of the audience watching Shakespeare's *Othello* (Figure 3). They have to believe that Iago intends that Othello imagines that Desdemona is in love with Cassio, an activity involving four levels of intentionality. However, notice that, at this point, the kind of story they are dealing with is not especially demanding (or, for that matter, particularly enthralling). Why should Othello care if Desdemona fantasises about Cassio? The bottom line of everyday life is that very few of us would be anything but mildly bemused by such a trivial phenomenon, and the story would end there as a dull narrative. What gives Shakespeare's play its bite is the fact that Iago is able to persuade Othello that Cassio reciprocates Desdemona's feelings, thereby creating a romantic triangle and raising the stakes high enough for all of us to be gripped by the drama (especially when, with the benefit of spectator-sight, we are aware of Iago's scheming plan). At this point, of course, the audience is having to work at fifth order intentionality, and is thus at the natural limits for the great majority of the population.

But, in putting this story together, Shakespeare himself has to go one level higher than his audience, to sixth order: he has to *intend* that the audience *believes*…. I suggest that this might explain why the capacity to enjoy good literature is a widespread human universal, but the ability to *compose* good literature is not – storytelling demands social cognitive competencies that are beyond the normal range for the great majority of the population. Thus it is that, when we sit down to write those novels we have so long aspired to write, our natural limits at fifth order intentionality constrain most of us into writing dull narratives.

Figure 3: *Higher orders of intentionality are involved in this scene from Othello. (Time & Life Pictures/Getty Images)*

Lucy to Language

Robin Dunbar is British Academy Research Professor at the University of Liverpool. He co-directs the British Academy's Centenary Research Project, *Lucy to Language: The Archaeology of the Social Brain* (www.liv.ac.uk/lucy2003/). In *British Academy Review* Issue 9 (2006), he reported on the first phase of the research programme, and there drew early attention to the apparent significance of the number 150 as a human group size – what has now become widely referred to as 'Dunbar's Number'. A conference entitled 'Social Brain, Distributed Mind' is being held at the British Academy in September 2008.

The *Lucy to Language* Project's research into how human communications and social networks have evolved over millions of years is proving relevant to the needs of communications specialists. Professor Dunbar is part of a Europe-wide consortium running a project entitled 'Social Networks for Pervasive Adaptation' (SOCIALNETS, www.social-nets.eu/) – which has recently been awarded an EU research grant of approximately £2 million. The project takes insights into our ability to communicate and create social groups (with a particular interest in Dunbar's Number), and applies them to the development of new communications technology. According to Professor Dunbar, 'This is a radical departure from the traditional engineering notion of a communication network. Instead we are seeking to embed in communication devices the key characteristics that have enabled humans to evolve and exhibit agility way beyond any other species. This can be exploited for communication and knowledge acquisition for a large numbers of devices in the future.'

The full text of this lecture will be published in *Proceedings of the British Academy*, volume 154.

AUTISM AND THE IMAGINATIVE MIND

The British Academy publication Imaginative Minds *offers an engaging and innovative take on the elusive and special human capacity of imagination. The editor,* **Dr Ilona Roth**, *has a particular interest in the complex relationship between autism and imagination. People on the autistic spectrum typically have difficulty in imagining what other people are thinking and feeling, and in understanding and generating narrative, and this would seem to constrain their scope for creative forms of imagination. Yet some individuals with autism display remarkable gifts in fields such as music, art and poetry. In this edited extract Dr Roth offers insights from her research into autistic spectrum poetry.*

OF ALL THE MEDIA in which autistic talent might manifest itself, poetry is the most surprising. Poetry appears, par excellence, an intensely abstract, symbolic, and free-flowing form of linguistic expression. To write poetry without creative imagination or the capacity to express insight into the human condition would seem something of an oxymoron – both appear quintessential tools of the poet's trade. Yet, it might be argued that poetry writing can be approached purely as a language system, governed by systematic rules acquired in much the same way as the rules for solving quadratic equations. 'Systemizing' has been proposed by Simon Baron-Cohen as the thinking style favoured by people on the autism spectrum. Would it be in principle possible to write poetry in this way?

We can conceive of poetry replete with formal poetic devices such as rhyme and rhythm, but devoid of the figurative and expressive qualities that we normally associate with poetry. Works written in this way would most likely appear minimal, mechanical, and unaccomplished – examples of the craft without the art. One recent definition of the distinctive qualities of poetry emphasizes the rich texturing and complex juxtaposing of words we associate with poetry in its fullest sense:

'Words for poets have meanings, appropriate uses, associations, connotations, etymologies, histories of use and misuse. They conjure up images, feelings, shadowy depths and glinting surfaces. Their properties are marvellous, endless, not to be guessed at from casual inspection. And each property – meaning, association, weight, colour, duration, shape, texture – changes as words are combined in phrases, rhythms, lines, stanzas and completed poems.' (C. J. Holcombe, at www.poetrymagic.co.uk)

A key aim of my research was to explore whether autistic poetry transcends the minimal level, whether it captures Holcombe's 'images, feelings, shadowy depths and glinting surfaces' to the same extent as poetry written by typically functioning individuals (hereafter referred to as 'non-autistic' or 'neurotypical'), and whether it has distinctive qualities of its own. The research summarized here employed the technique of linguistic content analysis in an evaluation of autistic poetry and comparison with the works of a range of neurotypical poets. The poets also completed a questionnaire exploring their reflections about formative influences, and the motivations for and goals of their work.

Autistic and Neurotypical Poetry Compared

To date, work by five published autistic spectrum poets has been analysed, each sample being compared with a selection of work by several neurotypical poets, matched in terms of gender, age, and educational level. The autism spectrum poets whose work we have studied include two males, aged 11 and 20, and females, aged 24, 41, and 53 with diagnoses of autism or Asperger syndrome.

The basis for the analysis was a set of coding categories and definitions, which were refined until they could be reliably and consistently employed by coders working independently of one another. Some 190 autistic poems (4008 lines) and 190 non-autistic poems (3904 lines) were randomly sampled and coded for both 'whole poem' and 'line-by-line' features. Table 1 shows a summary of the poetic features coded using this system. The frequency counts for each coded feature were statistically analysed.

Overall, the autistic poetry shared many of the characteristics of non-autistic poetry, and appeared not as a minimal interpretation of the craft, but as an exploration of its stylistic, imaginative, and expressive possibilities. While each poet had different stylistic emphases, there was flexibility in their deployment of styles across poems, and variation among poets. Much of the poetry was in free verse form; relatively little consisted of the equal-length stanzas or rhyming couplets predicted by a rule-following or systemizing approach to poetry.

Imaginative Devices

This analysis treats figurative words and phrases as an index of imagination. Themes of the poetry were also considered. The present results were arresting in two respects. Firstly, as a group the autistic poets made substantial use of metaphor – as much overall

Table 1: *Examples of features coded by content analysis*

Coding Category	Examples of features coded
Global features	Theme of poem
	Poet's 'voice' – autobiographical, biographical
	Literary devices – rhyme, rhythm, refrain
Literary devices	Alliteration/assonance
Imaginative devices	Complex figurative language; metaphor; simile
'Self-aware' language	Reflections on own mental states and self-concept
'Other-aware' language	Reflections on another's thoughts, concept of other
Non-specific mentalist language	Mental state references not specifically attributed

as the non-autistic poets – although the five varied in how much they employed, in keeping with their individual stylistic preferences. Secondly, all used simile to a much lesser extent than metaphor, though simile was also relatively rare in the neurotypical poetry. Previous findings by Francesca Happé suggest that simile is more accessible than metaphor to people with ASD, while understanding irony is especially difficult. The possibility that somewhat different skills are involved in understanding figurative language (the task in Happé's study) and in spontaneously generating it within poetry requires further research.

In terms of imaginative characteristics and scope, the autistic poetry had some distinctive features. Fantasy was infrequent among the themes of this poetry, though it also included works with a surreal quality:

Standing on the edge of black inspiration night,
Lure of Strawberry Fields for ever,
Backed up in a duel,
Against a knight of the night in shining armour
Life behind glass, a living death made tolerable
Pure fear of the one touching touch which could shatter the glass forever
And send the tightrope walker plummeting from her tightrope,
Into the knowing of the unknown

From 'Becoming Three-dimensional' by Donna Williams (2004) in her book *Not Just Anything: A Collection of Thoughts on Paper*, published by Jessica Kingsley, © Donna Williams.

A statistical analysis of metaphor sub-types showed that the autistic poets provided fewer 'exceptionally creative' metaphors, defined for the purposes of coding as images related in a way that was both original and penetrable. More of their metaphors were either moderately creative or idiomatic figures of speech, such as 'bright new worlds' or 'pompous talking heads'. However, one of these poets also produced more 'idiosyncratic metaphors', in which the relationship between the metaphorical expression and that which it represents was not entirely clear. Such metaphors are difficult to understand, but are also highly original.

Humour was not formally coded in this study, because of the difficulty of agreeing an operational definition for use in objective coding. A different evaluation is under way to explore humorous qualities. Neither the autistic nor the non-autistic poetry gave a markedly humorous impression, though lines such as Donna Williams' 'Some people are stormy weather' surely have an ironic humorous appeal.

If figurative language use is a legitimate index, these results do demonstrate the capacity for creative imagination among autistic poets. The differential use of metaphor sub-types by the autistic and non-autistic poets suggests some qualitative or quantitative contrasts which merit further investigation. Of course, the creative impact of a poem is not purely, or even principally, a function of its use of metaphor: a poem may be replete with metaphors that do not evoke an imaginative response. The systematic methodology used here to analyse metaphors and their sub-types also took into account the meaningful context of each individual poem. However, the method is necessarily limited in the scope it offers to embrace the poet's metaphorical intentions. Further studies addressing these complex questions are in progress.

These findings once again seem at odds with the predictions of the systemizing approach. While the ability to use literary devices such as rhyme and rhythm lends itself to a systemizing strategy informed by a set of rules, it is hard to see how a grasp of subtle ambiguities of language required to write metaphorically could be acquired or implemented in this way. Given the explanatory value of the systemizing approach in explaining other aspects of autism, this merits further investigation.

Poetic Perspectives

The most strikingly distinctive feature of the autistic work was the pronounced focus on the self. The themes chosen by autistic poets mostly concerned the self or relationships between the self and others, while the non-autistic poets also wrote often about philosophical, political, or fantastical topics, as well as about nature, places, or events. The autistic spectrum poets also wrote predominantly from their own 'voice' – that is, speaking about themselves, from their own perspective. When not writing in this way, they preferred the descriptive, non-perspectival voice appropriate to commenting on places or events. They rarely wrote from the perspective of another. In contrast, while the non-autistic poets also wrote often from their own 'voice', they quite frequently took another's perspective as well as adopting the non-perspectival voice.

The Language of 'Self' and 'Other'

This analysis yielded results echoing those for perspectives. Overall, the autistic poets referred substantially more often to their own thoughts, sensations, emotions, and desires than to the corresponding mental states of others. This self-referential language was significantly more frequent than for non-autistic poets, who showed a more even balance between self- and other-related language.

This finding is of particular interest. Recent work by Marco Iacoboni, among others, proposes that 'self' and 'other' are co-constituted in autism, such that autistic individuals who lack theory of other minds will also lack self-awareness. Assuming that the poets' use of mental state language serves as one index of their mental state awareness, the present pattern suggests, by contrast, that their capacity for self-reflection may be selectively preserved or enhanced.

The wider rationale for exploring mental state language in this study was that a capacity to express ideas about the 'the human condition' is one of the attributes to be expected of poetry that transcends the minimal level. The autistic poetry in this study meets this requirement, but does so predominantly through the poet's inward-directed reflections on the self.

Poets' Reflections on Their Work

Although the questionnaire data gathered alongside this analysis present a mixed picture, some of the poets' reflections do echo the rather solipsistic character of the autistic poetry described here. Two adult autistic

poets who reflected most eloquently upon the questions posed, described the formative influences upon their work as intensely personal. While neurotypical poets emphasized the role of a parent, teacher, or school in engendering their interest, these two described their poetic skill as arising unconsciously and instinctively from their interest in words. Similarly, while the source of inspiration for many neurotypical poets included childhood experiences, observations on the world, and so on, one autistic poet described her inspiration as 'From ME. My thoughts. My experiences'. There were differences, too, in the extent of acknowledged interest in the works of other poets.

Here perhaps in this personal focus is a clue to the particular character, constraints, and potential of autistic creativity. There is relatively less poetry in which the poet projects into an alternative perspective, or into a world outside his or her own experience, yet a particularly powerful evocation of the private world(s) of the poet. The projective or perspectival character of the poetic work therefore permeates and shapes its creative character such that these two major forms of imagination seem integral, not independent as some researchers have proposed.

Popular views about the mental world of the person with autism may range from thinking that he or she does not really have an inner life, but lives entirely in the 'here and now', to the assumption that individuals with autism are all eccentric geniuses. This research has addressed the elusive dimension of thought at the heart of these contrasting views – the imagination – and has aimed to dispel some myths and contribute some insights through an appraisal of autistic skills and capabilities in this area. While exceptional accomplishments are comparatively rare among people on the autism spectrum, their possible implications for theory should not be discounted since problems with imagination are integral to the definition of autism regardless of ability level. The outcome of the present work is far from a definitive conclusion about imagination in autism, but rather a demonstration of the complex questions that must be addressed, concerning both autism and the imagination itself.

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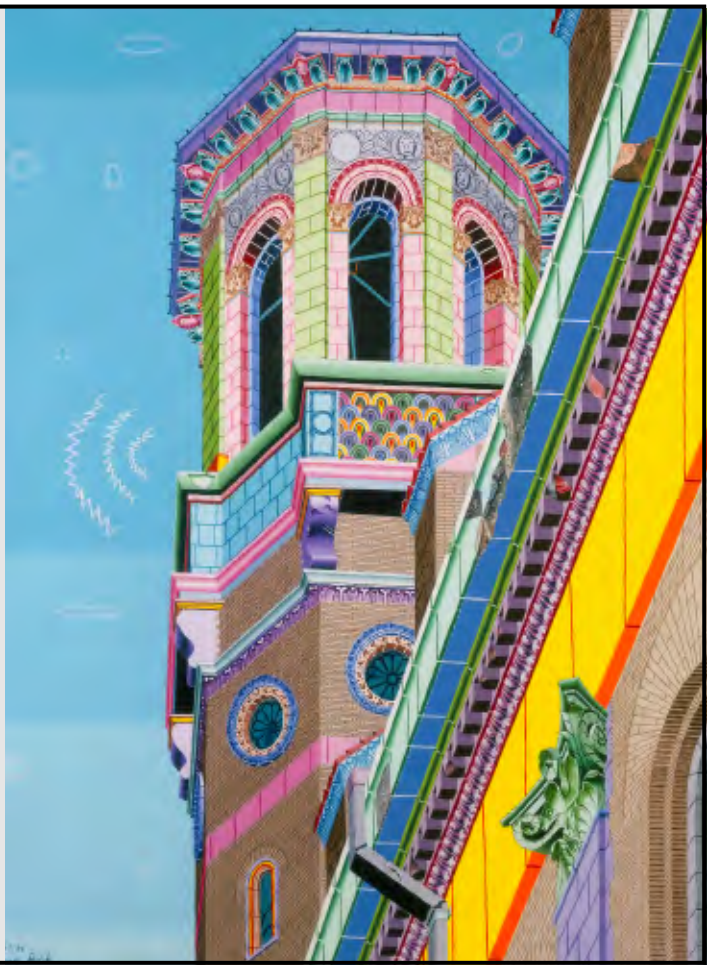
Imaginative Minds, edited by Ilona Roth (*Proceedings of the British Academy*, volume 147), which originally arose from an Academy conference, was published in December 2007.

In September 2008, the British Academy is co-sponsoring a conference with the Royal Society on 'Autism and Talent'.

Autistic Visual Art

St Paul's and St Andrew's Methodist Church and the Migraine Type Lightning and the Elves, by Jessica Park

Jessica Park's work frequently features faithful representations of everyday objects and buildings. Yet she executes her work in an arresting 'pop-art' palette of colours, with some highly imaginative additions. In Jessica's account of this painting, the 'glowing doughnuts all over the sky are elves', while the 'zigzagging objects are lightning. They look white but they are three different pastels … I see them when I have migraine'. The transformation of everyday objects rendered quasi-photographically, by the use of 'non-real' colour is reminiscent of the work of Andy Warhol, hailed by many as a creative genius. Ironically, Andy Warhol is also considered by some to have shown strongly autistic features.



Anthropology is *not* ethnography

Professor Tim Ingold FBA gave the 2007 Radcliffe-Brown Lecture in Social Anthropology. In these edited extracts from his lecture, he reveals the differing views on what anthropology and ethnography are, and recalls some of the heated past debates about these differences.

THE OBJECTIVE of anthropology, I believe, is to seek a generous, comparative but nevertheless critical understanding of human being and knowing in the one world we all inhabit. The objective of ethnography is to describe the lives of people other than ourselves, with an accuracy and sensitivity honed by detailed observation and prolonged first-hand experience. My thesis is that anthropology and ethnography are endeavours of quite different kinds. This is not to claim that the one is more important than the other, or more honourable. Nor is it to deny that they depend on one another in significant ways. It is simply to assert that they are not the same. Indeed this might seem like a statement of the obvious, and so it would be were it not for the fact that it has become commonplace – at least over the last quarter of a century – for writers in our subject to treat the two as virtually equivalent, exchanging anthropology for ethnography more or less on a whim, as the mood takes them, or even exploiting the supposed synonymy as a stylistic device to avoid verbal repetition. Many colleagues to whom I have informally put the question have told me that in their view there is little if anything to distinguish anthropological from ethnographic work. Most are convinced that ethnography lies at the core of what anthropology is all about. For them, to suggest otherwise seems almost anachronistic. It is like going back to the bad old days – the days, some might say, of Radcliffe-Brown. For it was he who, in laying the foundations for what was then the new science of social anthropology, insisted on the absolute distinction between ethnography and anthropology.

He did so in terms of a contrast, much debated then but little heard of today, between *idiographic* and *nomothetic* inquiry. An idiographic inquiry, Radcliffe-Brown explained, aims to document the particular facts of past and present lives, whereas the aim of nomothetic inquiry is to arrive at general propositions or theoretical statements. Ethnography, then, is specifically a mode of idiographic inquiry, differing from history and archaeology in that it is based on the direct observation of living people rather than on written records or material remains attesting to the activities of people in the past. Anthropology, to the contrary, is a field of nomothetic science. As Radcliffe-Brown declared in his introduction to *Structure and Function in Primitive Society* – in a famous sentence that, as an undergraduate beginning my anthropological studies at Cambridge in the late 1960s, I was expected to learn by heart – 'comparative sociology, of which social anthropology is a branch, is … a theoretical or nomothetic study of which the aim is to provide acceptable generalisations.' This distinction between anthropology and ethnography was one that brooked no compromise, and Radcliffe-Brown reasserted it over and over again. Returning to the theme in his Huxley Memorial Lecture for

A. R. Radcliffe-Brown, Fellow of the British Academy

1951 on 'The comparative method in social anthropology', best known for its revision of the theory of totemism, Radcliffe-Brown insisted that 'without systematic comparative studies anthropology will become only historiography and ethnography.' And the aim of comparison, he maintained, is to pass from the particular to the general, from the general to the more general, and ultimately to the universal.

On the other side of the Atlantic, however, a very different call was being put out by Radcliffe-Brown's contemporary, Alfred Kroeber, for an anthropology that would be fully historical. The historical approach – in Kroeber's words – 'finds its intellectual satisfaction in putting each preserved phenomenon into a relation of ever widening context within the phenomenal cosmos.' In 1935 he had characterised this task, of preservation through contextualisation, as 'an endeavour at descriptive integration'. As such, it is of an entirely different kind from the task of theoretical integration that Radcliffe-Brown had assigned to social anthropology. For the latter, in order to generalise, must first isolate every particular from its context in order that it can then be subsumed under context-independent formulations. Kroeber's disdain for Radcliffe-Brown's understanding of history, as nothing but a chronological tabulation of such isolated particulars awaiting the classificatory and comparative attentions of the theorist, bordered on contempt. 'I do not know the motivation for Radcliffe-Brown's depreciation of the historical approach,' he remarked caustically in an article published in 1946, 'unless that, as the ardent apostle of a genuine new science of society, he has perhaps failed to concern himself enough with history to learn its nature.'

In Britain, Kroeber's understanding of what a historical or ideographic anthropology would look like fell on the sympathetic ears of E. E. Evans-Pritchard. In his Marett Lecture of 1950, 'Social anthropology: past and present', Evans-Pritchard reiterated, almost word for word, what Kroeber had written fifteen years

E. E. Evans-Pritchard, Fellow of the British Academy

previously about the relation between anthropology and history. This is what he said:

> I agree with Professor Kroeber that the fundamental characteristic of the historical method is not chronological relation of events but descriptive integration of them; and this characteristic historiography shares with social anthropology. What social anthropologists have in fact chiefly been doing is to write cross-sections of history, integrative descriptive accounts of primitive peoples at a moment in time which are in other respects like the accounts written by historians about peoples over a period of time…

Returning to this theme over a decade later, in a lecture on 'Anthropology and history' delivered at the University of Manchester, Evans-Pritchard roundly condemned – as had Kroeber – the blinkered view of those such as Radcliffe-Brown for whom history was nothing more than 'a record of a succession of unique events' and social anthropology nothing less than 'a set of general propositions'. In practice, Evans-Pritchard claimed, social anthropologists do not generalise from particulars any more that do historians. Rather, 'they see the general in the particular.' Or to put it another way, the singular phenomenon opens up as you go deeper into it, rather than being eclipsed from above.

The problem is that once the task of anthropology is defined as descriptive integration rather than comparative generalisation, the distinction between ethnography and social anthropology, on which Radcliffe-Brown had set such store, simply vanishes. Beyond ethnography, there is nothing left for anthropology to do. And Radcliffe-Brown himself was more than aware of this. In a 1951 review of Evans-Pritchard's book *Social Anthropology*, in which the author had propounded the same ideas about anthropology and history as those set out in his Marett lecture, Radcliffe-Brown registered his strong disagreement with 'the implication that social anthropology consists entirely or even largely of … ethnographic studies of particular societies. It is towards some such position that Professor Evans-Pritchard and a few others seem to be moving.' And it was indeed towards such a position that the discipline moved over the ensuing decade, so much so that in his Malinowski Lecture of 1959, 'Rethinking Anthropology', Edmund Leach felt moved to complain about it. 'Most of my colleagues', he grumbled, 'are giving up in the attempt to make comparative generalizations; instead they have begun to write impeccably detailed historical ethnographies of particular peoples.' But did Leach, in regretting this tendency, stand up for the nomothetic social anthropology of Radcliffe-Brown? Far from it. Though all in favour of generalisation, Leach launched an all-out attack on Radcliffe-Brown for having

Edmund Leach, Fellow of the British Academy

gone about it in the *wrong way*. And the source of the error, he maintained, lay not in generalisation *per se*, but in comparison.

There are two varieties of generalisation, Leach argued. One, the sort of which he disapproved, works by comparison and classification. It assigns the forms or structures it encounters into types and subtypes, as a botanist or zoologist, for example, assigns plant or animal specimens to genera and species. Radcliffe-Brown liked to imagine himself working this way. As he wrote in a letter to Claude Lévi-Strauss, social structures are as real as the structures of living organisms, and may be collected and compared in much the same way in order to arrive at 'a valid typological classification'. The other kind of generalisation, of which Leach approved, works by exploring a priori – or as he put it, by 'inspired guesswork' – the space of possibility opened up by the combination of a limited set of variables. A generalisation, then, would take the form not of a typological specification that would enable us to distinguish societies of one kind from those of another, but of a statement of the relationships between variables that may operate in societies of *any* kind. This is the approach, Leach claimed, not of the botanist or zoologist, but of the engineer. Engineers are not interested in the classification of machines, or in the delineation of taxa. They want to know how machines work. The task of social anthropology, likewise, is to understand and explain how societies work. Of course, societies are not machines, as Leach readily admits. But if you want to find out how societies work, they may just as well be compared to machines as to organisms. 'The entities we call societies', Leach wrote, 'are not naturally existing species, neither are they man-made mechanisms. But the analogy of a mechanism has quite as much relevance as the analogy of an organism.'

I beg to differ, and on this particular point I want to rise to the defence of Radcliffe-Brown who, I think, has been wilfully misrepresented by his critics, including both Leach and Evans-Pritchard. According to Leach, Radcliffe-Brown's resort to the organic analogy was based on dogma rather than choice. Not so. It was based on Radcliffe-Brown's commitment to a philosophy of process. On this he was absolutely explicit.

Claude Lévi-Strauss, Corresponding Fellow of the British Academy

Societies are *not* entities analogous to organisms, let alone to machines. In reality, indeed, there are no such entities. 'My own view', Radcliffe-Brown asserted, 'is that the concrete reality with which the social anthropologist is concerned … is not any sort of entity but a process, the process of social life.' The analogy, then, is not between society and organism as entities, but between social *life* and organic *life* understood as processes. It was precisely this idea of the social as a life-process, rather than the idea of society as an entity, that Radcliffe-Brown drew from the comparison. And it was for this reason, too, that he compared social life to the functioning of an organism and *not* to that of a machine, for the difference between them is that the first is a life-process whereas the second is not. In life, form is continually emergent rather than specified from the outset, and nothing is ever quite the same from one moment to the next. To support his processual view of reality, Radcliffe-Brown appealed to the celebrated image of the Greek philosopher Heraclitus, of a world where all is in motion and nothing fixed, and in which it is no more possible to regain a passing moment than it is to step twice into the same waters of a flowing river.

What his critics could never grasp was that in its emphasis on continuity through change, Radcliffe-Brown's understanding of social reality was thoroughly historical. Thus we find Evans-Pritchard, in his 1961 Manchester lecture, pointing an accusing finger at Radcliffe-Brown while warning of the dangers of drawing analogies from biological science and of assuming that there are entities, analogous to organisms, that might be labelled 'societies'. One may be able to understand the physiology of an organism without regard to its history – after all, horses remain horses and do not change into elephants – but social systems can and do undergo wholesale structural transformations. Yet a quarter of a century previously, Radcliffe-Brown had made precisely this point, albeit with a different pair of animals. 'A pig does not become a hippopotamus … On the other hand a society can and does change its structural type without any breach of continuity.' This observation did not escape the attention of Lévi-Strauss who, in a paper presented to the Wenner-Gren Symposium on Anthropology in 1952, deplored Radcliffe-Brown's 'reluctance towards the isolation of social structures conceived as self-sufficient wholes' and his commitment to 'a philosophy of continuity, not of discontinuity'. For Lévi-Strauss had nothing but contempt for the idea of history as continuous change. Instead, he proposed an immense classification of societies, each conceived as a discrete, self-contained entity defined by a specific permutation and combination of constituent elements, and arrayed on the abstract coordinates of space and time. The irony is that it was from Lévi-Strauss, and not from Radcliffe-Brown, that Leach claimed to have derived his model for how anthropological generalisation should be done. Whereas Lévi-Strauss was elevated as a mathematician among the social scientists, the efforts of Radcliffe-Brown were dismissed as nothing better than 'butterfly collecting'. Yet Lévi-Strauss's plan for drawing up an inventory of all human societies, past and present, with a view to establishing their complementarities and differences, is surely the closest thing to butterfly collecting ever encountered in the annals of anthropology. Unsurprisingly, the plan came to nothing.

The full text of this lecture will be published in *Proceedings of the British Academy,* volume 154.

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Palace or Powerstation? Museums Today

Mr Duncan Robinson, *former Director of the Fitzwilliam Museum, Cambridge, delivered the 2007 Isaiah Berlin Lecture. In this edited extract he describes some of the challenges that museums face today.*

MUSEUMS are, fundamentally, about images and about objects. There is always a temptation to define them in terms of what they do, socially and economically, but we must not confuse cause and effect: what museums are with what they can achieve. *Collections* differentiate museums from all other public institutions and acquisitions are the lifeblood of collecting institutions. They come in all shapes and sizes, from a variety of sources including gifts, bequests and purchases. At times acquiring them can be difficult, expensive and also controversial. Take for instance that incomparable painting by Raphael, 'The Madonna of the Pinks' purchased by the National Gallery in 2004 (Figure 1). I did not envy the Director as he shouldered the particularly difficult task of raising public money to pay for a very small, very expensive, cult object – by that I mean a picture of a subject unfamiliar to many and offensive to some. But of course history will side with the Director and Trustees, because they took the lead in saving for the nation a pre-eminent work of art, an object of enduring beauty which will inspire and uplift visitors to the National Gallery from all over the world for years to come. It takes courage to declare that works like these are literally priceless – worth far more than even the hideously inflated prices their owners sometimes demand.

Figure 1: *Raphael, The Madonna of the Pinks ('La Madonna dei Garofani'). (The National Gallery, London)*

Two years ago in Cambridge we faced a similar, though in some ways easier, challenge. The Macclesfield Psalter was seen as a national treasure not least because it was produced in this country. On the other hand, because it was small and bound, it was difficult to answer all of those questions about accessibility and impact that are now considered to be of such crucial importance by the funding bodies. It is I am afraid a feature of the current climate, one consistent with my fears about defining museums in terms of their utility, that funders tend to place more emphasis upon the immediate, measurable benefits to be derived from their investments in objects, than upon their intrinsic qualities, or the long-term benefits they hold in store for future generations. The same is true, I might add, in the case of the conditional exemption of pre-eminent works of art from capital taxation.

However, in the case of the Macclesfield Psalter I need not have worried as much as I did. The response to the Museum's efforts, and to the national appeal launched on its behalf by the Art Fund, demonstrated a surprising level of public support; sufficient, in the end, to convince the Trustees of the National Heritage Memorial Fund to commit to the purchase. And in what seemed at the time to be a vindication of the Museum's efforts, when the psalter finally returned to the east of England, its region of origin, and was placed on display, for several days thousands of people queued to catch a

The curator wields enormous power, simply by selecting the exhibits and less simply by arranging them. To illustrate the point, I offer a comparison of two photographs taken at different times of the same paintings in the same space. The Courtauld Gallery in the Fitzwilliam Museum was designed in the 1930s. The earlier photograph (*top*, taken c. 1970) shows the gallery as Sydney Cockerell installed it initially, applying the somewhat austere aesthetic of the Arts and Crafts movement including truth to materials. The more recent one (*bottom*) shows it after it was refurbished by Michael Jaffé, in 1975. His aim was to increase the impact of these three great masterpieces from the Founder's collection by suggesting the opulence of their original settings – in the Emperor's palace in Prague for instance, or the Palais d'Orleans – not so much an attempt at accurate, historical reconstruction, as an act of empathy and evocation.

glimpse of this rare treasure of medieval art. So much for presuppositions about wall-power.

Allow me to offer one more example of a recent acquisition, of Barbara Hepworth's three figures from her 'Family of Man', to make a related point, albeit about an object acquired by a different route (see Figure 2 – next page). The group was standing on the salt marshes next to the Maltings at Snape in 2000 when it was accepted by H M Treasury in lieu of capital taxes. The figures were placed there originally to mark the bonds of mutual respect and friendship that united the sculptor with the musicians Benjamin Britten and Peter Pears, the *genii loci* so to speak. So, while the sculptures are not site-specific in the strict sense, their present siting adds meaning as well as resonance to them. In allocating them to the Fitzwilliam Museum, the Department of Culture, Media and Sport therefore stipulated that they should remain *in situ*, unless some over-riding consideration arose to necessitate their removal to the Museum. Let us hope it will not, for here I suggest we have a clear demonstration of one way in which museums can play important regional roles *fuori le mure*, or museums without walls!

Figure 2: *Three figures from the Family of Man. Ancestor I, Ancestor II & Parent I, c. 1970 (bronze) Barbara Hepworth (1903–75). (On loan to the Maltings, Snape, Suffolk/ The Fitzwilliam Museum/ Bowness, Hepworth Estate)*

To retain the regional focus for a moment, there have been two highly positive developments during the past decade: the 'designation' of collections as being of national importance irrespective of their ownership and location; and 'Renaissance in the Regions', an initiative designed to build regional museums services not as free-standing entities but as museum-based networks throughout the country. With only three of the nine regional hubs fully funded, and the other six capacity-building and in waiting, it is already clear that renaissance works, that it delivers in terms of government's priorities, socially and economically. In his foreword to 'Understanding the Future: Priorities for England's Museums', published in October 2006, Arts Minister David Lammy writes about museums as 'community spaces, as mediators between the past and the present, and as agents in a dialogue about who we are and what we might become or achieve'. For those of us within these heterotopia, we could not wish for a more ringing endorsement of our aims and ambitions. On the other hand I do think that we have to be careful to maintain that distinction I have already emphasised, between what museums are, collections-based institutions devoted to the study and appreciation of the past through material culture surviving into the present – and what they can achieve.

The museum today looks outward, not inward, and in spite of the problems they face in terms of resources, museums have succeeded in moving closer to the centre of the stage of public life. That incurs risks, of increasing regulation for example, and the growing expectation on the part of governments that museums will earn their keep by promoting specific social agendas. While not for one moment denying the importance of those, what museum professionals have to do is remind our funders and stakeholders, tactfully but persistently, that people do not visit museums in order to comply with public policies. As we know from our visitor surveys, their pretexts differ: from schoolchildren following the national curriculum to members of the University of the Third Age; life-long learners, united in their personal and above all pleasurable pursuit of that 'increase of learning' which is integral to the definition of the museum; local residents from across the social spectrum, regular visitors for whom 'their' museum is a source of pride and joy: tourists from near and far for some of whom at least their visit is a once-in-a-lifetime experience. I could go on expanding this list, but for all of the above there is one common cause: palace or powerstation, or ideally a combination of the two, unlike so many museologists who cannot see the wood for the trees, millions of museum visitors every year know that the museum is what it is.

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Music for a late Anglo-Saxon Benedictine Abbey: The Winchester Troper

The British Academy has published a facsimile of the Winchester Troper, an eleventh-century manuscript held by Corpus Christi College, Cambridge. **Professor Susan Rankin** *discusses its origins and explains why it has an iconic status in the history of English music.*

> . . . when this reliquary had been completed in a sufficiently pleasing fashion, the renowned bishop and reverend father Æthelwold enclosed a part of the saint's body within it, and he announced to the king that everything the king had commissioned was completed. Having heard these words, the king rejoices with gladdened heart, and orders the finished reliquary to be presented to him. When he has inspected it he becomes happier still, and he quickly dedicates it with all his heart to God and to St Swithun; and immediately he dispatched those thegns whom by chance he had with him, ordering them to go at once with swift pace – and with the entire retinue besides – into the service of the holy father, even adding, moreover that each person from Winchester, of whatever age and sex – whether slave or nobly born, whosoever dwelled in that town – was to proceed barefoot over the three miles, and was to go to meet the holy patron with reverence, so that every tongue might magnify God in unison and the ethereal radiance would shine everywhere through the chanting, and St Swithun would be translated to the city with glorious acclaim . . .
>
> (*Narratio metrica de S. Swithuno*, Wulfstan of Winchester) [1]

This description of two processions advancing to meet each other – the one carrying a resplendent reliquary fashioned from silver, ruby gems and gold, the other composed of the entire populace of Winchester, proceeding barefoot – encapsulates the relation of a patron saint to the community who worship at his shrine. Radiant in his holiness, the saint demanded reverent respect: behaving penitently, the community could ask that the saint intercede with God on their behalf. It would scarcely be possible to imagine such a meeting of the inhabitants of heaven and earth without musical expressions of praise. Music could unite the throng and give voice to the feelings of all – articulate and inarticulate.

The power of music underlies an enormous investment made by the medieval church in its performance, teaching and regulation. For the worshipping community music could enhance expressions of praise with beauty:

Laude pulchra	With beautiful praise
Vox omnis dulcisona	Let every voice sweet-sounding
Cantica melliflua	Sing mellifluous song
Regi regum iubilet per secla.	To the King of kings for ever.

(CCCC 473, fol. 133r)

The sounds of music could be glorious in their colours and volume:

Candida contio melos concrepa	*Tinnula cantibus iunges organa.*
Germanum resultent castra liquida sonora simphonia	
Artificis plectro perita sillabarum stringere pneumata.	
O splendid assembly sound the melodies	so you join the tinkling notes in song
Let the bright squadrons sound out 'Germanus' in resounding harmony,	
(squadrons) expert in strumming the breaths of the syllables with a master's plectrum.	

(CCCC 473, fol. 112v)

Music could help to elucidate the words, and to shape their meaning:

Claris uocibus inclita cane turma sacra melodimata
Uoci mens bene consona sonent uerbis pneumata concordia.
With clear voices, O famous throng, sing the sacred melodies;
let the mind in consonance with the voice, the melodies in consonance with the words, sound in concord.

(CCCC 473, fol. 95r)

And, of course, in music, many could express joy together.

Over and above these ways of shaping music sung in communal ritual, the church fathers were deeply aware of the influence music might have on individual belief. In the words of St Augustine, music had the power to 'move the soul', and 'with a warmer devotion', could 'kindle [the soul] to piety'. Since 'through the delights of the ear the weaker mind may rise up towards the devotion of worship', the opportunity to hear the Word of God delivered in music held a central place in all forms of ecclesiastical ritual in the Middle Ages.

The date of the reliquary procession advancing towards Winchester was 8 October 971:[2] the king was Edgar; the saint Swithun. The saint's remains had been exhumed from a sepulchre outside the west door of the Old Minster by Bishop Æthelwold (Figure 1) on 15 July 971. From

Figure 1: *Bishop Æthelwold in Winchester Cathedral. (British Library Add. MS 49598)*

this day on, the 'miraculous efficacity' of Swithun's relics was established: lives of the saint composed in the decades immediately after the exhumation recount many and varied miracles, above all, the healing of the sick and the casting out of demons.

The sense of closeness to a saint, the ability to make an individual plea directly to that saint, was enormously enhanced by the presence of relics and of access to them for pilgrims, the sick, the needy. The significance in Winchester of Swithun's care for the community on earth, and then in heaven, was marked by the composition of a great deal of special poetry and music for his feasts. In chants composed to celebrate his feast days (death on earth and birth into heaven on 2 July, and the translation of his relics on 15 July), the monks of the Old Minster at Winchester sang of the saint's qualities, marked out by God before birth, worthy to live among the saints and angels in heaven (Figure 2). With these praises they linked petitions for the saint's protection, and for his unceasing intercession with God ('incessanter pro nobis supplica Deum'). A third element in their chants for St Swithun's Day was his ability to heal the sick – given considerable emphasis through musical elaboration: in the chant 'Laudemus dominum' ('Let us praise the Lord in the glorious achievements of the blessed bishop Swithun: the sick come to his tomb and are cured'), the last words 'et sanantur' are extended to take almost as long to sing as the rest of the chant. Whether or not the sick could hear and understand such tributes was immaterial: it was the monks' responsibility not only to care for the shrine materially, but also to maintain spiritual contact with the saint, on behalf of those among whom they lived.

The Winchester Troper

These compositions by Winchester monks in honour of Swithun form part of a large repertory of new liturgical compositions collected in a small (but thick) book made in the early eleventh century at the Old Minster: many of these pieces survive uniquely in Cambridge, Corpus Christi College MS 473. Three kinds of new composition have been recorded here. A repertory of tropes for the whole liturgical year consisted of newly-composed phrases which could be inserted into the older Gregorian chants: these extended, elaborated and elucidated the standard church chants. For the mass Introit on Swithun's feast, for example (Figure 3), instead of beginning 'The Lord established a covenant of peace with him', the Winchester monks sang 'Behold the day, venerable through the accomplishments of our great patron saint, who accordingly was a joyous splendour among the people: The Lord

Figure 2: Organa *for office chants in honour of St Swithun. Approximately full size (CCCC 473 fols 187v– 188r)*

Figure 3: *Tropes for the mass Introit on a feast of St Swithun. Approximately full size (CCCC 473 fols 38v–39r)*

established a covenant of peace with him'.[3] Such ways of treating the older, inherited, Gregorian chant allowed musicians to design a liturgy to celebrate their own local situation, to express their own special praises, to respond to their own distinctive challenges. A second repertory of new compositions, the melodic sequences and text proses – which could be sung as pure melody, or as text and melody together – were made to follow the Alleluia at mass; although formally independent of the Gregorian Alleluia, these proses often echo the Alleluia chant through repetition of the end-rhyme 'a'. Finally, the book includes 174 polyphonic settings for a broad range of mass and office chants: this collection represents the most original feature of the book, since it records ways of singing which must have been familiar elsewhere, but which were seldom written down. Indeed, this repertory of two-part music has no match in surviving European manuscripts before the thirteenth century, rendering it very precious indeed. Study of the notations for these *organa* has now led to secure transcription of substantial passages, opening up to scrutiny a previously 'lost' repertory. Analysis of the *organa* has revealed a more sophisticated approach to musical composition than anticipated by historians, while their sound can be heard as both striking and engaging (Figure 4).

One music scribe notated the tropes, sequences, most of the proses, and wrote out text and music for the *organa*: he must be considered the guiding spirit behind the project, and probably at the time of making the book, cantor (musical director) for the abbey. The notational system available to him (first invented in the ninth century) consisted of a range of dots, dashes, squiggles and letters, used to show in writing

Figure 4: *At the launch of the facsimile edition, held in April 2008 in the Parker Library, Corpus Christi College, Cambridge, Jesse Billett and Matthew Ward sang polyphonic music from the Winchester Troper beside the manuscript itself in the glass case.*

those ways in which specific melodic patterns were linked to specific words. Unlike modern Western musical notation, it was not the primary object of this notation to record precise details of a pitch pattern: that information would be learnt by one singer from another, and stored in their memories. The written signs (known as 'neumes') were then intended to help a singer recall melodic detail and ways of singing individual notes. But the more local and recent the composition, the fewer singers knew it, and the less deep its roots in the memory of the musical community. That was a particular issue in relation to repertories such as those preserved in this little book. In reaction the music scribe used a series of techniques to clarify his notations, including a special sign to designate nearness to a semitone step, and letters to signal large intervallic jumps, or anything unexpected. Such techniques became, in the notation of the polyphonic *organa*, extremely refined. The book thus represents not only an important collection of Anglo-Saxon compositions, but also a significant record of musical palaeography, and an enormous resource for study of the use and understanding of musical notation in the early Middle Ages.

Notes

1 Edited and translated by Michael Lapidge: see his *The Cult of St Swithun*, Winchester Studies 4.ii (Oxford, 2003), including accounts of Swithun's translation and miracles by Lantfred, Wulfstan and Ælfric.

2 The year might also have been 972, 3 or 4, but 971 is the most likely: see Lapidge, *The Cult*, 19.

3 'Ecce dies magni meritis ueneranda patroni / qui fuit in populo splendor ouans ideo. STATUIT EI DOMINUS TESTAMENTUM PACIS . . . .'

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The Winchester Troper: Facsimile edition and introduction, by Susan Rankin, was published in December 2007 as Volume 50 in the British Academy series *Early English Church Music*.

THE OXFORD FRANCIS BACON, AND THE MATERIALITY OF TEXTS

Professor Graham Rees FBA *is Director of* The Oxford Francis Bacon *for which he has edited and translated many of Bacon's Latin philosophical writings (volumes VI, XI, XII and XIII). Here he describes the attention that editors need to pay to the physical form in which texts survive.*

THE OXFORD FRANCIS BACON project aims to produce a new 15-volume critical edition of the works of Francis Bacon (1561–1626), the lawyer, natural philosopher, and statesman. It aims therefore to replace the great but outdated Victorian edition produced by Spedding, Ellis and Heath, and for the first time to publish works unknown to them, a good few of which have been identified by Dr Peter Beal FBA in his indispensable *Index of English Literary Manuscripts*. In the process we hope to improve and advance critical-editorial techniques at the very highest level; provide brand-new facing-page translations for the edited texts of the Latin works; and re-integrate Bacon's work into the study of early-modern philosophy, science, historiography, legal thought, and literature. The project belongs to the British Academy's portfolio and the work is being carried out by an international team of scholars supported by an advisory board chaired by Sir Brian Vickers FBA. So far six volumes have been published, work is proceeding apace on the others, and our efforts have so far been in a way to transforming our knowledge of the Bacon corpus in exciting ways.

A project editor sets about his or her business by taking on the sometimes exacting technical task of deciding which of a number of printed or manuscript witnesses to a text best represents it. Using this witness as a base-text the editor proceeds to test it word by word, and sentence by sentence from beginning to end, and if needs be emends it in the light of textual evidence afforded by other witnesses, other Bacon works, the sheer physical properties of the printed book or manuscript, and the historical contexts in which the text was produced. The object is to provide texts which Bacon would have acknowledged and, as far as possible, to give *readers* the wherewithal to make informed inferences as to the reliability of the text or any part of it.

Establishing the texts with unremitting rigour is our principal task but far from our only one. We also have a duty to serve the reader by offering contexts which draw out and deepen the meanings of the texts. For instance we might investigate the genesis of a text, its provenance, its history in manuscript, its passage through the press, and its relation to Bacon's literary career and ideas current in his day. Above all, we might look closely for meanings afforded by study of the *materiality* of the manuscripts or printed books which bear the texts. This study is often not given its due weight by scholars, even though it can fundamentally change not just the ways in which we

Figure 1: *Francis Bacon by John Vanderbank after an unknown artist (National Portrait Gallery, London).*

interpret the texts but the very ways in which we proceed to establish them. I shall use the rest of this essay to illustrate these truths.

There are no end of examples of the ways in which study of the materiality of the text has informed the project. One of the best concerns the *De vijs mortis*, a work first published by us, the sole witness to which is a single manuscript, Hardwick 72A, lodged at Chatsworth House. In this manuscript there are a number of leaves which do not bear continuous text but a succession of discrete passages each of which begins and ends on its own leaf. Inspect these leaves with minute care, and a surprising fact emerges—that all carry a vertical line of mysterious punctures close to their spine-edges, except for two leaves where the punctures appear near the fore-edges. These turn out to be redundant stitch holes which suggest that the manuscript was once disbound and rebound—in two cases with the leaves rebound the wrong way round. Taking this with the evidence of watermarks, we also find that many leaves have been bound in the wrong order, and that their original order can be reconstructed with some certainty. I need hardly add that analysis of these *material* minutiae—stitch holes and watermarks—could and did make a profound difference to our understanding of the manuscript's history and the text's meanings.

As for physical embodiments of text in *printed* witnesses, an iron rule of our kind of study is that there can be no critical edition without textual criticism and no textual criticism without analytical bibliography. Analytical bibliography is a set of skills which allows its users to read the text of a printed book in its relationship to the all-too-human processes whereby the text came to be realised or staged in a particular material form. Of course text may vary from edition to edition and, in their reincarnations from one embodiment to another, may take on traces of the successive material substrates which have upheld it, and we have to get a grip on such variations and adhesions. But more awkward still is the fact that early-modern books are not like modern ones. In Bacon's day copies within a *single* edition could (and did) vary significantly. Printers might cut pages out in some copies and insert new ones. They might halt the print run of a sheet and make stop-press corrections or alterations, and sometimes do that more than once—with the result that a number of different versions of the same sheet were created. Individual copies of a book were made up of a number of different sheets any one of which may have carried stop-press corrections, so we are faced with the possibility that every one copy in the edition might differ from every other. If the content of a new Dan Brown varied thus we would be heartbroken; if copies in an early-modern edition did not so vary we would be shocked.

An essential part of an editor's job is to get the measure of variant states in particular and textual fluidity in general. By way of example let us just ask how an editor might achieve this when studying a single edition. Suppose, for instance, that an editor finds that an edition printed under Bacon's supervision is the authoritative witness to the text being edited. The next step is to track down (say) 40 copies of that witness, choose one as a control copy, and compare the other 39 copies with it word by word, space by space, and comma by comma. For this one uses an optical device built for the purpose—a collating machine—to produce a swift and accurate record of press variants from the greatest (e.g. the recasting of a whole stretch of text) to the least (e.g. a single punctuation change). Apart from its value in establishing the text, such a record may be capable of telling us a lot about the text's chrysalis stage—the history and vicissitudes of its passage through the press—and may even alter our understanding of the social contexts in which texts thus transmitted would be understood. Incidentally, those coming to the editorial vocation from outside the field of literary scholarship are sometimes unaware of the collation requirement. Why have students of Copernicus never collated copies or scans of copies of the *De revolutionibus* (1543), and students of the *editio princeps* (1611) of the King James Bible never done likewise? Why, indeed, have the Cartesians never collated copies of Clerselier's indispensable edition (1657–67) of Descartes' letters? Better to find out sooner rather than later that in some copies the Clerselier edition *cogito ergo sum* may have a *non* in it. We look forward to the day when these Alices find the looking-glass.

Collation often identifies apparently trivial differences between copies, unconsidered trifles which may even have nothing to do with the author's text but which can make a serious difference to our understanding its material embodiment. Take, for instance, a couple of stop-press corrections to the pagination of the first edition of Bacon's *Instauratio magna* (1620), an edition which contained the *Novum organum*, the crowning achievement of his philosophical career, and which introduced the unfinished six-part meta-work of which *Novum organum* was part. In this great edition page 27 was numbered 35, and was then corrected during the press run. The same happened to page 30 which had been numbered 38. Put this finding together with an uncorrected lapse which leaves page numbers 173 to 180 out of the sequence altogether, and you have three lapses each of which is out by 8. If the editor sticks a torch into this unpromising crevice a whole new cave system gradually comes to sight. Contemplation of pagination errors leads by various twists, turns, and the occasional dead end, to the discovery that the printers were using work routines unique among those then current, to the unearthing of the largest archive of materials relating to a London printing house in the age of James, and to the establishing of new perspectives in which Bacon can be read and understood. In this connection collation also shows that some copies of the 1620 edition of the

Figure 2:
Instauratio magna (1620): engraved title (reproduced by permission of Trinity College, Cambridge).

Instauratio have one colophon and other copies another which supplanted it. The earlier colophon ascribes the production to the King's Printers Bonham Norton (1565–1635) and John Bill (1576–1630); the later ascribes it to Bill alone (Figures 3–4), a fact that agrees with the imprint on the famous engraved title of the *Instauratio* (Figure 2). So why was Norton's name dropped? Asking this question catapults the editor into quite new territory whose exploration may lead to fresh understandings of the politics of the book trade, and their intersection with state cultural policy.

An understanding of what's going on here begins to emerge when you see that 1620 was a critical year in a protracted and bitter legal struggle for ownership of the King's Printer patent between Norton and Bill and a third claimant, Robert Barker (1570–1645) who had been King's Printer since 1603. Bill's claim to a bona fide right to a share of the King's Printer business was upheld; whereas the claims of Norton and Barker seem to have been less secure such that in 1620 Norton sometimes held office with Bill, at others Bill held it with Barker, and at others still Bill held it all by himself. Bill never lost his hold on office because he was useful—especially to the king. For instance, he was associated with the printing of an unprecedented succession of lavish King's Printer editions. They were unique in that all were works by modern authors or editors who belonged to the top rank of early seventeenth-century intellectual life; all were produced in and only in just five years (1616–20); and all appeared in the prestige folio format. Among these were the collected edition of James's own *Workes* (1616), and the first two parts of Marc'Antonio de Dominis' anti-papal *De republica ecclesiastica* (1617 and 1620). Present too were the first Italian (1619), English (1620) and Latin (1620) editions of Paolo Sarpi's celebrated *Historia del Concilio Tridentino*, the manuscript of which had been brought to England in a clandestine operation abetted by important figures in the

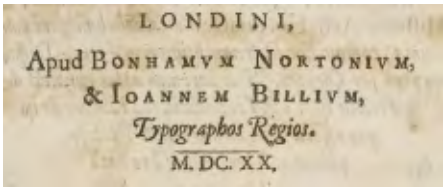

LONDINI,
Apud BONHAMVM NORTONIVM,
& IOANNEM BILLIVM,
Typographos Regios.
M. DC. XX.

Figure 3: *Instauratio magna (1620), e3ᵛ: earlier colophon (reproduced by permission of Trinity College, Cambridge).*

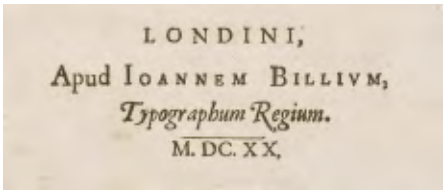

LONDINI,
Apud IOANNEM BILLIVM,
Typographum Regium.
M. DC. XX.

Figure 4: *Instauratio magna (1620), e4ʳ: later colophon (reproduced by permission of Trinity College, Cambridge).*

Jacobean establishment. And let us not forget Sir Henry Savile's subtle and scholarly edition of Thomas Bradwardine's fourteenth-century essay on predestination, *De causa dei* (1618), a book which Bonham Norton saw from the start as a commercial millstone but which was printed because the king wanted it as a contribution to the debates at the Synod of Dort. In fact every one of these works was deeply implicated in James's own cultural politics, in the attempt to foster an emergent 'official' national culture. Early and compelling evidence of this was of course the project for a new translation of the Bible, a project initiated in 1604 and culminating in 1611 with the printing of the first edition of the King James Bible by none other than Robert Barker. What has this to do with Bacon? My view is that he wanted to get in on the act, and publish his own elite folio, the *Instauratio magna*, in the wake of the others. In fact the *Instauratio* jumped the queue, and shoved the Latin edition of Sarpi off the presses, leaving Sir Andrew Newton, one of the translators preparing the Latin Sarpi, lamenting that at one moment the printers were plaguing him for copy, and at the next that printing had been put on hold to let the Bacon get VIP treatment.

Now all this was happening while the different claimants to the office of King's Printer were going at it hammer and tongs in Chancery. And who presided over Chancery cases? The Lord Chancellor. And who was Lord Chancellor in 1620? Why, none other than Francis Bacon. If you wanted to give your claim to be King's Printer a boost, you might well allow the Lord Chancellor's book priority over other work in hand. And if one of the claimants was currently out of favour with the court you would not be surprised to see his, Norton's, name dropped from the colophon and excluded from the *Instauratio*'s famous engraved title. In short, in the politics of the printing house, James I, and Chancery, we find yet another context in which the emergence of the *Instauratio* can be more fully understood. But that was not the end of the story for the work and its author, or for Barker, Bill, and Norton. In the very next year Bacon was thrown out of office for accepting presents—one of them from Robert Barker—from parties to Chancery suits. The dispute over the King's Printer patent with its intersecting Chancery cases ran on Jarndyce and Jarndyce-like until the end of the decade, by which time Bacon was dead, Bill almost so, and Norton and Barker in prison. As for the fate of the *Instauratio*, it went on to be revered as the greatest work of the 'British Plato' or denounced with equal force as the ignorant outpourings of a philosophical midget. Weighing the merits of such judgements is yet another duty the editors of *The Oxford Francis Bacon* relish.

Graham Rees is a research professor in the School of English, Queen Mary, University of London. In addition to his work on *The Oxford Francis Bacon*, he is working with Dr Maria Wakely on a study of the King's Printers in the reign of James I, a study which will be published in due course by Oxford University Press.

Biographical Memoirs of British Academy Fellows

Professor Peter Marshall FBA, *who has just completed a five-year stint in editing the memoirs (extended obituaries) of Fellows of the British Academy, explains their fascination, and reveals some of the highlights in the most recently published volume.*

MEMOIRS OF deceased Fellows are one of the Academy's oldest publishing ventures. They appeared for many years in annual *Proceedings of the British Academy* volumes which also included the lectures given under the Academy's auspices. From 2002 memoirs and lectures have been published in separate volumes. The Academy takes a proper pride in its memoirs, regarding them as constituting 'a chapter in the intellectual history of Britain'. For their numerous aficionados, reading the memoirs is an annual treat. Having closely read the volumes for the last five years as the person providing editorial assistance in their production, I have not the slightest hesitation in endorsing both claims: they are both a major contribution to national biography and, taken as a whole, are a great pleasure to read.

The writer of a memoir, who need not be a Fellow, is chosen by the section of the Academy to which the deceased Fellow belonged. Certain desirable criteria are indicated to the person chosen. The most important is that a memoir is intended to be more than an *éloge*, paying no doubt thoroughly merited tribute to the subject's scholarly eminence. Although the tone is likely to be generous, the memoir should still aim at a fair critical assessment of the subject's achievements. Above all, memoirists are encouraged to write about their subjects as people as well as scholars. Activities outside academe can be of great interest. In the last five years, for instance, people dying in their eighties are likely to have been caught up in war in their twenties and to have had stories of distinguished military service or of fortitude in captivity or under persecution. While analysis of scholarship is of course the central part of a memoir, those who write them are strongly urged to try to make the text as accessible as possible to non-specialists. The memoirs are ideally intended to be read not only by the subject's peers in his or her discipline but by an intellectually sophisticated lay readership, consisting in the first instance of the fellowship as a whole. The balance between obscurity and unacceptable simplification is not, however, an easy one to strike. Trying to edit memoirs concerned with disciplines far removed from one's own is a chastening as well as an enlightening experience. I have had to reconcile myself to accepting that however patiently a courteous economist, for example, tried to respond to my request to clarify 'the Homogeneity Postulate by which nominal variables cannot have real effects', there was no way in which this well intentioned but ignorant lay person was ever going to get the point. Difficult as it may be to put into effect, the aspiration that a memoir should be accessible to scholars across the humanities and the social sciences is still an important

Figure 1: *John Wymer (1928–2006).*

Clive Gamble's memoir explains: 'Our photograph shows him in his familiar trilby hat, holding aloft a small handaxe during a visit to Swanscombe in 2004. The professionals from Quaternary science, archaeology and human palaeontology, as well as a large number of independent archaeologists who surround him, are there because of him. He once wrote of his hope that his work "may inspire some to search for palaeoliths themselves, and it would be a dull person who could not enjoy the thrill of finding a handaxe and considering who held it last".'

distinguishing feature of British Academy memoirs.

In due course – this being an academic enterprise, it is not absolutely unknown for that term to be measured in decades rather than in years – the memoir will make its way back to the Publications Department of the Academy. After it has undergone copy editing that is both rigorous and sympathetic, it is sumptuously published, with an appropriate portrait as illustration, through the Oxford University Press.

The make-up of the memoir volumes of course depends on the accidents of mortality. In addition to the life of the political biographer, Ben Pimlott, of which an extract appears on the next page, the current volume, which came out in March of this year, contains accounts of three philosophers of the highest distinction, Stuart Hampshire, Peter Strawson and Bernard Williams. From the Strawson memoir we learn not only something of his 'unequalled contribution to all the central areas of theoretical philosophy', but that one of his recreations was playing 'a military game … which involved lead soldiers and artillery, and extraordinarily complicated rules'. John Wymer (Figure 1), who became 'the greatest field naturalist of the Palaeolithic', never went to university. He learnt his first archaeology through family visits to gravel pits around the Thames. Philip Grierson, 'the foremost medieval numismatist of our time, or indeed perhaps of any time' was a collector as well as a scholar. Largely from what he saved from an academic salary, he acquired about 20,000 pieces, conservatively valued at being worth £5 to £10 million and was able to 'to claim that he had the second or third best collection of any European country', usually only exceeded by the holdings of the particular national museum. He was also addicted to what he called 'movies', films featuring 'such luminaries as Sylvester Stallone, Jackie Chan, Steven Seagal and Arnold Schwarzenegger', which he collected with somewhat less discrimination than he showed to medieval coins. One of the most striking of the lives in this volume is that of Hugh Trevor-Roper, Lord Dacre (Figure 2). The author explores not only the well known contrast between Trevor-Roper's prolific output of superb essays and his apparent reluctance to complete major scholarly projects, but he also reveals a sharp contrast between the public impression of an 'imposing, often intimidating figure, resolute, fearlessly and at times mercilessly articulate, ever ready to pass epigrammatic judgements' and to engage in controversy, and a personality afflicted by depression and uncertainty. 'Plagued by a sense of his own oddness and awkwardness, he felt blighted by his difficulty in making emotional contacts and by his involuntary retreats from the expression or reception of private feeling'.

Biographical Memoirs of Fellows, VI (*Proceedings of the British Academy*, volume 150) was published in March 2008. For more, see www.britac.ac.uk/pubs/

Figure 2: *Hugh Trevor-Roper (1914–2003).*

BEN PIMLOTT

In this extract from one of the 16 obituaries in the latest Biographical Memoirs volume, **Professor Peter Hennessy FBA** *discusses historian Ben Pimlott's roles as biographer of the Queen and adviser to government.*

By the end of the 1992 book-reviewing season, the name Pimlott was firmly associated in the reading public's mind with top-flight political biography of the Left. It was a shock to many, therefore, when the news broke that Ben's next subject was the Queen. Indeed, it caused a touch of incomprehension verging on outrage in those circles of the Pimlott friendship penumbra where republicanism lurked. Though some, like Raphael Samuel, saw the point instantly, telling Ben, when told of his plan, 'What a marvellous way of looking at the history of Britain.' Others, as Ben recalled tactfully in his Preface to the first edition,

> expressed surprise, wondering whether a study of the Head of State and Head of the Commonwealth could be a serious or worthwhile enterprise. Whether or not they are right, it certainly has been an extraordinary and fascinating adventure; partly because of the fresh perspective on familiar events it has given me, after years of writing about Labour politicians; partly because of the human drama of a life so exceptionally privileged, and so exceptionally constrained; and partly because of the obsession with royalty of the British public, of which I am a member.

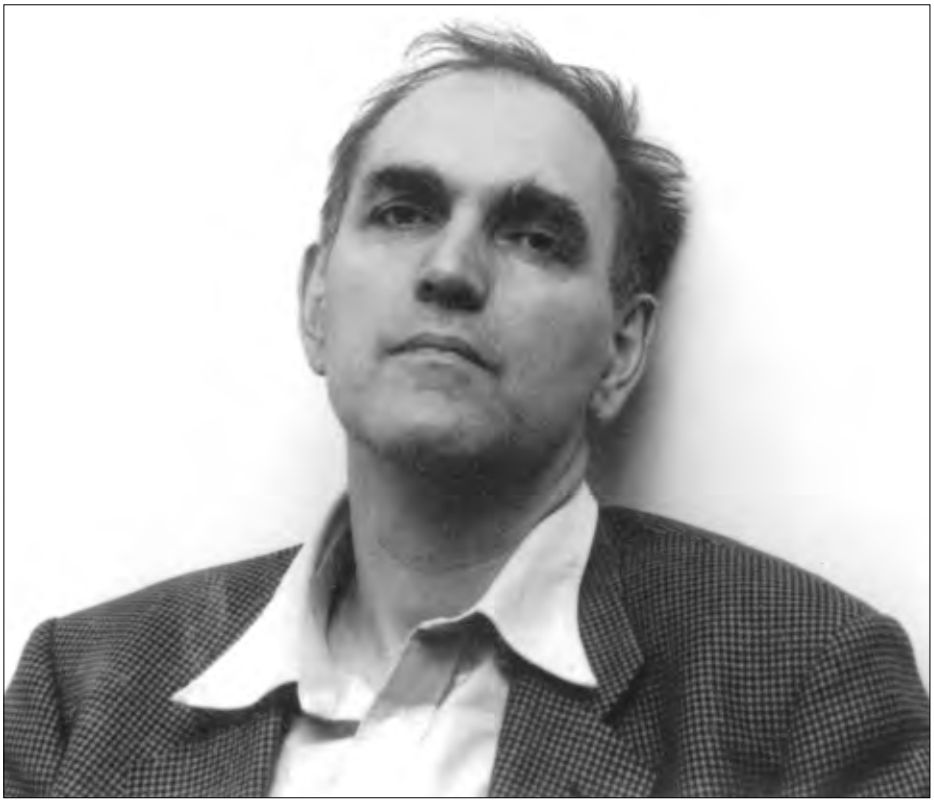
There were those who were certain it would be another triumph, intellectually and commercially. And so it proved.

The point about Pimlott on the Queen is that it *was* another *political* biography and it was about a woman (which interested Ben). It was fascinating on personality and circumstance, but the special value it added was the Queen as Head of Government, the conductor of constitutional functions of which few among the absorbed consumers of royal literature knew very much at all. Ben, however, did not shrink from criticism where he thought it merited. He thought she had mishandled the succession to Macmillan in October 1963 when the Earl of Home took the prize and not the Deputy Prime Minister, R. A. Butler. 'Her decision', Ben wrote, 'to opt for passivity and in effect to collude with Macmillan's scheme for blocking the deputy premier, must be counted the biggest political misjudgement of her reign.'

In reaching this judgement, Ben stood apart from most other constitutional historians who have, before or since, sought to reconstruct the events of October 1963. His friend Professor Vernon Bogdanor, for example, in his *The Monarchy and the Constitution* (1995), had written that

> the criticisms made of the queen with regard to the 1963 succession crisis lack substance. It is implausible to believe that Macmillan was able to misrepresent the opinion of the Conservative Party in the memorandum which he handed to the queen. Faced with the preponderant judgement in favour of Home, based, the memorandum apparently declared, on a canvass of the Cabinet, the Conservative Party in both Houses of Parliament, and in the country, it was not for the queen to conduct her own separate canvass and involve herself in the internal politics of the Conservative Party . . . The queen took the straightforward course, and it was for the Conservative Party, if it so wished, to make it clear it would not accept Home as prime minister.

(The Queen acting on a mid-nineteenth-century precedent, had given him time to see if he could form an administration.)



Ben Pimlott (1945–2004)

Nevertheless, the experience of the Macmillan–Home succession quickly led to the Conservatives abandoning the consultative 'customary processes' for leadership selections in favour of votes by the Conservative Parliamentary Party, the first of which, in 1965, saw Sir Alec Douglas-Home (as he had become on renouncing his peerage in 1963) replaced by Ted Heath.

Ben dined with the Queen at Windsor after the biography appeared but he did not discover what she had thought of it. Protocol prevented him from asking and her from saying. Writing about the Queen affected Ben profoundly. Those who heard him speak about her at Whitsuntide 2002 in Christ Church Cathedral in Oxford, to mark her jubilee, will never forget it. Ben captured how dreadful it must be to be *born* into a function that you have not sought or worked for—and what a remarkable character this had made her. The stolid if highly distinguished audience succumbed to genuine emotion when Ben ended with 'God Bless the Queen!' 'God Bless the Queen!' they cried in return. The Chancellor of Oxford University, Roy Jenkins, was seen to dab his eyes. (Five years earlier, on the day after Princess Diana died, No. 10 rang up Ben for advice. It was the biographer of the 'people's Queen' who gave Downing Street the phrase the 'people's Princess'.)

His first edition of *The Queen: Elizabeth II and the Monarchy* was published in 1996 (he published an updated edition in 2001—it now weighed in at 780 pages—to mark her golden jubilee). In the same year Ben was elected Fellow of the British Academy and joined S5, the Academy's section embracing political studies, political theory, government and international relations. Senior figures in Whitehall came to associate Ben with the Academy because 10 Carlton House Terrace became the venue for a remarkable Friday afternoon seminar he would alternatively chair with the Cabinet Secretary of the day. This was a legacy of the Economic and Social Research Council's Whitehall Programme Commissioning Panel which Ben had chaired in 1993–94 and whose steering committee he led for a further five years. The subjects ranged widely from devolution and immigration through the role of the Treasury to civil contingency planning for emergencies and terrorist attack and public service reform. These occasions were relished by the group of scholars invited and especially by Sir Robin Butler and Sir Richard Wilson during their time as Secretary of the Cabinet. Wilson's successor, Sir Andrew Turnbull, to Ben's great regret, brought them to an end, thus breaking probably the most fruitful link between the scholarly and the Whitehall communities of recent times, though Ben, in his last months, was on the point of agreeing a new format with Turnbull.

Baffling as that rupture was, it was as nothing compared to New Labour's failure to make use of Ben after the Blair election victory in 1997. No one in the university world had done more to help Labour reacquire electability. Ben's M.Sc. in Public Policy at Birkbeck had groomed numerous special advisers in the Labour government to come (and they, rightly, swore by their mentor). Maybe Ken Morgan, himself a Labour peer, had it right when he declared his astonishment 'that the Blair government saw no need to call on Ben, or some of his Fabian friends, for assistance or advice after the 1997 election. Perhaps this reflected the instinctive apprehension of New Labour towards academics, however distinguished, who were felt all too liable to stray unpredictably "off message" into the dangerous pastures of independent thought.' Certainly had Ben gone to the House of Lords and been appointed a minister, there would (to his credit) have been uncomfortable times ahead even before the Iraq War of 2003 to which he was strongly opposed. With a few exceptions, a knowledge of history (including that of the Labour Party itself) has not been among the strongest suits of those upon whom the Blair patronage has fallen and Ben would never have succumbed to what one of his Cabinet ministers called the 'Tony wants' syndrome.

The full text of this Biographical Memoir is published in *Proceedings of the British Academy*, volume 150 – available via www.proc.britac.ac.uk/

CONSTITUTIONAL RENEWAL

On 16 June 2008 the British Academy held a workshop to discuss the significance of the 'Governance of Britain' constitutional reform programme introduced by Gordon Brown shortly after becoming Prime Minister, and the associated 'Constitutional Renewal' package produced in March 2008. The meeting was all the more timely because Parliament's Joint Committee on the Draft Constitutional Renewal Bill was currently at work. **Dr Andrew Blick**, who produced a discussion paper for the workshop, highlights some of the issues.

Shortly after becoming Prime Minister, in his first major statement to the Commons on 3 July 2007, Gordon Brown unveiled what might be labelled the *Governance* programme for the UK constitution. He described his intention as being the creation of a 'route map' designed to 'address two fundamental questions: to hold power more accountable and to uphold and enhance the rights and responsibilities of the citizen'.[1] The four stated central 'goals' of the programme are:

> *to invigorate our democracy, with people proud to participate in decision-making at every level;*
>
> *to clarify the role of government, both central and local;*
>
> *to rebalance power between Parliament and the Government, and give Parliament more ability to hold the government to account; and*
>
> *to work with the British people to achieve a stronger sense of what it means to be British, and to launch an inclusive debate on the future of the country's constitution*[2]

On its surface the scope of this programme is vast, taking in central and local government, the Civil Service, Parliament, including the House of Commons and the House of Lords; the judiciary; and the Church. Possible developments of historic significance are held out, including a British Statement of Values; a British Bill of Rights and Duties; and even a 'written constitution'.[3]

Not surprisingly, this initial announcement and the accompanying Green Paper, *The Governance of Britain*,[4] raised considerable expectations amongst those interested in constitutional issues. However, they were not fully met by the first full package of solid proposals, which appeared in March 2008 in the form of the *Constitutional Renewal* White Paper and Draft Bill.[5] Included in these documents were plans to reform the office of Attorney General; reduce the involvement of the executive in judicial appointments; pass a Civil Service Act; provide a clearer role for Parliament in decisions to go to war; and place in statute provision for the scrutiny of treaties by the legislature.

Many of these changes are of historic significance, not least the plan to enshrine the values of Whitehall, such as impartiality and objectivity, in an Act of Parliament, which was first proposed in the so-called 'Northcote-Trevelyan' report of 1854.[6] But an examination of the small-print and an overview of the bigger picture both suggest that *Constitutional Renewal* does not quite live up to its billing.

Participants at the workshop included (left to right) Professor Vernon Bogdanor FBA, Dr Andrew Blick, and joint convenors Professor Peter Hennessy FBA and Professor Jack Hayward FBA.

There is a sense, as Professor Peter Hennessy FBA put it at the British Academy workshop convened to discuss *Governance*, of 'giving with one hand and taking away with another'. Three examples illustrate the point. First, the text of the *Civil Service Code* is not on the face of the draft Bill and parliamentary approval for its specifics will not be required. Baroness Prashar, the former First Civil Service Commissioner, told those present that 'The Civil Service Code is an incredibly important document and I have always felt that it should be a living document. It should become part of the DNA of the Civil Service… It is important that it is annexed to the Bill'. She also expressed the view that the parts of the *Ministerial Code* obliging ministers to give proper consideration to the advice of permanent civil servants should be enshrined in an Act of Parliament.

Second, while a procedure for MPs to vote on war-making will be established, it will not have the force of statute. The Prime Minister will seek this approval at the time he or she chooses and personally determine the information about a proposed military action that is submitted to Parliament. There will be no requirement for the advice of the Attorney General on the legality of a conflict to be made available. At the workshop, the Law Lord, Lord Bingham, stated that the full advice on the Iraq war – which was not released until the government's hand was forced by a leak more than two years after the invasion – 'should have been made available much earlier'. In such circumstances, he argued, Attorney Generals should 'to the best of their judgement …

tell Parliament what the position is'. Furthermore, it will be possible to bypass a vote on military action altogether on emergency or security grounds; and once the consent of the Commons has been secured to an operation, it can continue indefinitely, with no need to renew the mandate.

Third, for treaties, the draft *Constitutional Renewal Bill* would transfer into an Act of Parliament a practice known as the 'Ponsonby Rule' which provides, in theory, for the legislature to scrutinise international agreements before they come into effect. But in practice neither debates nor votes take place under Ponsonby. While the draft Bill proposes expanding upon Ponsonby by providing the Commons clearly with the ability to block assent to a treaty, such an outcome is dependent upon a vote being held, which would require changes to practice within the legislature. Moreover, ministers will be able to circumvent the entire parliamentary process for international agreements if, in their opinion, it is necessary to do so.

At the worskhop Professor Vernon Bogdanor FBA referred to *Constitutional Renewal* as 'just shifting the furniture around', re-apportioning responsibilities between the political 'officer class', but not addressing the relationship between government and governed. Ann Abraham, Parliamentary and Health Service Ombudsman, put forward two suggestions relevant to concerns of this sort. She proposed that consideration be given to the idea of granting citizens 'direct access to the Ombudsman', rather than requiring them to use their MP as intermediary; and placing 'on the face of legislation a requirement that governments have due regard for the findings of the Ombudsman'.

Renewal is more a disparate – though important – set of proposals than a cohesive programme. Though the overall *Governance* Green Paper is potentially a more rounded whole, parts of it have prompted confusion. Lord Bingham said at the workshop that he was 'extremely puzzled by the whole notion of a British Bill of Rights', since withdrawal from the European Convention on Human Rights was not on the agenda of either main party. So far the Brown package has not proved as significant as the changes which occurred during the Tony Blair premiership. Professor Robert Hazell (University College London) argued that there had been three previous waves of constitutional reform from 1997, taking in such measures as devolution, the Human Rights Act, the Freedom of Information Act; and the setting up of an independent supreme court. The latest instalment is 'smaller than the preceding ones' since the big alterations have already been implemented. Nor has *Governance* added coherence to the shifts that have taken place since Labour came to power in 1997. When Professor Hennessy asked those present whether there had been the cumulative emergence of a 'new constitutional architecture that future historians can call a settlement', the consensus was that there had not. Professor Jack Hayward FBA used the phrase 'fleeing forwards' to describe the process.

So what is the significance of *Governance*? One important feature is that it represents a Prime Minister making constitutional reform his central agenda. Gordon Brown is unique amongst premiers in having done so, though he has subsequently become distracted by wider political problems.

The general reaction to the programme has been either a lack of interest (after a small flurry, media coverage has tailed off) or, amongst constitutional initiates, brief excitement followed by disappointment.

But the likelihood of unintended outcomes means that the chances of *Governance* proving significant, if in unexpected and possibly even undesirable ways, should not be dismissed. Some parts of the programme could serve to undermine its own objectives. For instance, a ten-year term-limit will be introduced for the Comptroller and Auditor General, meaning that the appointment will be less likely to be an end-of-career one. Subsequent posts taken up by former incumbents could generate controversy. And the plan to alter the Intelligence and Security Committee to resemble more closely an open parliamentary committee could discourage the Intelligence and Security Agencies that it scrutinises from co-operating with it.

Often it is simply difficult to spot major constitutional changes until they have time to take root. The development of the Civil Service has been greatly influenced by *A Place Act* of 1742, the Northcote-Trevelyan report of 1854 and the Fulton Report of 1968; but the importance of none of them was fully recognised at first. So what substantial change might be slipping under our radar at the moment, only to be acknowledged by future generations? I have three possible candidates, though there are others available. The first is the introduction of pre-appointment hearings by select committees for key public office holders. Second is the holding of annual parliamentary debates on the objectives and plans of all Whitehall departments. Third is the publication of draft legislative programmes in advance of the Queen's Speech, giving the legislature advance notice of the bills the government plans to bring forward.

All three of these innovations present Parliament – and in particular the Commons – with the opportunity to wield more extensive influence over the activities of the executive than it has previously, and thereby fulfil some of the stated goals of *Governance*. If MPs are able and choose to act concertedly to exercise these new powers, it may be that the Brown premiership could yet be regarded as one with a significant constitutional legacy.

Notes

1 House of Commons Hansard, Debates, 3 July 2007, col. 815.

2 E.g. *The Governance of Britain*, Ministry of Justice, Cm 7170, July 2007, p. 11.

3 Ibid, pp. 58–63.

4 Cm7170.

5 *The Governance of Britain – Constitutional Renewal*; Ministry of Justice, Cm 7342 – I, March 2008; *The Governance of Britain – Draft Constitutional Renewal Bill*, Ministry of Justice, Cm 7342 – II, March 2008.

6 *Parliamentary Papers*, 1854, Vol. xxvii.

Andrew Blick is research officer for Democratic Audit, University of Essex.

An edited transcript of the workshop on 'The Significance of the Government's Draft Constitutional Renewal Bill' can be found via www.britac.ac.uk/perspectives/

Clearing a Path through the Copyright Jungle

In the last issue, **Professor John Kay FBA** reported on a British Academy review of the impact that copyright has on research in the humanities and social sciences. Here he brings us up to date with an important collaboration with the Publishers Association which is designed to clarify the legal complexities for authors and publishers.

THE RESEARCH COMMUNITY has a love hate relationship with publishers. Publication is central to research, but publication is necessarily a commercial activity. And whenever scholarship and business interact, the scholars suspect that the business people do not give sufficient recognition to scholarly values and the business people feel that academics fail to recognise commercial realities. Tension is inevitable, perhaps even productive: but not when, as too often, it spills over into suspicion and mistrust.

The complex and uncertain area of copyright illustrates many of these problems. As creators of copyright material, academic authors have expected publishers to defend copyrights on their behalf: as users of copyright material, academic authors are often resentful when publishers adopt this defensive stand. But several months of discussion between the British Academy and the Publishers Association have achieved a constructive outcome.

A new set of guidelines agreed between the British Academy and the Publishers Association clarifies the issues involved in copyright. The agreement identifies the common interest of authors and publishers in ensuring both that copyrights are protected and that the continuing process of scholarship can, in Newton's famous words, see further by standing on the shoulders of the giants who have gone before.

Copyright seeks to protect the rights of authorship while securing the dissemination of knowledge. It protects the form of expression of ideas, but not the ideas, information or concepts expressed and applies to all original literary works (including computer programs and databases). The sectors in which copyright is important include some of the fastest growing sectors of the UK economy, such as publishing, music, film, and computer games. These and similar creative industries account for almost 10% of UK GDP.

As the UK's national voice for the humanities and social sciences, the British Academy is uniquely placed to consider this problematic issue. Its Fellows and thousands of researchers holding Academy grants are both users and producers of original copyright work, so the Academy is committed both to the creation of new intellectual property and to the defence of existing intellectual property.

This dual role is reflected in Academy reports which have drawn upon the experience of Fellows and other researchers. *Copyright and Research in the Humanities and Social Sciences* (2006) examined the role of copyright exemptions and their effect on scholarship.

Recent developments in technology, legislation and practice have meant that the specific exemptions, which are provided by copyright to enable scholarly work to advance, are not in some cases achieving their intended purpose. The Academy's enquiries found that copyright exceptions were increasingly being narrowly interpreted both by rights holders and by publishers of new works, and that these impediments to scholarship were stifling the creation of new original works.

The legal grounds for such claims to copyright protection is often weak, since the law provides that the use of copyright material for purposes of private study and non commercial research and in criticism and review is permitted, without any requirement to obtain consent, so long as the use represents fair dealing. But there is an absence of case law because the financial stakes involved in each individual case are small relative to the costs of litigation. As a consequence, the copyright system is in important respects impeding, rather than stimulating, the production of new ideas and new scholarly material in the humanities and social sciences.

The Gowers Review

In response to these concerns, the British Academy made a series of strong recommendations to the Gowers Review, set up by the Government in 2005 to address concerns that the UK's intellectual property regime was not keeping pace with changes resulting from globalisation and technological developments. The Academy was pleased that the final report of the Gowers Review recognised that the UK copyright system should be more flexible in its application, and that it endorsed the principle 'that "fair uses" of copyright can create economic value without damaging the interests of copyright owners'.

The Gowers Report also favoured a broad 'fair use' exemption for copyright, as applies in the United States. The British Academy welcomes this proposal, but continues to believe that clarification is required, by legislation if necessary, of the scope of exemptions to ensure their continued effectiveness in securing their intended purposes.

It became clear from the Academy's activity in this area that both authors and publishers were uncertain as to the true position in many copyright cases. In particular, many problems originated in narrow interpretations of 'fair dealing' exemptions – both by rights-holders and by publishers of new works which referred to existing copyright material – and also in the actions of risk-averse publishers, demanding that unnecessary permissions be obtained, and such permissions might then be refused or granted on unreasonable terms.

In order 0to bring together the perspectives of both research and publishing, the British Academy and the Publishers Association have collaborated to produce *Joint Guidelines on Copyright and Academic Research*. These guidelines provide a unique and authoritative guide to the application of copyright in current issues involving literary works, and will be invaluable for researchers, authors, publishers and other relevant rights-holders. Reflecting current UK law, it is hoped that the guidelines will clarify the current situation and will have considerable moral force in the event of dispute.

The guidelines detail the current situation, providing an overview of the material protected by copyright law, guidance regarding the term of protection for different types of material, and questions of ownership. They address the lack of clarity about the nature and scope of the moral and economic aspects of copyright and the confusion between the two, and they also consider the way the law works in common situations, such as databases, editorial work and unpublished correspondence. A comprehensive section on 'fair dealing' exemptions provides important information on how these exemptions affect non-commercial research and private study, and the interpretation of fair dealing exemptions for the purposes of criticism and review. The advice is supported throughout by case study examples.

'Orphan works'

One of the key areas of interest to both researchers and publishers is the 'orphan work' – works either by authors whose date of death is unknown, and/or of which the rights holders cannot be traced. In January 2008 the Academy opposed a proposal from the House of Commons Innovation, Universities and Skills Committee that the Copyright Tribunal should become responsible for granting licences for the use of 'orphan works'. The proposal fails to appreciate that the typical orphan work had lain unread for many years: the majority of copyright material ceases to have commercial value within a few years of publication.

Scholars are frequently left in difficulty about the steps needed to comply with requirements regarding orphan works. Publishers, who usually handle permissions requests on behalf of their authors and so need to protect the author's right to reasonable remuneration for the use of their work, also may find themselves using orphan works in publishing anthologies or reference works. In practice the problems are often addressed by demonstrating that 'reasonable' efforts have been made to trace the rights holders, or to trace the heirs of a deceased author. In UK law, however, there is statutory protection for such efforts only in relation to anonymous and pseudonymous works, and not with regard to works where it is simply the case either that the present holder of the copyright cannot be traced or the date of the author's death is uncertain.

These new guidelines offer clear and practical steps for authors and publishers to follow when ascertaining an author's identity, seeking reasonable grounds for assuming copyright has expired, making clear acknowledgements, and preparing for remuneration conditions. This advice is supported by the following example, one of a number of useful case studies that have been included.

A poem is completed in manuscript in 1940, the author remaining anonymous or using a pseudonym but dating the work and making clear that he is a soldier facing the prospect of active service. The author is killed in action at El Alamein in 1942 but the fact that he wrote poetry or poems is not generally known. The manuscript of the poem is recovered from among debris on the battlefield and deposited with much other similar material in the Imperial War Museum. The copyright in the poem will expire on 31 December 2039. However if in 2013 a would-be user (e.g. an editor or publisher wishing to include the poem in an anthology of war poetry) can show reasonable grounds for supposing that the author died before 1943 (here this might be the provenance of the manuscript), the reproduction in the anthology will not be an infringement of the copyright expiring in 2039. If further scholarship (or indeed serendipity or chance) identifies the author before the end of 2039, then publication before the end of 2012 will need a licence from whoever is now the rightsholder; but not from 1 January 2013 on, seventy years after the death of the author.

The *Joint Guidelines on Copyright and Academic Research*, which were launched at the Academy on 30 April 2008, can be obtained from the British Academy or the Publishers Association. The British Academy will be developing the guidelines in the future to cover other copyright works such as artistic and musical works in order to provide continuing support and protection of the interests of both academics and publishers.

The following statements and reports issued by the British Academy on copyright in 2008 can be found via www.britac.ac.uk/reports/

The work and operation of the Copyright Tribunal: A response to the inquiry by the House of Commons Innovation, Universities and Skills Committee (January 2008)

Taking Forward the Gowers Review of Intellectual Property: Proposed Changes to Copyright Exceptions: The British Academy Submission to the UKIPO Consultation (April 2008)

Joint Guidelines on Copyright and Academic Research: Guidelines for researchers and publishers in the Humanities and Social Sciences (Published jointly by the British Academy and the Publishers Association, April 2008)

In brief

Britain in the 1950s: consensus or conflict?

There has recently been a considerable amount of public interest in the political, economic, and cultural history of Britain in the 1950s, heightened by Andrew Marr's television series. In a discussion evening held at the British Academy on 19 February 2008, Professor Peter Hennessy FBA (Queen Mary, University of London) and Professor Ross McKibbin FBA (University of Oxford) debated whether there really was a post-War consensus in Britain. The meeting was chaired by Professor Andrew Gamble FBA (University of Cambridge).

A transcript of their opening statements can be found via www.britac.ac.uk/perspectives/

The lively discussion inevitably considered whether any political consensus existed now. Professor Hennessy said: 'The foreign policy consensus is interesting because it is still there. I had the sheer agony of sitting through David Miliband's launch of his "Foreign Policy Refresh", as he called it, the other day in the Foreign Office. It was Coca-Cola, "We are the world". But the appetite was still there for global reach: Britain is going to be a global hub! They simply cannot settle for being a medium-ranked power inside a European body. And when the National Security Strategy comes out, you will see it in there as well. Amidst the Coca-Cola-isation, there is still the appetite to biff Johnny Foreigner into line.

'The same with the bomb: there was not a single dissenting voice in the Blair Cabinet in December 2006 on upgrading Trident – not one dissenting voice. It is this great power impulse. It recrudesces generation on generation. There is not one part of the political spectrum that does not think we are special and that, in Churchill's phrase, "The world is better for those bits that the lion treads" – not that anybody would quite put it like that today. It is still there though, and as for Tony Blair – he was Lord Curzon in an Armani suit!'

Reason and identity

In his Isaiah Berlin Lecture on 2 April 2008, Professor Lord Parekh FBA discussed how reason and identity are thought to compete as influences upon our judgements and actions. In exploring ways of resolving this tension, he stressed the importance of rational dialogue between individuals.

An audio recording of the lecture and the subsequent discussion can be found via www.britac.ac.uk/events/

In the discussion after the lecture, a final question – prompted by modern fears of terrorism – asked how it was possible to have a dialogue with someone you can't reason with. Lord Parekh replied: 'I can't imagine any human being with whom some form of dialogue is not possible, as long as he is prepared to speak and give reasons. As long as he is prepared to tell me what he is doing and why, there is always the possibility of a dialogue. ...

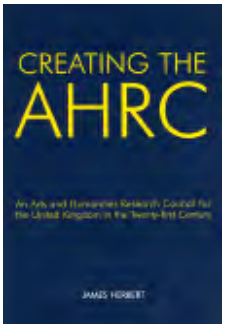
'The second point I want to make is that I wasn't suggesting, and I don't think anyone would want to suggest, that rational argument is conclusive. In fact the opposite, rational argument takes us so far, but it doesn't take us all the way, either because reason might be inconclusive, or because – the burden of judgement – from the same set of reasons people might arrive at different judgements.

'Given that all disputes cannot be rationally resolved, we need to find ways of handling differences at a practical level. That brings us to politics. When our security or vital interests are threatened, we need to do everything in our power to defend ourselves. We also need to show to our opponents that we are determined to fight for our values and vital interests, and would not allow ourselves to be terrorised into giving them up. However, whatever we do, we need to bear in mind two things. We are dealing with our fellow human beings and must not treat them as if they were demons. And secondly, we are going to have to inhabit the same world with them and should not do anything that is likely to generate implacable hatred and hostility.'

A New Politics of Identity: Political Principles for an Interdependent World, by Bhikhu Parekh, is published by Palgrave Macmillan.

The origins of the Arts and Humanities Research Council

In 1998, the British Academy played an important role in the establishment of the Arts and Humanities Research Board – providing the fledgling body with money, office space, personnel, and not least ideas for its first range of funding programmes. Ten years on, the Academy has published a history of what finally became an Arts and Humanities Research Council in 2005.



Creating the AHRC: An Arts and Humanities Research Council for the United Kingdom in the Twenty-first Century, by Dr James Herbert, was launched at a reception held at the Academy on 5 June 2008. The account particularly focuses on the campaign carried forward from the 1997 Dearing Report to the 2004 Higher Education Act to establish a public agency investing in humanities and arts research that would be equivalent to the Research Councils funding natural and social science research.

But the opening chapter explains how it was that for thirty years the British Academy had acted as a *de facto* Humanities Research Council, how the Academy attempted in the early 1990s to persuade government to set up a Humanities Research Council and, when frustrated in that aim, how the Academy led the way by setting up its own Humanities Research Board in 1994.

Anglo-Saxon stone sculpture from the West Riding of Yorkshire

On 18 June 2008, the latest volume in the *Corpus of Anglo-Saxon Stone Sculpture* series was launched at the Henry Moore Institute in Leeds. Volume VIII, *Western Yorkshire*, completes the cataloguing of the stone sculptures of Yorkshire, and boosts our understanding of the artistic development of southern Northumbria in the pre-Viking and Anglo-Scandinavian periods. The West Riding contains important collections of sculpture and pieces of the highest quality, including this fragment of a cross at Otley decorated with exotic eastern beasts.

The Corpus of Anglo-Saxon Stone Sculpture is a British Academy Research Project. The supervising committee is chaired by Sir David Wilson FBA and the project's Director is Professor Rosemary Cramp FBA – pictured either side of author Dr Elizabeth Coatsworth.

Information on British Academy publications can be found at www.britac.ac.uk/pubs/

About the British Academy

The British Academy, established by Royal Charter in 1902, is the United Kingdom's national academy for the promotion of the humanities and social sciences. It is funded by a Government grant-in-aid, through the Office of Science and Innovation.

The Academy is an independent, self-governing body of more than 800 Fellows, elected in recognition of their distinction in one or more branches of the humanities and social sciences. It aims to inspire, recognise and support excellence and high achievement in the humanities and social sciences, throughout the UK and internationally, and to champion their role and value.

The Academy has identified four strategic priorities central to achieving these aims over the next five years:

- Advancing the humanities and social sciences by supporting research and scholarship at all levels
- Promoting these disciplines on international platforms, building collaboration and creating opportunities for UK researchers overseas
- Increasing the scope and impact of communications and policy activity, and creating events and publications that communicate new research and encourage public debate
- Strengthening opportunities for Fellows to contribute their expertise to the intellectual life of the Academy and the country.

Further information about the work of the Academy can be found on its website at www.britac.ac.uk, or by contacting the Academy at 10 Carlton House Terrace, London SW1Y 5AH, telephone 020 7969 5200, email chiefexec@britac.ac.uk

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