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Statistik der Zivilrechtspflege by Max Rusch

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Mr. Dawson describes the organisation and administration of the system of invalidity and old age pension insurance as bureaucratic. To this employers and employed contribute equally, the State adding 2*l.* 10*s.* to each annual payment. The old age pensions begin at 70. On January 1, 1911, 1,034,000 pensions were in force, of which 918,760 were for invalidity, 98,335 for old age, and 16,965 were provisional sickness pensions. The old age pensions are steadily diminishing in number, while the others are increasing.

The author is enthusiastic as to the good effects of the crusade against disease which is embodied in the Insurance legislation. He attributes to it some credit for the fact that during the past twenty-five years the rate of mortality for the whole Empire has fallen from 25·4 per thousand (1881-85) to 19 per thousand (1905-09) and 16·2 per thousand in 1910.

The cost of insurance to the employer is averaged at about 4 per cent. of his wages bill, but it varies greatly in different industries and undertakings. The cost to the workpeople has increased, but that increase is attributed to a rise in wages. The employer in Germany pays a graduated rate, diminishing with the wages, of from 6½*d.* to 1½*d.* per week as compared with our 3*d.* rising to 6*d.* The workpeople pay a similarly graduated scale of from 10¾*d.* to 2¾*d.*, as compared with our 4*d.* (3*d.* for women) diminishing to zero where the earnings are 9*s.* and under and the whole cost is paid by the employer. Taking the German system as it existed in 1910, and as extended by the Act of 1911, the cost to the employers appears to have risen from 22,800,000*l.* to 28,500,000*l.*, and that to the employed from 18,300,000*l.* to 25,100,000*l.*, or together from 41,100,000*l.* to 53,600,000*l.*

Mr. Dawson has obtained a considerable amount of evidence as to the attitude of employers and workpeople to the Insurance laws. While he finds that the workmen's spokesmen in the Press freely criticise the laws and make the most of their grievances, real and imaginary, he thinks that behind all their criticism is a recognition of the great benefits of those laws. Those benefits have recently been extended, with certain modifications, to persons employed at a salary beyond the limit of 100*l.* contained in the general Act. The new Insurance Law for Employees, containing 399 clauses, was passed on 20 December, 1911.

Mr. Dawson's advocacy of the German system may possibly have led him to over-estimate its merits; and the facts he has collected may well lead us to look with some alarm to the possible future of the scheme adopted in this country. E.B.

3. — *Statistik der Zivilrechtspflege.* Von Max Rusch. Ergänzungshefte zum deutschen statistischen Zentralblatt: Heft 1. 99 pp., 8vo Leipzig: Teubner, 1912. Price 2 marks 50 pf.

The author of this brochure was entrusted with the article on "Zivilrechtsstatistik" for the recent volume entitled "Die Statistik in Deutschland," in which a large number of German administrators and statisticians collaborated in honour of George von Mayr. He

explains that the critical examination of the material available under that heading resulted in an essay which was too lengthy for the space available, with the result that only a portion appeared, and the essay as a whole is now first published.

Dr. Rusch's object is to survey the various matters which form the subject of German civil law, so far as they come under the cognisance of the courts or in certain cases of the administrative authorities; to examine the extent to which statistical data relating to these matters are available; and to urge the desirability of improvement in respect both of scope and form in the collection of such data for the sake of the increased knowledge which would result as to the moral and economic condition of the nation. The statistical data which are, or (in Dr. Rusch's view) should be, included under the head of *Zivilrechtsstatistik* cover a wide range, from cases of legally declared civic incapacity, owing to physical or mental causes (*Entmündigungen*), and divorce to commercial and industrial undertakings (including co-operation) and landownership. In regard to all these Dr. Rusch sees opportunities for statistical development, but his main plea is for an improvement in the judicial statistics (especially in respect of civil cases—criminal statistics are outside the scope of this essay); these, he points out, have hitherto been compiled mainly in the interests of judicial administration, and not with a view to their use as a guide to law reform, or in the investigation of social and economic conditions. Whilst sympathising with the object, we confess to some little doubt as to whether Dr. Rusch has fully faced the difficulties in the way.

His essay relates solely to Germany, and though there are very occasional references to Austria and France, practically nothing is said of the efforts which are being made, or the work already accomplished, in the same direction elsewhere, and the three-page bibliography includes, beyond two French and one Italian work, only works in the German language. Whilst this, in our view, diminishes the general interest and utility of Dr. Rusch's essay, it may be admitted that the results achieved elsewhere would perhaps afford comparatively little guidance to German investigators—the diversity of legal systems and institutions renders anything approaching to international uniformity, either of form or content, almost impracticable in respect of most of the matters dealt with; and this would seem to be the reason why the efforts in this domain of the International Statistical Congress, which are mentioned from time to time in this essay, have borne on the whole so little fruit. But, nevertheless, a short statement in each case of what is being done elsewhere (or at least of the best of such efforts) might have been useful to German legists and administrators, for whom this book is clearly chiefly intended; just as the English reader, though most of the matters dealt with in the essay will be of little immediate interest to him, will find some hints which might advantageously be attended to—for example, the attempts now being made to obtain comprehensive statistics as to the rate of profit of commercial and industrial companies, an enquiry which seems likely to result in very valuable additions to economic knowledge.

P.A.