

Chapter 1 : Reification (Marxism) - Wikipedia

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The slip opinions and orders posted here are subject to formal revision and are superseded by the advance sheets and bound volumes of the Official Reports. This preliminary material will be removed from the Bulletin Board once it is printed in the Official Reports advance sheets. Civil action commenced in the Superior Court Department on December 18, A motion for a preliminary injunction was heard by S. Decoulos for the plaintiff. Eigerman for Salem Redevelopment Authority. Keenan, City Solicitor, for city of Salem. Brown with him for Peabody Essex Museum, Inc. Upon analysis of the facts to be recounted, we agree with the Superior Court judge that on no suggested theory was the plaintiff entitled to compensation for the discontinuance, and we shall affirm the judgment for the defendants. On February 23, , the city of Salem, acting under G. The preambles to the deed describe its place in the development of the amended urban renewal plan. Kiernan received a further auxiliary deed from Leonard Axelrod and others on March 31, The issue, considered on the merits in relation to the Museum expansion project, was discussed at length. The council decided not to award damages to any abutting property owner. On November 3, , the city conveyed Liberty Street to the Museum. The Museum has continued building and other expansion activities to date. Kiernan on December 18, , commenced the present action in Essex Superior Court naming the city, the SRA, and the Museum as defendants, seeking injunctive relief against the discontinuance and, if that should fail, money damages for the alleged injury to his property caused by the discontinuance. His application for preliminary injunctive relief was denied, with opinion, by a Superior Court judge on February 20, Kiernan appeals from the judgment for the defendants entered upon the allowance of the motion. Putting any question of law to one side for the moment, we ask what are the practical effects on the ground of the Liberty Street discontinuance as far as Kiernan is concerned. The discontinuance nominally bars all, Kiernan included, from the vehicular use of Liberty Street. The exclusion is the same in kind as to all, with possible variations of consequences among particular persons or properties affected. The record shows that to overcome any inconvenience with the garage, Kiernan in practice is allowed the use of a path or alley, about fifteen to twenty feet in width, from the intersection of former Liberty Street and Essex Street, along Liberty, running to the garage and somewhat beyond. According to statements at the city council meeting on April 7, , the fire and police departments considered this adequate for entry of vehicles. At the argument of the appeal, counsel for the Museum stated that the Museum was prepared to accommodate Kiernan with a private easement, which would be roughly the length of the alley. The proposed easement could not go the balance of the way to Charter Street because the Museum has built over that part of Liberty. Counsel stated that all that remained to be done was to reduce the easement to writing. We write in agreement with the judge on both points. Other contentions are also dealt with infra. Discontinuance of Liberty Street. Section 21 of G. This is expatiated in a brace of old cases cited by the judge below. A difficulty sometimes arises, however, in applying this doctrine to a particular case. The court, however, take[s] pains to say, that, if all access to an estate by public streets is cut off, the rule might not apply, and that in such case the owner might perhaps have a claim for damages; and this has been expressly decided in Minnesota. In whatever way one may be affected as one of the public by proceedings in regard to highways, he can neither be compelled to pay specially for benefits, nor permitted to receive compensation for damages. This rule, in its application to all the people for a long period of time, generally works substantial justice, although there may be under it cases of hardship. Potter and her predecessors, therefore, would have been ineligible for damages as the parcel fronts Athol Road, a public way. Fall River, Mass. So as a matter of law, according to the authorities, the case was ripe for summary disposition. Relation to urban renewal plan. Section 49 of G. The emptiness of the charge is matched by the inaptness of the decisions cited in its support. Kiernan lays claim to an equitable easement in his favor on former Liberty Street to run the full length from Essex Street to Charter Street. This easement supposedly arose at the time SRA conveyed the parcel to

Kiernan in *Certainly* there was not an easement by grant. Assessors of Medfield, Mass. As to the possibility of an easement through estoppel, Kiernan, offering no evidence of an independent promise or representation or the like, seems to rely only on some vague emanation from the documents. The contention is embarrassed by the doctrine that estoppel generally does not go against the government here the city exercising its right to discontinue a street, see *LaBarge v. Chief Administrative Justice of the Trial Ct.* But as this tends to turn on the apparent strength of the claim, the standing nomenclature can and often does disappear. The question of laches, however, was not well explored below, nor did the judges rule on it. It is immaterial to our decision of the appeal, and we pass it by.

Chapter 2 : Western Marxism - Wikipedia

As a "private redeveloper," the plaintiff purchased land from the Salem Redevelopment Authority in the area of the city's urban renewal plan and built upon it. Later the city, in connection with the extension of a museum, a project within the renewal plan, discontinued a street adjacent to the plaintiff's property.

He is famous for his attack, on the one hand on the Church establishment, and on the other, upon all systematic rational philosophy, particularly Hegel, on the grounds that actual life cannot be contained within an abstract conceptual system. With this stance, he intended to clear the ground for an adequate consideration of faith and Christianity. See his early attack on Hegel: Kiernan was an excellent general historian, who wrote on numerous historical areas and on numerous historical subjects, particularly in intellectual history and political history. His work covered the history of Empire, but also ancient history, Horace, Urdu poetry, Shakespeare, Religion, Methodism and the French Revolution, the Spanish Revolution of , the social struggles of the seventeenth-century, mercenaries, the history of armies, elites in history, British diplomacy, British diplomatic history in China and India, tobacco, the history of the United States, the history of Great Britain, and the history of European Empires in the nineteenth-century and twentieth-century. A committed and life-long Marxist and socialist, Kiernan was an outstanding figure among British left-wing historians in the twentieth-century. Professionally, Kiernan was a writer and a historian, teaching history in India between and , and at the University of Edinburgh from until his retirement in . As a historian he was a generalist but specialised in the history of Empire and the history of the World after . His parents came from a religious and non-conformist background. Kiernan was educated at Manchester Grammar School. An excellent student of Classics and Languages, Kiernan won a scholarship to Trinity College, Cambridge, where he completed his tertiary education, gaining a double-starred First in History B. He returned to Britain in . In , Kiernan was appointed to a teaching post in history at the University of Edinburgh. He retired in . Politically, Kiernan was a Socialist, a Communist and a Marxist. Kiernan remained in the CPGB until , when he left over his lingering disgust over the Soviet invasion of Hungary in . Despite this Kiernan remained a Marxist and a socialist. Kiernan was a vital and energetic member of the group from until . Hobsbawm, Christopher Hill, E. Thompson and Rodney Hilton, all noted Kiernan as among the best of the British Marxist historians produced by the twentieth-century. Kiernan was a very prolific historian. His first two books, published in , were studies of British diplomacy in China during the first half of the s *The Dragon and St. George* and British diplomacy in China, to . These were followed up by numerous other books, articles, essays and historical reviews, across his long and prolific career. A key work of his, which appeared in , was *Lords of Human Kind*, a study of European Empires from to and their impact on social relations in the world, particularly European attitudes towards the rest of the World. In this book Kiernan charted the impact of capitalism and imperialism on the modern world, particularly on the development of modern racism and modern social structures. The book, a classic since publication, has gone on to be a defining book of historical studies of the European Empires of the nineteenth-century. *Poetics and Politics*, *Shakespeare: Studies*, *European empires from conquest to collapse*, , and *Imperialism and its contradictions and a history of Tobacco* . Kiernan was also heavily involved in the founding of the left-wing *Historical Journal Past and Present*. In the first issue he contributed a ground-breaking study of the role of Methodism in Great Britain during the period of the French Revolution of Evangelicalism and the French Revolution. From this he contributed numerous other articles and essays to the journal, including studies of *Mercenaries in late Feudal Societies* *Foreign Mercenaries and Absolute Monarchy* , and a study of seventeenth-century European societies *State and Nation in Western Europe*. Kiernan also published extensively on historical and political subjects in the *New Left Review* and the *Socialist Register*. Many of these essays dealt with the later history of Imperialism and Colonialism, and the final falls of the Spanish, Portuguese, and British Empires. His writing style combined the best of the Marxist approach to history with the best of the British literary tradition. He was a genuine master of all areas of history and historical research. His classic study of the social relationships in the European Empires, *Lords of Human Kind* , remains a classic historical study of both the origins and impacts of European Imperialism and

European Empire. *Lords of Human Kind* remains his most well-known work. Kiernan was also a committed literary scholar and was an expert in Urdu poetry. Kiernan was particularly familiar with the poetry of Ghalib , Iqbal , and Faiz , some of the most important Poets to emerge from the Indian sub-continent. In his career Kiernan produced ground-breaking translations of the poems of both Iqbal and Faiz; which helped to popularise both writers among readers in the West and to expand literary interest in the West for the Indian sub-continent. Kiernan was a great proponent of the idea that good literature belonged to the whole of humanity, and was not simply limited to the Western canon. His work is still highly regarded as some of the finest produced in the Marxist tradition and his studies of Empire and Imperialism, especially, have yet to be rivalled. He remained committed to the ideals of socialism. In his private life Kiernan was married twice. His first marriage, to the Indian dancer Shanta Gandhi, lasted from to , and ended in divorce. Kiernan died at his home in Stow, Scotland, on the 17th February He was aged The Dragon and St. Studies , America, the New Imperialism: Kaye , Tobacco: Kaye; , Eight Tragedies of Shakespeare: Poetics and Politics Kilian, Otto “ Conscript during “18, joined USPD in Arrested in , in a concentration camp, died of typhus in Bergen-Belsen shortly before end of War. Kippenberger, Hans also known as Leo and Alfred Langer, “ Secondary education, bank employee. Resumed studies after war, worked as press correspondent. Joined clandestine apparatus in , played important role in in military preparations, and had leading role in Hamburg uprising. Took refuge in Moscow, studied in military school. Deputy in Reichstag during “ Important role in illegality in Germany during “5, recalled to Moscow, shot after secret trial on 3 October His parents died when he was young and he was brought up by his grandmother until he was seven when he was sent to an orphanage. He took part in the Revolution in St. He was arrested but was released after three months in prison. Kirov now joined the Bolshevik faction of the Social Democratic Party. He lived in Tomsk where he was involved in the printing of revolutionary literature. He also helped to organize a successful strike of railway workers. In Kirov moved to Moscow but he was soon arrested for printing illegal literature. Several of his comrades were executed but he was sentenced to three years in prison. The prison had a good library and during his stay he took the opportunity to improve his education. Kirov returned to revolutionary activity after his release and in he was once again arrested for printing illegal literature. After a year in custody he moved to the Caucasus where he stayed until the abdication of Nicholas II in March, In Kirov was put in charge of the Azerbaijan party organization and the following year helped organize the Transcaucasian Soviet Federated Socialist Republic. Kirov loyally supported Joseph Stalin and in he was rewarded by being appointed head of the Leningrad party organization. He joined the Politburo in and now one of the leading figures in the party, and many felt that he was being groomed for the future leadership of the party by Stalin. In the summer of Joseph Stalin became aware that opposition to his policies were growing. Some party members were publicly criticizing Stalin and calling for the readmission of Leon Trotsky to the party. When the issue was discussed at the Politburo, Stalin demanded that the critics should be arrested and executed. Kirov, who up to this time had been a staunch Stalinist, argued against this policy. When the vote was taken, the majority of the Politburo supported Kirov against Stalin. In the spring of Kirov put forward a policy of reconciliation. Once again, Joseph Stalin found himself in a minority in the Politburo. After years of arranging for the removal of his opponents from the party, Joseph Stalin realized he still could not rely on the total support of the people whom he had replaced them with. Stalin no doubt began to wonder if Kirov was willing to wait for his mentor to die before becoming leader of the party. He feared that this would undermine his authority in the party. As usual, that summer Kirov and Joseph Stalin went on holiday together. Stalin, who treated Kirov like a son, used this opportunity to try to persuade him to remain loyal to his leadership. Stalin asked him to leave Leningrad to join him in Moscow. Stalin wanted Kirov in a place where he could keep a close eye on him. Sergei Kirov was assassinated by a young party member, Leonid Nikolayev, on 1st December, Stalin claimed that Nikolayev was part of a larger conspiracy led by Leon Trotsky against the Soviet government. This resulted in the arrest and execution of Genrikh Yagoda, Lev Kamenev, Gregory Zinoviev, and fourteen other party members who had been critical of Stalin. The prison library was quite satisfactory, and in addition one was able to receive all the legal writings of the time. The only hindrances to study were the savage sentences of courts as a result of which tens of people were hanged. On many a night the solitary block of the Tomsk country prison echoed

with condemned men shouting heart-rending farewells to life and their comrades as they were led away to execution. But in general, it was immeasurably easier to study in prison than as an underground militant at liberty. Kiselev, Aleksey Semenovich - Born near Ivanovo-Voznesensk a town in the district of Vladimir, with a population of 22, , beginning in Aleksey worked as a machinist slesarem in a textile factory. He was arrested on multiple occasions.

Chapter 3 : Search for Property Information - Immediate results - US Realty Records

-- *Sabean, D. Aspects of kinship behaviour and property in rural Western Europe before* -- *Howell, C. Peasant inheritance customs in the Midlands,* -- *Spufford, M. Peasant inheritance customs and land distribution in Cambridgeshire from the sixteenth to the eighteenth centuries.*

The author is not a historian, but an art critic, which helps to explain the range and quality of the illustrations, a veritable art gallery. His picture of the virgin continent, in two early chapters, has the same graphic quality. In Parliament passed a Transportation Act for the benefit of criminals under sentence. Eighteenth-century jails were often privately, and vilely, managed. And why not the lawcourts with them? They were mostly run for private profit in the good old days of feudalism. It may be a tribute to British humanitarian feeling, or to British hypocrisy, that the public could not bear the sight of convicts working in chains on road-building or canal-digging, but did not mind the thought of them working in chains in the antipodes. Similarly French and Spanish convicts were got decently out of sight by being sent to pull an oar in the galleys; and lately men and women disliked by the Argentine Government were being turned into still more unobtrusive desaparecidos. It remained to find a suitable destination for the malefactors; the American colonies, a former dumping-ground, were no longer available. Alternatives were not many, and the choice fell on Australia. By 42 ships had made the fearful passage, but the long wars with France held up operations; the mass exodus came after Waterloo, and most of all in the early s. The peak year was reached in , the year after the passing of the first Reform Act and the coming to power of the upper-middle classes, when captives set out. Not until did the free outnumber the unfree in New South Wales, and nearly half the free population of 20, were ex-convicts. From start to finish Britannia got rid in this way of about a hundred and fifty thousand of her children. Only a few were social protesters to the extent of being poachers. On the First Fleet, that grim travesty of the Mayflower and its Pilgrim Fathers, all those of the convicts whose records remain were guilty or had been pronounced guilty â€” much allowance needs to be made for clumsy police and law court methods of crimes against property. Elizabeth Beckford, at 70 the second oldest woman aboard, had been given â€” or rather robbed of â€” seven years for stealing 12 pounds of Gloucester cheese. But the average age was only about Youngest of all was a boy chimney-sweep, aged nine. The full text of this book review is only available to subscribers of the London Review of Books. You are not logged in If you have already registered please login here If you are using the site for the first time please register here If you would like access to the entire online archive subscribe here Institutions or university library users please login here.

BOOK REVIEWS The Modern Corporation and Private Property. By Adolf A. Berle, Jr. and Gardiner C. Means. New York: The Mac-millan Company,

Cambridge University , B. Director, National Endowment for the Humanities summer faculty, ; scholar-in-residence, University of Florida, ; consultant to historical programs, galleries, and period exhibits; lecturer and presenter at conferences, educational institutions, and other organizations. With Neil McKendrick and J. Plumb *The Birth of a Consumer Society: The Sinews of Power: The Pleasures of the Imagination: Editor with Eckhart Hellmuth Rethinking Leviathan: John Brewer is a British historian who has spent much of his professional life teaching in the United States. History Today contributor Daniel Snowman noted that a young Brewer admired his Uncle Leslie, a free-thinking Marxist journalist with long hair and an appreciation of good wine and many women. From to , he taught in Italy and at the University of Chicago , and in , he returned to the West Coast to teach at the California Institute of Technology. Brewer has written and edited many British histories, and as director of the Clark Library and Center for Seventeenth-and Eighteenth-Century Studies at the University of California, Los Angeles, he oversaw a research project on culture and consumption during that period. He is coeditor of three volumes that collect seminar papers on these subjects. He focuses on this time period but on a different topic with *The Pleasures of the Imagination: English Culture in the Eighteenth Century*. Even so, the impression his fact-packed tome leaves is of a lively, confident era of noisy consensus in the fine arts*—not much akin to any period since. His pages are teeming, bubbling, exuberant, effervescent. Ray, the mistress of the earl of Sandwich, bore her lover nine children, five of whom lived. Hackman carried two pistols, the first of which he used to shoot Ray through the head. With the second he shot himself, but he did not die. Instead, he was tried and hanged for his murder of Ray. Brewer explores the ways in which the British press profited from the murder and trial. London newspapers of the time sold copies by incorporating scandal and sensationalism into their stories, with little regard for ethics or professionalism. Spectator contributor Jane Ridley wrote that "the strongest character in the story is Lord Sandwich. He was a hard worker and an outrageous rake. He saw nothing amiss with this, believing that his private life was of no concern to the public. He made the mistake of quarreling with John Wilkes , who was also a rake but who took the tabloid view that the private lives of politicians were public property". Wilkes blackened Sandwich as a libertine, and terrified him out of his wits by releasing a baboon disguised as the devil at the Hellfire Club. His collection of sixty-five fictionalized letters between Ray and Hackman portrayed their romance as mutual but doomed, perpetrating the myth until the late eighteenth century when it was reconsidered, as William Makepeace said, as indicative of the period of "awful debauchery and extravagance. But during this period, the crime was also republicized in the cheap mass market crime novels known as penny-dreadfuls. Brewer acknowledges that we will never know the truth about the relationship between Ray and Hackman, nor his motive for killing her. This part of the story is a small part of the book, however. Rather, Brewer concentrates on how the murder has been treated in the ensuing two centuries. Brewer ends with a dazzling chapter on historiography that would work equally well as a stand-alone essay. Love and Madness in the Eighteenth Century, p. *English Culture in the Eighteenth Century*, p. Image, Object, Text, p. Johnson, review of *Consumption and the World of Goods*, p. *Contemporary Review*, January, , review of *Rethinking Leviathan*, p. Speck, review of *The Consumption of Culture*, , p. Kiernan, review of *Early Modern Conceptions of Property*, p. Sweet, review of *Early Modern Conceptions of Property*, p. *Journal of Interdisciplinary History*, winter, , Stanley L. Engerman, review of *Consumption and the World of Goods*, p. *New Republic*, November 24, , David A. Bell, review of *The Pleasures of the Imagination*, p. War, Money, and the English State, , p.

Chapter 5 : Glossary of People: Ki

England rejects V.G. Kiernan. The Fatal Shore: A History of the Transportation of Convicts to Australia, by Robert Hughes Collins Harvill, pp, £, January , ISBN 0 00 1.

Kiernan Reviewed work s: We use information technology and tools to increase productivity and facilitate new forms of scholarship. Before that date, this decisive area may be seen gradually condensing or crystallizing out of Europe as a whole, or advancing further from a common starting-point. A more or less amorphous earlier medieval Christendom changed by the end of the middle ages into a continent where the western lands, primarily those of the Atlantic seaboard, were in the lead. Within another century or two the southern part of this region had dropped out, as Spain and Portugal sank into hopeless decadence, and the northern area - corresponding fairly closely with the one dominated or most strongly affected by Protestantism in its more active forms - went far ahead. This is how it has come about that in nine contexts out of ten today, when the world talks of something as "European", it means something that originated in this one small area, or growing-point, of Europe. The immense significance for good and evil of this area to the whole human race is in some danger nowadays of being obscured by the pressure, in itself extremely desirable, towards recognition of the political rights and cultural achievements of all peoples everywhere. Among the various components making up the unique amalgam of modern north-western Europe, none was more important than its political component, the loosely named "nation-state". Of the two elements included here, it was the State that came first and fashioned the mould for the nation - but a State, or political organization of society, of a kind distinct from any other in history. What specific factors, then, went to form the west-European State in such a way as to enable, or compel, it at a certain stage to translate the vague sensation of nationality, recognizable in one degree or another in old Persia or China as well, into conscious nationalism? Neither economic nor ideological influences can by themselves explain the appearance of this political mutant; gunpowder, one of its fairy godmothers, was present also at the cradle of the radically different Ottoman State. Abdel-Malek, in Diogene, no. But in the East, monarchies equally or more despotic were always ten a dinar. A State can be of real significance, can act in some degree formatively on the society over which it presides, only when it becomes something more than a man or men exercising personal authority, however acquired. It must possess an existence and a continuity of its own, and therefore a fairly complex machinery of administration, distinguishable from a mere swarm of palace flunkies and flatterers. Monarchy does not easily rise to this level, though it may be most likely to do so when it starts from humble beginnings and has to work its way up - as it did in western Europe, by contrast with the Islamic lands where rulers had from the outset a ready-made, invariable tradition of theocratic authority to step into. Absolute monarchy in the West grew out of feudal monarchy of a particular sort, corresponding to a particular sort of feudal society. Most historians interested in the classification of societies are Marxists, and these have been much more concerned to stress common denominators among pre-capitalist economies than to observe divergences in other respects. And this has led towards a concept of feudalism so extremely generalized as to be of limited utility. In terms of patterns of social life, and capacity for growth and change, the differences between the "feudalism" of France, Bengal, Bokhara, Zululand, are enormous. A rough general distinction may be drawn between feudalism in an institutional sense growing up "naturally" from below, or planted from above. West-European feudalism seems to belong in the main to the former type. Peering with due caution into the mists of time and expert witness, one may associate this fact with the long Dark-Age struggle of its region of origin against the pressure of worse barbarism. Whereas feudal military complexes elsewhere took shape habitually in and for movements of conquest, here the function was, in some considerable measure, defence rather than, or along with, expansion. For centuries the struggle was carried on mainly with local resources. And this was possible because the attackers came in small bands, not in the sudden irruptions of whole peoples that were endemic in Asian history - clans united by war-leaders like Ghenjiz into primitive "nations", irresistible before fire-arms were well developed. To strike a balance for any ruling class between its prime business of exploitation and its secondary - protective and organizing- role, is a delicate matter: It made for

social solidarity also that the alien assailants were regularly pagan, while the defenders, high and low, belonged to one exclusive faith. More often than not, by comparison, the barbarians who continually attacked Islamic civilizations were Muslims from the waste places,⁴ or fresh converts - Turk, Mongol, African - more zealous for the faith than the faithful themselves. In the West some rude integration of society came to bind together all classes, and each manor might be seen as a miniature State with its own "custom" or unwritten law. But kings had to cope with a ruling class firmly entrenched in a territorial power which it did not as a rule owe to them. Typical of it were the great nobles of Aragon who called themselves *ricos hombres de natura*, noblemen by intrinsic quality and not by royal creation;⁶ and it was no great extension of this to claim, as all Aragonese nobles did, the right of *desnaturalizacion*, withdrawal of allegiance from a sovereign who displeased them. By contrast, the Muslim equivalent of knight or baron was the Ottoman *timariot* or the Moghul *jagirdar*, holding an assignment, temporary at least in principle, of land, or more exactly of land-revenue, in return for his services;⁷ and it was seldom ⁴Like the Wahhabis of eighteenth-century Arabia, who gave Islam a powerful revivalist impulse. For a brief sketch of them, see W. So was the Indian village, no doubt, but this was an isolated unit, not part of a wider political organization. On the *timar* or Turkish military fief, see Col. Lamouche, *Histoire de la Turquie* Paris, I, p. In the West it was very largely in the course of long efforts to assert themselves against their baronage that kings constructed an administrative and coercive apparatus of their own. Friction between ruler and ruling class is something distinct from friction between these two combined and the masses at whose expense they live; and, viewed as a stimulus to political evolution, a healthier as well as less primitive one, productive of greater sophistication of method and outlook. Such an experiment as that of the Norman kings in England of maintaining a Saxon militia as a counterweight to their own nobility would be hard to imagine in most other regions, where strict dichotomy between "active" and "passive" citizens - in the language of I was the norm. Conversely the baronage was in a fashion a useful buffer between ruler and ordinary people. In this one phrase the whole history of Asia is contained". Dona Torr London, I, p. The view is less applicable to China than to the mainly Islamic countries he refers to. Another feature of the west-European situation was the emergence of a congeries of States, in close contact and claiming the same status. Geography helped here; the sea spreads round and into western Europe as it does also with eastern China and Japan, the two most solid political entities in Asian history, and, besides facilitating trade, provided rough and ready "natural frontiers". Such a coexistence of more or less equal and stable units, with competition among them accelerating growth and change, is quite a rarity in history at any level above that of city-state or Highland clan. Both Rome and China, once mature, suffered from the absence of any comparable neighbour or rival. Among the scattered valleys and oases of Islam there could be little contiguity of independent powers;¹⁴ the political idea did not escape from a vague religious universalism, and except for Turkey, with its European involvements, there was no real State because there were no States. The transmutation of any kind of feudal society into any kind of modern State would be impossible to explain if there had been no other ingredients. One such was the Church. If the feudalism of western Europe was unique, so even more markedly was the medieval Church: Paradoxically the presence of this body, which often collided with and seemed to injure the feudal State, in the long run, and by a complex process of interaction, doubled and trebled its strength. The absence alike from China, from India, from Islam, of a Church of this order, and therefore of any similar conflict and interplay of Church and State,¹⁵ is of an importance that can scarcely be over-estimated in any study of why western Europe was drawing apart from the rest of the world. Equally specific to Europe was the city: But these were after all very long-range and intermittent contacts. On the absence of a regular priesthood in Islam see E. Asiatic monarchy did not by any means prohibit towns, trade and urban commodity production; on the contrary, the earliest European travellers in the Far East were astounded by its numerous and immense cities,¹⁶ while Muslim civilization has always been far more urban than rural. Over it stood not bishop or baron, but theocratic monarchy, and it felt no impulse towards a demand for self-government. The often-repeated phrase about their "existing in the interstices of feudalism" may be correct enough in statistical and economic terms. It was not on the western rim of Europe that urban independence blossomed most fully. From Spain to Scotland, the early growth of fairly strong feudal monarchies prevented towns from acquiring complete independence, while it allowed and stimulated them to

struggle for their rights within the feudal kingdoms. In east Europe the town tended to be a garrison centre or colony planted by monarchs, dependent on them and often too alien in speech and character from the surrounding population to interact fruitfully with it. It was in between these two zones - in northern Italy, western Germany, the Netherlands, the Baltic - that the town had its freest evolution: Needham notes the profound effect on Chinese history of the absence there of any spirit of urban autonomy: Trotsky on towns as the missing factor in Russian history: *The Russian Revolution*, ch. The contrast between the militant burghers of the West, and Russian merchants, often serfs as late as the nineteenth century, is a glaring one. But, great as the commercial and cultural achievements of these city-states were, politically they were in a blind alley. The Hanseatic League, the Lombard League - like the Hermandador Brotherhood of the Basque ports could not grow into genuine federations. Italian cities turned into petty monarchies, partly because of the disturbing aristocratic element they absorbed; but these were precarious, unstable despotisms, with no national character. Venice and Genoa remained republics, but devoted themselves to building up little empires, mostly outside Italy and likewise incapable of evolving into "nations". Only in the Netherlands, marked off from the Holy Roman Empire at large by greater economic activity and closer involvement with the affairs of adjacent countries, was the necessary amalgam of urban and feudal elements consolidated, first by the fifteenth-century Burgundian overlordship and then by the four decades of struggle against Spanish domination. Towns grew less democratic and took on more of the colouring of their aristocratic ambience. But at the same time, the character of the feudal States and their Church was being modified by the cities - by contact, conflict or absorption. Altogether there was an interplay between the two opposite principles, impossible in Asia with its lack of sharp social differentiation above the level of peasant and artisan. Italian city-despots, themselves aping the feudal rulers of other lands, were precursors of the absolute monarchs. And urban tradition, especially in Italy, had much to contribute to the drift of thought and feeling towards modern nationalism, a drift much stronger in the western lands than in Italy itself. Florence was a patria to its inhabitants before there were patriots in England or France. A strong sense of community can originate only in small units like town, canton, clan, though it can then be taken over by larger ones. Again, in its early days the nation-state unlike new nations today had no antecedent model to emulate, except the city. An idealized memory 20 This Hermandad, which had sometimes concluded foreign treaties on its own account, was virtually ended by the absolute monarchy in Altamira, *Historia de Espana*, ii, 4th edn. Barcelona, I, pp. Altogether western Europe had acquired a greater richness of forms of corporate life, a greater crystallization of habits into institutions, than any known elsewhere. It had a remarkable ability to forge societal ties, more tenacious than almost any others apart from those of the family and its extensions, clan or caste; ties that could survive from one epoch to another, and be built into more elaborate combinations. But along with fixity of particular relationships went a no less radical instability of the system as a whole. Unlike Chinese society with its limpid simplicity and logic especially as contemplated from a higher income vantage-point and its reflection in a calmly rationalistic philosophy, west-European society was a blend of too many discords to be free from chronic tension. Its ideology was, revealingly, permeated at every graduation of income by those mystical sensations that in China were abandoned to popular Taoism and the illiterate peasant. In the late middle ages the structure was clearly altering, or even breaking down, fundamentally no doubt under the strains of a developing money economy. A long lull in the pressure on Christendom from outside, in the interval between the Crusades and the coming of the Ottoman Turks, had helped to relax social cohesion. There was a drift towards total separation between upper and lower levels of society, noble and non-noble, armed and unarmed - a symptom threatening social revolt and, even if this could be put down, the long stagnation that awaited central and eastern Europe as it had already overtaken most of Asia. The noble class itself was coming to be perilously bifurcated between a few magnates at the top and a swarm of gentry, often impoverished and discontented. In situations like that of the Hussite war, the smaller gentry, alienated from the lay and clerical plutocrats above 22 See V. Purcell, *The Boxer Uprising* Cambridge, , ch. Halecki, *History of Poland* London, , p. Attempts of the first kind found most opportunity in central and east-central Europe, because of the weakness of State power there; though in the more easterly part of this area they were crushed with comparative ease because of the poverty of urban life, and the absence of a large class of urban poor as allies of the peasantry. Far the most challenging revolt of the

masses came in economically advanced Bohemia. It had a strong tinge of at least elemental nationalism, provoked by hatred of German lords, prelates or patricians inside Bohemia and German interference from outside; it was simultaneously the opening scene of the Reformation.

Chapter 6 : Market for Mercenaries

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Department of Business and Economics Wilkes University Wilkes-Barre, PA Abstract The forces of supply and demand in the mercenary market as well as principal-agent problems and their solution are reviewed. The demand for ancient and medieval mercenaries, soldiers in eras when quality mattered more than quantity, primarily stemmed from their superiority to citizen soldiers. By , quantity was the dominant factor and conscripts were now just as effective as mercenaries. Demand nearly vanished as it is less costly to raise a large, state-owned army of conscripts than to hire large numbers of mercenaries. State-owned armies also serve to reduce principle-agent conflicts. They served Israel under both David and Solomon. Greek mercenaries served in Egypt prior to BC. The army led by Hannibal across the Alps was entirely mercenary, and mercenary auxiliaries fought with the Roman legions. Mercenaries accompanied William the Conqueror on his invasion of England while mercenary crossbowmen fought at Crecy. And, although the Geneva Convention regards mercenary activity as an international crime, 30, Russian mercenaries have fought in parts of the former Soviet Union and in Yugoslavia during the past few years Yakov A mercenary is a soldier in the service of a foreign power whose primary motivation is financial gain. Regulars, on the other hand, are citizens who have chosen military service as a career while conscripts are compelled by law to enter military service. The purposes of this paper are to review the economic forces that have been at work in the market for mercenaries and to explain why mercenary warfare has nearly disappeared since the 18th century. Indeed, whenever there was a general economic prosperity, the supply of mercenaries shrunk. By the end of the Peloponnesian War in BC, this no longer was true. The war had lasted nearly 30 years, and "the peace must have let loose upon the Mediterranean world many Greeks who had become accustomed to earning their livelihood by fighting" Parke , p. The Greek agricultural sector was depressed throughout the 4th century, and the depression forced many peasants, who had been the backbone of the Greek armies, to abandon the farm to become mercenaries. Isocrates wrote in BC of "many compelled through want of daily bread to serve as mercenaries" Griffith , p. This increase in supply manifested itself in a steep drop in the wages of mercenaries. Between and BC the rate of pay for mercenaries fell from as many as eight to four obols per day Griffith , p. In the late 4th century, subsistence income was two obols per day per person Tarn This was what Athens paid to paupers who could not work. Skilled artisans received two drachmae a day when employed but employment was irregular. A worker who got more jobs than anyone else might make as much as drachmae a year. This averages to four obols a day. Unskilled workers would average two obols a day. Thus, mercenaries in the late 4th century BC, at a time when there was a glut of mercenaries, received a wage equivalent to that of the most skilled worker. Mercenaries could also anticipate acquiring booty and a share of the proceeds of victory. For example, Alexander rewarded the Thessalian cavalry for its bravery at Ipsus by sending them in advance of his main army to occupy Damascus. Mercenaries were often recruited from the economically backward areas of the ancient and medieval worlds. By the end of the 3rd century AD, German units formed the real strength of the Roman army Delbruck , vol. A large number of the mercenaries of the Middle Ages came from the mountainous regions on the fringes of Europe Kiernan , p. Venice got many of its best mercenaries from Dalmatia. One source of mercenaries during the medieval period was the younger sons of nobles who, having been disinherited by their fathers and unwilling or unable to enter the Church, took up professional soldiering. Many such mercenaries joined William on his invasion of England in the hopes of receiving land. This same motive existed for many Crusaders. As trade revived in the 13th century and towns rose in importance, feudal lords found themselves short of hard cash. As a result, feudal obligations from peasants to lords often became monetary payments rather than work. Serving as a mercenary was another method available to knights of acquiring cash Gaier Like the ancient Greek mercenary, the medieval Italian mercenary received wages that were as high as most skilled workers earned. In Florence around , the lowest paid manual workers received 20 to 25 florins a year while a skilled worker would get twice that. The average wage paid to a member of a

three-man lance at that time was 40 florins a year Mallett , p. This wage was only half what a three-man lance had received in the 14th century. The fall in the wage paid to mercenaries is likely a result of an increase in the supply of mercenaries due to the recovery of the population following the Black Death. The basic wage of the mercenary German common foot soldier throughout the 16th century, four florins per month, compared favorably to that received by other workers. Mercenaries could, of course, supplement their income by looting. By contract, they were permitted to keep harnesses, armor, and other movable objects. During the middle century, for example, at a time when a skilled worker in Germany might possess wealth of florins, a soldier returned from his very first campaign with booty worth florins Redlich , p. Some soldiers accumulated 8, to 20, talers by looting Redlich , vol. Mercenaries could also ransom prisoners of war. Changes in the supply of ancient and medieval mercenaries then are traceable to changes in the attractiveness of alternative employments. Economic prosperity decreased the supply of mercenaries since there were many well-paying, less hazardous civilian jobs available; the supply of mercenaries swelled in times of economic hardship as there were fewer alternatives. Mercenary wages were responsive to shifts in supply, but ancient and medieval mercenaries consistently received wages comparable to that of very skilled civilian labor. Since successful soldiers had to have been quite skilled themselves, the compensating wage differential received by ancient and medieval mercenaries existed in the opportunities for plundering. Economies of scale did not exist in ancient and medieval combat. Only the front ranks were able to combat the opposing force so that as long as the lines remained unbroken the number of men actually wielding their weapons on each side at any given instant was roughly equal. Large numbers of soldiers did not provide an army with a disproportionate advantage in the ability to inflict casualties. One man would find himself opposed to one man so that ancient and medieval battles, in essence, consisted of a series of individual duels in which combat ability was the decisive factor. Assuming that both armies were equally skilled, a larger army would defeat a smaller one but the armies could expect to suffer similar casualties. A small, highly skilled army could defeat a larger yet less skilled army. There existed, therefore, positive returns to quality and skill but not to scale in ancient and medieval combat. The fact that the quality and skill of soldiers mattered much more than sheer numbers in ancient and medieval combat created the demand for mercenaries. Specializing in warfare made the mercenary a more effective fighter than citizen soldiers. By the middle of the 4th century BC professional armies outclassed the citizen hoplites Parke , p. The medieval Florentine city militia also had shown itself to be inferior to mercenary armies. It had lost to smaller forces at Montaperti in , Incisa in , and Montecatino in . By the campaign in the spring of , the Florentine army contained 2, mounted mercenaries and only 40 citizen cavalry Bayley , p. This was the condottieri system which Mallett , pp. The problem was that the bulk of the city militia was infantry and was unable to withstand a heavy cavalry charge. Mercenary infantry, however, could develop the cohesiveness to withstand such a charge through long service together. There was also increasing specialization in the military. The crossbow, for example, led to heavier plate armor which was costly and physically demanding to wear. Mercenaries were also likely to have kept up with technical progress in military matters Kiernan , p. All this widened the gap between the citizen and professional soldier and made it necessary to hire mercenaries. The demand for mercenaries in the ancient and medieval periods was not just a result of their military superiority. There was an economic advantage as well. Since professional soldiers possessed a comparative advantage in warfare, the use of mercenary armies rather than town militias freed citizens to pursue their own avenues of comparative advantage. After the plague struck Athens during the Peloponnesian War "the remaining citizens in business, on the farm, and in industry were even more indispensable than otherwise, and the number easily to be spared smaller, so that the number of mercenaries was certainly unusually large" Delbruck , vol. There were tactical military advantages as well to employing mercenaries. Jones stresses that the combination of weapons systems employed was often the determining factor in ancient and medieval battles. The use of professional soldiers enabled states to hire the force composition necessary for the campaign. Darius hired Greek mercenaries to serve as heavy infantry against Alexander and his outstanding Macedonian phalanx because Persia did not possess effective heavy infantry. Richard the Lion-Hearted employed crossbowmen as a defense against Moslem horse archers. The best mercenaries of the 15th century were the Swiss. Their mobile pike-armed infantry squares were the dominant

weapon system of the period. The development of the Swiss tactical infantry made it imperative for states to organize the same kind of forces if they wished to survive Redlich , vol. Feudal states lacked the administrative structure for the large-scale military organization required by this development, so they turned to the military entrepreneur. Cities contracted with a mercenary captain to supply a certain quantity and type of soldier. Hiring mercenary companies was more efficient than hiring individuals since they were easier to hire and more effective fighters because of their experience of fighting together. The population of Florence fell from approximately 95, in to 55, in and that of Pistoia fell from about 11, to over the same period Cipolla , p. As a result of this labor shortage, cities would have had capital intensive militaries, for example, town walls and fortifications, which, consequently, would have been primarily defensive. The employment of mercenaries substituted military labor for capital and enabled cities to pursue offensive campaigns. Longer campaigns provided another impetus to the demand for mercenaries. Citizen hoplites were not suited to long wars. They needed to return to their fields to harvest the crops in the fall and to plant in the spring. And, having no homes, they were not always longing to return to them. And through the winter they could earn their retaining fee, while citizen troops were accustomed to fight only in the good season of the year" Adcock , p. The same problem existed for medieval rulers. By the end of the Middle Ages wars were usually not finished within the period in which a knight was bound to serve.

Victor Gordon Kiernan, was a British Marxist historian, known for his general studies of the history of Imperialism, Empire and World History. Kiernan was an excellent general historian, who wrote on numerous historical areas and on numerous historical subjects, particularly in intellectual history and political history.

A motion for a preliminary injunction was heard by S. Decoulos for the plaintiff. Eigerman for Salem Redevelopment Authority. Keenan, City Solicitor, for city of Salem. Brown with him for Peabody Essex Museum, Inc. Upon analysis of the facts to be recounted, we agree with the Superior Court judge that on no suggested theory was the plaintiff entitled to compensation for the discontinuance, and we shall affirm the judgment for the defendants. On February 23, , the city of Salem, acting under G. On October 4, , the SRA, by deed entitled "Dedication and Release of Streets and Ways," "convey[ed] and release[d]" to the city "all of its right, title and interest" without any stated reservation in certain streets so taken, including Liberty Street as intersected by Essex Street to the north and Charter Street to the south. The preambles to the deed describe its place in the development of the amended urban renewal plan. Kiernan received a further auxiliary deed from Leonard Axelrod and others on March 31, Upon this parcel Kiernan constructed and now maintains a building with the address Essex Street that Page houses his street-level "Marine Arts Gallery" and, on the floor above, his residence. The issue, considered on the merits in relation to the Museum expansion project, was discussed at length. The council decided not to award damages to any abutting property owner. On November 3, , the city conveyed Liberty Street to the Museum. The Museum has continued building and other expansion activities to date. Kiernan on December 18, , commenced the present action in Essex Superior Court naming the city, the SRA, and the Museum as defendants, seeking injunctive relief against the discontinuance and, if that should fail, money damages for the alleged injury to his property caused by the discontinuance. His application for preliminary injunctive relief was denied, with opinion, by a Superior Court judge on February 20, Kiernan appeals from the judgment for the defendants entered upon the allowance of the motion. Page Putting any question of law to one side for the moment, we ask what are the practical effects on the ground of the Liberty Street discontinuance as far as Kiernan is concerned. The discontinuance nominally bars all, Kiernan included, from the vehicular use of Liberty Street. The exclusion is the same in kind as to all, with possible variations of consequences among particular persons or properties affected. The record shows that to overcome any inconvenience with the garage, Kiernan in practice is allowed the use of a path or alley, about fifteen to twenty feet in width, from the intersection of former Liberty Street and Essex Street, along Liberty, running to the garage and somewhat beyond. According to statements at the city council meeting on April 7, , the fire and police departments considered this adequate for entry of vehicles. At the argument of the appeal, counsel for the Museum stated that the Museum was prepared to accommodate Kiernan with a private easement, which would be roughly the length of the alley. The proposed easement could not go the balance of the way to Charter Street because the Museum has built over that part of Liberty. Counsel stated that all that remained to be done was to reduce the easement to writing. We write in agreement with the judge on both points. Other contentions are also dealt with infra. Discontinuance of Liberty Street. Section 21 of G. This is expatiated in a brace of old cases cited by the judge below. A difficulty sometimes arises, however, in applying this doctrine to a particular case. The court, however, take[s] pains to say, that, if all access to an estate by public streets is cut off, the rule might not apply, and that in such case the owner might perhaps have a claim for damages; and this has been expressly decided in Minnesota. Page "The tribunals which lay out and discontinue highways are required by the statutes to adjudicate upon the question what is for the public necessity and convenience; and what is convenient and advantageous to one part of the public may be detrimental to another. In whatever way one may be affected as one of the public by proceedings in regard to highways, he can neither be compelled to pay specially for benefits, nor permitted to receive compensation for damages. This rule, in its application to all the people for a long period of time, generally works substantial justice, although there may be under it cases of hardship. Potter and her predecessors, therefore, would have been ineligible for damages as the parcel fronts Athol Road, a public way. Fall River, Mass. So as a matter

Page of law, according to the authorities, the case was ripe for summary disposition. Relation to urban renewal plan. Section 49 of G. Kiernan concludes that "[t]he conveyance of the real estate by the City of Salem to the Peabody Essex Museum" was in violation of the renewal plan, because it simply enriches the Museum and is not an expenditure of public funds "for the good and welfare of this commonwealth. The emptiness of the charge is matched by the inaptness of the decisions cited in its support. Kiernan lays claim to an equitable easement in his favor on former Liberty Street to run the full length from Essex Street to Charter Street. This easement supposedly arose at the time the SRA conveyed the parcel to Kiernan in . Certainly there was not an easement by grant. A congeries of "documents" is referred to, but not one or all come near to satisfying the writing and certainty required to establish such an easement. Assessors of Medfield, Mass. As to the possibility of an easement through Page estoppel, Kiernan, offering no evidence of an independent promise or representation or the like, seems to rely only on some vague emanation from the documents. The contention is embarrassed by the doctrine that estoppel generally does not go against the government here the city exercising its right to discontinue a street , see LaBarge v. Chief Administrative Justice of the Trial Ct. But as this tends to turn on the apparent strength of the claim, the standing nomenclature can and often does disappear. Nor can any imputation be entertained of a "taking" due to malign motivations or connivance in the discontinuance, see part 2, infra. Charles River Park "C" Co. The question of laches, however, was not well explored below, nor did the judges rule on it. It is immaterial to our decision of the appeal, and we pass it by.

Chapter 8 : HomeInfoMax - Property Information & Real Estate Records Research

Keith V Kiernan Foundation: Is the foundation claiming status as a private operating foundation within the meaning of section (j)(3) or (j)(5) for current.

Chapter 9 : KIERNAN vs. SALEM, CITY OF, 58 Mass. App. Ct.

Western Marxism is a current of Marxist theory arising from Western and Central Europe in the aftermath of the October Revolution in Russia and the ascent of www.nxgvision.com term denotes a loose collection of theorists who advanced an interpretation of Marxism distinct from that codified by the Soviet Union.